

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT)

ORDINANCE 1989

EXPLANATORY STATEMENT

No. 56 of 1989

The purpose of this Ordinance is to amend the Magistrates Court (Civil Jurisdiction) Ordinance 1982 (the Principal Ordinance) to re-instate the ACT Workmen's Compensation Rules (the Rules) which were unintentionally repealed by amendments made by the ACT Self-Government (Consequential Amendments) Ordinance 1989.

The Rules, which are extensive, were made under the ACT Workmen's Compensation Ordinance 1951 (now administered by the ACT Government). That Ordinance empowered the Attorney-General to make rules of court for the ACT Magistrates Court to govern the procedure to be followed in workmen's compensation cases in that Court.

In view of the retention by the Commonwealth, until 1 July 1990 of responsibility for the ACT Magistrates Court including its procedure and legislation related to it, amendments were included in the Self-Government (Consequential Amendments) Ordinance 1989 to repeal the rule making power under the Workmen's Compensation Ordinance 1951 and insert a similar power in the Principal Ordinance. These amendments were made to ensure that the Attorney-General could continue to administer the Rules and amend them pending transfer of the Magistrates Court to the ACT Government.

The amendments contained in the Self-Government (Consequential Amendments) Ordinance did not include a savings provision to preserve the existing Rules. As a result, when that Ordinance came into effect on 11 May 1989 as part of the package of ACT self-government legislation, the Rules were repealed.

The Ordinance deems the Rules to have continued in force from 11 May 1989 (as was originally intended) and thus validates anything done in pursuance of them during the intervening period. As the Rules are procedural only, no substantive rights of parties will be affected.

The Ordinance also corrects a reference to the Workmen's Compensation Ordinance 1951 in the provision inserted in the Principal Ordinance by the ACT Self-Government (Consequential Amendments) Ordinance. That reference should have been to the Workmen's Compensation Act 1951 of the Territory (to reflect the transfer of responsibility to the ACT).

Details of the sections in the Ordinance are:

Section 1 provides that the proposed Ordinance may be cited as the Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1989.

Section 2 provides that section 3 is to be deemed to have commenced on 11 May 1989.

Section 3 amends section 307A of the Principal Ordinance (the rule making power inserted by the Self-Government (Consequential Amendments) Ordinance 1989) to substitute a reference to the Workmen's Compensation Act 1951 of the Territory for the reference to the Workmen's Compensation Ordinance 1951.

The section also inserts a new subsection in section 307A to provide that the Rules in force immediately before 11 May 1989 continue in force on and after that date as if they had been made under section 307A of the Principal Ordinance.