



New South Wales

Local Court and Bail Legislation Amendment Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Local Court and Bail Legislation Amendment Bill 2025

Act No , 2025

An Act to amend the *Local Court Act 2007* to abolish the office of Magistrate and establish the office of Judge of the Local Court; to make related and consequential amendments to certain legislation; to make amendments to certain legislation consequent on the *Bail and Other Legislation Amendment (Domestic Violence) Act 2024*; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Local Court and Bail Legislation Amendment Act 2025*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 3—on the date of assent to this Act,
- (b) otherwise—on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Local Court Act 2007 No 93

- [1] **Long title**
Omit “Magistrates”. Insert instead “Judges”.
- [2] **Section 3 Definitions**
Omit section 3(1), definitions of *acting Magistrate*, *Chief Magistrate*, *Deputy Chief Magistrate* and *Magistrate*.
Insert in alphabetical order—
acting Judge means a person appointed under this Act to act as a Judge.
Chief Judge means the person appointed under this Act to be the Chief Judge of the Local Court.
Deputy Chief Judge means a person appointed under this Act to be a Deputy Chief Judge of the Local Court.
Judge means a person appointed under this Act to be a Judge of the Local Court.
- [3] **Sections 3(1), definitions of “mandatory judicial retirement age” and “part-time Magistrate”, 8, 12, 13, 15(1) and (2), 16(1), 22(1), 23, 24A, 25(2)–(4), 27(1), 35(1), (1A) and (5), 36, 65 and 72(1) and (4)(c)**
Omit “Magistrate” wherever occurring. Insert instead “Judge”.
- [4] **Section 3(1), definition of “mandatory judicial retirement age”, note**
Omit the note.
- [5] **Part 2, Division 2, heading and sections 12, 13, 15, 16, 23 and 25(2)(b)**
Omit “Magistrates” wherever occurring. Insert instead “Judges”.
- [6] **Section 14, heading and (1), (5), including note, and (7)**
Omit “Chief Magistrate” wherever occurring. Insert instead “Chief Judge”.
- [7] **Sections 14(2)(a), (3)(a) and (4) and 24(3)(a)**
Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.
- [8] **Section 14(6)**
Omit “clause 5 (Effect of employment as Magistrate) of Schedule 1”.
Insert instead “Schedule 1, clause 5”.
- [9] **Schedule 1, heading**
Omit “Magistrates”. Insert instead “Judges”.
- [10] **Schedule 1, Parts 1, 3 and 4, headings and clauses 9(1), 9A(1), 11, heading and 12, heading**
Omit “Magistrates” wherever occurring. Insert instead “Judges”.
- [11] **Schedule 1, clauses 1–6, 7(1)–(3), 8, 9(1), 9A(2) and (3) and 10B–12 and Part 2, heading and Schedule 3, clauses 1, 2(1)(b) and (2), 4 and 5(3) and (6)**
Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[12] Schedule 1, clause 7(5A)

Insert after clause 7(5)—

- (5A) For a person appointed as a Magistrate before the commencement of the *Local Court and Bail Legislation Amendment Act 2025*—
- (a) a reference in this clause to appointment as a Judge is taken to be a reference to the person's appointment as a Magistrate, and
 - (b) a reference in this clause to service as a Judge is taken to include the person's service as a Magistrate.

[13] Schedule 1, clause 9A(3)(a)

Omit "Magistrate's". Insert instead "Judge's".

[14] Schedule 1, clause 9A(4)

Omit "the Magistrate" wherever occurring. Insert instead "the Judge".

[15] Schedule 1, clause 9A(4)

Insert "or Judge" after "a Magistrate" wherever occurring.

[16] Schedule 1, clause 9A(5)

Omit "Magistrate appointed". Insert instead "person appointed as a Magistrate".

[17] Schedule 1, clause 10

Omit the clause. Insert instead—

10 The Chief Judge

- (1) Subject to subclause (2), the Chief Judge holds the office of Chief Judge while holding office as a Judge of the Local Court.
- (2) With the approval of the Governor, the Chief Judge may resign the office of Chief Judge without resigning the office of Judge of the Local Court.
- (3) If the Chief Judge also holds office as a Judge of the District Court, the Governor must not grant an approval under subclause (2) unless the Chief Judge resigns the office of Judge of the District Court.
- (4) The Chief Judge may delegate to a Deputy Chief Judge any of the Chief Judge's functions other than this power of delegation.

[18] Schedule 1, clause 10A

Omit the clause. Insert instead—

10A Remuneration of Chief Judge who is District Court Judge

If the Chief Judge also holds office as a Judge of the District Court, the Chief Judge is not entitled to receive remuneration as a Judge or Chief Judge of the Local Court while receiving remuneration as a Judge of the District Court.

[19] Schedule 1, clause 10B(1)(b) and (2)(a)

Insert "of the District Court" after "a Judge" wherever occurring.

[20] Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule—

Part 12 Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025—new judicial offices

22 Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

former offices—see clause 23.

new offices means the following offices of the Local Court—

- (a) Chief Judge,
- (b) Deputy Chief Judge,
- (c) Judge.

23 Abolition of offices of Chief Magistrate, Deputy Chief Magistrate and Magistrate

The following offices of the Local Court (**former offices**) are abolished on the commencement date—

- (a) Chief Magistrate,
- (b) Deputy Chief Magistrate,
- (c) Magistrate.

Note— See the *Constitution Act 1902*, section 56(2), which provides for the consequences of abolishing a judicial office.

24 Appointment to new offices

- (1) On the commencement date—
 - (a) the person holding office as the Chief Magistrate immediately before the abolition of the office is appointed as the Chief Judge of the Local Court, and
 - (b) a person holding office as a Deputy Chief Magistrate immediately before the abolition of the office is appointed as a Deputy Chief Judge of the Local Court, and
 - (c) a person holding office as a Magistrate immediately before the abolition of the office is appointed as a Judge of the Local Court, and
 - (d) a person acting as a Magistrate immediately before the abolition of the office of Magistrate is appointed to act as a Judge of the Local Court.
- (2) A person referred to in subclause (1) is taken to hold the new office, or to act in the new office, subject to the terms and conditions, including remuneration, that applied to the person's former office immediately before the commencement date.
- (3) A person referred to in subclause (1)(d) is appointed to act as a Judge for the remainder of the term for which the person was appointed to act as a Magistrate.
- (4) Unless the contrary intention appears, a person's service in a former office must be reckoned for all purposes as service in the person's new office corresponding to the former office.

- (5) To avoid doubt, the appointment under subclause (1) does not require a further commission under the public seal of the State.

25 Abolition of former offices has no effect on proceedings

- (1) A person appointed to a new office by clause 24 may continue to hear and determine or otherwise deal with proceedings that, immediately before the commencement date, were pending before or being heard by the person in the person's capacity as the holder of a former office.
- (2) Schedule 1, clause 4 does not apply to the person.

26 Continuing effect of things done before commencement of amending Act

An act, matter or thing done under this Act, or another Act, by a person holding a former office immediately before the commencement date is taken to have been done by the person—

- (a) in the person's capacity as the holder of the new office corresponding to the person's former office, and
- (b) under this Act, or the other Act, as amended by the amending Act.

Example— Forms approved by the Chief Magistrate under this Act, section 72 as in force before the commencement date are taken to have been approved by the Chief Judge under that section as amended by the amending Act.

27 Continuation of positions relating to former offices

- (1) This clause applies to a person who, immediately before the commencement date, holds a position, role or office (a *relevant position*) under this Act or another Act that the person is eligible to hold because the person holds, or has held, a former office.
- (2) The person continues to hold the relevant position despite—
- (a) the abolition of the person's former office by clause 23, and
- (b) the amendments made to this Act or the other Act by the amending Act.

28 Judicial oaths

- (1) A person appointed to a new office by clause 24 is not required to take a judicial oath in relation to the new office to which the person is appointed.
- (2) In this clause—
judicial oath means the oath prescribed in the *Oaths Act 1900*, Fourth Schedule.

29 Construction of references to retired office holders

- (1) A relevant reference to a retired or former holder of a new office is taken to include a person who, immediately before the commencement date, is a retired or former holder of the corresponding former office.
- (2) In this clause—
corresponding former office means the following—
- (a) for the office of Chief Judge—the office of Chief Magistrate,
- (b) for the office of Deputy Chief Judge—the office of Deputy Chief Magistrate,
- (c) for the office of Judge—the office of Magistrate.
- relevant reference* means a reference in—
- (a) this Act or another Act, or

- (b) an instrument made under this Act or another Act.

30 Construction of references to former offices

Unless the contrary intention appears, a reference to a former office in this Act or another Act, other than the *Constitution Act 1902*, in an instrument made under this Act or another Act or in another document must be read as a reference to a new office as follows—

- (a) Chief Magistrate—Chief Judge,
- (b) Deputy Chief Magistrate—Deputy Chief Judge,
- (c) Magistrate—Judge,
- (d) acting Magistrate—acting Judge.

Schedule 2 Consequential amendments relating to new judicial offices

2.1 Apprenticeship and Traineeship Act 2001 No 80

Section 73 Proceedings for offences

Omit “Magistrate” from the note. Insert instead “Local Court Judge”.

2.2 Bail Act 2013 No 26

[1] Section 41 Limitation on length of adjournments if bail refused

Omit “magistrate, if a magistrate” from section 41(1)(c)(ii).

Insert instead “Judge of the Local Court, if a judge”.

[2] Sections 65(a) and 68(2)(c)

Omit “magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[3] Sections 94(5)(b) and 95(2)(b)

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

2.3 Biodiversity Conservation Act 2016 No 63

[1] Section 12.21 Power of authorised officers to demand name and address

Omit “Magistrate” from section 12.21(3). Insert instead “Judge of the Local Court”.

[2] Section 12.21(4)

Omit “Magistrate”. Insert instead “judge”.

2.4 Casino Control Act 1992 No 15

Section 96 Proof of age may be required

Omit “Magistrate” from section 96(4). Insert instead “Judge of the Local Court”.

2.5 Child Protection (Offenders Registration) Act 2000 No 42

Section 3 Definitions

Omit “Magistrate” from section 3(1), definition of *court*.

Insert instead “Judge of the Local Court”.

2.6 Children and Young Persons (Care and Protection) Act 1998 No 157

[1] Section 107 Examination and cross-examination of witnesses

Omit “Magistrate” wherever occurring in section 107(1). Insert instead “Judge”.

[2] Section 107(4)

Omit “Children’s Magistrate includes a reference to a Magistrate within the meaning of section 13(2) of the *Children’s Court Act 1987*”.

Insert instead “Children’s Judge includes a reference to a Judge referred to in the *Children’s Court Act 1987*, section 13(1)(c)”.

2.7 Children (Community Service Orders) Act 1987 No 56

[1] Section 3 Definitions

Omit section 3(1), definition of *authorised justice*, paragraph (a). Insert instead—

- (a) a Judge of the Local Court or a Children’s Judge within the meaning of the *Children’s Court Act 1987*, or

[2] Section 3(1), definition of “authorised Magistrate”

Omit the definition.

2.8 Children (Criminal Proceedings) Act 1987 No 55

[1] Sections 3(1), definition of “authorised justice”, paragraph (a) and 29(4)(a)

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[2] Section 27 Application of Criminal Procedure Act 1986 and other Acts

Omit “Magistrates” from section 27(1). Insert instead “Judges of the Local Court”.

2.9 Children (Detention Centres) Act 1987 No 57

[1] Section 3(1), definition of “authorised justice”, paragraph (a) and Schedule 1A, clause 2

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[2] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

Children’s Judge has the same meaning as in the *Children’s Court Act 1987*.

[3] Section 8 Inspection of detention centres by judges etc

Omit “or District Court, any Magistrate”. Insert instead “, District Court or Local Court”.

[4] Section 37O Constitution of Review Panel

Omit “a Magistrate, acting Magistrate or retired Magistrate who is to be” from section 37O(2).

[5] Section 37O(2A)

Insert after section 37O(2)—

- (2A) The Chairperson must be one of the following—
 - (a) a Judge of the Local Court,
 - (b) an acting Judge of the Local Court,
 - (c) a retired Judge of the Local Court.

[6] Section 41 Jurisdiction of Children’s Court relating to parole

Omit section 41(2)(b). Insert instead—

- (b) a Children’s Judge.

[7] Sections 78(1)–(3), 82(1) and (2) and 91(2) and (3)

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[8] Section 100 Expediting trials and appeals

Omit “Senior Children’s Magistrate” wherever occurring in section 100(2)(c) and (3)(c).

Insert instead “President of the Children’s Court”.

[9] Section 100(3)(c)

Omit “Children’s Magistrate or Magistrate under the *Children’s Court Act 1987*”.

Insert instead “Children’s Judge or Judge of the Local Court referred to in the *Children’s Court Act 1987*, section 13(1)(c)”.

2.10 Children (Education and Care Services National Law Application) Act 2010 No 104

Section 7 Meaning of generic terms in Education and Care Services National Law for the purposes of this jurisdiction

Omit “Magistrate appointed under” from the definition of *magistrate*.

Insert instead “Judge within the meaning of”.

2.11 Children’s Court Act 1987 No 53

[1] Section 3 Definitions

Omit section 3(1), definitions of *Chief Magistrate* and *Children’s Magistrate*.

Insert in alphabetical order—

Chief Judge has the same meaning as in the *Local Court Act 2007*.

Children’s Judge means a person appointed under this Act to be a Children’s Judge.

[2] Sections 6, 7, heading and (3), 16(1)(c) and (g) and (3) and 23(2)(f) and Schedule 1, heading

Omit “Magistrates” wherever occurring. Insert instead “Judges”.

[3] Sections 6B(1) and (1A), 7(1), (2)(b) and (2A), 10A(3), (4) and (6), 13(1)(b), 16(2)–(4) and 22(b) and Schedule 1, clauses 2–6

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[4] Section 7(2)

Omit “Children’s Magistrate if”. Insert instead “Children’s Judge if”.

[5] Section 7(2)(a)

Omit “Magistrate”. Insert instead “Judge of the Local Court”.

[6] Section 7(4)

Omit “(Savings and transitional provisions relating to part-time Children’s Magistrates)”.

[7] Section 13 Single member to exercise jurisdiction of the Court

Omit section 13(1)(c). Insert instead—

- (c) by a Judge of the Local Court authorised by the President and Chief Judge to exercise a function conferred or imposed on a Children’s Judge by or under this Act or another Act,

[8] Section 13(2)

Omit the subsection.

[9] Schedule 1, clause 1

Omit the clause. Insert instead—

1 Judicial status not affected

- (1) A Children’s Judge does not cease to be a Judge of the Local Court, nor is the Children’s Judge’s rank, title, status and precedence as a Judge of the Local Court affected, merely because of the judge’s appointment as a Children’s Judge.
- (2) The service of a Children’s Judge as a Children’s Judge is, for all purposes, taken to be service as a Judge of the Local Court.

[10] Schedule 1, clause 2

Omit “Magistrate’s”. Insert instead “Judge’s”.

[11] Schedule 1, clause 5(a)

Insert “of the Local Court” before “, or”.

[12] Schedule 1, clause 6

Insert “of the Local Court” before “merely”.

[13] Schedule 2 Savings and transitional provisions

Insert at the end of clause 1(1)—
another Act that amends this Act

[14] Schedule 2

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

Abolition of office of Children’s Magistrate and appointment as Children’s Judge

- (1) The office of Children’s Magistrate is abolished on the commencement date.
Note— See the *Constitution Act 1902*, section 56(2), which provides for the consequences of abolishing a judicial office.
- (2) On the commencement date, a person holding office as a Children’s Magistrate immediately before the abolition of the office is appointed as a Children’s Judge.

- (3) The person is taken to hold the office of Children's Judge subject to the terms and conditions, including remuneration, that applied to the office of Children's Magistrate as held by the person immediately before the commencement date.
- (4) Unless the contrary intention appears, a person's service as a Children's Magistrate must be reckoned for all purposes as service as a Children's Judge.

Abolition of office of Children's Magistrate has no effect on proceedings

A person appointed as a Children's Judge by this part may continue to hear and determine or otherwise deal with proceedings that, immediately before the commencement date, were pending before or being heard by the person in the person's capacity as a Children's Magistrate.

Continuing effect of things done before commencement of amending Act

An act, matter or thing done under this Act, or another Act, by a person holding the office of Children's Magistrate immediately before the commencement date is taken to have been done by the person—

- (a) in the person's capacity as a Children's Judge, and
- (b) under this Act, or the other Act, as amended by the amending Act.

Continuation of positions relating to former offices

- (1) This clause applies to a person who, immediately before the commencement date, holds a position, role or office (a **relevant position**) under this Act or another Act that the person is eligible to hold because the person is, or was, a Children's Magistrate.
- (2) The person continues to hold the relevant position despite—
 - (a) the abolition of the office of Children's Magistrate by this part, and
 - (b) the amendments made to this Act or the other Act by the amending Act.

Judicial oaths

- (1) A person appointed as a Children's Judge by this part is not required to take a judicial oath in relation to the office of Children's Judge.
- (2) In this clause—
judicial oath means the oath prescribed in the *Oaths Act 1900*, Fourth Schedule.

Construction of references to retired Children's Magistrates

- (1) A relevant reference to a retired or former Children's Judge is taken to include a person who, immediately before the commencement date, is a retired or former Children's Magistrate.
- (2) In this clause—
relevant reference means a reference in—
 - (a) this Act or another Act, or
 - (b) an instrument made under this Act or another Act.

Construction of references to Children's Magistrate

Unless the contrary intention appears, a reference to a Children's Magistrate in this Act or another Act, other than the *Constitution Act 1902*, in an instrument made under this Act or another Act or in another document must be read as a reference a Children's Judge.

2.12 Civil and Administrative Tribunal Act 2013 No 2

- [1] **Sections 4(1), definition of “NSW judicial officer”, paragraph (a) and 15(5), definition of “relevant chief judicial officer”, paragraph (a)**

Omit “a Magistrate” wherever occurring. Insert instead “a Judge of the Local Court”.

- [2] **Sections 15(5), definition of “relevant chief judicial officer”, paragraph (a) and 34C(5)(c)**

Omit “Chief Magistrate” wherever occurring. Insert instead “Chief Judge”.

2.13 Civil Procedure Act 2005 No 28

- [1] **Section 8 Uniform Rules Committee**

Omit section 8(1)(f) and (g). Insert instead—

- (f) one is to be—
 - (i) the Chief Judge of the Local Court, or
 - (ii) a Judge of the Local Court nominated for the time being by the Chief Judge, and
- (g) one is to be a Judge of the Local Court appointed by the Chief Judge of the Local Court, and

- [2] **Schedule 2 Constitution and procedure of Uniform Rules Committee**

Omit “Chief Magistrate” wherever occurring in clauses 1, definition of *ex-officio member* and 3A(3).

Insert instead “Chief Judge of the Local Court”.

2.14 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63

- [1] **Section 56 Forfeiture following seizure**

Omit “Magistrate” from section 56(1)(b). Insert instead “Judge of the Local Court”.

- [2] **Section 56(2)**

Omit “Magistrate”. Insert instead “judge”.

2.15 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

- [1] **Sections 35(1) and 36(1)**

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

- [2] **Sections 35(2) and (3), 36(2) and (3) and 37(4)(b) and (5)–(9)**

Omit “Magistrate” wherever occurring. Insert instead “judge”.

- [3] **Section 37 Offence related warrant may be granted by telephone**

Omit “Magistrate is satisfied”. Insert instead “Judge of the Local Court is satisfied”.

- [4] **Section 37(4)**

Omit “Magistrate may”. Insert instead “judge may”.

[5] Section 37(4)

Omit “Magistrate would”. Insert instead “judge would”.

2.16 Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45

Section 30 Recovery of penalties

Omit “Magistrate” from section 30(2). Insert instead “Judge of the Local Court”.

2.17 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

Section 17 Powers of entry

Omit “Magistrate” from section 17(6). Insert instead “Judge of the Local Court”.

2.18 Confiscation of Proceeds of Crime Act 1989 No 90

[1] Section 38 Search and arrest of persons pursuant to warrants

Omit “Magistrate” from section 38(b). Insert instead “Judge of the Local Court”.

[2] Section 42U Appeals against refusal to confirm freezing notice

Omit “a Magistrate, Local Court, the Children’s Court or” from section 42U(4)(a).

Insert instead “the Local Court, the Children’s Court or the”.

2.19 Constitution Act 1902 No 32

[1] Section 52 Definition and application

Insert after section 52(1), definition of *judicial office*, paragraph (e)—

- (e1) Chief Judge, Deputy Chief Judge or Judge of the Local Court; Children’s Judge of the Children’s Court; Chief Industrial Local Court Judge or Industrial Local Court Judge,

[2] Section 52(2)(c)

Omit “paragraph (f)”. Insert instead “paragraphs (e1) and (f)”.

2.20 Coroners Act 2009 No 41

[1] Section 3 Objects of Act

Omit “Magistrates” from section 3(b). Insert instead “Judges of the Local Court”.

[2] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

Chief Judge has the same meaning as in the *Local Court Act 2007*.

Deputy Chief Judge has the same meaning as in the *Local Court Act 2007*.

Judge has the same meaning as in the *Local Court Act 2007*.

[3] Sections 7(2), (3) and (6), 10(2), 16, 29(3), 32(6), 33(3), 50(3), 71(1), 79(5B), 101E(5)(a) and 103(1), Schedule 1, clauses 2(1)(b) and (2), 4, 5(2), 6(1) and (3), 8(d) and 9 and Schedule 3, clause 3

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[4] Section 16, heading

Omit “**Magistrates**”. Insert instead “**Judges**”.

[5] Sections 29(3), 32(6), 33(3), 50(3), 52(2) and 79(5B) and Schedule 1, clause 9(1)

Omit “Magistrate’s” wherever occurring. Insert instead “Judge’s”.

[6] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

**Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025—
new judicial offices**

Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

change of office, in relation to a person holding office as a Magistrate immediately before the commencement date, means—

- (a) the abolition of the office of Magistrate by the amending Act, and
- (b) the person’s appointment to the office of Judge of the Local Court by the amending Act.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

Continuation of offices of State Coroner and Deputy State Coroner

- (1) This clause applies to a person who, immediately before the commencement date, holds office as—
 - (a) State Coroner, or
 - (b) a Deputy State Coroner.
- (2) To avoid doubt, despite the person’s change of office—
 - (a) the person continues to hold office as State Coroner or Deputy State Coroner, and
 - (b) the commission by which the person was appointed as State Coroner or Deputy State Coroner continues to apply to the appointment.

2.21 Costs in Criminal Cases Act 1967 No 13

[1] Sections 2(1), 3(1) and 3A

Omit “or Magistrate” wherever occurring.

[2] Section 3A Evidence of further relevant facts may be adduced

Omit “Court, Judge” from section 3A(2)(b). Insert instead “Court or Judge”.

2.22 Court Security Act 2005 No 1

Section 4 Definitions

Omit “Magistrate” from section 4(1), definition of *court*, paragraph (g).

Insert instead “Local Court Judge”.

2.23 Crimes Act 1900 No 40

Section 524 Seizure of such goods

Omit “Magistrate”. Insert instead “Judge of the Local Court”.

2.24 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 3 Interpretation

Omit section 3(1), definition of *judicially qualified person*, paragraph (b).

[2] Section 3(1), definition of “Visiting Magistrate”

Omit the definition. Insert instead—

Visiting Judge means a Judge of the Local Court exercising the functions of a Visiting Judge, as referred to in section 227.

[3] Section 36 Return of escaped interstate prisoners to State of origin

Omit “Magistrate” wherever occurring in section 36(1) and (2).

Insert instead “Judge of the Local Court”.

[4] Sections 41D(7)(a), 54–58, 59(1), 62(1) and (4), 63(1), 79(1)(v1) and 230(2)

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[5] Section 62, heading

Omit “Magistrates”. Insert instead “Judges”.

[6] Section 227

Omit the section. Insert instead—

227 Visiting Judges

(1) A Judge of the Local Court—

- (a) has all the functions conferred or imposed on a Visiting Judge by or under this Act or another Act or law, and
- (b) is, when exercising those functions, a Visiting Judge.

(2) A Visiting Judge may at any time visit—

- (a) a correctional complex, or
- (b) a correctional centre.

[7] Section 229, heading

Omit “Judges and Magistrates”. Insert instead “judges”.

[8] Section 229

Omit “or District Court, and any Magistrate,”.

Insert instead “, District Court or Local Court”.

2.25 Crimes (Appeal and Review) Act 2001 No 120

- [1] **Sections 3(1), definitions of “Local Court”, paragraphs (d) and (e) and “sentence”, paragraph (d), 23(2)(a), 32(2)(a), 43(1)(a) and (1A)(a), 53(3)(a), 56(1)(d), 57(1)(b) and 66, excluding heading**

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

- [2] **Section 9 Procedure after decision on annulment of conviction or sentence**

Omit “by the Magistrate” from section 9(4).

Insert instead “by the Judge of the Local Court”.

- [3] **Section 9(4)**

Omit “Magistrate, including the Magistrate”.

Insert instead “Judge of the Local Court, including the judge”.

- [4] **Section 66, heading**

Omit “Magistrate”. Insert instead “Judge”.

- [5] **Section 116, heading**

Omit “Magistrate’s”. Insert instead “Judge’s”.

- [6] **Section 116**

Omit “a Magistrate’s exercise of ministerial functions”.

Insert instead “the exercise of ministerial functions by a Judge of the Local Court”.

2.26 Crimes (Domestic and Personal Violence) Act 2007 No 80

- [1] **Section 3 Definitions**

Omit section 3(1), definition of *Children’s Magistrate*. Insert instead—

Children’s Judge means a person appointed under the *Children’s Court Act 1987* to be a Children’s Judge and includes the President of the Children’s Court.

- [2] **Section 47 Definitions**

Omit the definition of *Magistrate*. Insert in alphabetical order—

Judge means a Judge of the Local Court and includes a Children’s Judge.

- [3] **Sections 49A(c), 53(8), 69, 87(1) and 96(2)**

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

- [4] **Section 96 Registration of external protection order**

Omit “Magistrate (or a Children’s Magistrate if the appropriate court is the Children’s Court)” from section 96(1)(b).

Insert instead “Judge of the Local Court or, if the appropriate court is the Children’s Court, a Children’s Judge”.

2.27 Crimes (Forensic Procedures) Act 2000 No 59

[1] Whole Act

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[2] Section 3 Interpretation

Insert in alphabetical order in section 3(1)—

Judge means—

- (a) a Judge within the meaning of the *Local Court Act 2007*, and
- (b) a Children’s Judge within the meaning of the *Children’s Court Act 1987*.

[3] Sections 81A(3)(b) and 115A(2)

Omit “Magistrate’s” wherever occurring. Insert instead “Judge’s”.

2.28 Crimes (Sentencing Procedure) Act 1999 No 92

Sections 25D(2)(a) and (5) and 100I(2)(a) and (a1)

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

2.29 Criminal Appeal Act 1912 No 16

[1] Section 5F Appeal against interlocutory judgment or order

Omit “or magistrate” wherever occurring in section 5F(3)(b) and (3AB)(b).

[2] Section 8A Power of court to order committal proceedings to be continued in certain cases

Omit “before the Magistrate” wherever occurring in section 8A(1) and (2).

Insert instead “before the Judge of the Local Court”.

[3] Section 8A(2)

Omit “by the Magistrate” wherever occurring. Insert instead “by the judge”.

[4] Section 8A(2)

Omit “that the Magistrate”. Insert instead “that the Judge of the Local Court”.

2.30 Criminal Assets Recovery Act 1990 No 23

[1] Section 42A Disposal of seized property to Commission

Omit “Magistrate to” from section 42A(1). Insert instead “Judge of the Local Court to”.

[2] Section 42A(1)

Omit “Magistrate is”. Insert instead “judge is”.

[3] Section 59A Ministerial arrangements for things seized in connection with extra-territorial offences

Omit “Magistrate” from section 59A(1)(b). Insert instead “Judge of the Local Court”.

2.31 Criminal Procedure Act 1986 No 209

[1] Section 3 Definitions

Omit section 3(1), definitions of *Chief Magistrate* and *Industrial Magistrate*.

Insert in alphabetical order—

Children's Judge has the same meaning as in the *Children's Court Act 1987*.

Industrial Local Court Judge has the same meaning as in the *Industrial Relations Act 1996*.

[2] Sections 3(1), definition of “committal proceedings”, 101, heading and (1), 103(2), 150(4), 166(1)(a), 174(3), 181(4), 183(4), 197(2), 213(2), 229(3), 283C(4), 283F(1), 286(1)(b), 289(3)(b), 311(1) and 312(1) and (2) and Schedule 3, clause 3(1)(a)

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[3] Section 28 Application of Part and definition

Omit “Magistrate, a Children’s Court Magistrate, an Industrial Magistrate” from section 28(2), definition of *Judge*.

Insert instead “Judge of the Local Court, a Children’s Judge, an Industrial Local Court Judge”.

[4] Section 45 Application of Chapter and definitions

Omit section 45(2), definitions of *Judge* and *Magistrate*.

[5] Section 45(2), definition of “registrar”, paragraph (a)

Omit “Local Court Magistrate”. Insert instead “Judge of the Local Court”.

[6] Section 45(2), definition of “registrar”, paragraph (b)

Omit “Children’s Court Magistrate”. Insert instead “Children’s Judge”.

[7] Section 45(3)

Insert after section 25(2)—

(3) In this chapter, other than in subsection (2), definition of *registrar*, a reference to a Judge of the Local Court includes—

(a) a Children’s Judge, and

(b) any other person of a class prescribed by the regulations.

[8] Section 47A

Insert before section 47—

47A Definition

In this part—

Judge means a Judge of the Local Court.

Note— A reference to a Judge of the Local Court in this chapter includes a Children’s Judge—see section 45(3).

[9] Sections 49(3), 50(3)(d), 54, 55(f), 56, 59(1), (4) and (5), 61(1), 67(1), (3) and (4), 68, 69(b), 71(3), 74, 76, 78(2)(d), 82, 84, 85(4), 86(1)(b), 87(2) and (4)(b), 88(2), 89(3), 90, 91, 93(1) and (3), 94–98, 109(1) and (2), 112, 116, 117, 118(1) and (2), 120, 181(5) and 229(4)

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

- [10] **Section 58 Application of other procedural provisions to committal proceedings**
Omit “a Magistrate”. Insert instead “a Judge”.
- [11] **Section 58, note**
Omit the note.
- [12] **Section 101(1)(a)**
Insert “of the District Court or the Supreme Court” after “to the Judge”.
- [13] **Sections 101(1)(c), 103(1) and 111(4)**
Insert “of the District Court or the Supreme Court” after “Judge” wherever occurring.
- [14] **Sections 170(2)(c) and (2A)(d), 171, definitions of “court” and “registrar”, paragraph (c), 275, definition of “Judge” and 312(3), definition of “Judge”**
Omit “Industrial Magistrate” wherever occurring.
Insert instead “Industrial Local Court Judge”.
- [15] **Section 171 Definitions**
Omit the definition of *Magistrate*. Insert in alphabetical order—
Judge of the Local Court includes—
(a) an Industrial Local Court Judge, and
(b) any other person of a class prescribed by the regulations.
- [16] **Section 171(2)**
Insert at the end of section 171—
(2) A reference to a Judge in Part 4 includes, where applicable, a Judge of the Local Court.
- [17] **Section 181 Attendance of accused person at proceedings**
Omit “Magistrate may issue a warrant to arrest the accused person if the Magistrate” from section 181(3A).
Insert instead “Judge of the Local Court may issue a warrant to arrest the accused person if the Judge”.
- [18] **Section 233 Application**
Insert at the end of the section—
Note— A reference to a Judge in this part includes, where applicable, a Judge of the Local Court—see section 171(2).
- [19] **Sections 236(2)(c) and (4), 239, 240(2) and 242(4)**
Omit “or Magistrate” wherever occurring.
- [20] **Section 240 Revocation of warrants**
Omit “, Magistrate” wherever occurring.
- [21] **Section 240(2)**
Omit “Magistrate may not revoke a warrant issued by a Judge”.
Insert instead “Judge of the Local Court may not revoke a warrant issued by a Judge of a higher court”.

[22] Section 273, heading

Omit “Magistrates”. Insert instead “Local Court”.

[23] Sections 275, definition of “Judge” and 312(3), definition of “Judge”

Omit “Magistrate, a Children’s Court Magistrate” wherever occurring.

Insert instead “Judge of the Local Court, a Children’s Judge”.

[24] Section 310 Warrants that may be issued on production of certificate

Omit “Magistrate or an authorised officer, the Magistrate” from section 310(1).

Insert instead “Judge of the Local Court or an authorised officer, the judge”.

[25] Sections 310(2) and (4), 311(2) and (3) and 312(2B)(a)

Omit “Magistrate” wherever occurring. Insert instead “judge”.

2.32 Criminal Records Act 1991 No 8

Section 15 Employment in certain occupations

Omit “magistrate,” from section 15(1).

2.33 Dangerous Goods (Road and Rail Transport) Act 2008 No 95

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

Industrial Local Court Judge has the same meaning as in the *Industrial Relations Act 1996*.

[2] Sections 35(1)(b), 36(1)(b) and 45(1)(b)

Omit “Industrial Magistrate” wherever occurring.

Insert instead “Industrial Local Court Judge”.

2.34 Dedicated Encrypted Criminal Communication Device Prohibition Orders Act 2022 No 46

[1] Whole Act, except where otherwise amended by this subschedule

Omit “magistrate” wherever occurring. Insert instead “judge”.

[2] Section 18 Substituted service

Omit “magistrate’s” from section 18(3). Insert instead “judge’s”.

[3] Section 23

Omit the section. Insert instead—

23 Authorised judges

- (1) A Judge of the Local Court may, by written instrument, consent to being the subject of a declaration by the Attorney General under subsection (2).
- (2) The Attorney General may, by written instrument, declare a judge in relation to whom a consent is in force to be an authorised judge for this Act.

- (3) An authorised judge has, in relation to the exercise of a function conferred on an authorised judge by this Act, the same protection and immunity as a Judge of the Local Court has in relation to proceedings in the Local Court.
- (4) A judge who has given a consent may, by written instrument, revoke the consent.
- (5) A declaration of an authorised judge may not be revoked by the Attorney General.
- (6) However, the declaration of a judge as an authorised judge is revoked if—
 - (a) the authorised judge ceases to be a Judge of the Local Court, or
 - (b) the judge revokes the judge’s consent to be an authorised judge, or
 - (c) the Chief Judge of the Local Court notifies the Attorney General that the judge should not continue to be an authorised judge.
- (7) To avoid doubt—
 - (a) the selection of an authorised judge to exercise a particular function conferred on authorised judges must not be made by the Attorney General or another Minister, and
 - (b) the exercise of the particular function is not subject to the control and direction of the Attorney General or another Minister.

[4] Schedule 1 Dictionary

Omit the definition of *authorised magistrate*. Insert in alphabetical order—

authorised judge means a Judge of the Local Court in relation to whom both of the following are in force—

- (a) a consent under section 23(1),
- (b) a declaration under section 23(2).

2.35 Director of Public Prosecutions Act 1986 No 207

[1] Section 3 Definitions

Omit “Magistrate” from section 3(1), definition of *committal proceedings*.

Insert instead “Judge of the Local Court”.

[2] Section 10 Director to inform court etc when taking over, or handing back, proceedings

Omit “or Magistrate” wherever occurring in section 10(1)(b)(ii).

2.36 District Court Act 1973 No 9

[1] Section 13 Appointment and qualifications of Judges

Omit “Magistrate” from section 13(2), definition of *qualified person*, paragraph (c).

Insert instead “Judge”.

[2] Section 13(3)

Omit the subsection. Insert instead—

- (3) The following applies to a person who holds the offices of Chief Judge of the Local Court and Judge of the District Court—

- (a) for any period in which the person holds both offices, service by the person in the office of the Chief Judge of the Local Court is, for the purposes of this Act, including section 15, and the *Judges' Pensions Act 1953*, taken to be service in the office of a Judge of the District Court,
- (b) the person must not hear or determine an appeal in the person's capacity as a Judge of the District Court from any decision made by the person in the person's capacity as a Judge of the Local Court,
- (c) nothing in this Act or any other law requires the person to devote the whole of the person's time to the duties of a Judge of the District Court.

2.37 Drug and Alcohol Treatment Act 2007 No 7

[1] Whole Act

Omit "Magistrate" wherever occurring. Insert instead "Judge".

[2] Section 5 Definitions

Insert in alphabetical order in section 5(1)—

Judge has the same meaning as in the *Local Court Act 2007*.

[3] Section 37 Proceedings to be informal

Omit "Magistrate's" from section 37(4). Insert instead "Judge's".

2.38 Drug Court Act 1998 No 150

[1] Sections 4(1), definition of "court" and (2), 6(3)(a) and 24(2)(b)

Omit "a Magistrate" wherever occurring. Insert instead "a Judge of the Local Court".

[2] Section 6 Courts may refer persons to Drug Court during proceedings for offence

Omit "the Magistrate" from section 6(3)(a). Insert instead "the judge".

2.39 Drug Misuse and Trafficking Act 1985 No 226

Section 38 Destruction of prohibited plants by Director-General

Omit "Magistrate" from section 38(2). Insert instead "Judge of the Local Court".

2.40 Drug Supply Prohibition Order Pilot Scheme Act 2020 No 39

[1] Whole Act, except where otherwise amended by this subschedule

Omit "magistrate" wherever occurring. Insert instead "judge".

[2] Section 3 Definitions

Omit section 3(1), definition of *authorised magistrate*. Insert in alphabetical order—

authorised judge means a Judge of the Local Court in relation to whom both of the following are in force—

- (a) a consent under section 16(1),
- (b) a declaration under section 16(2).

[3] Section 16

Omit the section. Insert instead—

16 Authorised judges

- (1) A Judge of the Local Court may, by written instrument, consent to being the subject of a declaration by the Attorney General under subsection (2).
- (2) The Attorney General may, by written instrument, declare a judge in relation to whom a consent is in force to be an authorised judge for this Act.
- (3) An authorised judge has, in relation to the exercise of a function conferred on an authorised judge by this Act, the same protection and immunity as a Judge of the Local Court has in relation to proceedings in the Local Court.
- (4) A judge who has given a consent may, by written instrument, revoke the consent.
- (5) A declaration of an authorised judge may not be revoked by the Attorney General.
- (6) However, the declaration of a judge as an authorised judge is revoked if—
 - (a) the authorised judge ceases to be a Judge of the Local Court, or
 - (b) the judge revokes the judge’s consent to be an authorised judge, or
 - (c) the Chief Judge of the Local Court notifies the Attorney General that the judge should not continue to be an authorised judge.
- (7) To avoid doubt—
 - (a) the selection of an authorised judge to exercise a particular function conferred on authorised judges must not be made by the Attorney General or another Minister, and
 - (b) the exercise of the particular function is not subject to the control and direction of the Attorney General or another Minister.

2.41 Electronic Transactions Act 2000 No 8

Schedule 1 Courts—electronic case management systems

Omit “, magisterial” from clause 1(1), definition of *court*.

2.42 Employment Protection Act 1982 No 122

[1] Section 19 Summary procedure for offences

Omit “industrial magistrate” wherever occurring in section 19(1)(b) and (2).

Insert instead “Industrial Local Court Judge”.

[2] Section 19(5)

Insert after section 19(4)—

- (5) In this section—

Industrial Local Court Judge has the same meaning as in the *Industrial Relations Act 1996*.

2.43 Fair Trading Act 1987 No 68

Section 23E Embargo period for embargo notices

Omit “Magistrate” wherever occurring in section 23E(2) and (5).

Insert instead “Judge of the Local Court”.

2.44 Fines Act 1996 No 99

Section 126 Abolition of recovery by distress

Omit “Magistrate” from section 126(1). Insert instead “Judge of the Local Court”.

2.45 Fluoridation of Public Water Supplies Act 1957 No 58

Section 10 Proceedings for offences

Omit “Magistrate”. Insert instead “Judge of the Local Court”.

2.46 Government Information (Public Access) Act 2009 No 52

[1] Schedule 4 Interpretative provisions

Omit “a Magistrate” wherever occurring in clause 1, definition of *court*, paragraph (a) and definition of *judicial functions*, paragraph (a).

Insert instead “a Judge of the Local Court”.

[2] Schedule 4, clause 1, definition of “judicial functions”, paragraph (a)

Omit “the Magistrate”. Insert instead “the judge”.

2.47 Habitual Criminals Act 1957 No 19

[1] Section 4 Judge may pronounce convicted person an habitual criminal

Omit “Magistrate” wherever occurring in section 4(2).

Insert instead “Judge of the Local Court”.

[2] Section 4(2)

Omit “a judge”. Insert instead “a judge of that court”.

2.48 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Section 5 Meaning of generic terms in Health Practitioner Regulation National Law for purposes of this jurisdiction

Omit “Magistrate appointed under the *Local Court Act 2007*” from the definition of *Magistrate*.

Insert instead “person appointed under the *Local Court Act 2007* to be a Judge of the Local Court”.

2.49 Heavy Vehicle (Adoption of National Law) Act 2013 No 42

Section 11 Authorised warrant official

Omit “Magistrate”. Insert instead “Judge of the Local Court”.

2.50 Inclosed Lands Protection Act 1901 No 33

Section 6 Offender may be apprehended

Omit “Magistrate” from section 6(1). Insert instead “Judge of the Local Court”.

2.51 Independent Commission Against Corruption Act 1988 No 35

[1] **Section 3 Definitions**

Omit “, a magistrate” from section 3(1), definition of *public official*, paragraph (f).

[2] **Section 18 Court proceedings**

Omit “Magistrate” from section 18(1). Insert instead “Judge of the Local Court”.

[3] **Section 35 Power to summon witnesses and take evidence**

Omit “or Magistrate” from section 35(6).

[4] **Schedule 1A Provisions relating to Inspector and Assistant Inspector**

Omit clause 5(3). Insert instead—

- (3) However, the Inspector is not entitled to the remuneration under this Act if the Inspector is also receiving remuneration for being a Judge of a New South Wales Court other than the Local Court.

[5] **Schedule 1A, clause 6(3), definition of “judicial office”**

Insert “other than the Local Court” after “Wales”.

[6] **Schedule 4 Savings, transitional and other provisions**

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

Offices abolished by amending Act

- (1) A reference in this Act to a public official includes a person who—
- (a) immediately before the commencement date, holds an office that is abolished by the amending Act, and
- (b) is appointed to a new office by the amending Act.
- (2) A reference in this Act to the conduct of a public official includes the conduct of a person while holding an office abolished by the amending Act.
- (3) A reference in this Act to a former public official includes a person who, immediately before the commencement date, is a former holder of an office abolished by the amending Act.
- (4) A reference in this Act to the conduct of a former public official includes the conduct of a person while holding an office abolished by the amending Act, whether or not the person becomes a former public official before or after the commencement date.

- (5) To avoid doubt, a person referred to in subclause (1) is not a former public official merely because of the abolition of the person's office by the amending Act.

Existing complaints and other matters

- (1) The clause applies to a complaint or report made to, or investigation commenced by, the Commission that—
- (a) has not been finally dealt with before the commencement date, and
 - (b) involves a person who, immediately before the commencement date, is or was the holder of an office abolished by the amending Act.
- (2) To avoid doubt, the complaint, report or investigation must continue to be dealt with after the commencement date despite the abolition of the office by the amending Act.

2.52 Industrial Relations Act 1996 No 17

- [1] **Sections 153(1)(j), 162A(5), definition of “Local Court”, 356, definition of “industrial court”, paragraph (b), 364(1), definition of “industrial court”, paragraph (c), 375, 380(5), 381–383A and 400A, definition of “industrial court”, paragraph (b)**

Omit “Industrial Magistrate” wherever occurring.

Insert instead “Industrial Local Court Judge”.

- [2] **Section 162A, heading**

Omit “Magistrates”. Insert instead “Local Court Judges”.

- [3] **Chapter 7, Part 3, heading**

Omit the heading. Insert instead—

Part 3 Industrial Local Court Judges

- [4] **Sections 381 and 382, headings**

Omit “Chief and other Industrial Magistrates” wherever occurring.

Insert instead “Industrial Local Court Judges”.

- [5] **Section 381(1)–(3)**

Omit “a Magistrate” wherever occurring. Insert instead “a Judge of the Local Court”.

- [6] **Section 381(2)**

Omit “the Magistrate”. Insert instead “the judge”.

- [7] **Section 381(5)**

Omit “of Magistrate”. Insert instead “of Judge of the Local Court”.

- [8] **Schedule 2 Provisions relating to members of Commission**

Omit “another court” from clause 3(2). Insert instead “a court other than the Local Court”.

- [9] **Schedule 4 Savings, transitional and other provisions**

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

former offices means the following offices—

- (a) Chief Industrial Magistrate,
- (b) Industrial Magistrate.

new offices means the following offices—

- (a) Chief Industrial Local Court Judge,
- (b) Industrial Local Court Judge.

Abolition of former offices and appointment to new offices

- (1) The former offices are abolished on the commencement date.

Note— See the *Constitution Act 1902*, section 56(2), which provides for the consequences of abolishing a judicial office.

- (2) On the commencement date—

- (a) the person holding office as the Chief Industrial Magistrate immediately before the abolition of the office is appointed as the Chief Industrial Local Court Judge, and
- (b) a person holding office as an Industrial Magistrate immediately before the abolition of the office is appointed as an Industrial Local Court Judge.

- (3) A person referred to in subclause (2) is taken to hold the new office subject to the terms and conditions, including remuneration, that applied to the person's former office immediately before the commencement date.

- (4) Unless the contrary intention appears, a person's service in a former office must be reckoned for all purposes as service in the person's new office corresponding to the former office.

Abolition of former offices has no effect on proceedings

A person appointed to a new office by this part may continue to hear and determine or otherwise deal with proceedings that, immediately before the commencement date, were pending before or being heard by the person in the person's capacity as the holder of a former office.

Continuing effect of things done before commencement of amending Act

An act, matter or thing done under this Act, or another Act, by a person holding a former office immediately before the commencement date is taken to have been done by the person—

- (a) in the person's capacity as the holder of the new office corresponding to the person's former office, and
- (b) under this Act, or the other Act, as amended by the amending Act.

Continuation of positions relating to former offices

- (1) This clause applies to a person who, immediately before the commencement date, holds a position, role or office (a **relevant position**) under this Act or another Act that the person is eligible to hold because the person holds, or has held, a former office.
- (2) The person continues to hold the relevant position despite—
 - (a) the abolition of the person's former office by this part, and
 - (b) the amendments made to this Act or the other Act by the amending Act.

Judicial oaths

- (1) A person appointed to a new office by this part is not required to take a judicial oath in relation to the new office to which the person is appointed.
- (2) In this clause—
judicial oath means the oath prescribed in the *Oaths Act 1900*, Fourth Schedule.

Construction of references to retired office holders

- (1) A relevant reference to a retired or former holder of a new office is taken to include a person who, immediately before the commencement date, is a retired or former holder of the corresponding former office.
- (2) In this clause—
corresponding former office means the following—
 - (a) for the office of Chief Industrial Local Court Judge—the office of Chief Industrial Magistrate,
 - (b) for the office of Industrial Local Court Judge—the office of Industrial Magistrate.
relevant reference means a reference in—
 - (a) this Act or another Act, or
 - (b) an instrument made under this Act or another Act.

Construction of references to former offices

Unless the contrary intention appears, a reference to a former office in this Act or another Act, other than the *Constitution Act 1902*, in an instrument made under this Act or another Act or in another document must be read as a reference to a new office as follows—

- (a) Chief Industrial Magistrate—Chief Industrial Local Court Judge,
- (b) Industrial Magistrate—Industrial Local Court Judge.

[10] Dictionary

Insert in alphabetical order—

Chief Industrial Local Court Judge means an Industrial Local Court Judge appointed as the Chief Industrial Local Court Judge under section 381.

Industrial Local Court Judge means a Judge of the Local Court appointed as an Industrial Local Court Judge under section 381.

2.53 Industrial Relations (Child Employment) Act 2006 No 96

- [1] Sections 3(1), definition of “industrial court”, paragraph (b) and 16(7)**
Omit “Magistrate” wherever occurring. Insert instead “Local Court Judge”.
- [2] Section 16 Applied provisions of Industrial Relations Act 1996**
Omit “Magistrates” from section 16(1)(a). Insert instead “Local Court Judges”.

2.54 Interpretation Act 1987 No 15

- [1] Schedule 4 Dictionary**
Omit “Magistrate” from the definition of *committal proceedings*.
Insert instead “Judge of the Local Court”.
- [2] Schedule 4, definition of “Magistrate”**
Omit the definition.

2.55 Judicial Officers Act 1986 No 100

- [1] Section 3 Definitions**
Omit section 3(1), definition of *judicial officer*, paragraph (f). Insert instead—
(f) a Judge of the Local Court,
- [2] Section 3(1), definition of “Magistrate”.**
Omit the definition.
- [3] Section 3(5)(c)**
Omit “court, or”, Insert instead “court.”.
- [4] Section 3(5)(d)**
Omit the paragraph.
- [5] Section 3(5A)**
Insert after section 3(5)—
(5A) In this Act, a reference to a Judge of the Local Court includes a reference to—
 - (a) a Children’s Judge of the Children’s Court, and
 - (b) an Industrial Local Court Judge.
- [6] Section 5 The Commission**
Omit “Magistrate” from section 5(4)(f). Insert instead “Judge of the Local Court”.
- [7] Section 44 Retirement of judicial officers**
Omit “Magistrate” from section 44(3). Insert instead “Judge of the Local Court”.
- [8] Section 44, note**
Omit “(including Magistrates)” wherever occurring.
- [9] Schedule 6 Savings and transitional provisions**
Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amending Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement date means the date on which the amending Act, Schedules 1 and 2 commence.

former office means the following offices—

- (a) Magistrate,
- (b) Children’s Magistrate,
- (c) Industrial Magistrate.

new office means the following offices—

- (a) Judge of the Local Court,
- (b) Children’s Judge of the Children’s Court,
- (c) Industrial Local Court Judge.

relevant officer means a judicial officer who held a former office immediately before the commencement date.

Existing matters under Parts 6 and 6A

- (1) This clause applies to a relevant officer who, immediately before the commencement date, is the subject of a complaint under Part 6 or a formal request under Part 6A that has not been finally dealt with.
- (2) The complaint or formal request must continue to be dealt with after the commencement date despite the abolition of the relevant officer’s former office, and the appointment of the relevant officer to a new office, by the amending Act.
- (3) For the purposes of dealing with the complaint or formal request—
 - (a) the complaint or formal request is taken to relate to the relevant officer in the officer’s capacity as holder of the officer’s new office, and
 - (b) the relevant officer’s service in the officer’s former office is taken to be service in the officer’s new office.
- (4) To avoid doubt, section 15(3)(a) does not apply to the relevant officer.

Future matters under Parts 6 and 6A

- (1) This clause applies if, on or after the commencement date, a relevant officer becomes the subject of a complaint under Part 6 or a formal request under Part 6A.
- (2) The complaint or formal request may relate, in whole or part, to the relevant officer’s service, before the commencement date, in the officer’s former office.
- (3) For the purposes of dealing with a complaint or formal request referred to in subclause (2)—
 - (a) the relevant officer’s service in the officer’s former office is taken to be service in the new office to which the officer is appointed by the amending Act, and

- (b) the complaint or formal request is taken to relate to the relevant officer in the officer's capacity as holder of the officer's new office.
- (4) To avoid doubt, section 15(3)(a) does not apply to the relevant officer.

Suspensions under Part 7

- (1) This clause applies to a relevant officer who, immediately before the commencement date, is subject to a suspension under Part 7.
- (2) The relevant officer's suspension is taken, on and from the commencement date, to relate to the relevant officer in the officer's capacity as holder of the new office to which the officer is appointed by the amending Act.

Judicial exchange arrangements—service in NSW court of judicial officer of another jurisdiction

- (1) This clause applies to a judicial officer who, immediately before the commencement date, is acting as a judicial officer of a NSW court under an appointment made in accordance with a judicial exchange arrangement.
- (2) If the judicial officer is acting in a former office, the judicial officer is taken, on and from the commencement date, to be acting in the new office corresponding to the former office.
- (3) In this clause—
judicial officer has the same meaning as in Part 7A, Division 1.

2.56 Jury Act 1977 No 18

Section 15 Appeal against being included on jury roll or being summoned from supplementary jury roll

Omit “, magistrate” from section 15(2)(b).

2.57 Law Enforcement Conduct Commission Act 2016 No 61

[1] Section 4 Definitions

Insert “other than the Local Court” after “State” in section 4(1), definition of *Judge*.

[2] Section 11 Maladministration

Omit “magistrate” from section 11(4), definition of *excluded conduct*, paragraph (d).
Insert instead “Judge of the Local Court”.

[3] Section 69 Power to summon witnesses and take evidence

Omit “or Magistrate” from section 69(6).
Insert instead “, including a Judge of the Local Court,”.

[4] Section 97 Investigation when other proceedings on foot

Omit “Magistrate” from section 97(1). Insert instead “Judge of the Local Court”.

[5] Schedule 1, clause 4(4) and Schedule 2, clause 6(3)

Insert “, other than the Local Court,” after “Court” wherever occurring.

[6] Schedule 1, clause 5(3), definition of “judicial office” and Schedule 2, clause 7(3), definition of “judicial office”

Insert “other than the Local Court” after “Wales” wherever occurring.

2.58 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

[1] Section 3 Interpretation

Omit section 3(1), definition of *authorised officer*, paragraph (a). Insert instead—

- (a) a Judge of the Local Court, or
- (a1) a Children’s Judge of the Children’s Court, or

[2] Section 3(1)

Insert in alphabetical order—

eligible Judge—

- (a) for Part 5—see section 46B(1), and
- (b) for Part 5A—see section 80A.

[3] Section 46 Interpretation

Omit section 46(1), definition of *eligible Judge*.

[4] Sections 56(1), 57(1), 64(2), 76AH(2), 94A(2), 109(b), 114(7), 131(5) and 217

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[5] Section 56 Claims of privilege

Omit “A Magistrate” from section 56(2). Insert instead “The judge”.

[6] Section 78 Ministerial arrangements for things seized in connection with extra-territorial offences

Omit “or Magistrate” wherever occurring in section 78(2)(a)(ii) and (b)(ii).

[7] Section 80A Definitions

Insert in alphabetical order—

eligible Judge means a Judge of the Local Court.

[8] Sections 80B, 80D(5), 80E(3) and (7), 80G(1), 80H(1) and 80R

Omit “a Magistrate” wherever occurring. Insert instead “an eligible Judge”.

[9] Sections 80C(3) and (4), 80D(3) and (4), 80E(2) and (4), 80I and 80P(1) and (2)

Omit “A Magistrate” wherever occurring. Insert instead “An eligible Judge”.

[10] Sections 80C(3), 80D(3)(a), (5) and (6), 80E(2), (3) and (5), 80J(2) and (3), 80P(1) and (2) and 94A

Omit “the Magistrate” wherever occurring. Insert instead “the judge”.

[11] Sections 80F(3) and 80P(3)

Omit “the Magistrate” wherever occurring. Insert instead “the eligible Judge”.

[12] Section 80J Decisions about applications for DECCD access orders

Omit “The Magistrate” wherever occurring in section 80J(1) and (2).

Insert instead “The eligible Judge”.

[13] Sections 80P and 80R, headings

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[14] Section 94A, heading

Omit “a Magistrate”. Insert instead “Judge”.

[15] Section 114 Detention after arrest for purposes of investigation

Omit “before a Magistrate” from section 114(5).

Insert instead “before a Judge of the Local Court”.

[16] Section 114(5)

Omit “such a Magistrate”. Insert instead “a judge”.

[17] Section 137B Extension of period at the end of which finger-prints and palm-prints may be destroyed

Omit “A Magistrate” wherever occurring in section 137B(1) and (4).

Insert instead “A Judge of the Local Court”.

[18] Section 137B(4)(b)

Omit “the Magistrate”. Insert instead “the judge”.

2.59 Law Reform (Miscellaneous Provisions) Act 1946 No 33

Section 2 Special provisions in relation to certain actions of tort

Omit “Magistrate” from section 2(2). Insert instead “Judge of the Local Court”.

2.60 Legal Profession Uniform Law Application Act 2014 No 16

Section 17 Issuing authority for search warrants

Omit “Magistrate” from section 17(1). Insert instead “Judge of the Local Court”.

2.61 Local Government Act 1993 No 30

[1] Section 680 Demanding name of offender

Omit “Magistrate” from section 680(3). Insert instead “Judge of the Local Court”.

[2] Section 680(4)

Omit “Magistrate”. Insert instead “judge”.

[3] Dictionary

Omit “Magistrate” from the note at the end of the Dictionary.

2.62 Marine Safety Act 1998 No 121

Sections 110(3) and 118(2)

Omit “a Magistrate. A Magistrate” wherever occurring.

Insert instead “a Judge of the Local Court. A judge”.

2.63 Mental Health Act 2007 No 8

[1] Sections 18(1)(e), 32(1)(b) and 67(2)

Omit “a Magistrate” wherever occurring. Insert instead “a Judge of the Local Court”.

[2] Section 23 Detention after order for medical examination or observation

Omit “A Magistrate” from section 23(1). Insert instead “A Judge of the Local Court”.

[3] Section 23(2)

Omit “Magistrate”. Insert instead “judge”.

[4] Sections 24 and 32, headings

Omit “**Magistrate**” wherever occurring. Insert instead “**Judge**”.

[5] Schedule 5 Provisions relating to members of Tribunal

Omit clause 1(c) and (d). Insert instead—

- (c) a person who holds or has held office as a Judge of the Local Court, or
- (d) a person who is qualified to be appointed as a judge referred to in paragraph (a) or (b).

[6] Schedule 5, clause 5A, heading

Omit “or Magistrate”.

[7] Schedule 5, clause 5A(4)

Omit “or Magistrate”. Insert instead “, including the office of Judge of the Local Court,”.

[8] Schedule 5, clause 5A(4)

Omit “or acting Magistrate”.

2.64 Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

[1] Section 3 Definitions

Omit section 3(1), definition of *Magistrate*. Insert in alphabetical order—

Judge of the Local Court means—

- (a) a Judge of the Local Court, or
- (b) a Children’s Judge of the Children’s Court.

[2] Sections 8(1), 10, 11(2), 16(1) and (4), 18(2), note, 19(b), 22(1), 23(1) and (2), 24(1) and (2), 25(2) and 52(2) and (4)–(6)

Omit “a Magistrate” wherever occurring. Insert instead “a Judge of the Local Court”.

[3] Sections 9–11, 14, 15 and 19, headings

Omit “**Magistrate**”. Insert instead “**Judge**”.

[4] Sections 9(1), 11(1), 12(1), 13, 14(1), 18(1) and (2), 19 and 114

Omit “A Magistrate” wherever occurring. Insert instead “A Judge of the Local Court”.

[5] Sections 9(1), 10, 12(1) and (2), 13(a)(iv) and (b), 14(1)(b), 16(1)–(4), 18(1) and (2), 23(2), 25(2) and 114

Omit “the Magistrate” wherever occurring. Insert instead “the Judge”.

[6] Section 12 Defendants with mental health impairments or cognitive impairments

Omit “The Magistrate” from section 12(2). Insert instead “The Judge”.

[7] Sections 15 and 20(1)

Omit “Magistrate may”. Insert instead “Judge of the Local Court may”.

[8] Section 20 Community treatment orders

Omit “Magistrate is” from section 20(1). Insert instead “Judge is”.

2.65 Moratorium Act 1932 No 57

[1] Section 30 Jurisdiction of court—how exercised

Omit section 30(1).

[2] Section 47 Regulations

Omit “Magistrate” from section 47(1). Insert instead “Judge of the Local Court”.

2.66 National Electricity (New South Wales) Act 1997 No 20

Section 8 Interpretation of expressions in National Electricity (NSW) Law and National Electricity (NSW) Regulations

Insert in alphabetical order in section 8(1)—

magistrate means a Judge of the Local Court of New South Wales.

2.67 National Gas (New South Wales) Act 2008 No 31

Section 9 Interpretation of expressions in National Gas (NSW) Law and National Gas (NSW) Regulations

Insert in alphabetical order in section 9(1)—

magistrate means a Judge of the Local Court of New South Wales.

2.68 National Parks and Wildlife Act 1974 No 80

Section 189 Proceedings for offences

Omit “or Magistrate” from section 189(3).

2.69 Oaths Act 1900 No 20

[1] Section 3 Form and manner of taking oaths

Omit “District Court Judge” from section 3(2)(a).

Insert instead “Judge of the District Court”.

[2] Sections 3(2A)(a) and 20(2)(b)

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[3] Section 3(2A)(b)

Omit “Magistrate or a”. Insert instead “Judge or”.

[4] Section 9 District Court Judges and other judicial officers

Omit “District Court Judges, Magistrates” from section 9(1).

Insert instead “Judges of the District Court or the Local Court”.

[5] Sections 13(1) and 20(2)(a)

Omit “or Magistrate” wherever occurring.

[6] Section 13 Declaration or affirmation instead of oath

Omit “or Magistrate,” from section 13(2).

2.70 Ombudsman Act 1974 No 68

[1] Schedule 1 Excluded conduct of public authorities

Omit “or Magistrate” from item 2A.

[2] Schedule 1, items 7 and 8(a)

Omit “magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

2.71 Personal Injury Commission Act 2020 No 18

Schedule 2 Provisions relating to members of Commission

Omit “Magistrate” from clause 1, definition of *judicial office*, paragraph (a).

Insert instead “Judge of the Local Court”.

2.72 Petroleum (Offshore) Act 1982 No 23

[1] Section 136C Search warrants

Omit “before a Magistrate” from section 136C(1).

Insert instead “before a relevant officer”.

[2] Section 136C(1)

Omit “, a Magistrate”. Insert instead “, the relevant officer”.

[3] Section 136C(2)

Omit “A Magistrate”. Insert instead “The relevant officer”.

[4] Section 136C(2)(a) and (b)

Omit “Magistrate” wherever occurring. Insert instead “relevant officer”.

[5] Section 136C(4)

Omit the subsection. Insert instead—

- (4) In this section—
relevant officer means the following—
(a) a Judge of the Local Court,

- (b) an authorised officer within the meaning of the *Criminal Procedure Act 1986*.

2.73 Poisons and Therapeutic Goods Act 1966 No 31

Section 45C Regulations

Omit “Magistrates” from section 45C(1B)(a). Insert instead “Judges of the Local Court”.

2.74 Pre-Trial Diversion of Offenders Act 1985 No 153

[1] Sections 7, 11, 15, 17 and 20, headings

Omit “Magistrate” wherever occurring. Insert instead “judge”.

[2] Sections 7, 9, 11(1), 13(1), 15, 17(1)(a) and 20

Omit “a Magistrate” wherever occurring. Insert instead “a Judge of the Local Court”.

[3] Sections 7(1), 9, 11, 13(1), 15 and 17(1)(b), (2) and (4)

Omit “the Magistrate” wherever occurring. Insert instead “the judge”.

[4] Sections 12 and 16

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[5] Section 18 Act ceases to apply if plea of guilty rejected

Omit “Magistrate may” from section 18(1). Insert instead “Judge of the Local Court may”.

[6] Section 18(1)

Omit “Magistrate would”. Insert instead “judge would”.

[7] Section 18(2) and (3)

Omit “Magistrate” wherever occurring. Insert instead “judge”.

2.75 Prisoners (Interstate Transfer) Act 1982 No 104

[1] Section 28 Provisions relating to translated sentences

Omit “or magistrate” from section 28(5)(a)(ii).

[2] Section 32 Escape from custody of person being transferred

Omit “Magistrate” from section 32(2). Insert instead “Judge of the Local Court”.

[3] Section 32(2)

Omit “Magistrate’s”. Insert instead “judge’s”.

2.76 Privacy and Personal Information Protection Act 1998 No 133

[1] Section 6 Courts, tribunals and Royal Commissions not affected

Omit “a Magistrate” from section 6(3)(a). Insert instead “a Judge of the Local Court”.

[2] Section 6(3)(a)

Omit “the Magistrate”. Insert instead “the judge”.

[3] Section 35A Remuneration

Omit section 35A(2). Insert instead—

- (2) However, the Privacy Commissioner is not entitled to the remuneration referred to in subsection (1)(a) if the Commissioner is also receiving remuneration for being a Judge of a New South Wales Court other than the Local Court.

2.77 Property (Relationships) Act 1984 No 147

Section 54 Failure to comply with injunction

Omit “Magistrate” from section 54(1). Insert instead “Judge of the Local Court”.

2.78 Protection of the Environment Operations Act 1997 No 156

[1] Section 204 Power of authorised officers to demand name and address

Omit “Magistrate” from section 204(3). Insert instead “Judge of the Local Court”.

[2] Section 204(4)

Omit “Magistrate”. Insert instead “judge”.

[3] Section 280 Powers of entry by police by warrant

Omit “a Magistrate” from section 280(1). Insert instead “an authorised officer”.

[4] Section 280(1)

Omit “the Magistrate”. Insert instead “the authorised officer”.

[5] Section 280(2)–(4), (5)(c) and (10)(b)

Omit “Magistrate” wherever occurring. Insert instead “authorised officer”.

[6] Section 280(5), heading

Omit “**Magistrate to**”. Insert instead “**Authorised officer to**”.

[7] Section 280(5)

Omit “The Magistrate”. Insert instead “The authorised officer”.

[8] Section 280(12), definition of “Magistrate”

Omit the definition. Insert in alphabetical order—

authorised officer has the same meaning as in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

2.79 Rail Safety (Adoption of National Law) Act 2012 No 82

[1] Schedule 1 New South Wales changes and additions to Rail Safety National Law

Omit Schedule 1[1], definition of *magistrate* and note.

[2] Schedule 1, items [11]–[11C]

Omit item [11]. Insert instead—

[11] Section 150 Search warrants

Omit “a magistrate” wherever occurring in section 150(1) and (6).

Insert instead “an authorised officer”.

[11A] Section 150(3), (4) and (6)(a)–(d)

Omit “magistrate” wherever occurring. Insert instead “authorised officer”.

[11B] Section 150(5)(a) and (6)

Omit “the officer” wherever occurring. Insert instead “the rail safety officer”.

[11C] Section 150(6A)

Insert after section 150(6)—

(6A) In this section—

authorised officer has the same meaning as in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

Note— This subsection is an additional New South Wales provision and the references in this section to an “authorised officer” only apply in New South Wales.

2.80 Registered Clubs Act 1976 No 31

Section 67 Power to demand particulars from certain persons on club premises

Omit “Magistrate” from section 67(5). Insert instead “Judge of the Local Court”.

2.81 Restricted Premises Act 1943 No 6

[1] Section 13A Forfeiture or disposal of seized articles

Omit “to a Magistrate” from section 13A(2). Insert instead “to a Judge of the Local Court”.

[2] Section 13A(2)

Omit “Such Magistrate”. Insert instead “The Judge of the Local Court”.

[3] Sections 13A(2) and 15D(2)

Omit “the Magistrate” wherever occurring. Insert instead “the judge”.

[4] Section 13A(2)

Omit “such Magistrate”. Insert instead “the judge”.

[5] Section 13A(3)

Omit “Magistrate”. Insert instead “judge”.

[6] Section 15C, heading

Omit “**Magistrate**”. Insert instead “**judge**”.

[7] Sections 15C(1) and 15D(1)

Omit “Magistrate” wherever occurring. Insert instead “Judge of the Local Court”.

[8] Section 15D(2)

Omit “A Magistrate”. Insert instead “The judge”.

2.82 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

[1] Section 6 Statutory and Other Offices Remuneration Tribunal

Insert “other than the Local Court” after “of New South Wales” wherever occurring in section 6(4)(b) and (c).

[2] Section 10A Definitions

Insert “other than the Local Court” after “court” in section 10A, definition of *allowance*, paragraph (a).

[3] Schedule 1 Public offices

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[4] Schedule 1

Insert “Local Court” after “Chief Industrial”.

2.83 Suitors’ Fund Act 1951 No 3

Section 6A Costs of proceedings not completed by reason of death of judge etc

Omit “or magistrate” wherever occurring in section 6A(1)(a) and (c).

2.84 Summary Offences Act 1988 No 25

Section 21 Search warrant

Omit “Magistrate” from section 21(2)(b). Insert instead “Judge of the Local Court”.

2.85 Superannuation Act 1916 No 28

[1] Section 29 Breakdown pensions

Omit “a Magistrate” from section 29(8). Insert instead “a Judge of the Local Court”.

[2] Section 29(8)

Omit “Magistrate’s” wherever occurring. Insert instead “judge’s”.

[3] Sections 29(8) and 39(1)

Omit “the Magistrate” wherever occurring. Insert instead “the judge”.

[4] Section 39 Desertion of spouse or de facto partner or child

Omit “any Magistrate” wherever occurring in section 39(1) and (2).

Insert instead “a Judge of the Local Court”.

[5] Section 39(1) and (2)

Omit “such Magistrate” wherever occurring. Insert instead “the judge”.

2.86 Supreme Court Act 1970 No 52

[1] Section 37 Acting Judges

Insert “, other than the Local Court,” after “another court” in section 37(4).

[2] Section 71A Powers of Court in relation to warrants in respect of convictions or orders of Local Court

Omit “Magistrate” from section 71A(4). Insert instead “Judge of the Local Court”.

2.87 Surveillance Devices Act 2007 No 64

[1] Section 4 Definitions

Omit section 4(1), definitions of *eligible Judge* and *eligible Magistrate*.

Insert in alphabetical order—

eligible Judge means—

- (a) for Part 3, Division 4—an eligible Judge of the Supreme Court, or
- (b) otherwise—
 - (i) an eligible Judge of the Local Court, or
 - (ii) an eligible Judge of the Supreme Court.

eligible Judge of the Local Court means a Judge of the Local Court in relation to whom both of the following are in force—

- (a) a consent under section 5(1),
- (b) a declaration under section 5(2).

eligible Judge of the Supreme Court means a Judge of the Supreme Court in relation to whom both of the following are in force—

- (a) a consent under section 5(1),
- (b) a declaration under section 5(2).

[2] Section 5

Omit the section. Insert instead—

5 Eligible Judges

- (1) A Judge of the Supreme Court or Local Court may, by written instrument, consent to being the subject of a declaration by the Attorney General under subsection (2).
- (2) The Attorney General may, by written instrument, declare a judge in relation to whom a consent is in force to be, for this Act—
 - (a) for a Judge of the Supreme Court—an eligible Judge of the Supreme Court, or
 - (b) for a Judge of the Local Court—an eligible Judge of the Local Court.
- (3) An eligible Judge has, in relation to the exercise of a function conferred on an eligible Judge by this Act, the same protection and immunity as—
 - (a) for an eligible Judge of the Supreme Court—a Judge of the Supreme Court has in relation to proceedings in the Supreme Court, or
 - (b) for an eligible Judge of the Local Court—a Judge of the Local Court has in relation to proceedings in the Local Court.
- (4) A judge who has given a consent may, by written instrument, revoke the consent.
- (5) A declaration of a judge may not be revoked by the Attorney General.
- (6) However, the declaration of a judge as an eligible Judge is revoked if—
 - (a) the judge revokes the judge’s consent, or

- (b) the judge ceases to be—
 - (i) for an eligible Judge of the Supreme Court—a Judge of the Supreme Court, or
 - (ii) for an eligible Judge of the Local Court—a Judge of the Local Court, or
- (c) the Attorney General is notified that the judge should not continue to be an eligible Judge by—
 - (i) for an eligible Judge of the Supreme Court—the Chief Justice, or
 - (ii) for an eligible Judge of the Local Court—the Chief Judge of the Local Court.
- (7) To avoid doubt—
 - (a) the selection of an eligible Judge to exercise a particular function conferred on eligible Judges must not be made by the Attorney General or another Minister, and
 - (b) the exercise of the particular function is not subject to the control and direction of the Attorney General or another Minister.

[3] Sections 16(1), 17(2)(a), 22(2)(a), 23(1)(a), 25(2)(a), 30(1)(a) and 44(1) and (2)

Insert “of the Supreme Court” after “eligible Judge” wherever occurring.

[4] Sections 16(2), 17(2)(b), 22(2)(b), 23(1)(b), 25(2)(b), 30(1)(b) and 44(1)

Omit “eligible Magistrate” wherever occurring.

Insert instead “eligible Judge of the Local Court”.

[5] Sections 17(5)(a) and (b), 18(1)(c) and (2), 19(1) and (2), 20(2)–(4), 22(4) and (5), 23(2) and (3), 25(5)(a) and (b), 26(1)(b) and (2), 27, 28(1A)(a) and (e), (2) and (3), 30(2)–(4), 44, heading, (4) and (6), 47(2)(b) and 53(1)

Omit “or eligible Magistrate” wherever occurring.

[6] Sections 20(4)(a) and (b), 28(3)(a), 45A(1)(c) and 46A(1)(f)

Omit “Judge or Magistrate” wherever occurring. Insert instead “eligible Judge”.

[7] Sections 27(1) and 30(4)

Omit “Judge or Magistrate” wherever occurring. Insert instead “Judge”.

[8] Section 33 Application for approval after use of surveillance device without warrant or under emergency authorisation

Omit “eligible Judge” wherever occurring in section 33(4). Insert instead “Judge”.

[9] Section 50 Evidentiary certificates

Omit “(Eligible Judge may approve emergency use of powers)” from section 50(3).

[10] Section 52 Requirement to inform subject of surveillance

Insert “of the Supreme Court” after “an eligible Judge” in section 52(1).

[11] Section 52(2)

Omit “An eligible Judge”. Insert instead “The Judge”.

[12] Section 52(2) and (3)

Omit “the eligible Judge” wherever occurring. Insert instead “the Judge”.

2.88 Terrorism (Police Powers) Act 2002 No 115

Section 29A Ministerial arrangements for things seized in connection with extra-territorial offences

Omit “or Magistrate” wherever occurring in section 29A(a)(ii) and (b)(ii).

2.89 Water Act 1912 No 44

[1] Section 4 Definitions

Insert in alphabetical order—

Judge means a Judge of the Local Court.

[2] Section 4A Inquiries and appeals—requirement to take certain matters into account

Omit “a Magistrate” from section 4A(2), definition of *judicial body*.

Insert instead “the Local Court”.

[3] Sections 13A(4)–(6), 20A, heading and (2), 20B(1), 20CA(4)–(6), 20CB(1)(d) and (3)(a), 20E(2)(c) and (d), 20K(3) and 20L(1)

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[4] Sections 20A(2) and 20CA(4)(e) and (f)(i)

Omit “Magistrate’s”. Insert instead “Judge’s”.

2.90 Water Industry Competition Act 2006 No 104

[1] Section 84G Power of inspector to demand name and address

Omit “Magistrate” from section 84G(3). Insert instead “Judge of the Local Court”.

[2] Section 84G(4)

Omit “Magistrate”. Insert instead “judge”.

2.91 Water Management Act 2000 No 92

[1] Section 338D Power of authorised officers to demand name and address

Omit “Magistrate” from section 338D(3). Insert instead “Judge of the Local Court”.

[2] Section 338D(4)

Omit “Magistrate”. Insert instead “judge”.

2.92 Workplace Surveillance Act 2005 No 47

[1] Section 3 Definitions

Insert in alphabetical order—

Judge means a Judge of the Local Court.

[2] Sections 23–27, 31–33, 35, 37(2)(a), 40 and 41

Omit “Magistrate” wherever occurring. Insert instead “Judge”.

[3] Section 31 Variation or cancellation of authority

Omit “Magistrate’s” from section 31(2). Insert instead “Judge’s”.

[4] Section 40, heading

Omit “Magistrates”. Insert instead “Judges”.

2.93 Young Offenders Act 1997 No 54

Section 68 Interventions not to be disclosed as criminal history

Omit “magistrate,” from section 68(2)(a).

2.94 Zoological Parks Board Act 1973 No 34

[1] Section 33 Compensation for loss, damage or injury

Omit “Magistrate before” from section 33(1).

Insert instead “Judge of the Local Court before”.

[2] Section 33(1)

Omit “Magistrate thinks”. Insert instead “judge thinks”.

Schedule 3 Amendments relating to bail

3.1 Bail Act 2013 No 26

[1] Section 4 Definitions

Omit “, an authorised justice” from section 4(1), definition of *bail authority*.

[2] Sections 10(1) and (3), 28(1), 28A(1), 34(1), 40(1), 42(6), 43(3)(a), 44(1)(a) and (4), 46, 49(1), (3) and (4), 50(1) and (3)–(6), 53(1) and (2), 55, 64(1)(a) and (b), 72 and 77(1)(e) and (4)

Omit “or authorised justice” wherever occurring.

[3] Section 11 Decision to grant or refuse bail

Omit “, authorised justice”.

[4] Section 11(2)

Insert at the end of section 11—

- (2) To avoid doubt, subsection (1) does not prevent an authorised justice exercising a function under section 54.

[5] Section 12 Duration of bail

Omit “An authorised justice or a court” from section 12(4). Insert instead “A court”.

[6] Sections 15(3), 31(1), 32(1) and 35

Insert “or authorised justice” after “bail authority” wherever occurring.

[7] Section 43A Police power to make bail decision—witnesses

Omit “or 308” from section 43A(1).

[8] Section 43A(1)

Omit “, authorised justice or authorised officer”.

[9] Section 43A, note

Omit “sections 230 and 308”. Insert instead “section 230”.

[10] Sections 57, note, 64(1) and 68(1) and (2A)

Omit “or an authorised justice” wherever occurring.

[11] Section 58 Authorised justice must not vary or impose enforcement conditions

Omit “makes or” from section 58(2).

[12] Section 63 Power to hear variation application for own decision

Omit section 63(2).

[13] Section 64 Powers specific to Local Court and authorised justices

Omit “an authorised justice or” from section 64(3). Insert instead “a”.

[14] Section 66 Powers specific to Supreme Court

Omit “, an authorised justice” wherever occurring in section 66(1) and (2).

[15] Section 70 Authorised justice cannot revoke or grant bail contrary to decision of court

Omit the section.

[16] Section 70A

Omit the section. Insert instead—

70A Authorised justice must not make bail decision

- (1) An authorised justice must not make a bail decision.
- (2) To avoid doubt, subsection (1) does not prevent an authorised justice exercising a function under section 54.

[17] Section 78 Powers of bail authorities

Omit section 78(5). Insert instead—

- (5) An authorised justice must not make a decision under this section in relation to bail.

[18] Section 78(6), definition of “relevant bail authority”, paragraph (a)

Omit the paragraph.

[19] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amended provision means the following—

- (a) section 40(1),
- (b) section 43(3)(a),
- (c) section 64(3),
- (d) section 66(1) or (2).

amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement means the commencement of the amendment Act, Schedule 3.

Bail decisions made by authorised justices continue in force

A bail decision made by an authorised justice in force immediately before the commencement continues in force as if the amendment Act had not commenced.

Bail decisions made by authorised justices

- (1) This clause applies if—
 - (a) a court or police officer is making a bail decision under an amended provision, and

- (b) the decision relates to a bail decision (a **prior bail decision**) made by an authorised justice before the commencement that was still in force immediately before the commencement.
- (2) To avoid doubt, from the commencement—
 - (a) the prior bail decision continues to apply for the purposes of the decision being made by the court or police officer, and
 - (b) a decision by the court or police officer under the amended provision must be made as if the prior bail decision continued for that purpose.

3.2 Biodiversity Conservation Act 2016 No 63

[1] **Section 12.21 Power of authorised officers to demand name and address**

Omit “or court officer” wherever occurring in section 12.21(3) and (4).

[2] **Section 12.21(6) and (7)**

Omit the subsections.

[3] **Schedule 9 Savings, transitional and other provisions**

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by court officers continue in force

- (1) A decision made under section 12.21 by a court officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
 - amendment Act** means the *Local Court and Bail Legislation Amendment Act 2025*.
 - commencement** means the commencement of the amendment Act, Schedule 3.

3.3 Children and Young Persons (Care and Protection) Act 1998 No 157

[1] **Section 109 Definitions**

Omit section 109(2).

[2] **Section 109B Issue of arrest warrant to compel attendance at proceedings**

Omit “, or if this is not practicable before a Registrar,” from section 109B(3).

[3] **Section 109B(4)**

Omit “or Registrar”.

[4] **Sections 109C(1) and 109D(2)**

Omit “, a Children’s Magistrate” wherever occurring.

[5] **Section 109D Time for service of subpoenas**

Omit “, Children’s Magistrate” from section 109D(2).

- [6] **Section 109J Action that may be taken if person does not comply with subpoena**
Omit “, a Children’s Magistrate or a Registrar,” from section 109J(3).
- [7] **Section 109J(4) and (5)**
Omit “, Children’s Magistrate or Registrar” wherever occurring.
- [8] **Sections 109P and 109U(1)**
Omit “, a Children’s Magistrate or a Registrar” wherever occurring.
- [9] **Section 109U Bail decision may be made under Bail Act 2013**
Omit “, Magistrate or Registrar” from section 109U(1).
- [10] **Section 109U(3)(a)**
Omit “or a Children’s Magistrate”.
- [11] **Section 109U(3)(b)**
Omit the subsection.
- [12] **Section 109V, heading**
Omit “and Children’s Court”.
- [13] **Section 109V(1)**
Omit “or a Children’s Magistrate”.
- [14] **Section 109V(2)**
Omit the subsection.
- [15] **Section 109V(4)**
Omit “or Children’s Court”.
- [16] **Section 109V(5)**
Omit “and Children’s Court”.
- [17] **Schedule 3 Savings, transitional and other provisions**
Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Definitions

In this part—

amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.

commencement means the commencement of the amendment Act, Schedule 3.

Bail decisions made by Children’s Magistrate or Registrar continue in force

A bail decision made by the Children’s Magistrate or a Registrar in force immediately before the commencement continues in force as if the amendment Act had not commenced.

Power of Children's Court to hear fresh bail application

If a Registrar made a bail decision under section 109U in relation to a matter, the Children's Court has the power to hear fresh bail applications in relation to the matter under section 109V as if that section had never been amended by the amendment Act.

3.4 Children (Criminal Proceedings) Act 1987 No 55

[1] Section 30

Omit the section. Insert instead—

30 Adjournments by authorised justice

An authorised justice, when adjourning proceedings, may exercise a function under the *Bail Act 2013*.

[2] Schedule 2 Savings and transitional provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by authorised justice continue in force

- (1) A decision made under section 30 by an authorised justice about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.5 Coroners Act 2009 No 41

[1] Section 71 Arrest of witness under arrest warrant

Omit “or authorised justice” from section 71(1). Insert instead “who is a Magistrate”.

[2] Section 71(3) and (4)

Omit “or authorised justice” wherever occurring.

[3] Section 71(8)

Omit the subsection.

[4] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025—bail amendments

Bail decisions continue in force

- (1) A decision made under section 71 by an authorised justice or a coroner who is not a Magistrate about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.6 Crimes (Domestic and Personal Violence) Act 2007 No 80

[1] Section 69 Arrest of defendant during proceedings

Omit “, Registrar or authorised officer” wherever occurring in section 69(2) and (3).

[2] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by Registrar or authorised officer continue in force

- (1) A decision made under section 69 by a Registrar or authorised officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.7 Criminal Procedure Act 1986 No 209

[1] Sections 54(4) and (5), 181(5), 197(2), 229(4) and 311(2) and (3)

Omit “or authorised officer” wherever occurring.

[2] Sections 181(4), 229(3) and 311(1)

Omit “or an authorised officer” wherever occurring.

[3] Section 236 Form of arrest warrant

Omit “, Magistrate or authorised officer” from section 236(2)(c).

Insert instead “or Magistrate”.

- [4] Section 239 Procedure after arrest**
Omit “, a Magistrate or an authorised officer”. Insert instead “or Magistrate”.
- [5] Section 308 Authorised officers may make bail decisions in respect of witnesses who fail to attend trial**
Omit the section.
- [6] Section 312 Persons arrested under bench warrants**
Omit “, an authorised officer or authorised justice” from section 312(1).
- [7] Section 312(2) and (2B)(a)**
Omit “, authorised officer or authorised justice” wherever occurring.
- [8] Section 312(2C)**
Omit the subsection.
- [9] Section 312(3), definition of “authorised justice”**
Omit the definition.
- [10] Schedule 2 Savings, transitional and other provisions**
Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by authorised justices and authorised officers continue in force

- (1) A decision made under this Act by an authorised justice or authorised officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.8 Local Court Act 2007 No 93

- [1] Section 65 Arrest of respondent during proceedings**
Omit “, registrar or authorised officer” wherever occurring in section 65(1A), (1C)(a), (2) and (3).
- [2] Section 65(4)**
Omit the subsection.
- [3] Schedule 4 Savings, transitional and other provisions**
Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025—bail amendments

Bail decisions made by registrar or authorised officer continue in force

- (1) A decision made under section 65 by a registrar or authorised officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.9 Local Government Act 1993 No 30

[1] Section 680 Demanding name of offender

Omit “or authorised officer” wherever occurring in section 680(3) and (4).

[2] Section 680(6) and (7)

Omit the subsections.

[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by authorised officer continue in force

- (1) A decision made under section 680 by an authorised officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.10 Mental Health Act 2007 No 8

[1] Sections 18(1)(e), 24, heading and 32, heading

Omit “or bail officer” wherever occurring.

[2] Section 32(1)(b)

Omit “or an authorised officer”.

[3] Section 32(5)

Omit “or 21(1)(b)”.

[4] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1(1)—
another Act that amends this Act

[5] Schedule 6

Insert at the end of the schedule, with appropriate part and clause numbering—

**Part Provision consequent on enactment of Local Court
and Bail Legislation Amendment Act 2025**

Decisions made by bail officer continue in force

- (1) A decision made by a bail officer to detain a person in a mental health facility, in force immediately before the commencement, continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

**3.11 Mental Health and Cognitive Impairment Forensic Provisions Act 2020
No 12**

[1] Section 7 Interpretation

Omit the definition of *authorised justice* from section 7(1).

[2] Sections 18, note, 22(1), 23(1) and 24(1) and (2)

Omit “or authorised justice” wherever occurring.

[3] Section 19 Orders Magistrate may make

Omit “or an authorised justice” from section 19(b).

[4] Section 21 Proceedings before authorised justice

Omit the section.

[5] Section 24 Bail

Omit “or 21(1)(a) or (b)” from section 24(1).

[6] Section 24(2)

Omit “or 21(1)(b)”.

[7] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by authorised justices continue in force

- (1) A decision made under this Act by an authorised justice about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.12 Protection of the Environment Operations Act 1997 No 156

[1] Section 204 Power of authorised officers to demand name and address

Omit “or court officer” wherever occurring in section 204(3) and (4).

[2] Section 204(4B) and (6)

Omit the subsections.

[3] Schedule 5 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by court officer continue in force

- (1) A decision made under section 204 by a court officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.13 Water Industry Competition Act 2006 No 104

[1] Section 84G Power of inspector to demand name and address

Omit “or court officer” wherever occurring in section 84G(3) and (4).

[2] Section 84G(6) and (7)

Omit the subsections.

[3] Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by court officer continue in force

- (1) A decision made under section 84G by a court officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.

3.14 Water Management Act 2000 No 92

[1] Section 338D Power of authorised officers to demand name and address

Omit “or court officer” wherever occurring in section 338D(3) and (4).

[2] Section 338D(6) and (7)

Omit the subsections.

[3] Schedule 9 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Local Court and Bail Legislation Amendment Act 2025

Bail decisions made by court officer continue in force

- (1) A decision made under section 338D by a court officer about bail that is in force immediately before the commencement continues in force as if the amendment Act had not commenced.
- (2) In this clause—
amendment Act means the *Local Court and Bail Legislation Amendment Act 2025*.
commencement means the commencement of the amendment Act, Schedule 3.