

# MAGISTRATES COURTS JURISDICTION AMENDMENT BILL 1993

## EXPLANATORY NOTES

*Clause 1.* Short Title.

*Clause 2.* The Bill will commence on a date to be proclaimed.

*Clause 3.* States that the *Magistrates Courts Act 1921* is amended as set out in Part 2 and the Schedule.

*Clause 4.* Increases the monetary civil jurisdiction of the Magistrates Courts from \$20,000 to \$40,000 per matter.

*Clause 5.* Section 10(1) of the *Magistrates Courts Act 1921* provides in part that where the sum sued for in any action is less than \$1,200, the Magistrates Court shall be guided by equity, good conscience and the substantial merits of the case without regard to technicalities or any rules of evidence. This section is amended to refer to actions involving amounts of \$5,000 or less and to provide that a Magistrates Court is not bound by laws of evidence or procedure and may inform itself of the facts in any way that it considers appropriate. This amendment will overcome a concern that the existing wording of section 10(1) allows Magistrates to arrive at a decision which was fair but not necessarily in accordance with normal principles of law.

*Clause 6.*(1), (2) and (3)

Section 11(3) of the *Magistrates Courts Act 1921* provides in part that there is no right of appeal for actions involving amounts less than \$2,400 unless there is some important principle of law or justice involved. This section is amended by increasing the present amount to not more than \$5,000.

*Clause 7.* The *Property Law Act 1974* is amended as set out in Part 3.

*Clause 8.* Section 147(5) of the *Property Law Act 1974* provides for the recovery of rent or mesne profits in respect of land by a Magistrates Court plaintiff whereby the Court can order the defendant to pay to the landlord such amount (if any) but not exceeding \$20,000. This clause increases this amount to \$40,000.

## **SCHEDULE**

Contains minor amendments to the *Magistrates Courts Act 1921* which reflect the current drafting practice.