

Courts Amendment Bill

No.

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Amendment of Acts.

LEGISLATIVE COUNCIL

Read 1 18 March 1986

(Brought from the Legislative Assembly)

A BILL

for

An Act to make provision for reserve judges in the Supreme Court and County Court, to make certain changes to the jurisdiction and management of the courts, to amend certain Acts and for other purposes.

Courts Amendment Act 1985

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

- 5 1. The purpose of this Act is to make provision for reserve judges in the Supreme Court and the County Court, for certain changes in the jurisdiction of the County Court and of Magistrates' Courts and in the management of the Supreme Court, County Court and Magistrates' Courts and to amend the *Constitution Act 1975*, the *Supreme Court Act 1958*, the *County Court Act 1958*, the *Magistrates' Courts Act 1971* and
10 the *Magistrates (Summary Proceedings) Act 1975* and to make certain amendments to other Acts.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

**PART 2—AMENDMENT OF PART III. OF THE *CONSTITUTION ACT*
1975 AND OF THE *SUPREME COURT ACT* 1958**

Principal Act.

3. In this Part, the *Constitution Act* 1975 is called the Principal Act.

Retiring ages of Supreme Court Judges, Masters, &c.

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4. The Principal Act is amended as follows:

(a) In section 77 (3) for “seventy-two” substitute “70”;

(b) For section 77 (4) substitute—

“(4) The commission of a judge ceases to be in force and the office becomes vacant—

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(a) in the case of a judge appointed before the commencement of section 4 of the *Courts Amendment Act* 1985 who has not made an election under section 80A—upon the judge attaining the age of 72 years; or

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(b) in the case of a judge appointed before the commencement of that section who has made an election under section 80A—upon the judge attaining the age of 70 years; or

(c) in the case of a judge appointed on or after the commencement of that section—upon the judge attaining the age of 70 years.”;

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(c) In section 83 (6) (c) for “on his attaining the age of seventy-two years” substitute “in accordance with section 77 (4)”.

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Reserve Judges.

5. (1) After section 80 of the Principal Act insert—

Reserve Judges.

“80A. (1) A Judge of the Court who—

(a) has attained the age of 60 years but not the age of 70 years; and

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(b) has served for not less than ten years in the office of Judge of the Court—

may, by notice in writing given to the Attorney-General, elect to retire from full-time duty as a judge.

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(2) For the purposes of sub-section (1)—

(a) if a Judge of the Court was, immediately prior to appointment as a judge, Solicitor-General, service as

Solicitor-General counts as service in the office of Judge of the Court; and

5 (b) if a Judge of the Court was, immediately prior to appointment, a Judge of the County Court, service as a Judge of the County Court counts as service in the office of Judge of the Court.

10 (3) A Judge who makes an election under sub-section (1) continues to be a Judge until the Judge resigns, retires or attains the age of 70 years but may perform the duties and exercise the powers of a Judge only during a period during which an appointment under sub-section (4) is in force in relation to the Judge.

15 (4) If the Chief Justice by notice in writing to the Attorney-General declares that it is desirable that a Judge who has made an election under sub-section (1) perform the duties and exercise the powers of a Judge during a period, not exceeding six months, specified in the notice, the Attorney-General may appoint the Judge accordingly.

(5) A Judge who makes an election under this section is entitled to be paid—

20 (a) an amount equivalent to the pension to which the Judge would be entitled if the Judge had resigned or retired; and

(b) in respect of each period during which an appointment under sub-section (4) is in force in relation to the Judge, an amount at the rate of 40 per centum per annum of the annual salary for the time being payable to a puisne judge.

25 (6) The amounts payable under this section to Judges who make an election under sub-section (1) shall be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.”.

(2) After section 82 (8) of the Principal Act insert—

30 “(9) This section does not apply to a Judge who has made an election under section 80A.”.

(3) A person who—

35 (a) retired from the office of Judge before the commencement of this section; and

(b) has not attained the age of 70 years; and

(c) has served for not less than 10 years in the office of Judge of the Court (including service of a kind referred to in section 80A (2))—

40 may, by notice in writing given to the Attorney-General, apply for appointment as a reserve Judge.

(4) The Principal Act as amended by this Act applies to a person who makes an application under sub-section (3) as if the person, at the time the application was made, had been a Judge of the Court and had

elected to retire from full-time duty as a Judge and ceases so to apply immediately before the person attains the age of 70 years.

Retiring age of Masters and other amendments of *Supreme Court Act 1958*.

No. 6387
R printed to No.
10167

6. (1) The *Supreme Court Act 1958* is amended as follows: 5
- (a) In section 25, after “Judges of the Court” (where first occurring) insert “(other than a Judge who has made an election under section 80A)”; and
- (b) In section 26, after “majority of the Judges” insert “(other than a Judge who has made an election under section 80A)”. 10
- (2) For section 28 of the *Supreme Court Act 1958* substitute—
- “(1) A Council of the Judges of the Court, after notice has been given to all Judges, must meet for the following purposes once at least in each year on such day or days as are fixed by the Chief Justice:
- (a) Considering the operation of this Act and the Rules; 15
- (b) Considering the working of the several offices and the arrangements relating to the duties of the officers of the Court;
- (c) Inquiring into and examining any defects which appear to exist in the system of procedure or the administration of the law in the Court and in any other court from which any appeal lies to the Court. 20
- (2) The Judges must report annually to the Governor in respect of the operation of the Court.
- (3) In this section “Judges” does not include a Judge who has made an election under section 80A.”. 25
- (3) For section 180 (5) of the *Supreme Court Act 1958* substitute—
- “(5) A person who has attained the age of 70 years is not capable of being appointed to or, subject to sub-section (6), continuing in an office referred to in this section. 30
- (6) A person who was appointed to an office referred to in this section before the commencement of section 6 of the *Courts Amendment Act 1985* and has attained the age of 72 years is not capable of continuing in the office.”.

PART 3—AMENDMENT OF *COUNTY COURT ACT 1958* AND CERTAIN OTHER ACTS 35

Principal Act.

7. In this Part, the *County Court Act 1958* is called the Principal Act.

No. 6230.
Reprinted to
No 10013 and
amended by
No. 10117

Retiring age of County Court judges.

8. The Principal Act is amended as follows:

(a) In section 8 (3) for “seventy-two” substitute “70”;

(b) For section 77 (4) substitute—

5 “(4) The commission of a judge ceases to be in force and the office becomes vacant—

10 (a) in the case of a judge appointed before the commencement of section 8 of the *Courts Amendment Act* 1985 who has not made an election under section 13A—upon the judge attaining the age of 72 years; or

15 (b) in the case of a judge appointed before the commencement of that section who has made an election under section 13A—upon the judge attaining the age of 70 years; or

(c) in the case of a judge appointed on or after the commencement of that section—upon the judge attaining the age of 70 years;

(c) For section 17A (5) substitute—

20 “(5) A person who has attained the age of 70 years is not capable of being appointed to or, except as provided in sub-section (5A), continuing in office as a master.

25 (5A) A person who was appointed to office as a master before the commencement of section 8 of the *Courts Amendment Act* 1985 who has attained the age of 72 years, is not capable of continuing in that office.”.

Reserve judges.

9. (1) After section 13 of the Principal Act insert—

Reserve judges.

30 “13A. (1) A judge who—

(a) has attained the age of 60 years; and

(b) has served for not less than ten years in the office of judge—
may, by notice in writing given to the Attorney-General, elect to retire from full-time duty as a judge.

35 (2) For the purposes of sub-section (1), if a judge is or has at any time after appointment as a judge, been appointed to be an acting judge of the Supreme Court, service as an acting judge of the Supreme Court counts as service in the office of judge.

40 (3) A judge who makes an election under sub-section (1) continues to be a judge until the judge resigns, retires or attains the age of 70 years but may perform the duties and exercise the powers of a judge only

during the period during which an appointment under sub-section (4) is in force in relation to the judge.

(4) If the Chief Judge by notice in writing to the Attorney-General declares that it is desirable that a judge who had made an election under sub-section (1) perform the duties and exercise the powers of a judge during the period, not exceeding 6 months, specified in the notice, the Attorney-General may appoint the judge accordingly. 5

(5) A judge who makes an election under this section is entitled to be paid—

- (a) an amount equivalent to the pension to which the judge would be entitled if the judge had resigned or retired; and 10
- (b) in respect of each period during which an appointment under sub-section (4) is in force in relation to the judge, an amount at the rate of 40 per centum per annum of the annual salary for the time being payable to a judge other than the Chief Judge. 15

(6) The amounts payable under this section to judges who make an election under sub-section (1) shall be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.”. 20

(2) The Principal Act is amended as follows:

(a) After section 10 (8) insert—

“(9) This section does not apply to a judge who has made an election under section 13A.”;

(b) In section 78, after “majority of the judges” (where three times occurring) insert “(other than judges who have made an election under section 13A)”. 25

(3) A person who—

- (a) retired from the office of judge before the commencement of this section; and 30
- (b) who has not attained the age of 70 years; and
- (c) has served for not less than 10 years in the office of judge of the court (including service of a kind referred to in section 13A (2))—

may, by notice in writing given to the Attorney-General, apply for appointment as a reserve judge. 35

(4) The Principal Act as amended by this Act applies to a person who makes an application under sub-section (3) as if the person, at the time the application was made, had been a judge of the court and had

elected to retire from full-time duty as a judge and ceases so to apply immediately before the person attains the age of 70 years.

Acting Chief Judge.

10. After section 8 (1) of the Principal Act insert—

- 5 “(2) When the Chief Judge is absent on leave or for any reason is temporarily unable to perform the duties of the office—
- (a) the Governor in Council may appoint a Judge of the Court to be the Acting Chief Judge for such period or periods as the Governor in Council may determine; and
- 10 (b) a Judge of the Court appointed as the Acting Chief Judge under this sub-section has, during the period of appointment as Acting Chief Judge, the same powers and jurisdiction as the Chief Judge has.”.

Jurisdiction of the Court.

11. (1) In section 3 of the Principal Act—

(a) for the definition of “Action” substitute—

‘“**Action**” means a civil proceeding commenced by summons or in such other manner as is prescribed by the Rules but does not include a criminal proceeding.’; and

(b) in the definition of “Chief Judge”, after “of the county court” insert “and includes an Acting Chief Judge”.

(2) In section 3 of the Principal Act, after the definition of “Judgment” insert—

‘“**Jurisdictional limit**” means—

(a) in the case of any action where the damages claimed by the plaintiff consist of or include damages in respect of personal injury—\$100 000; and

(b) in any other case—\$50 000.’.

(3) For section 4 (1) of the Principal Act substitute—

‘4. (1) A court shall be held in and for the State of Victoria styled “The County Court” for the trial of offences and the trial and determination of all appeals, applications, claims, disputes, actions, suits, matters and other proceedings both criminal and civil both at law and in equity as are by this or any other Act enacted to fall into and be within the jurisdiction of the Court.

(1A) The Court consists of such number of Judges as are from time to time appointed as provided by this Act, the Masters of the Court and the Registrar of the Court at Melbourne.

(1B) The Court shall be held by and before a Judge or, in the case of any matter with respect to which the jurisdiction of the Court has been

conferred upon a Master or Registrar by any Act or by the rules of Court, by and before a Judge, Master or Registrar.

(1c) Any Judge of the Court may subject to any rules of Court and subject to this or any other Act exercise in Court or in Chambers all the jurisdiction vested in the Court.’

(4) For Divisions 2, 3, 4 and 5 of Part II. of the Principal Act substitute—

“Division 2—Civil Jurisdiction”

Extent of jurisdiction.

“37. (1) The Court has jurisdiction to hear and determine— 10

(a) all applications, claims, disputes, actions, suits, matters and other proceedings regardless of the type of relief sought or the subject-matter as are not by this or any other Act excluded from its jurisdiction; and

(b) all actions against Municipalities in respect of loss or injury sustained by persons or property by reason of accidents, upon or while using any highway, street, road, bridge, ferry or jetty or upon or in or while using any paths or any land or building under the control of the Council of a Municipality; and 15 20

(c) all other actions in respect of which jurisdiction is given to the Court by this or any other Act.

(2) The Court does not have jurisdiction to hear or determine any application, claim, dispute, action, suit, matter or other proceeding (other than actions to which sub-section (1) (b) or (c) applies)— 25

(a) in which the amount sought to be recovered or the value of the subject matter is more than the jurisdictional limit unless the parties consent in writing; or

(b) by which title to any property, the value of which at the time of commencement of the proceeding is greater than the jurisdictional limit, is sought to be affected unless the parties consent in writing; or 30

(c) brought by application for a prerogative writ; or

(d) brought upon a judgment of the Supreme Court.”

Value of property. 35

“38. For the purpose of determining the jurisdictional limit in any application, claim, dispute, action, suit, matter or other proceeding relating to any rateable property, a certificate given under section 265A of the *Local Government Act 1958* stating the most recent valuation of the rateable property made on or before the date of the issue of the summons, application or other proceeding and being the capital value where stated or other relevant valuation where not, is conclusive 40

evidence of the value of property which is the subject matter of the dispute in the application, claim, dispute, action, suit, matter or proceeding.”.

Whether proceedings within jurisdictional limit.

- 5 “39. It is not necessary for a plaintiff to aver or, unless the issue is raised by any other party, to prove that the amount sought to be recovered, or the value of the subject matter of the dispute, is within the jurisdictional limit.”.

“Division 3—Officers of the Court”

10 **Officers of the court.**

- “40. In all actions or matters referred to in Division 2, the registrars, bailiffs and other officers of the court shall in all such actions or matters discharge any duties which an officer of the Supreme Court can discharge either under the order of a judge of such court or under the practice thereof, and all officers of the court shall in discharging such duties conform to the rules.”.
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- (5) The Principal Act is amended as follows:

- (a) For section 57 substitute—

Transfer of proceedings to county court.

- 20 “57. (1) A party to a civil proceeding in the Supreme Court may apply to the Supreme Court for the proceeding to be transferred to the county court if the matters for determination in the proceeding are within the jurisdiction of the county court.

- 25 (2) On an application under sub-section (1), the Supreme Court may, if in all the circumstances of the case the Supreme Court considers it advisable so to do, order that the proceeding be transferred to the county court at a place to be named in the order.”;

- 30 (b) Section 59 is repealed;
- (c) For section 60 substitute—

Proceedings after order to transfer.

- 35 “60. Upon an order being made under section 57, 57A or 58, the proceeding, action or matter shall be carried on, heard and taken in the county court at the place named in the order as if the proceeding, action or matter had been originally commenced in the county court.”;

(d) For section 61 substitute—

Transfer of proceedings to Supreme Court.

“61. (1) A party to a civil proceeding in the county court may apply to the Supreme Court for the proceeding to be transferred to the Supreme Court. 5

(2) On an application under sub-section (1), the Supreme Court may, if in all the circumstances of the case the Supreme Court considers it advisable so to do, order that the proceeding be transferred to the Supreme Court.”;

(e) Sections 62 and 63 are repealed; 10

(f) In section 64 for “section fifty-one, sixty-one or sixty-two” substitute “section 51 or 61”.

(6) After section 30 of the *Local Government (General Amendment) Act 1982* insert—

Amendment of *County Court Act 1958*. 15

“31. In section 38 of the *County Court Act 1958* for “section 265A” substitute “section 861A (1) (a)”’.

Increase of jurisdictional limit.

12. In section 3 of the Principal Act for the definition of “Jurisdictional limit” substitute— 20

“**Jurisdictional limit**” means \$100 000.’.

Contempt of Court.

13. For sections 54 and 54A of the Principal Act substitute—

Contempt of Court.

“54. The Court or a Judge thereof has the same jurisdiction, and may exercise the same powers and authority, in respect of any contempt of the Court or of a Judge thereof as the Supreme Court has and may exercise in respect of any contempt of the Supreme Court.”. 25

Costs.

14. After section 78 of the Principal Act insert— 30

Costs.

“78A. (1) The costs of and incidental to all proceedings are in the discretion of the Court and the Court may determine by whom and to what extent the costs are to be paid.

(2) In the due exercise of the discretion conferred by sub-section (1), in any proceedings before the Court, the Court may order a legal 35

practitioner to pay the costs of the proceedings or a portion of the costs.”.

Council of County Court judges.

15. After section 86 of the Principal Act insert—

5 Council of Judges.

‘87. (1) A Council of the Judges of the Court, after notice has been given to all the Judges, must meet for the following purposes once at least in each year on such day or days as are fixed by the Chief Judge:

- (a) Considering the operation of this Act and the Rules;
- 10 (b) Considering the working of the several offices and the arrangements relating to the duties of the officers of the Court;
- 15 (c) Inquiring into and examining any defects which appear to exist in the system of procedure or the administration of the law in the Court or in any other court from which any appeal lies to the Court.

(2) The Judges must report annually to the Governor in respect of the operation of the Court.

20 (3) In this section “Judges” does not include a judge who has made an election under section 13A.

Miscellaneous amendments to *County Court Act 1958*.

16. The Principal Act is amended as follows:

- (a) For section 9 (2) substitute—
- 25 “(2) The Governor in Council may remove a judge upon the address of both Houses of the Legislature.”;
- (b) After section 73 (3) insert—
- “*(3A)* Sub-section (3) does not apply so as to authorize a judge to order a new trial in civil proceedings in which a jury has given a verdict.”;
- 30 (c) In section 74 (1) omit “not being an order of commitment”;
- (d) In section 75 (1) omit “not being an order of commitment”;
- (e) In section 78 (5) omit “shall not be published without the approval of a law officer and”;
- 35 (f) In section 1, omit all words and expressions after “*Government Gazette*”.

Amendment of *Administration and Probate Act 1958*.

17. The *Administration and Probate Act 1958* is amended as follows:

- (a) In the definition of “Court” in section 90 after “thereof” insert “and, in relation to an estate the value of which does not exceed the jurisdictional limit of the County Court, means the Supreme Court or a judge thereof or the County Court”;
- (b) In Part V, before section 100 insert—

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Definition.

“99B. In this Part, “Court” means the Supreme Court and, in relation to an estate the value of which does not exceed the jurisdictional limit of the County Court, means the Supreme Court or the County Court.”

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Amendment of *Administrative Appeals Tribunal Act 1984*.

No. 10155
Amended by No
10191

18. The *Administrative Appeals Tribunal Act 1984* is amended as follows:

- (a) In section 9 (3) for “72” substitute “70”;
- (b) For section 16 (1) substitute—

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Removal of President or Deputy President.

“16. (1) The Governor in Council may remove the President or a Deputy President from office upon the address of both Houses of the Parliament.”

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Amendment of *Property Law Act 1958*.

No. 6344.
Reprinted to
No 9858 and
amended by Nos.
9967, 10087,
10096 and
10167.

19. The *Property Law Act 1958* is amended as follows:

- (a) In section 3, after “the Supreme Court of Victoria” insert “and, in relation to property or an estate or interest in property the value of which property does not exceed the jurisdictional limit of the County Court, the Supreme Court or the County Court”;
- (b) In section 204, omit “within the *Supreme Court Act 1958*”;
- (c) In section 227 (1), after “Supreme Court” insert “or Master of the County Court”;
- (d) Sections 233 and 234 are repealed;
- (e) In sections 253 and 254 after “Master of the Supreme Court” insert “or Master of the County Court”;
- (f) In paragraph 3 of the Third Schedule for “Supreme Court Rules” substitute “Rules of Court”.

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Amendment of *Settled Land Act 1958*.

No 6367.
Reprinted to
No. 9427 and
amended by Nos.
10087 and
10168.

20. The *Settled Land Act 1958* is amended as follows:

- (a) In section 3 (1) for the definition of “Court” substitute—
 ‘ “Court” means the Supreme Court and, in relation to land
 or an estate or interest in land the value of which land
 does not exceed the jurisdictional limit of the County
 Court, the Supreme Court or the County Court.’;
- (b) Section 7 is repealed.

Amendment of *Strata Titles Act 1967*.

21. The *Strata Titles Act 1967* is amended as follows:

No. 7551.
 Reprinted to
 No. 9699 and
 amended by
 Nos. 9863,
 10087, 10128.

- (a) In section 3 after the definition of “Common property”
 insert—
 ‘ “Court” means the Supreme Court and, in relation to land
 or an estate or interest in land the value of which land
 does not exceed the jurisdictional limit of the County
 Court, the Supreme Court or the County Court.’;
- (b) In section 44, sub-section (2) is repealed.

Amendment of *Transfer of Land Act 1958*.

22. The *Transfer of Land Act 1958* is amended as follows:

No. 6399.
 Reprinted to No.
 9633 and
 amended by Nos.
 9858, 9861,
 9967, 9976,
 10128 and
 10167.

- (a) In section 4 in the definition of “Court” after “the Supreme
 Court of the State of Victoria” insert “and, in relation to
 land the value of which does not exceed the jurisdictional
 limit of the County Court, the Supreme Court or the County
 Court”;
- (b) In section 58 (1), omit “Supreme”.

Amendment of *Cluster Titles Act 1974*.

23. In section 3 of the *Cluster Titles Act 1974* after the definition of
 “Common property” insert—

No. 8661.
 Reprinted to No.
 9720 and
 amended by Nos.
 9863 and 10128.

- ‘ “Court” means the Supreme Court and, in relation to land or
 an estate or interest in land the value of which land does
 not exceed the jurisdictional limit of the County Court, the
 Supreme Court or the County Court.’.

Amendment of *Trustee Act 1958*.

24. In section 3 of the *Trustee Act 1958* after “the Supreme Court”
 insert—

No. 6401.
 R. printed to No.
 9902 and
 amended by Nos.
 10048, 10087,
 10143 and
 10168.

“and, in relation to property or an estate or interest in property the value of which property does not exceed the jurisdictional limit of the County Court, the Supreme Court or the County Court”.

PART 4—AMENDMENTS RELATING TO MAGISTRATES’ COURTS AND MAGISTRATES

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Principal Act.

25. In this Part, the *Magistrates’ Courts Act 1971* is called the Principal Act.

No 8189.
Reprinted to No. 9902 and amended by No. 10167

Council of magistrates.

26. After section 9 of the Principal Act insert—

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“9A. (1) A Council of the magistrates, after notice is given to all magistrates, must meet once at least in each year on such day or days as are fixed by the Chief Magistrate for the following purposes:

- (a) Considering the operation of this Act and of the Rules;
- (b) Considering the working of the several offices and the arrangements relating to the duties of the officers of the Court;
- (c) Inquiring into and examining any defects which appear to exist in the system of procedure or the administration of the law in the Court.

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(2) The magistrates must report annually to the Governor in respect of the operation of the Court.”.

Amendment of *Magistrates’ Courts Act 1971*.

27. (1) In section 9 of the Principal Act—

- (a) in sub-section (1) for the words “Attorney-General” substitute “Chief Magistrate”; and
- (b) sub-section (2) is repealed.

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(2) For Part VII. of the Principal Act substitute—

“PART VII—RULES AND REGULATIONS”

Rules.

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“49. A majority of the magistrates may make rules for all or any of the following purposes:

- (a) The forms to be used under this Act;
- (b) The sittings of Magistrates’ Courts;

- (c) Allowances to witnesses, interpreters, and other persons in relation to proceedings before Magistrates' Courts or before a justice or justices;
- 5 (d) Regulating the form of account to be rendered by clerks of fines, fees and other sums received by them and by bailiffs of the proceeds of the execution by them of warrants of distress;
- 10 (e) The professional costs and charges to be allowed (whether as between party and party or solicitor and client) in all matters and proceedings as to which a Magistrates' Court or any one or more justices has or have jurisdiction;
- 15 (f) Regulating or prescribing the pleading, practice or procedure of the Court or the form of proceedings or any other matters incidental to or relating to the pleading, practice or procedure of the Court;
- (g) Any other matter in relation to which rules are authorized or required to be made under or for the purpose of carrying this Act into effect.”.

Regulations.

- 20 “49A. The Governor in Council may make regulations for or with respect to—
- (a) the fees, costs and charges (if any) under this Act or under any other Act for the time being in force in respect of any matter or proceeding as to which a Magistrates' Court or any one or more justices has or have jurisdiction;
- 25 (b) the investment of moneys under section 102;
- (c) prescribing a fund for the purposes of section 102 (1) (d).”.
- (3) After section 50 (2) of the Principal Act insert—
- 30 “(2A) A party to a civil proceeding in the County Court may apply to the County Court for the proceeding to be transferred to a Magistrates' Court if the matters for determination in the proceeding are within the jurisdiction of a Magistrates' Court.
- (2B) On an application under sub-section (1), the County Court may, if in all the circumstances of the case, the County Court considers it advisable to do so, order that the proceeding be transferred to a Magistrates' Court at a place to be named in the order.”.
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Jurisdiction of Magistrates' Courts.

28. (1) In section 3 of the Principal Act—
- 40 (a) in the definition of “civil matter” for “for a debt or liquidated demand or a cause of action for unliquidated damages” substitute “within the jurisdictional limit”; and

(b) after the definition of "Court" insert—

“Jurisdictional limit” means—

(a) in the case of an action where the damages claimed consist of or include damages in respect of personal injury—\$5000; and

5

(b) in any other case—\$20 000.’.

(2) In section 50 (1) of the Principal Act, before paragraph (a) insert—

“(aa) It may hear and determine any cause of action which is not by this or any other Act excluded from the jurisdiction of the Court;

10

(ab) It may hear and determine any other cause of action in respect of which jurisdiction is given to the Court by this or any other Act.”.

(3) In section 50 (1) of the Principal Act, paragraphs (c), (d), (da), (db) and (dc) are repealed.

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(4) In section 51 (1) of the Principal Act omit “paragraphs (c), (d), (da) and (db)”.

(5) For section 51 (2), (4), (5), (6) and (7) of the Principal Act substitute—

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“(2) The Court does not have jurisdiction in any cause of action—

(a) in which the amount sought to be recovered or the value of the subject-matter is more than the jurisdictional limit unless the parties consent in writing; or

(b) by which title to any property, the value of which at the time of commencement of the proceeding is greater than the jurisdictional limit, is sought to be affected, unless the parties consent in writing; or

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(c) brought by application for a prerogative writ; or

(d) brought upon a judgment of the Supreme Court or County Court.

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(3) For the purpose of determining the jurisdictional limit in any proceeding relating to any rateable property, a certificate given under section 265A of the *Local Government Act 1958* stating the most recent valuation of the rateable property made on or before the date of the commencement of the proceeding and being the capital value or other relevant valuation is conclusive evidence of the value of property which is the subject-matter of the dispute in the proceeding.

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(4) It is not necessary to aver or, unless the issue is raised by a party, to prove that the amount sought to be recovered, or the value of the subject-matter of the dispute, is within the jurisdictional limit.”.

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(6) After section 51 of the Principal Act insert—

Transfer of proceedings to County Court.

“51A. (1) A party to a civil proceeding in a Court may apply to the County Court for the proceeding to be transferred to the County Court.

5 (2) On an application under sub-section (1), the County Court may, if in all the circumstances of the case the County Court considers it advisable so to do, order that the proceeding be transferred to the County Court.”.

10 (7) In section 54 of the Principal Act omit “or in any case in which the title to land is *bona fide* in question”.

(8) In section 67 of the Principal Act—

(a) for “of not more than \$5000 or damages of not more than \$3000” substitute “within the jurisdictional limit”; and

15 (b) for “not exceeding \$5000” substitute “within its jurisdictional limit”.

Amendment of *Magistrates (Summary Proceedings) Act 1975.*

29. In section 4 (1) of the *Magistrates (Summary Proceedings) Act 1975* for “The Governor in Council” substitute “A majority of the magistrates for the time being”.

No. 8731.

20 **Change of name of stipendiary magistrates.**

30. The Acts mentioned in the Schedule are amended as set out in the Schedule.

PART 5—GENERAL AMENDMENTS OF ACTS

Amendment of *Charities Act 1978.*

25 31. The *Charities Act 1978* is amended as follows:

(a) In section 4 (1) after “trustees of any property” insert “given for charitable purposes”;

(b) For paragraphs (a) and (b) of section 4 (1) substitute—

30 “(a) the total value of the corpus of the property is less than \$50 000 or the prescribed amount, whichever is the greater; or

(b) the total value of the corpus of the property does not exceed \$1000 and the property is given for specific charitable purposes which fail—”;

35 (c) For paragraph (a) of section 4 (3) substitute—

“(a) that—

No. 9227.
As amended by
Nos. 9710 and
9902.

- (i) the property was given for charitable purposes and may pursuant to section 2 or 3 be applied *cy-pres*; and
 - (ii) the total value of the corpus of the property is less than \$50 000 or the prescribed amount, whichever is the greater; or”;
- (d) For sub-paragraph (ii) of section 4 (3) (b) substitute—
- “(ii) the total value of the corpus of the property does not exceed \$1000; and ”;
- (e) In section 5 (1) for “less than \$25 000” substitute “the corpus of which is less than \$50 000 or the prescribed amount, whichever is the greater”;
- (f) In section 7 (b) omit “not exceeding \$50”.

Amendment of *Instruments Act 1958*.

No 6279.

32. The *Instruments Act 1958* is amended as follows:
- (a) For section 5 substitute—
- Appearance may be entered.**
- ‘5. (1) The defendant may, within the relevant period after the service of a writ under section 4, enter an appearance to the writ if the defendant has made application to a judge of the Supreme Court and—
- (a) paid into court the sum endorsed on the writ; or
 - (b) filed affidavits satisfactory to the judge which disclose—
 - (i) a defence; or
 - (ii) such facts as would make it incumbent on the holder to prove consideration; or
 - (iii) such other facts as the judge deems sufficient to support the application—
- and the judge has given leave to appear to the writ and defend the action upon such terms as to security or otherwise as to the judge seems fit.
- (2) In sub-section (1) “**relevant period**” means—
- (a) if the defendant resides within 80 kilometres of the post office corner of Bourke and Elizabeth Streets Melbourne—16 days; and
 - (b) if the defendant resides beyond that distance—21 days.’;
- (b) In the Second Schedule—
- (i) for “eight” substitute “16”; and
 - (ii) for “sixteen” substitute “21”.

Amendment of *Auction Sales Act 1958*.

33. The *Auction Sales Act 1958* is amended as follows:

No. 6202.

- 5 (a) In section 9 for “Two or more justices of the peace” substitute “A magistrate”;
- (b) In section 12—
- 10 (i) Omit “justices assembled at and forming such”; and
- (ii) For “they” (where first occurring) substitute “the court may”; and
- (iii) For “such justices” substitute “the court”; and
- (iv) For “they in their” substitute “the court in its”; and
- (c) In section 22 (1) for “Any stipendiary magistrate or justice of the peace” substitute “A magistrate”.

Amendment of *Public Trustee Act 1958*.

34. Section 56A of the *Public Trustee Act 1958* is amended as follows:

No. 6350.

- 15 (a) At the end of sub-section (1) (a) insert “and”;
- (b) In sub-section (1), omit “and” at the end of paragraph (b).
- (c) In sub-section (1), omit paragraph (c);
- (d) After sub-section (1) insert:
- 20 “(1A) The Public Trustee may, with the consent in writing of the Chief Administrator of the Law Department, apply any part or parts of the Common Fund referred to in section 56 for or in connexion with the acquisition by the Public Trustee of furniture, fittings and equipment which may be used in connexion with the
- 25 duties, powers or functions of the Public Trustee under this Act.”;
- (e) In sub-section (2) after “sub-section (1)” insert “or (1A)”;
- (f) In sub-section (3) after “sub-section (1)” insert “or (1A)”.

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THE SCHEDULE

Lv		Amendment of Acts	Section 24
No.	Name of Act	Section	Extent of Amendments
7772	<i>Alcoholics and Drug-dependent Persons Act 1968</i>	11 (1)	Omit "stipendiary".
8273	<i>Archaeological and Aboriginal Relics Preservation Act 1972</i>	18 (3) (a)	Omit "stipendiary".
6202	<i>Auction Sales Act 1958</i>	Fourth Schedule	Omit "Stipendiary".
6203	<i>Audit Act 1958</i>	36 (1A)	Omit "stipendiary".
9008	<i>Bail Act 1977</i>	4 (4)	Omit "stipendiary".
		18	Omit "stipendiary" (wherever occurring).
		22	Omit "stipendiary".
8004	<i>Boilers and Pressure Vessels Act 1970</i>	16 (4)	Omit "stipendiary".
9199	<i>Broiler Chicken Act 1978</i>	16	Omit "stipendiary".
9720	<i>Building Control Act 1981</i>	174	Omit "stipendiary" (wherever occurring).
8597	<i>Business Franchise (Tobacco) Act 1974</i>	19B (2) (a)	For "Magistrate's" substitute "Magistrates".
6853	<i>Business Names Act 1962</i>	14 (2)	Omit "stipendiary".
6715	<i>Cattle Compensation Act 1967</i>	16 (1)	For "court of petty sessions" substitute "magistrates' court".
		17 (1)	For "court of petty sessions" substitute "magistrates' court".
6217	<i>Cemeteries Act 1958</i>	77 (5)	Omit "stipendiary".
8477	<i>Children's Court Act 1973</i>	6 (3), (4) and (7)	Omit "stipendiary" (wherever occurring).
		17	Omit "stipendiary" (wherever occurring).
		18 (1) (c)	Omit "stipendiary".
		22 (4)	Omit "stipendiary or children's court".
		22 (8)	Omit "stipendiary or children's court".
		24 (1)	Omit "stipendiary".
		39	Omit "stipendiary or children's court".
		43 (4)	Omit "stipendiary" (wherever occurring).
		54 (1)	Omit "stipendiary" (wherever occurring).
6221	<i>Coal Mines Act 1958</i>	49 (2)	Omit "stipendiary".
		49 (4)	For "court of petty sessions" substitute "magistrates' court".
		49 (10)	Omit "stipendiary"; omit "of the peace in petty sessions"; and for "that court of petty sessions" substitute "a magistrates' court".

SCHEDULE—continued

No.	Name of Act	Section	Extent of Amendments
6221	<i>Coal Mines Act 1958— continued</i>	120 (1)	Omit "stipendiary".
		125A	Omit "stipendiary" (wherever occurring).
		141 (3)	Omit "stipendiary".
		145 (5)	Omit "stipendiary".
		171 (3) (b)	Omit "stipendiary".
		197 (4) (b)	Omit "stipendiary".
		Schedule 3	Omit "stipendiary".
6224	<i>The Constitution Act Amendment Act 1958</i>	Schedule 3A	Omit "stipendiary".
		264 (1)	Omit "stipendiary".
9935	<i>Construction Industry Long Service Leave Act 1983</i>	312A (a)	Omit "stipendiary".
		69 (1)	Omit "stipendiary".
8276	<i>Consumer Affairs Act 1972</i>	57E (1)	Omit "stipendiary".
9718	<i>Co-operation Act 1981</i>	36 (1)	Omit "stipendiary".
6226	<i>Co-operative Housing Soci- eties Act 1958</i>	67 (8)	For "court of petty sessions" substitute "magistrates' court".
6227	<i>Coroners Act 1958</i>	4 (1)	Omit "stipendiary".
		9 (3)	Omit "stipendiary".
6228	<i>Country Fire Authority Act 1958</i>	50A	Omit "stipendiary".
9151	<i>Credit Reporting Act 1978</i>	7	Omit "stipendiary".
6231	<i>Crimes Act 1958</i>	320 (2)	Omit "stipendiary".
		460	Omit "stipendiary" (wherever occurring).
		465	Omit "stipendiary" (wherever occurring).
		499 (1) (c)	Omit "stipendiary".
6232	<i>Crown Proceedings Act 1958</i>	Schedule 8 Part B	Omit "stipendiary".
		5 (3)	Omit "stipendiary".
10171	<i>Dairy Industry Act 1984</i>	6 (4)	Omit "stipendiary".
		29 (5)	Omit "stipendiary".
		43 (5)	Omit "stipendiary".
		52 (8)	Omit "stipendiary".
		60 (4)	Omit "stipendiary".
		75 (4)	Omit "stipendiary".
8366	<i>Dental Technicians Act 1972</i>	114 (7)	Omit "stipendiary".
		34 (1A)	Omit "stipendiary".
8287	<i>Dentists Act 1972</i>	29 (13)	Omit "stipendiary".
4989	<i>Discharged Servicemen's Preference Act 1943</i>	15 (1)	Omit "stipendiary".
9719	<i>Drugs, Poisons and Con- trolled Substances Act 1981</i>	37 (1)	Omit "stipendiary".
		37 (2)	For "the stipendiary" substi- tute "The".
		81 (1)	Omit "stipendiary".
		83 (1)	Omit "stipendiary".

SCHEDULE—continued

No.	Name of Act	Section	Extent of Amendments
9719	<i>Drugs, Poisons and Controlled Substances Act 1981—continued</i>	105	Omit "stipendiary" (wherever occurring).
		112	Omit "stipendiary" (wherever occurring).
		Schedule 10	Omit "stipendiary" (wherever occurring).
10024	<i>Egg Industry Stabilization Act 1983</i>	65 (2)	Omit "stipendiary".
8056	<i>Environment Protection Act 1970</i>	55 (1E)	Omit "stipendiary".
		63 (1)	Omit "stipendiary".
6244	<i>Essential Services Act 1958</i>	9 (3)	Omit "stipendiary".
6246	<i>Evidence Act 1958</i>	12	Omit "stipendiary or special".
		37A (2)	Omit "stipendiary".
		58A	Omit "stipendiary".
7499	<i>Extractive Industries Act 1966</i>	31 (6)	Omit "stipendiary".
		34 (2)	Omit "stipendiary".
7274	<i>Farm Produce Merchants and Commission Agents Act 1965</i>	13 (1)	Omit "stipendiary".
7733	<i>Fences Act 1968</i>	3	Omit "stipendiary".
		5	Omit "stipendiary" (wherever occurring).
7846	<i>Finance Brokers Act 1969</i>	2	The definition of "Court of petty sessions" is repealed.
		11 (4)	For "a court of petty sessions" substitute "the magistrates' court".
		13 (4)	For "a court of petty sessions" substitute "the magistrates' court".
		16 (1)	For "a court of petty sessions" substitute "the magistrates' court".
6251	<i>Firearms Act 1958</i>	43A (1)	Omit "stipendiary".
		48	Omit "stipendiary".
10082	<i>Food Act 1984</i>	19 (7)	Omit "stipendiary".
		26 (5)	Omit "stipendiary".
		42 (1)	Omit "stipendiary".
6254	<i>Forests Act 1958</i>	70 (3)	Omit "stipendiary".
6255	<i>Friendly Societies Act 1958</i>	15 (8)	For "court of petty sessions" substitute "magistrates' court".
8976	<i>Fuel Emergency Act 1977</i>	8 (3)	Omit "stipendiary".
7849	<i>Groundwater Act 1969</i>	16 (2) (a)	Omit "stipendiary".
6267	<i>Hairdressers Registration Act 1958</i>	13	Omit "stipendiary" (wherever occurring).
		20	Omit "stipendiary" (wherever occurring).
6268	<i>Harbor Boards Act 1958</i>	83 (6)	Omit "stipendiary".
6270	<i>Health Act 1958</i>	44 (2)	For "court of petty sessions" substitute "magistrates' court".
		45 (2)	For "court of petty sessions" substitute "magistrates' court".

SCHEDULE—continued

No.	Name of Act	Section	Extent of Amendments
6270	<i>Health Act</i> <i>continued</i>	1958— 66 (2) 134 (f) 273 (5)	Omit "stipendiary" (wherever occurring). Omit "stipendiary". For "court of petty sessions" substitute "magistrates' court".
10020	<i>Housing Act</i> 1983	45 (a)	Omit "stipendiary".
6276	<i>Imprisonment of Fraudulent Debtors Act</i> 1958	27 (2)	Omit "stipendiary".
9365	<i>Industrial Relations Act</i> 1979	4th Schedule 63 (1)	Omit "Stipendiary" in Form II. Omit "stipendiary".
8706	<i>Industrial Training Act</i> 1975	73 (1) 90 91 (2) 51 (6)	Omit "stipendiary". Omit "stipendiary". Omit "stipendiary". Omit "stipendiary".
6279	<i>Instruments Act</i> 1958	67 (4)	Omit "stipendiary".
6280	<i>Judicial Proceedings Reports</i> 1958	3 (5)	Omit "stipendiary".
6284	<i>Land Act</i> 1958	194 8th Schedule	Omit "stipendiary". Omit "Stipendiary".
6285	<i>Landlord and Tenant Act</i> 1958	51 (5) 51 (5) 89 90 91 94 101 (3) (b)	Omit "stipendiary". Omit "stipendiary". For "court of petty sessions" substitute "magistrates' court". Omit "stipendiary". Omit "stipendiary". Omit "stipendiary".
7629	<i>Lifts and Cranes Act</i> 1967	18D	Omit "stipendiary" (wherever occurring).
7804	<i>Listening Devices Act</i> 1969	4	Omit "stipendiary" (wherever occurring).
7695	<i>Liquor Control Act</i> 1968	122	Omit "stipendiary".
6299	<i>Local Government Act</i> 1958	1 154 155 501 (2) 646 (6) 772 837 838 839 845 892 13th Schedule 14th Schedule 20th Schedule	Omit "stipendiary" (wherever occurring). Omit "stipendiary" (wherever occurring). Omit "stipendiary" (wherever occurring). For "court of petty sessions" substitute "magistrates' court". Omit "stipendiary". Omit "stipendiary". Omit "stipendiary". Omit "stipendiary" (wherever occurring). Omit "stipendiary". Omit "stipendiary". Omit "stipendiary". Omit "stipendiary" and "Stipendiary". Omit "stipendiary" and "Stipendiary". Omit "Stipendiary".
7429	<i>Lotteries Gaming and Betting Act</i> 1966	72	Omit "stipendiary".

SCHEDULE—continued

<i>No.</i>	<i>Name of Act</i>	<i>Section</i>	<i>Extent of Amendments</i>
8184	<i>Magistrates' Courts Act 1971</i>	4 (3)	Omit "stipendiary".
		6	Omit "stipendiary" (wherever occurring).
		PART II.	In the heading, omit "STIPENDIARY".
		7	Omit "Stipendiary" (wherever occurring).
		8A	Omit "Stipendiary".
		9 (1)	Omit "stipendiary".
		9 (2)	Omit "Stipendiary" and "stipendiary".
		17	Omit "stipendiary".
		18A	Omit "stipendiary".
		28 (3B)	Omit "stipendiary".
		46 (6)	Omit "stipendiary" (wherever occurring).
		51 (1)	Omit "stipendiary".
		66	Omit "stipendiary" (wherever occurring).
		69 (2)	Omit "stipendiary".
		75 (1) (e)	Omit "stipendiary" (wherever occurring).
		Schedule 2	Omit "STIPENDIARY".
		8731	<i>Magistrates (Summary Proceedings) Act 1975</i>
9c	Omit "stipendiary" (wherever occurring).		
9E (1)	Omit "stipendiary".		
15 (2)	Omit "stipendiary".		
45	Omit "stipendiary" (wherever occurring).		
46	Omit "stipendiary" (wherever occurring).		
47A	Omit "stipendiary" (wherever occurring).		
60	Omit "stipendiary" (wherever occurring).		
61	Omit "stipendiary" (wherever occurring).		
67	Omit "stipendiary".		
68 (4)	Omit "stipendiary".		
73	Omit "stipendiary" (wherever occurring).		
84	Omit "stipendiary" (wherever occurring).		
84A	Omit "stipendiary" (wherever occurring).		
85 (3)	Omit "stipendiary".		
86	Omit "stipendiary".		
87 (3)	Omit "stipendiary".		
106	Omit "stipendiary" (wherever occurring).		
7289	<i>Maintenance Act 1965</i>	1	For "Courts of Petty Sessions" substitute "Magistrates' Courts".
		3	(Definition of "Court"), omit "stipendiary".
6302	<i>Marine Act 1958</i>	164	For "court of petty sessions" substitute "magistrates' court".

SCHEDULE—continued

No.	Name of Act	Section	Extent of Amendments
6303	<i>Marine Stores and Old Metals Act 1958</i>	43	Omit "stipendiary".
6305	<i>Markets Act 1958</i>	3	Omit "stipendiary" (wherever occurring).
		4	Omit "stipendiary".
		6	Omit "stipendiary" (wherever occurring).
		15	Omit "stipendiary" (wherever occurring).
		18	Omit "stipendiary" (wherever occurring).
6306	<i>Marriage Act 1958</i>	3 (2)	Omit "stipendiary".
6605	<i>Mental Health Act 1959</i>	22 (4)	Omit "stipendiary".
6315	<i>Metropolitan Fire Brigades Act 1958</i>	79 (2)	Omit "stipendiary".
6316	<i>Mildura Irrigation Trusts and Sunraysia Water Board Act 1958</i>	30 (3)	For "court of petty sessions" substitute "magistrates' court".
		32 (5)	For "court of petty sessions" substitute "magistrates' court".
		81	For "court of petty sessions" substitute "magistrates' court".
		89	Omit "stipendiary".
		93 (2)	For "court of petty sessions" substitute "magistrates' court".
		103	For "court of petty sessions" (wherever occurring) substitute "magistrates' court".
		143	Omit "stipendiary".
		144	Omit "stipendiary" (wherever occurring).
		145	Omit "stipendiary".
		151	Omit "stipendiary".
		155	Omit "stipendiary" (wherever occurring).
		163	For "court of petty sessions" substitute "magistrates' court".
6320	<i>Mines Act 1958</i>	3	(Definition of "Magistrates' Court"), omit "stipendiary".
6325	<i>Motor Car Act 1958</i>	80B (1B)	Omit "stipendiary".
		80C	Omit "stipendiary" (wherever occurring).
		81A (5)	Omit "stipendiary".
6705	<i>Navigable Waters (Oil Pollution) Act 1960</i>	28 (1)	Omit "stipendiary".
9923	<i>Nuclear Activities Prohibition Act 1983</i>	9 (3)	Omit "stipendiary".
6328	<i>Nurses Act 1958</i>	24 (2)	Omit "stipendiary".
6331	<i>Patriotic Funds Act 1958</i>	27 (2)	For "court of petty sessions" substitute "magistrates' court".
9554	<i>Penalties and Sentences Act 1981</i>	47 (1) (f)	Omit "stipendiary".
6337	<i>Police Offences Act 1958</i>	3	(Definition of "Local authority"), for "court of petty sessions" substitute "magistrates' court".

SCHEDULE—continued

No.	Name of Act	Section	Extent of Amendments
6337	<i>Police Offences Act 1958— continued</i>	165 185 (1) 7th Schedule	Omit "stipendiary" (wherever occurring). Omit "stipendiary". Omit "Stipendiary" (wherever occurring).
6338	<i>Police Regulation Act 1958</i>	87	Omit "stipendiary" (wherever occurring).
6342	<i>Printers and Newspapers Act 1958</i>	21	Omit "stipendiary".
7494	<i>Private Agents Act 1966</i>	3	(Definition of "Court"), omit "stipendiary".
6347	<i>Public Contracts Act 1958</i>	4 (2)	For "court of petty sessions" substitute "magistrates' court".
8656	<i>Public Service Act 1974</i>	63 (4) (a)	Omit "stipendiary".
6348	<i>Public Safety Preservation Act 1958</i>	9 (1)	For "court of petty sessions" substitute "magistrates' court" and omit "stipendiary".
9514	<i>Residential Tenancies Act 1980</i>	14 (4)	Omit "stipendiary".
6368	<i>Sewerage Districts Act 1958</i>	144	Omit "stipendiary".
		150 (2)	Omit "stipendiary".
		26 (3) (f)	Omit "stipendiary".
		147 (2)	Omit "stipendiary".
		151 (8)	For "court of petty sessions" substitute "magistrates' court".
8947	<i>Shearers Accommodation Act 1976</i>	14 (1)	For "court of petty sessions" substitute "magistrates' court".
8486	<i>Small Claims Tribunals Act 1973</i>	6 (1)	Omit "stipendiary".
6373	<i>Soldier Settlement Act 1958</i>	120 (1) 3rd Schedule	Omit "stipendiary". Omit "Stipendiary".
6375	<i>Stamps Act 1958</i>	3rd Schedule	In Part X. (4), omit "stipendiary".
6379	<i>State Bank Act 1958</i>	37	Omit "stipendiary" (wherever occurring).
7614	<i>Swine Compensation Act 1967</i>	16 (1)	For "court of petty sessions" substitute "magistrates' court".
		17 (1)	For "court of petty sessions" substitute "magistrates' court".
8852	<i>Tomato Processing Industry Act 1976</i>	38	Omit "stipendiary".
9921	<i>Transport Act 1983</i>	44	Omit "stipendiary" (wherever occurring).
		209 (2)	Omit "stipendiary".
		214 (3)	Omit "stipendiary".
6407	<i>Vegetation and Vine Diseases Act 1958</i>	12A (3)	Omit "stipendiary".
		28 (4)	Omit "stipendiary".
6408	<i>Veneral Diseases Act 1958</i>	15	Omit "stipendiary" (wherever occurring).
		16 (1)	Omit "stipendiary" (wherever occurring).
		17 (1)	Omit "stipendiary".

SCHEDULE—*continued*

<i>No.</i>	<i>Name of Act</i>	<i>Section</i>	<i>Extent of Amendments</i>
6408	<i>Venerical Diseases Act</i> 1958— <i>continued</i>	22 (2)	Omit "stipendiary".
6409	<i>Vermin and Noxious Weeds Act</i> 1958	7 (3)	Omit "stipendiary".
		8 (2)	Omit "stipendiary".
		9 (4)	Omit "stipendiary".
		13 (2)	Omit "stipendiary".
		14 (4)	Omit "stipendiary".
		16 (1)	Omit "stipendiary".
8896	<i>Vital State Projects Act</i> 1976	14	Omit "stipendiary".
6413	<i>Water Act</i> 1958	27	Omit "stipendiary" (wherever occurring).
		190 (1)	Omit "stipendiary".
		204 (1)	Omit "stipendiary".
		275	Omit "stipendiary" (wherever occurring).
		316	Omit "stipendiary" (wherever occurring).
6414	<i>Weights and Measures Act</i> 1958	84 (2)	Omit "stipendiary".
9213	<i>Wine Grape Processing Act</i> 1978	24	Omit "stipendiary".

