

NORTHERN TERRITORY OF AUSTRALIA

SMALL CLAIMS AMENDMENT ACT 1997

No. 21 of 1997

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NORTHERN TERRITORY OF AUSTRALIA

No. 21 of 1997

AN ACT

to amend the *Small Claims Act*

[Assented to 7 May 1997]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Small Claims Amendment Act 1997*.

2. COMMENCEMENT

This Act comes into operation on the commencement of the *Local Court Amendment Act 1997*.

3. PRINCIPAL ACT

The *Small Claims Act* is in this Act referred to as the Principal Act.

4. APPLICATION

This Act does not apply to or in relation to proceedings commenced under the Principal Act as in force before the commencement of this Act.

Small Claims Amendment

5. PROCEEDINGS UNDER ACT

Section 5 of the Principal Act is amended -

- (a) by omitting "the Court" and substituting "the Court to be dealt with under this Act"; and
- (b) by omitting "\$5,000" (wherever occurring) and substituting "\$10,000".

6. COURT MAY ORDER PROCEEDINGS BE DEALT WITH UNDER LOCAL COURT ACT

Section 23 of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(3) The Court is not to make an order under this section unless the Court is satisfied that -

- (a) the value of the claim concerned is more than \$5,000; and
- (b) the order will not be unfair to any of the parties to the proceedings."

7. COSTS

Section 29 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Except in respect of an application for re-hearing, the Court is not to make an order in relation to the costs of proceedings unless the Court is satisfied that -

- (a) the order is in respect of an amount or claim the value of which is more than \$5,000; and
 - (b) having regard to the complexity of the law, the facts or any other matter in respect of the proceedings, it is fair and reasonable to do so."
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