



New South Wales

Courts Legislation Amendment Act 1999 No 39

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New South Wales

Courts Legislation Amendment Act 1999 No 39

Act No 39, 1999

An Act to make miscellaneous amendments to the *Criminal Appeal Act 1912*, the *Industrial Relations Act 1996*, the *Jury Act 1977*, the *Justices Act 1902*, the *Land and Environment Court Act 1979*, the *Local Courts (Civil Claims) Act 1970*, the *Supreme Court Act 1970* and the *Wills, Probate and Administration Act 1898*.
[Assented to 8 July 1999]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Courts Legislation Amendment Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Acts

The Acts specified in Schedules 1–8 are amended as set out in those Schedules.

Schedule 1 Amendment of Criminal Appeal Act 1912 No 16

(Section 3)

Section 5F Appeal against interlocutory judgment or order

Insert after section 5F (6):

- (7) A person may not appeal to the Court of Criminal Appeal under this section against an interlocutory judgment or order if the person has instituted an appeal against the interlocutory judgment or order to the Supreme Court under Part 5 of the *Justices Act 1902*.

Courts Legislation Amendment Act 1999 No 39

Schedule 2 Amendment of Industrial Relations Act 1996 No 17

Schedule 2 Amendment of Industrial Relations Act 1996 No 17

(Section 3)

Section 19 Review of awards

Omit section 19 (1). Insert instead:

- (1) The Commission is required to review each award before September 2001 and subsequently at least once in every 3 years.

Schedule 3 Amendment of Jury Act 1977 No 18

(Section 3)

[1] Section 13 Persons included on supplementary jury roll to be notified

Omit section 13 (1) (c) and (d). Insert instead:

- (c) containing a questionnaire that is required to be completed by the person if:
 - (i) the person is disqualified or ineligible or claims exemption, or
 - (ii) the particulars of the person appearing on the questionnaire have changed, or
 - (iii) the person is otherwise required by the sheriff in the notice to complete the questionnaire, and
- (d) requiring the person, if required to complete the questionnaire, to complete it and return it to the sheriff, within the time specified in the notice.

[2] Section 18A

Insert after section 18:

18A Sheriff may excuse persons from jury service before being summoned

- (1) The sheriff may, at any time before a person on a jury roll or supplementary jury roll is required by summons to attend for jury service, excuse the person from attending for jury service if the person shows good cause to be excused from attending for jury service because of any matter of special importance or any matter of special urgency.
- (2) A person may be excused under this section for the whole or any part of the period during which the person may be summoned to attend for jury service because of the person being included on a jury roll.

- (3) A person does not have good cause to be excused under this section on the ground that the person is entitled as of right to be exempted from serving as a juror if the person was entitled, but without reasonable excuse failed, to claim an exemption under section 13.
- (4) The sheriff may require a person to verify a request to be excused under this section by statutory declaration.
- (5) If the sheriff excuses a person from attending for jury service for any period under this section, the sheriff is to make a record of that fact.

[3] Section 42A

Insert after section 42:

42A Peremptory challenges in civil proceedings

In any civil proceedings, each party to the proceedings has the number of peremptory challenges without restriction that is equal to half the number of jurors required to constitute the jury for trial.

[4] Section 45 Time for making challenge to juror

Omit “, or a challenge for cause to a juror in civil proceedings,” from section 45 (1).

Insert instead “or in civil proceedings”.

[5] Section 45 (1A)

Insert “or in civil proceedings” after “criminal proceedings”.

[6] Section 49 Balloting for jury in civil proceedings

Omit “for cause” from section 49 (3).

[7] Section 61 Offences relating to responding to questionnaire

Omit section 61 (1). Insert instead:

- (1) A person who is sent a notice under section 13 about the person's inclusion on a supplementary jury roll and who is required to return to the sheriff the questionnaire included in the notice must not, except with good cause, fail to do so within the time specified in the notice.

[8] Section 63 Failure to attend for jury service

Omit "5 penalty units" from section 63 (1).

Insert instead "20 penalty units".

[9] Section 63 (3)

Insert after section 63 (2):

- (3) It is a defence to a prosecution for an offence under this section if the person prosecuted proves that the person had a reasonable excuse for his or her failure to attend for jury service.

[10] Section 64 Procedure where failure to attend for jury service

Omit "(not exceeding 2 penalty units) prescribed" from section 64 (2) (a).

Insert instead "equal to 10 penalty units".

[11] Section 64 (4)

Omit "prescribed".

[12] Section 64 (5)–(6)

Omit "prescribed" wherever occurring. Insert instead "relevant".

[13] Section 66 Penalty notices for failure to attend jury service

Omit section 66 (2). Insert instead:

- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the alleged contravention of section 61 or 63 dealt with by a court, the person may pay,

within the time and to the person specified in the notice, the penalty of:

- (a) in the case of an alleged contravention of section 61—5 penalty units, or
- (b) in the case of an alleged contravention of section 63—15 penalty units.

[14] Section 66 (3)

Omit “penalty prescribed”. Insert instead “relevant penalty”.

[15] Section 66 (5)

Omit the subsection.

[16] Schedule 1 Persons disqualified from serving as jurors

Omit “5 years” from item 2. Insert instead “3 years”.

[17] Schedule 8 Transitional and savings provisions

Insert at the end of clause 1A (1):

Courts Legislation Amendment Act 1999

[18] Schedule 8, Part 6

Insert after Part 5 of Schedule 8:

**Part 6 Transitional and savings provisions
consequent on enactment of Courts
Legislation Amendment Act 1999**

15 Peremptory challenges in civil proceedings

Section 42A, as inserted by the *Courts Legislation Amendment Act 1999*, applies only in respect of civil proceedings for which a jury is selected after the commencement of this clause.

Schedule 4 Amendment of Justices Act 1902 No 27

(Section 3)

[1] Section 48 Definitions

Insert after section 48 (2):

- (3) In this Subdivision:
 - (a) a reference to a written statement includes a reference to the transcript of a recording made by an investigating official of an interview with a child, during which the child was questioned by the investigating official in connection with the investigation of the commission or possible commission of an offence (as referred to in the *Evidence (Children) Act 1997*), and
 - (b) a reference to the person who made such a written statement is taken to be a reference to the child who gave the interview.

[2] Section 48CA

Insert after section 48C:

48CA Special requirements as to transcripts of recordings of interviews with children

- (1) A written statement that is in the form of a transcript of a recording of an interview with a child is not admissible as evidence under section 48A in any committal proceedings unless:
 - (a) it has been certified by an investigating official as an accurate transcript of the recording to which the statement relates, and
 - (b) the defendant has been given, in accordance with the regulations under section 12 (2) of the *Evidence (Children) Act 1997*, a reasonable opportunity to listen to and, in the case of a video recording, view the recording.
- (2) Section 48C (1) (a), (c), (e) and (f) do not apply to any such written statement.

- (3) In any committal proceedings, it is, for the purposes of this Subdivision, to be presumed, in the absence of evidence to the contrary, that a signature on such a written statement purporting to or appearing to be that of an investigating official is in fact the signature of that person.
- (4) Nothing in this Subdivision requires the informant to serve on the defendant a copy of a recording of an interview with a child (other than a transcript of the recording).
- (5) In this section:

investigating official has the same meaning as in the *Evidence (Children) Act 1997*.

recording of an interview with a child means a recording made by an investigating official of an interview with a child, during which the child was questioned by the investigating official in connection with the investigation of the commission or possible commission of an offence (as referred to in the *Evidence (Children) Act 1997*).

Note. The *Evidence (Children) Act 1997* allows children to give evidence of a previous representation in the form of a recording made by an investigating official of an interview with the child. Section 12 (2) of that Act provides that such evidence is not to be admitted unless the accused person and his or her lawyer have been given a reasonable opportunity to listen to or view the recording.

[3] Section 66CA

Insert after section 66C:

66CA Recordings of interviews with children

- (1) If the prosecution intends to call a child to give evidence in proceedings for a prescribed summary offence, the brief of evidence relating to the offence may include a transcript of a recording made by an investigating official of an interview with the child, during which the child was questioned by the investigating official in connection with the investigation of the commission or possible commission of the offence (as referred to in the *Evidence (Children) Act 1997*).
- (2) A copy of the transcript of the recording must be certified by an investigating official as an accurate transcript of the recording and served on the defendant in accordance with section 66B.

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- (3) A brief of evidence that includes a transcript of a recording of an interview with a child is not required to also include a written statement from the child concerned.
 - (4) The transcript of the recording is taken, for the purposes of this Subdivision, to be a written statement taken from the child. Accordingly, any document or other thing identified in the transcript as a proposed exhibit forms part of the brief of evidence.
 - (5) Nothing in this Subdivision requires the prosecuting authority to serve on the defendant a copy of the actual recording made by an investigating official of an interview with the child.
 - (6) This section does not affect section 12 (2) of the *Evidence (Children) Act 1997*.
 - (7) In this section:
investigating official has the same meaning as in the *Evidence (Children) Act 1997*.

Note. The *Evidence (Children) Act 1997* allows children to give evidence of a previous representation in the form of a recording made by an investigating official of an interview with the child. Section 12 (2) of that Act provides that such evidence is not to be admitted unless the accused person and his or her lawyer have been given a reasonable opportunity to listen to or view the recording.

[4] Section 100P Application prohibited if decision has been appealed to another court

Insert “or under the *Industrial Relations Act 1996* to the Industrial Relations Commission in Court Session” after “Land and Environment Court”.

[5] Section 101 Definitions

Insert in alphabetical order:

environmental offence means an offence against the environment protection legislation as defined in the *Protection of the Environment Administration Act 1991*.

[6] Section 102 Application of Part generally

Insert “, except in relation to committal proceedings (as provided for by section 104 (3))” after “Magistrate” in section 102 (5).

[7] Section 104 When an appeal can be made by a defendant or other person

Insert at the end of section 104 (1):

This subsection does not apply in respect of an order that is made in relation to committal proceedings or an interlocutory order.

[8] Section 104 (2)

Omit the subsection. Insert instead:

(2) **Appeals by informants**

An informant may appeal under this Division to the Supreme Court against the following, on a ground that involves a question of law alone:

- (a) an order made by a Magistrate that stays summary proceedings for the prosecution of an offence,
- (b) an order made by a Magistrate in summary proceedings dismissing an information or complaint,
- (c) an order for costs made by a Magistrate in summary proceedings,
- (d) a sentence imposed by a Magistrate in summary proceedings.

[9] Section 104

Insert after section 104 (2):

(3) **Appeals in relation to committal proceedings**

A defendant or an informant may appeal under this Division to the Supreme Court against any order that is made in relation to committal proceedings, on a ground that involves a question of law alone, but only with the leave of the Supreme Court.

(4) **Appeals in relation to interlocutory orders**

A defendant or an informant may appeal under this Division to the Supreme Court against any interlocutory order that is made by a Magistrate in summary proceedings, on a ground that involves a question of law alone, but only with the leave of the Supreme Court.

(5) **Appeals by parties to civil proceedings**

A party to any proceedings under the *Local Courts (Civil Claims) Act 1970* may appeal under this Division to the Supreme Court as provided for by section 69 of that Act.

[10] Section 104A

Insert after section 104:

104A Appeals in relation to environmental offences to be heard only with leave

- (1) Despite section 104, a person may not appeal to the Supreme Court against a conviction or order made, or sentence imposed, by a Magistrate in proceedings relating to an environmental offence, except with the leave of the Supreme Court.
- (2) The Supreme Court is to give such leave only if it is of the opinion that the appeal is likely to require the resolution of a matter relating to constitutional law or a matter of general application.

Note. Appeals in relation to environmental offences may be made to the Land and Environment Court (see Division 3A of Part 5B). Section 72 of the *Land and Environment Court Act 1979* allows the Supreme Court to transfer proceedings to the Land and Environment Court.

[11] Section 105 Appeals against interlocutory orders of Magistrates

Omit the section.

[12] Section 107 Stay of execution of conviction, order or sentence pending appeal

Insert after section 107 (5):

- (6) In this section, a reference to an appellant who is in custody includes a reference to person who is the subject of an order for periodic detention under the *Periodic Detention of Prisoners Act 1981* or a home detention order within the meaning of the *Home Detention Act 1996*.

[13] Section 113 Limits on appeals

Omit section 113 (2) (b) (ii). Insert instead:

- (ii) refused leave to appeal on a question of mixed law and fact, or
- (iii) refused leave to appeal in proceedings relating to an environmental offence.

[14] Section 113 (3)

Insert after section 113 (2):

- (3) A person may not appeal to the Supreme Court under this Division against any interlocutory judgment or order that may be appealed to the Court of Criminal Appeal under section 5F of the *Criminal Appeal Act 1912*, if the person has instituted an appeal to the Court of Criminal Appeal under that section.

[15] Section 115 Appeals in relation to committal proceedings

Omit the section.

[16] Section 123 Matters in which an appeal can be made only with leave of District Court

Insert after section 123 (1):

- (1A) An appeal may be made against an apprehended violence order under Part 15A of the *Crimes Act 1900* that was made with the consent of the person against whom the order was made only with the leave of the District Court.

[17] Section 127 Stay of execution of conviction, order or sentence pending appeal

Insert after section 127 (5):

- (6) In this section, a reference to an appellant who is in custody includes a reference to person who is the subject of an order for periodic detention under the *Periodic Detention of Prisoners Act 1981* or a home detention order within the meaning of the *Home Detention Act 1996*.

[18] Section 131A

Insert after section 131:

131A Appeals against sentence to be by way of rehearing of evidence

An appeal against the severity of a sentence is to be by way of a rehearing of the evidence heard before the Magistrate who imposed the sentence, and new evidence or evidence in addition to, or in substitution for, the evidence given in relation to the sentence appealed against may be given on appeal.

[19] Section 132 Appeals against conviction or order to be by way of rehearing on the transcripts of evidence

Omit section 132 (1). Insert instead:

- (1) An appeal against any conviction or order made by a Magistrate is to be by way of rehearing on the transcripts of evidence heard before the Magistrate, except as provided by section 133.

[20] Section 132 (3)

Omit “On an appeal”. Insert instead “On such an appeal”.

[21] Section 132 (5)

Insert after section 132 (4):

- (5) A registrar is also required, at the request of an appellant or respondent, to provide one copy of the transcript of evidence of any witness free of charge to the appellant or respondent, if the registrar has been provided with a copy of the transcript by a clerk of the Local Court.

Note. On receiving notice of an appeal the clerk of a Local Court is required to transmit the relevant papers to a registrar for keeping in the records of the District Court (see section 126 (4)).

[22] Section 133 Circumstances when evidence to be given in person

Insert “referred to in section 132” after “appeal proceedings” in section 133 (1).

[23] Section 133X Application of Part generally

Insert “, except in relation to committal proceedings (as provided for by Division 3A)” after “Magistrate” in section 133X (5).

[24] Section 133AB Matters in which no appeal can be made

Insert after section 133AB (3):

(4) Appeals under Division 3A

This section does not limit the making of an appeal under Division 3A.

[25] Section 133AH Stay of execution of conviction, order or sentence pending appeal

Insert after section 133AH (5):

- (6) In this section, a reference to an appellant who is in custody includes a reference to person who is the subject of an order for periodic detention under the *Periodic Detention of Prisoners Act 1981* or a home detention order within the meaning of the *Home Detention Act 1996*.

[26] Section 133AM Appeal to be by way of rehearing

Insert after section 133AM (4):

- (5) The registrar is also required, at the request of an appellant or respondent, to provide one copy of the transcript of evidence of any witness free of charge to the appellant or respondent, if the registrar has been provided with a copy of the transcript by a clerk of the Local Court.

Note. On receiving notice of an appeal the clerk of a Local Court is required to transmit the relevant papers to a registrar for keeping in the records of the Land and Environment Court (see section 133AG (4)).

[27] Part 5B, Division 3, heading

Omit the heading. Insert instead “**Division 3 Appeals by Crown against sentence**”.

[28] Section 133AT How appeal is made

Omit “District Court” from section 133AT (6). Insert instead “Land and Environment Court”.

[29] Part 5B, Division 3A

Insert after section 133AV:

Division 3A Other appeals to Land and Environment Court

133AVA Other appeals

A person may appeal under this Division to the Land and Environment Court as provided for by section 133AVB.

133AVB Land and Environment Court to have same jurisdiction as Supreme Court in relation to appeals on environmental offences

- (1) The Land and Environment Court has the same jurisdiction and powers as the Supreme Court has under Part 5 to hear and dispose of proceedings on appeal against any conviction or order made, or sentence imposed, by a Magistrate in summary proceedings for an environmental offence.
- (2) Accordingly, an appeal may be made by a person to the Land and Environment Court against any conviction or order made, or sentence imposed, by a Magistrate in summary proceedings for an environmental offence on any ground that the person would be able to appeal the conviction, order or sentence under section 104.

Note. Section 104 allows appeals to be made on a question of law against interlocutory orders and orders in relation to committal proceedings (among other things).

- (3) The provisions of Division 2 of Part 5 (section 104A excepted) apply in respect of appeals made to the Land and Environment Court under this Division, in the same way as they apply to appeals made to the Supreme Court under that Division, with any necessary modifications.

- (4) For the purpose of applying those provisions, references to the Supreme Court are to be read as references to the Land and Environment Court.

133AVC How appeal to be made and conducted

- (1) An appeal under this Division is to be made and conducted in accordance with the rules of the Land and Environment Court.
- (2) An appeal is to be made within such period after the date that the relevant conviction or order is made, or the sentence is imposed, as may be prescribed by the rules of the Land and Environment Court.

[30] Section 133BI Limits on appeals

Insert after section 133BI (2):

- (3) There is no appeal to the Land and Environment Court under this Part if there is an appeal to the Supreme Court as referred to in section 113.

[31] Section 146

Insert after section 145B:

146 No proceedings in the nature of certiorari

No adjudication on appeal of the District Court is to be removed by any order into the Supreme Court.

[32] Second Schedule Savings, transitional and other provisions

Insert in the Second Schedule, with appropriate Part and clause numbers:

**Part Provisions consequent on enactment of
Courts Legislation Amendment Act 1999**

Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Courts Legislation Amendment Act 1999*.

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Use of transcripts of interviews with children

- (1) The amendments made to Subdivision 7A of Division 1 of Part 4 by the *Courts Legislation Amendment Act 1999* apply only in respect of committal proceedings that are commenced to be heard by a Justice or Justices after the commencement of those amendments.
- (2) The amendments to Subdivision 6A of Division 2 of Part 4 made by the *Courts Legislation Amendment Act 1999* do not apply in respect of proceedings for the prosecution of a prescribed summary offence if the hearing of the evidence for the prosecution commenced before the commencement of those amendments.

Review of decisions by Industrial Magistrates

The amendment made to section 100P by the *Courts Legislation Amendment Act 1999* does not apply in respect of any application made by a person under section 100D or 100G before the commencement of that amendment.

Amendments to appeal provisions

- (1) The amendments made to Part 5 by the *Courts Legislation Amendment Act 1999* do not apply in respect of any conviction or order made, or sentence imposed, before the commencement of those amendments.

- (2) The amendment made to section 127 by the *Courts Legislation Amendment Act 1999* does not apply in respect of any conviction or order made, or sentence imposed, before the commencement of that amendment.
- (3) The amendments made to Part 5B by the *Courts Legislation Amendment Act 1999* do not apply in respect of any conviction or order made, or sentence imposed, before the commencement of those amendments.

Appeals to District Court against apprehended violence orders

Section 123 (1A), as inserted by the *Courts Legislation Amendment Act 1999*, applies only in respect of apprehended violence orders made under Part 15A of the *Crimes Act 1900* after the commencement of that subsection.

Hearing of appeals against sentence by District Court

- (1) Section 131A and the amendments made to sections 132 and 133 by the *Courts Legislation Amendment Act 1999* apply to appeals against sentence made to the District Court after the commencement of section 131A, and so apply even if the sentence the subject of the appeal was imposed before the commencement of that section.
- (2) Sections 132 and 133, as in force immediately before the commencement of section 131A, continue to have effect in respect of appeals against sentence made to the District Court before that commencement.

Availability of certiorari

Section 146, as inserted by the *Courts Legislation Amendment Act 1999*, does not apply in respect of any application made to the Supreme Court before the commencement of that section.

Schedule 5 Amendment of Land and Environment Court Act 1979 No 204

(Section 3)

[1] Section 16 Jurisdiction of the Court generally

Omit “6” from section 16 (2). Insert instead “7”.

[2] Section 19 Class 3—land tenure, valuation, rating and compensation matters

Omit “and” from section 19 (g1). Insert after that paragraph:

(g2) appeals under section 49F of the *Aboriginal Land Rights Act 1983*,

(g3) references under section 49G of the *Aboriginal Land Rights Act 1983*, and

[3] Section 20 Class 4—environmental planning and protection and development contract civil enforcement

Omit section 20 (1) (cl) and (cm).

[4] Section 21A Class 6—appeals from convictions relating to environmental offences

Insert “, other than appeals under Division 3A of that Part” after “*Justices Act 1902*”.

[5] Section 21B

Insert after section 21A:

21B Class 7—other appeals relating to environmental offences

The Court has jurisdiction (referred to in this Act as “Class 7” of its jurisdiction) to hear and dispose of appeals under Division 3A of Part 5B of the *Justices Act 1902*.

[6] Section 28 Distribution of business among the Divisions

Insert “or Class 7” after “Class 6” in section 28 (6).

[7] Section 33 Exercise of jurisdiction in the Divisions

Omit “and 6” from section 33 (2).

Insert instead “, 6 and 7”.

[8] Sections 56 (b), 63 and 69 (9)

Omit “or 6” wherever occurring. Insert instead “, 6 or 7”.

[9] Section 74 Rules

Insert after section 74 (1) (a1):

(a2) appeals under Division 3A of Part 5B of the Justices Act 1902,

[10] Schedule 3 Savings, transitional and other provisions

Insert after clause 2:

3 Provisions consequent on enactment of Courts Legislation Amendment Act 1999

The amendments made to sections 19 and 20 by the *Courts Legislation Amendment Act 1999* do not apply in relation to proceedings that have been commenced in the Court (but not determined) before the commencement of those amendments.

**Schedule 6 Amendment of Local Courts (Civil Claims)
Act 1970 No 11**

(Section 3)

[1] Section 12 Limits of jurisdiction

Omit “\$3,000 (or such greater amount as the rules may prescribe)” from section 12 (3).

Insert instead “\$10,000”.

[2] Section 12 (4)

Omit “\$3,000”. Insert instead “\$10,000”.

Schedule 7 Amendment of Supreme Court Act 1970 No 52

(Section 3)

[1] Section 45 Appeals

Omit section 45 (3).

[2] Section 45AA

Insert after section 45:

**45AA Continuation of appeal if one or more Judges unable to
continue**

- (1) If an appeal is commenced before 3 or more Judges of Appeal and, before the appeal is determined, one or more of the Judges dies, resigns from office or otherwise becomes unable to continue as a member of the Court of Appeal for the purposes of the appeal, the hearing and determination of the appeal may be completed by the remaining Judges of Appeal so long as at least 2 Judges remain and the parties consent.
- (2) If the appeal concerned is to be heard and determined by only 2 Judges of Appeal and those Judges are divided in opinion:
 - (a) as to the decision determining the appeal—the appeal is to be reheard and determined by the Court of Appeal constituted by such 3 or more Judges of Appeal as the President of the Court of Appeal directs (including, if practicable, the 2 Judges of Appeal who completed the hearing of the appeal), or
 - (b) as to any other decision—the decision of the Court is to be in accordance with the opinion of the senior Judge present.
- (3) This section has effect despite any other provision of this Division.

[3] Section 110B Manner of operation of video link facilities

Omit “of television standard” from section 110B (1).

[4] Section 110B (2)

Omit the subsection. Insert instead:

- (2) The rules may make provision for or with respect to the technical and performance specifications for video link facilities.

[5] Section 119 Offices of registrars

Omit section 119 (1). Insert instead:

- (1) There are such registrars as may be appointed from time to time, including a Principal Registrar of the Court, a Registrar of the Court of Appeal, and a Registrar of each Division.

[6] Fourth Schedule Savings and transitional provisions

Insert after clause 13 in the Fourth Schedule:

**Part 9 Provisions consequent on enactment of
Courts Legislation Amendment Act 1999**

14 Application of amendment

Section 45AA (as inserted by the *Courts Legislation Amendment Act 1999*) applies to appeal proceedings in the Court of Appeal whether the proceedings were commenced before or after the commencement of the amendment.

Schedule 8 Amendment of Wills, Probate and Administration Act 1898 No 13

(Section 3)

Section 3 Definitions

Omit the definition of *Registrar*. Insert instead:

Registrar means a person who is:

- (a) appointed in accordance with section 120 of the *Supreme Court Act 1970*, and
- (b) nominated by the Principal Registrar of the Supreme Court for the purposes of this Act.

[Minister's second reading speech made in—
Legislative Council on 2 June 1999
Legislative Assembly on 1 July 1999 pm]