

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

SMALL CLAIMS (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

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SMALL CLAIMS (AMENDMENT) BILL 1991

The *Small Claims Act 1974* establishes the Small Claims Court and sets out the jurisdiction and method of proceeding in that Court. In particular, the Act provides for the method of payment of an amount due under a judgment or order of the Court.

The Small Claims (Amendment) Bill 1991 makes an amendment to the *Small Claims Act 1974* consequential upon the Landlord and Tenant (Amendment) Bill 1991.

The Bill facilitates the payment of moneys under a judgment or order of the Small Claims Court by allowing the Court to direct how an amount may be paid. This circumvents the need for moneys to be paid to the Clerk of the Court in order for the Clerk of the Court to in turn pay out those moneys to the person entitled or authorized to receive them.

In the context of the Landlord and Tenant (Amendment) Bill 1991, this will allow the Court to make a direction to the Director of Rental Bonds that, in respect of bond disputes resolved by the Small Claims Court, moneys are to be paid to the lessee and/or the lessor in accordance with the judgment or order of the Court.

The Bill will not have any effect on revenue. Details of the Bill are as follows.

Clause 1 provides that the Bill, once enacted, may be cited as the *Small Claims (Amendment) Act 1991*.

Clause 2 provides for the commencement of the Act. Sections 1 and 2 are to commence on the day the Act is notified in the Gazette. The remaining sections commence on the date of commencement of the operative provisions of the *Landlord and Tenant (Amendment) Act 1991*.

Clause 3 provides that references to the "Principal Act" are references to the *Small Claims Act 1974*.

Clause 4 amends subsection 43(1) of the Principal Act to allow the Court to make a direction as to how an amount due under a judgment or order may be paid.