

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL (NO 2)

EXPLANATORY MEMORANDUM

Circulated by the authority of

**TERRY CONNOLLY MLA
ATTORNEY-GENERAL**

Outline

To redress the current inequity in bargaining power in respect of retail and commercial tenancies, the Government is developing, in consultation with interested parties, a Code of Practice for Commercial and Retail Tenancies. Under the proposed *Commercial and Tenancy Tribunal Bill 1994*, a Tribunal will have jurisdiction to hear all disputes arising out of commercial and retail leases.

To ensure that the Magistrates Court has no jurisdiction in respect of disputes to which the *Commercial and Tenancy Bill* applies, it is necessary to make a consequential change to the *Magistrates Court (Civil Jurisdiction) Act 1982*. In essence, the purpose of the *Magistrates Court (Civil Jurisdiction) (Amendment) Bill (No 2)* is to take away the jurisdiction of the Magistrates Court to hear civil matters arising under the Commercial and Tenancy Tribunal.

Financial Implications

There are no financial implications in relation to this Bill.

Analysis

Clauses 1 and 2

These clauses are formal clauses for the citation of this law and the reference to the *Magistrates Court (Civil Jurisdiction) Act 1982* as the Principal Act.

Clause 3

This provision removes the power of the Magistrates Court to hear disputes under the *Commercial and Tenancy Tribunal Act 1994*.