

2004

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

COURT PROCEDURES (CONSEQUENTIAL AMENDMENTS) BILL 2004

EXPLANATORY STATEMENT

Circulated by authority of the
Attorney General
Mr Jon Stanhope MLA

Outline

The Court Procedures (Consequential Amendments) Bill 2004 (the Consequential Amendments Bill) makes a series of consequential amendments to various Acts establishing courts and tribunals consequent on the Court Procedures Bill 2004. It also advances the purposes of the Court Procedures Bill 2004 by significantly reducing differences in practice and procedure in ACT courts.

The Consequential Amendments Bill does a number of practical things. It ensures that legislative provisions which are relevant to the processes and procedures of the courts, are amended to reflect the existence and operation of the Court Procedures Bill 2004.

Further, it identifies legislation which is essentially concerned with court practices and procedures. Where legislative authority is deemed necessary, the Consequential Amendments Bill moves provisions from this identified legislation to the Court Procedures Bill 2004. It also moves those provisions which will be subject to the jurisdiction of the Rule-making Committee to the Court Procedures Bill 2004 in anticipation of the Committee's consideration of the relevant rules.

In a number of cases the schedule removes all provisions of a given Act placing these provisions (as amended) under the Court Procedures Bill 2004. As a result the primary legislation is repealed by the Consequential Amendments Bill. Legislation that has been determined as no longer necessary in relation to Court rules and procedures has also been repealed.

For example, the *Magistrates Court (Civil Jurisdiction) Act 1982* has been repealed. This is because the procedural provisions of that Act have been moved to new, temporary rules and the substantive provisions to the *Magistrates Court Act 1930*.

Schedule 1 lists and provides the necessary amendments to existing legislation to give effect to the policy of the Court Procedures Bill 2004.

Clause Notes

Clause 1 – Name of Act – states the title of the Act, which is the *Court Procedures (Consequential Amendments) Act 2004*.

Clause 2 – Commencement – states that the Act commences on a day fixed by the Minister by notice.

Clause 3 – Legislation amended – provides that the Act amends the legislation in the schedule.

Clause 4 – Legislation repealed – repeals the legislation set out in the section. Current provisions, which remain relevant to the operation of the courts are now located in the Court Procedures Bill 2004 with amendment made for the purpose of relocation or of updating. For example, the *Magistrates Court (Civil Jurisdiction) Act 1982* has been repealed. This is because the procedural provisions of that Act have been moved to new, temporary rules and the substantive provisions to the *Magistrates Court Act 1930*.

The legislation repealed is the:

Arrest on Mesne Process Act 1902 A1902-24

Court Security Act 2001 A2001-47

Crown Proceedings Act 1992 A1992-60

Crown Proceedings Regulations 1993 SL1993-6

Earnings (Assignment and Attachment) Act 1966 A1966-7

Evidence by Commission Act 1859 22 Vic c 20

Evidence by Commission Act 1885 48 and 49 Vic c 74

Foreign Tribunals Evidence Act 1856 19 and 20 Vic c 113

Judgment Creditors Remedies Act 1901 A1901-8

Judiciary (Stay of Proceedings) Act 1933 A1933-36

Magistrates Court (Civil Jurisdiction) Act 1982 A1982-54

Magistrates Court (Civil Jurisdiction) Regulations 1987 SL1987-16.

Magistrates Court (Civil Jurisdiction) (Solicitors' Costs)

Regulations 1982 SL1982-31

Set-off of Debts Act 1728 2 Geo 2 c 22

Set-off of Debts Act 1735 2 Geo 2 c 24

Schedule 1 – Consequential amendments – provides for consequential amendments to a range of legislation. The amendments give effect to the policy of the *Court Procedures Act 2004* and removes jurisdictional anomalies both between the courts and between tribunals. The affected legislation is as follows:

Administration and Probate Act 1929

Administrative Appeals Tribunal Act 1989

Administrative Decisions (Judicial Review) Act 1989

Arrest on Mesne Process Act 1902

Bail Act 1992

Children and Young People Act 1999

Chiropractors and Osteopaths Act 1983

Civil Law (Wrongs) Act 2002
Commercial Arbitration Act 1986
Common Boundaries Act 1981
Community and Health Services Complaints Act 1993
Confiscation of Criminal Assets Act 2003
Consumer and Trader Tribunal Act 2003
Consumer Credit (Administration) Act 1996
Coroners Act 1997
Court Security Act 2001
Crimes Act 1900
Crimes (Forensic Procedures) Act 2000
Crown Proceedings Act 1992
Dental Technicians and Dental Prosthetists Registration Act 1988
Dentists Act 1931
Discrimination Act 1991
Domestic Relationships Act 1994
Earnings (Assignment and Attachment) Act 1966
Electoral Act 1992
Evidence Act 1971
Government Procurement Act 2001
Guardianship and Management of Property Act 1991
Health Professions Boards (Procedures) Act 1981
Health Records (Privacy and Access) Act 1997
Judgment Creditors Remedies Act 1901
Judiciary (Stay of Proceedings) Act 1933
Juries Act 1967
Leases (Commercial and Retail) Act 2001
Legal Aid Act 1977
Legal Practitioners Act 1970
Legislation Act 2001
Liquor Act 1975
Litter Act 1977
Magistrates Court Act 1930
Magistrates Court (Agents Infringement Notices) Regulations 2003
Magistrates Court (Charitable Collections Infringement Notices) Regulations 2003
Magistrates Court (Fisheries Infringement Notices) Regulations 2004
Magistrates Court (Hawkers Infringement Notices) Regulations 2003
Magistrates Court (Lakes Infringement Notices) Regulations 2004
Magistrates Court (Land Planning and Environment Infringement Notices)
Regulations 2003
Magistrates Court (Security Industry Infringement Notices) Regulations 2003
Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002
Magistrates Court (Utilities Infringement Notices) Regulations 2002
Magistrates Court Rules 1932
Magistrates Court (Civil Jurisdiction) Act 1982
Magistrates Court (Civil Jurisdiction) Regulations 1987
Married Persons Property Act 1986
Medical Practitioners Act 1930
Mental Health (Treatment and Care) Act 1994
Nurses Act 1988

Oaths and Affirmations Act 1984
Optometrists Act 1956
Physiotherapists Act 1977
Podiatrists Act 1994
Protection Orders Act 2001
Protection Orders Regulations 2002
Psychologists Act 1994
Remand Centres Act 1976
Residential Tenancies Act 1997
Road Transport (Driver Licensing) Act 1999
Road Transport (General) Act 1999
Set-off of Debts Act 1728
Set-off of Debts Act 1735
Supreme Court Act 1933
Supreme Court Rules
Utilities Act 2000
Victims of Crime (Financial Assistance) Act 1983
Workers Compensation Act 1951
Workers Compensation Rules 2002
Workers Compensation Regulations 2002

Part 1.1 – *Administration and Probate Act 1929* – provides that the *Administration and Probate Act 1929* is amended to recognise rules made under the *Court Procedures Act 2004* rather than rules made under the *Supreme Court Act 1933* and to remove unnecessary provisions dealing with fees.

Part 1.2 – *Administrative Appeals Tribunal Act 1989* – provides that the *Administrative Appeals Tribunal Act 1989* is amended to streamline and standardise the appeal process to the Supreme Court. It also simplifies and rationalises the previous rules which refer questions of law to the Supreme Court and updates references to recognise the authority of the *Court Procedures Act 2004*.

Part 1.3 – *Administrative Decisions (Judicial Review) Act 1989* – provides for the removal in the *Administrative Decisions (Judicial Review) Act 1989* of references to rules of court made under the *Supreme Court Act 1933*.

Part 1.4 – *Arrest on Mesne Process Act 1902* – provides for the relocation of the main provisions, as amended, of *Arrest on Mesne Process Act 1902* into Division 7.2 of the *Court Procedures Act 2004*. The provisions are relocated for the purpose of consideration by the Rule-making Committee and will be removed from legislation after this occurs. The remaining sections of the *Arrest on Mesne Process Act 1902*, which are no longer necessary, have been deleted.

Part 1.5 – *Bail Act 1992* – provides for amendment of the *Bail Act 1992* which changes references to the *Magistrates Court Act 1930* as a result of this Bill. The amended subsection of the *Bail Act 1992* comes into effect on 26 June 2004 as part of the *Bail Amendment Act 2004*.

Part 1.6 – *Children and Young People Act 1999* – provides that rules in relation to civil proceedings in the Magistrates Court apply to the Childrens Court and are the rules made under the *Court Procedures Act 2004*. The part also removes reference to rules made under the *Supreme Court Act 1933*. It provides for changes in referencing to the *Magistrates Court Act 1930*.

Further the part provides for the removal of the form making power under the *Children and Young People Act 1999* and removes references to forms made using that power. It also streamlines and rationalises the appeal processes consistent with the *Magistrates Court Act 1930*.

Part 1.7 – *Chiropractors and Osteopaths Act 1983* – provides amendment to the *Chiropractors and Osteopaths Act 1983* by replacing the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004*. This part also provides for the expiration of the arrest on mesne process under the *Chiropractors and Osteopaths Act 1983* consistent with provisions under the *Court Procedures Act 2004*.

Part 1.8 – *Civil Law (Wrongs) Act 2002* – provides for the removal of a statutory court rule provision under the *Civil Law (Wrongs) Act 2002* in relation to experts.

Part 1.9 – *Commercial Arbitration Act 1986* – provides for changes to the *Commercial Arbitration Act 1986* which replace ‘summons’ with ‘subpoena’. This ensures that both the Supreme Court and the Magistrates Court adopt the same term with regard to this order. Other amendments remove the issuing of a subpoena in situations of ‘refusal to attend’ which is now covered under the broader reference to ‘failure to attend’.

Part 1.10 – *Common Boundaries Act 1981* – provides amendments to the *Common Boundaries Act 1981* by removing references to the *Magistrates Court (Civil Jurisdiction) Act 1982* (MC(CJ) Act) which are no longer relevant due to changes under this Bill. In particular, former references to the MC(CJ) Act were references to rules and procedures that are no longer imbedded in statute but have been removed and placed in the *Magistrates Court (Civil Jurisdiction) Rules 2004*.

The part also provides that references to forms are now forms as approved under the *Court Procedures Act 2004* and procedures associated with forms are removed from the statute. Further, the part removes a provision which is no longer relevant specifically in relation to fences erected prior to the commencement of the *Common Boundaries Act 1981*.

Provisions relating to costs are relocated from the *Common Boundaries Act 1981* to the new *Magistrates Court (Civil Jurisdiction) Rules 2004* which have been created under the *Court Procedures Act 2004*. The cost provisions have been amended to reflect the new location within the rules.

Part 1.11 – *Community and Health Services Complaints Act 1993* – provides amendments to the *Community and Health Services Complaints Act 1993* by removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill.

Part 1.12 – *Confiscation of Criminal Assets Act 2003* – provides amendments to *Confiscation of Criminal Assets Act 2003* by removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill. The part also changes references to the *Magistrates Court Act 1930* which have changed as a result of this Bill.

Part 1.13 – *Consumer and Trader Tribunal Act 2003* – provides that the *Court Procedures Act 2004* is the new authority for the determination of fees under the *Consumer and Trader Tribunal Act 2003*.

Part 1.14 – *Consumer Credit (Administration) Act 1996* – provides that the *Consumer Credit (Administration) Act 1996* is amended to streamline and standardise the appeal process to the Supreme Court from the Tribunal and Magistrates Court. It also simplifies and rationalises the previous rules which refer questions of law to the Supreme Court.

Part 1.15 – *Coroners Act 1997* – provides changes to the *Coroners Act 1997* which remove references to ‘summons’ and replace with ‘subpoena’. This ensures that both the Supreme Court and the Magistrates Court adopt the same term with regard to this order. The part updates references to the *Magistrates Court Act 1930* which have changed as a result of this Bill. Other minor amendments make changes which standardise terminology.

Part 1.16 – *Court Security Act 2001* – provides amendments to the *Court Security Act 2001* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill. It also relocates section 5 to 13 and 15 to 17 and dictionary definitions of the *Court Security Act 2001* to Part 5 of the *Court Procedures Act 2004*. Amendments have been made to these sections which reflect the relocation of the provisions. The provisions cover the rights of entry to the courts by people and the powers of authorisation that court security personnel hold in carrying out their duties.

Part 1.17 – *Crimes Act 1900* – provides for amendments to the *Crimes Act 1900* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates referencing to the *Magistrates Court Act 1930* and the *Court Procedures Act 2004*. It also recognises the new authority of the *Court Procedures Act 2004* for approved forms.

Part 1.18 – *Crimes (Forensic Procedures) Act 2000* – provides amendment to the dictionary term ‘warrants’ under the *Crimes (Forensic Procedures) Act 2000*. The change reflects relevant provisions under the *Magistrates Court Act 1930*.

Part 1.19 – *Crown Proceedings Act 1992* – provides for amendments which change the term ‘crown’ to ‘territory’ and ‘shall’ to ‘must’ consistent with a standardised approach to drafting. It also updates the definition of ‘Territory Authority’ from a body corporate to a corporation.

This part relocates a number of provisions, as amended, to the *Court Procedures Act 2004*. These provisions provide that proceedings may be brought by or against the Crown in the same way as proceedings between subjects; and that the same

procedural and substantive law applies to such proceedings as in the case of proceedings between subjects. It also provides that subject to the regulations, proceedings may be brought by or against the Crown for the Territory Crown—under the name of the ‘Australian Capital Territory’; or in any other case—under the name in which the Crown could sue or be sued in the courts of its own jurisdiction.

The Part also provides that section 18, as amended, is relocated to the *Law Officers Act 1992*.

Part 1.20 – *Dental Technicians and Dental Prosthetists Registration Act 1988* – provides for amendment to the *Dental Technicians and Dental Prosthetists Registration Act 1988* by replacing the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Dental Technicians and Dental Prosthetists Registration Act 1988* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.21 – *Dentists Act 1931*– amendment to the *Dentists Act 1931* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Dentists Act 1931* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.22 – *Discrimination Act 1991*– provides that the *Discrimination Act 1991* is amended to streamline and standardise the appeal process to the Supreme Court. It also simplifies and rationalises the previous rules which refer questions of law to the Supreme Court.

Part 1.23 – *Domestic Relationships Act 1994* – provides amendments to the *Domestic Relationships Act 1994* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates terminology consistent with current drafting standards.

Part 1.24 – *Earnings (Assignment and Attachment) Act 1966* – provides for the relocation of provisions of the *Earnings (Assignment and Attachment) Act 1966* to the *Court Procedures Act 2004*. The provision provides that an assignment of earnings is not enforceable. The definition of earnings is also relocated to the *Court Procedures Act 2004* from the *Earnings (Assignment and Attachment) Act 1966*. The definition has been amended to exclude pension amounts and is now consistent with more widely used definitions of earnings.

Part 1.25 – *Electoral Act 1992* – removes references in the *Electoral Act 1992* to rules of the court made under the *Supreme Court Act 1933*.

Part 1.26 – *Evidence Act 1971*– removes references in the *Evidence Act 1971* to rules of the court made under the *Supreme Court Act 1933* replacing with references to rules made under the *Court Procedures Act 2004*.

Part 1.27 – Government Procurement Act 2001 – removes references in the *Government Procurement Act 2001* to rules of the court made under the *Supreme Court Act 1933* replacing with references to rules made under the *Court Procedures Act 2004*.

Part 1.28 – Guardianship and Management of Property Act 1991– removes a reference in the *Guardianship and Management of Property Act 1991* to the authority of the *Supreme Court Rules*.

Part 1.29 – Health Professions Boards (Procedures) Act 1981 – removes a note in the *Health Professions Boards (Procedures) Act 1981* referring to direction given under the *Supreme Court Rules*.

Part 1.30 – Health Records (Privacy and Access) Act 1997 – provides amendments to the *Health Records (Privacy and Access) Act 1997* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates references to the *Magistrates Court Act 1930*.

Part 1.31 – Judgment Creditors Remedies Act 1901– provides for the relocation of sections 19 to 26 of the *Judgment Creditors Remedies Act 1901* to sections 87 to 93 of the *Court Procedures Act 2004*.

Part 1.32 – Judiciary (Stay of Proceedings) Act 1933 – provides for the removal of procedures relating to a summons under the *Judiciary (Stay of Proceedings) Act 1933*. The part also relocates sections 3 to 5 of the *Judiciary (Stay of Proceedings) Act 1933* to sections 80 to 82 of the *Court Procedures Act 2004*.

Part 1.33 – Juries Act 1967 – omits a note in the *Juries Act 1967* referring to forms made under the authority of section 75 of the *Supreme Court Act 1933*, an authority which no longer exists under this Bill. The part also provides amendments removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill.

Part 1.34 – Leases (Commercial and Retail) Act 2001 – provides amendments to the *Leases (Commercial and Retail) Act 2001* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates references to the *Magistrates Court Act 1930*. The part also provides for a number of provisions to expire consistent with the *Court Procedures Act 2004*.

The part also removes from the *Leases (Commercial and Retail) Act 2001* specific provisions which allow for the making of regulations about practices and procedures of the Magistrates Court and the exercise of court powers by the Registrar and Deputy Registrar.

Part 1.35 – Legal Aid Act 1977– provides for changes to the *Legal Aid Act 1977* so that the calculation of interest under the MC (CJ) Act will be calculated as per the *Supreme Court Rules*.

Part 1.36 – *Legal Practitioners Act 1970* – provides for the replacement of a references to rules of the court made under the *Supreme Court Act 1933* with relevant rules under the *Court Procedures Act 2004*.

Part 1.37 – *Legislation Act 2001* – provides for amendments to the *Legislation Act 2001* by changing the definition of appropriate person consistent with changes under the *Courts Procedures Act 2004*. The part also omits references to legislation deleted under this Bill and clarifies the jurisdiction of the small claims court. Further it broadens the scope of the power to delegate the Parliamentary Counsel’s functions.

Part 1.38 – *Liquor Act 1975* – removes references to *Supreme Court Rules*.

Part 1.39 – *Litter Act 1977* – removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates references to the *Magistrates Court Act 1930*.

Part 1.40 – *Magistrates Court Act 1930* – is amended to include statutory provisions that are no longer included in the MC(CJ) Act.

Part 1.41 – Magistrates Court (Agents Infringement Notices) Regulations 2003 — provides that regulations are updated consistent with renumbering of the *Magistrates Court Act 1930* under this Bill.

Part 1.42 – Magistrates Court (Charitable Collections Infringement Notices) Regulations 2003 – see explanation for Part 1.41.

Part 1.43 – Magistrates Court (Fisheries Infringement Notices) Regulations 2004 – see explanation for Part 1.41.

Part 1.44 – Magistrates Court (Hawkers Infringement Notices) Regulations 2003 – see explanation for Part 1.41.

Part 1.45 – Magistrates Court (Lakes Infringement notices) Regulations 2004 – see explanation for Part 1.41.

Part 1.46 – Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003 – see explanation for Part 1.41.

Part 1.47 – Magistrates Court (Security Industry Infringement Notices) Regulations 2003– see explanation for Part 1.41.

Part 1.48 – Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002 – see explanation for Part 1.41.

Part 1.49 – Magistrates Court (Utilities Infringement Notices) Regulations 2002 – see explanation for Part 1.41.

Part 1.50 – *Magistrates Court Rules 1932* – provides that references to ‘the Act’ in the *Magistrates Court Rules 1932* means the *Magistrates Court Act 1930* and that references to the rules are references to the rules under the *Court Procedures Act 2004*

as they apply to the Magistrates Court. It also replaces references to the form making authority where those references, by amendments under this Bill, no longer exist and are part of the general form making power under the *Court Procedures Act 2004*.

Part 1.51 – Magistrates Court (Civil Jurisdiction) Act 1982 – provides amendments which remove provisions from the MC(JC) Act which are procedural or operate as court rules into the *Magistrates Court (Civil Jurisdiction) Rules 2004* created under the *Court Procedures Act 2004*. Other provisions which require statutory force have been removed to the *Magistrates Court Act 1930*.

Part 1.52 – Magistrates Court (Civil Jurisdiction) Regulations 1987 – provides for the relocation of regulation 3, regulation 6 and Schedule 1, as amended, to the *Magistrates Court (Civil Jurisdiction) Rules 2004*. Amendments of these regulations and schedule 1 are technical. For example, changing the word ‘annum’ to ‘year’ and ensuring provisions are consistent with other changes under this Bill.

Part 1.53 – Married Persons Property Act 1986 – ensures that the provisions that define the jurisdiction of the Magistrates Court for the purposes of the *Married Persons Property Act 1986* are correctly referenced to the *Magistrates Court Act 1930* consistent with changes under this Bill.

Part 1.54 – Medical Practitioners Act 1930 – amendment to the *Medical Practitioners Act 1930* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Medical Practitioners Act 1930* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.55 – Mental Health (Treatment and Care) Act 1994 – amends the *Mental Health (Treatment and Care) Act 1994* to ensure that a reference to a provision of the *Magistrates Court Act 1930* reflects changes under this Bill and that there is a consistency of approach with other legislation to the appeals process.

Part 1.46 – Nurses Act 1988 – amendment to the *Nurses Act 1988* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Nurses Act 1988* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.57 – Oaths and Affirmations Act 1984 – provides for amendment of the *Oaths and Affirmations Act 1984* by including a list of provisions which are subject to court rules under the *Court Procedures Act 2004*.

Part 1.58 – Optometrists Act 1956 – amendment to the *Optometrists Act 1956* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Optometrists Act 1956* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.59 – *Physiotherapists Act 1977* – amendment to the *Physiotherapists Act 1977* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Physiotherapists Act 1977* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.60 – *Podiatrists Act 1994* – amendment to the *Podiatrists Act 1994* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Podiatrists Act 1994* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.61 – *Protection Orders Act 2001* – provides amendment to the *Protection Orders Act 2001* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates references to the *Magistrates Court Act 1930*. It also corrects the authority for the form making power.

Part 1.62 – *Protection Orders Regulations 2002* – provides amendment to the *Protection Orders Regulations 2002* removing references to the MC(CJ) Act which are no longer relevant due to changes under this Bill and updates references to the *Magistrates Court Act 1930*. It also corrects the authority for the form making power. Further it replaces the term ‘summons’ with ‘subpoena’.

Part 1.63 – *Psychologists Act 1994* – amendment to the *Psychologists Act 1994* replaces the reference to the *Arrest on Mesne Process Act 1902* to the *Court Procedures Act 2004* reflecting the relocation of these provisions under this Bill. It also provides for the expiry of the relevant provision in the *Psychologists Act 1994* consistent with the expiry of the ‘Arrest on Mesne Process’ provisions of the *Court Procedures Act 2004*.

Part 1.64 – *Remand Centres Act 1976* – provides for the amendment to the *Remand Centres Act 1976* by clarifying references to the *Magistrates Court Act 1930*.

Part 1.65 – *Residential Tenancies Act 1997* – provides for the *Residential Tenancies Act 1997* to be amended to streamline and standardise the appeal process to the Supreme Court. It also simplifies and rationalises the previous rules which refer questions of law to the Supreme Court.

Part 1.66 – *Road Transport (Driver Licensing) Act 1999* – provides for the amendment to the *Road Transport (Driver Licensing) Act 1999* to ensure that a reference to the *Magistrates Court Act 1930* reflects changes under this Bill.

Part 1.67 – *Road Transport (General) Act 1999* – removes a reference to the MC(CJ) Act which is no longer relevant due to changes under this Bill. The part also provides the right to apply directly to the Magistrates Court for an order to set aside a decision of the relevant tribunal.

Part 1.68 – *Set-off of Debts Act 1728* – provides for the relocation of the main provisions, as amended, of *Set-off of Debts Act 1728* into Division 7.5 of the *Court Procedures Act 2004*. The provisions are relocated for the purposes of consideration by the Rule-making Committee and will be removed from legislation after this occurs. The remaining sections of the *Set-off of Debts Act 1728*, which are no longer necessary, have been deleted.

Part 1.69 – *Set-off of Debts Act 1735* – provides for the relocation of the main provisions, as amended, of *Set-off of Debts Act 1735* into Division 7.5 of the *Court Procedures Act 2004*. The provisions are relocated for the purposes of consideration by the Rule-making Committee and will be removed from legislation after this occurs. The remaining sections of the *Set-off of Debts Act 1735*, which are no longer necessary, have been deleted.

Part 1.70 – *Supreme Court Act 1933* – provides for amendments to the *Supreme Court Act 1933* which recognise changes under the *Court Procedures Act 2004* and this Bill. It removes unnecessary provisions referring to fees, matters which are now covered in the *Court Procedures Act 2004*.

Section 54 of the *Supreme Court Act 1933* has been restated to clarify the intention of the provision. The part also removes a number of provisions which do not require statutory authority but can be dealt with by the Rule-making Committee. It removes the form making power of the Supreme Court but does not remove the rule making authority. It also makes changes that give effect to the *Court Procedures Act 2004*.

Part 1.71 – *Supreme Court Rules* – amends the *Supreme Court Rules* and gives effect to the *Court Procedures Act 2004*. A number of provisions are also reworded for clarity.

Part 1.72 – *Utilities Act 2000* – these provisions update the *Utilities Act 2000* that give effect to the *Court Procedures Act 2004*.

Part 1.73 – *Victims of Crime (Financial Assistance) Act 1983* – provides for amendment to the *Victims of Crime (Financial Assistance) Act 1983* that give effect to the *Court Procedures Act 2004*. The amendments also modify the filing and application for proceedings bring it into line with the *Court Procedures Act 2004*. These provisions will expire when such matters are considered by the Rule-making Committee under the *Court Procedures Act 2004*.

Part 1.74 – *Workers Compensation Act 1951* – provides that the *Workers Compensation Act 1951* is amended to streamline and standardise the appeal process

Part 1.75 – *Workers Compensation Rules 2002* – provides for amendments to the *Workers Compensation Rules 2002* which update the provisions to reflect the *Court Procedures Act 2004* and remove reference to MC (CJ) Act.

Part 1.76 – *Workers Compensation Regulations 2002* – provides for amendments to the *Workers Compensation Regulations 2002* which update the provisions to reflect the *Court Procedures Act 2004* and remove reference to MC (CJ) Act.