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

SMALL CLAIMS (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

SMALL CLAIMS (AMENDMENT) BILL 1991

The *Small Claims Act 1974* (the Principal Act) deals with matters relating to the Small Claims Court.

The Small Claims (Amendment) Bill 1991 (the Bill) amends the Principal Act to provide for the Ministerial Determination of fees under the Principal Act and to repeal the Small Claims Regulations which prescribed the fees for the purposes of the Principal Act.

Financial Considerations

No financial considerations arise.

Details of the Bill are set out below.

SMALL CLAIMS (AMENDMENT) BILL 1991

Clause 1 cites the title of the Bill, once enacted, to be the Small Claims (Amendment) Act 1991.

Clause 2 provides for commencement.

Clause 3 provides that, in the Bill, the "Principal Act" means the *Small Claims Act 1974*.

Clause 4 amends section 3 of the Principal Act by inserting a definition of the "determined fee" into subsection (1).

Clause 5 amends section 46 of the Principal Act by omitting a reference to the "prescribed fee" and substituting a reference to the "determined fee".

Clause 6 amends the Principal Act by inserting a new section 50A which provides that the Minister may, by notice in the *Gazette*, determine fees for the purposes of the Act.

Clause 7 repeals the Small Claims Regulations.