

[Act 1999 No 69]



New South Wales

Local Courts Amendment (Part-time Magistrates) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Courts Act 1982* to provide for part-time Magistrates. Persons will be able to be appointed as Magistrates on a part-time basis, and Magistrates who are full-time appointees will be able to exercise their functions on a part-time basis under arrangements with the Chief Magistrate.

The Bill also amends other Acts that create offices in which Magistrates serve, such as (liquor) licensing magistrates or industrial magistrates. Magistrates will be able to serve in these other offices on a full-time or part-time basis.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Local Courts Act 1982* set out in Schedule 1.

Clause 4 is a formal provision giving effect to consequential amendments of the Acts set out in Schedule 2.

Schedule 1 Amendment of Local Courts Act 1982

Schedule 1 [1] and **[5]** make consequential amendments.

Schedule 1 [2] amends section 12 of the Act, to allow appointments of Magistrates to be made on a part-time basis.

Schedule 1 [3] inserts a new section 12A into the Act, to allow Magistrates who are appointed on a full-time basis to work part-time in accordance with an agreement entered into with the Chief Magistrate.

Schedule 1 [4] repeals sections 18 and 19 of the Act, abolishing the statutory scheme of seniority of Magistrates. No statutory rights attached to seniority.

Schedule 1 [6] amends section 23 of the Act, which deals with the conditions of service of Magistrates. The amendment prohibits part-time Magistrates from engaging in or being employed in any business or profession while they hold office as Magistrates.

Schedule 1 [7] and **[8]** amend Schedule 1 to the Act to include a transitional provision (to determine the salary payable to a part-time Magistrate, until a salary is determined for them by the Statutory and Other Offices Remuneration Tribunal) and to enable regulations to be made that provide for other savings or transitional matters.

Schedule 2 Consequential amendment of other Acts

This Schedule amends other Acts that create offices in which Magistrates serve. The amendments provide that these offices may be held on a part-time basis, and include (where appropriate) transitional provisions similar to the one contained in Schedule 1 [8].