

Serial 144  
Small Claims Bill 2015  
Mr Elferink

A Bill for an Act relating to small claims



**NORTHERN TERRITORY OF AUSTRALIA**

**SMALL CLAIMS ACT 2015**

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Act No. [ ] of 2015

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**Table of provisions**

**Part 1 Preliminary matters**

1	Short title .....	1
2	Commencement .....	1
3	Definitions.....	1
4	Application of Criminal Code .....	2

**Part 2 Small claims jurisdiction**

5	Small claims limit .....	2
6	Small claims jurisdiction .....	2
7	Representation .....	3

**Part 3 Miscellaneous**

8	Regulations.....	3
---	------------------	---

**Part 4 Repeals and transitional matters for Small Claims Act 2015**

**Division 1 Repeals**

9	Acts repealed.....	3
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**Division 2 Transitional matters**

10	Current proceedings to continue in Local Court.....	3
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**Schedule Repealed Acts**





# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2015

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An Act relating to small claims

[Assented to [ ] 2015]  
[Second reading [ ] 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Small Claims Act 2015*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

### 3 Definitions

In this Act:

***claim*** includes a cause of action.

***small claims jurisdiction***, of the Tribunal, means the jurisdiction conferred by section 6.

***small claims limit***, see section 5.

***Tribunal*** means the Civil and Administrative Tribunal.

***Tribunal Act*** means the *Northern Territory Civil and Administrative Tribunal Act*.

*Note for section 3*

*The Interpretation Act contains definitions and other provisions that may be relevant to this Act.*

## **4 Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 4*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

# **Part 2 Small claims jurisdiction**

## **5 Small claims limit**

- (1) The ***small claims limit*** is \$25 000.
- (2) For determining whether a claim is within the Tribunal's small claims jurisdiction, the amount or value of the claim is to be determined exclusive of any costs or interest that might be awarded by the Tribunal.

## **6 Small claims jurisdiction**

Subject to this Act and any other Act, the Tribunal has jurisdiction to deal with a claim for any of the following:

- (a) the recovery of an amount that does not exceed the small claims limit;
- (b) the performance of work, to a value that does not exceed the small claims limit;
- (c) relief from payment of an amount of money that does not exceed the small claims limit;
- (d) the return or replacement of goods, to a value that does not exceed the small claims limit.

*Notes for section 6*

- 1 *Under section 32 of the Tribunal Act, the small claims jurisdiction comes within the Tribunal's original jurisdiction.*

2    *Section 14A of the Local Court Act confers limited concurrent jurisdiction on the Local Court in relation to claims mentioned in this section.*

## **7                      Representation**

Despite section 130(1)(b) of the Tribunal Act, a party to a proceeding in the small claims jurisdiction is entitled to appear by a legal practitioner only with the leave of the Tribunal.

## **Part 3                      Miscellaneous**

### **8                      Regulations**

The Administrator may make regulations under this Act.

## **Part 4                      Repeals and transitional matters for Small Claims Act 2015**

### **Division 1                Repeals**

#### **9                      Acts repealed**

The Acts specified in the Schedule are repealed.

### **Division 2                Transitional matters**

#### **10                      Current proceedings to continue in Local Court**

- (1) This section applies if, before the commencement:
  - (a) a small claims proceeding had been commenced in the Local Court; and
  - (b) the proceeding, including any appeals that might be made, had not been finally determined.
- (2) The former law continues to apply in relation to the proceeding, including any appeals, as if this Act and the *Justice Legislation Amendment (Small Claims and Other Matters) Act 2015* had not commenced.
- (3) In this section:

***commencement*** means the commencement of section 9.

**former law** means:

- (a) the former *Small Claims Act* (being Act No. 67 of 1974, as amended) before its repeal by section 9; and
- (b) the *Local Court Act*, as in force immediately before the commencement.

**small claims proceeding** means either of the following:

- (a) a proceeding under the former *Small Claims Act*,
- (b) a proceeding of the kind described in section 24 of the former *Small Claims Act*.



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**Schedule      Repealed Acts**

section 9

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<i>Small Claims Ordinance 1974</i>	Act No. 67 of 1974
<i>Small Claims Ordinance 1977</i>	Act No. 39 of 1977
<i>Small Claims Amendment Act 1981</i>	Act No. 10 of 1982
<i>Small Claims Amendment Act 1988</i>	Act No. 43 of 1988
<i>Small Claims Amendment Act 1997</i>	Act No. 21 of 1997
<i>Small Claims Amendment Act 2001</i>	Act No. 63 of 2001

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