

LEGISLATIVE ASSEMBLY

Read 1° 11 April 1990

(Brought in by Mr Kennan and Mr Rowe)

A BILL

to amend the *Children's Court Act 1973*, the *Magistrates' Court Act 1989*, the *Magistrates' Court (Consequential Amendments) Act 1989*, the *Evidence Act 1958* and certain other Acts and for other purposes

Courts (Children's and Magistrates') Act 1990

The Parliament of Victoria enacts as follows:

Purposes

1. The purposes of this Act are—

- 5 (a) to amend the *Children's Court Act 1973* and the *Magistrates' Court Act 1989* so as to enable the *Magistrates' Court Act 1989* to be proclaimed to come into operation before the *Children and Young Persons Act 1989*; and
- (b) to make minor amendments to other legislation relating to courts.

10 **Commencement**

2. This Act comes into operation as follows:

- (a) Sections 3, 4, 5, 6 and 7 (1) come into operation on the day on which Part 2 of the *Magistrates' Court Act 1989* comes into operation;

- (b) Section 7 (2) is deemed to have come into operation on 16 May 1989;
- (c) Section 7 (4) and (5) is deemed to have come into operation on 6 June 1989;
- (d) Section 7 (6) and (7) is deemed to have come into operation on 14 June 1989; 5
- (e) The rest of this Act comes into operation on the day on which it receives the Royal Assent.

Amendment of Children's Court Act

No. 8477
Reprinted to No. 9544.
Subsequently amended by Nos 9879, 9902, 9992, 10080, 10084, 10260, 16/1986, 41/1986, 16/1987, 19/1989 and 60/1989.

3. (1) The *Children's Court Act* 1973 is amended as set out in Schedule 1. 10

(2) Schedule 2 contains saving and transitional provisions.

Amendment of Magistrates' Court Act

No. 51/1989.
Amended by Nos 25/1989, 48/1989, 54/1989 and 56/1989.

4. The *Magistrates' Court Act* 1989 is amended as set out in Schedule 3. 15

Amendment of Magistrates' Court (Consequential Amendments) Act

No. 57/1989.
Amended by No. 25/1989.

5. The *Magistrates' Court (Consequential Amendments) Act* 1989 is amended as set out in Schedule 4.

Amendment of Evidence Act

No. 6246
Reprinted to No. 127/1986 and amended by Nos 42/1987, 83/1987, 85/1987, 29/1988, 12/1989, 19/1989, 51/1989 and 57/1989

6. In section 152 of the *Evidence Act* 1958— 20

(a) after "152." insert "(1)"; and

(b) at the end of the section insert—

"(2) The Governor in Council may make regulations for or with respect to—

(a) prescribing offices in the public service for the purposes of section 107A; and 25

(b) prescribing offices in the public service for the purposes of section 123C; and

- (c) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.”.

Amendment of other Acts

- 5 7. (1) In section 14 (2) of the *Accident Compensation Act* 1985, at the end of paragraph (c) insert—
“; and
(d) a bail justice—”.
- 10 (2) In the Schedule to the *County Court (Amendment) Act* 1989, in the heading to item 15, for “1974” substitute “1958”.
- (3) Sections 50 and 53 of the *Crimes Legislation (Miscellaneous Amendments) Act* 1989 are repealed.
- (4) In section 51 (a) of the *Crimes Legislation (Miscellaneous Amendments) Act* 1989 for “upon” substitute “on”.
- 15 (5) In section 52 of the *Crimes Legislation (Miscellaneous Amendments) Act* 1989—
(a) for “201.9” (wherever occurring) substitute “202.9”;
(b) for “201.10” (wherever occurring) substitute “202.10”;
(c) for “201.11” (wherever occurring) substitute “202.11”;
20 (d) for “201.12” (wherever occurring) substitute “202.12”;
(e) for “201.13” (wherever occurring) substitute “202.13”.
- (6) In section 18 of the *Dangerous Goods (Amendment) Act* 1989—
(a) for “item 57” substitute “item 53”; and
(b) for “57A.” substitute “53A.”.
- 25 (7) In section 35 (5) of the *Second-Hand Dealers and Pawnbrokers Act* 1989 for “item 54” substitute “item 50”.

SCHEDULE 1

Section 3 (1)

AMENDMENT OF CHILDREN'S COURT ACT 1973

1. In section 3, after sub-section (3) insert—
“(4) Any provision of this Act conferring power on both a bail justice and a magistrate to do anything does not take away from the generality of section 120 (5) of the *Magistrates' Court Act* 1989.”.
2. In section 4 (1) for “a Magistrates' Court is appointed” substitute “the Magistrates' Court is directed”.
3. In section 4 (2) for “clerk” (wherever occurring) substitute “registrar”.
4. In section 4 (3) for “of the place” substitute “at the place”.
5. In section 5 (1) for “any magistrate appointed under the *Magistrates' Courts Act* 1971” substitute “any person who holds office as a magistrate under the *Magistrates' Court Act* 1989”.
6. In section 5 (4)—
(a) for “is a magistrate appointed under the *Magistrates' Courts Act* 1971” substitute “holds office as a magistrate under the *Magistrates' Court Act* 1989”; and

*Courts (Children's and Magistrates')*SCHEDULE 1—*continued*

- (b) for “*Magistrates' Courts Act 1971* as a place for the holding of a Magistrates' Courts” substitute “*Magistrates' Court Act 1989* as a place for the holding of the Magistrates' Court”.
7. In section 5 (5) for “appointed under the *Magistrates' Courts Act 1971*” substitute “under the *Magistrates' Court Act 1989*”.
8. In section 7 (1) (a)—
- (a) omit “of the place”; and
 - (b) omit “or in which any matter is being heard by a justice or justices”.
9. In section 11 (3) for “clerk” substitute “registrar”.
10. In section 13 for “clerks” substitute “registrars”.
11. In section 14 (2) for “an information charging a child with” substitute “a charge against a child for”.
12. In section 14A (4) for “clerk” substitute “registrar”.
13. In section 14A (5) (a) for “clerk” substitute “registrar”.
14. In section 16 (1)—
- (a) omit “and of every justice”; and
 - (b) omit “or justice” (where twice occurring).
15. In section 16 (2)—
- (a) for “a Magistrates' Court to answer to an information” substitute “the Magistrates' Court to answer to a charge”; and
 - (b) for “the information” substitute “the charge”.
16. In section 17 (1) for “Magistrates' Courts” substitute “the Magistrates' Court”.
17. In section 17 (2)—
- (a) for “Magistrates' Courts” (wherever occurring) substitute “the Magistrates' Court”; and
 - (b) for “clerks” substitute “registrars”; and
 - (c) omit “, powers of justices, ”; and
 - (d) for “a “Magistrates' Court” ’ substitute “the “Magistrates' Court” ’; and
 - (e) for “clerk” (wherever occurring) substitute “registrar”.
18. In section 17 (5) for “clerk of a Magistrates' Court” substitute “registrar of the Magistrates' Court”.
19. In section 21 (1)—
- (a) for “upon a warrant of apprehension issued by a children's court or by a justice” substitute “on a warrant to arrest issued”; and
 - (b) for “some justice or magistrate” substitute “a bail justice or magistrate”.
20. In section 21 (2) for “justice or magistrate” (where twice occurring) substitute “bail justice or magistrate”.
21. In section 21 (4) for “justice or magistrate” substitute “bail justice or magistrate”.
22. In section 21 (5)—
- (a) for “court justice or magistrate” substitute “court, bail justice or magistrate”; and
 - (b) for “a justice or magistrate” substitute “a bail justice or magistrate”.
23. In section 22 (1)—
- (a) for “upon a warrant of apprehension issued by a children's court or issued by a justice” substitute “on a warrant to arrest issued”; and
 - (b) for “justice or magistrate” (where twice occurring) substitute “bail justice or magistrate”.

SCHEDULE 1—*continued*

24. In section 22 (2) for “justice or magistrate” (where twice occurring) substitute “bail justice or magistrate”.
25. In section 22 (3) for “justice or magistrate,” substitute “bail justice or magistrate”.
26. In section 22 (5) for “justice or magistrate” substitute “bail justice or magistrate”.
27. In section 22 (7)—
 - (a) for “justice or magistrate” substitute “bail justice or magistrate”; and
 - (b) for “warrant for the apprehension of ” substitute “warrant to arrest against”; and
 - (c) for “on apprehension” substitute “when arrested”.
28. In section 22 (8)—
 - (a) for “warrant for the apprehension of” substitute “warrant to arrest against”; and
 - (b) for “on apprehension” substitute “when arrested”.
29. In section 22 (8A)—
 - (a) for “any justice on information made before him on oath or affirmation” substitute “a magistrate on an application supported by evidence on oath or by affidavit made”; and
 - (b) in paragraph (d) for “apprehend” substitute “arrest”.
30. In section 22 (9) for “justice or magistrate” substitute “bail justice or magistrate”.
31. In section 22 (10) for “justice or magistrate” substitute “bail justice or magistrate”.
32. In section 23 (1) for “information” substitute “charge”.
33. In section 23 (2) (c)—
 - (a) for “be issued to apprehend” substitute “arrest to be issued against”; and
 - (b) for “justice” substitute “bail justice”; and
 - (c) for “*Magistrates (Summary Proceedings) Act 1975*” substitute “*Magistrates' Court Act 1989*”.
34. In section 24 (1) for “clerk” substitute “registrar”.
35. In section 26 (1) (a) for “information” substitute “charge”.
36. In section 29 for “lay an information” substitute “file a charge”.
37. In section 30 (1)—
 - (a) for “an information is laid” substitute “a charge is filed”; and
 - (b) for “the information” (wherever occurring) substitute “the charge”.
38. In section 30 (2)—
 - (a) for “an information is laid” substitute “a charge is filed”; and
 - (b) for “on the information” substitute “to answer to the charge”; and
 - (c) for “the information” (wherever occurring) substitute “the charge”.
39. In section 31 (2)—
 - (a) for “a Magistrates' Court” substitute “the Magistrates' Court”; and
 - (b) for “*Magistrates (Summary Proceedings) Act 1975*” substitute “*Magistrates' Court Act 1989*”.
40. In section 32 (1) for “clerk” substitute “registrar”.
41. In section 32 (3)—
 - (a) for “for the apprehension of” substitute “to arrest against”; and
 - (b) for “on apprehension” substitute “when arrested”.
42. In section 32 (6) for “a Magistrates' Court” substitute “the Magistrates' Court”.
43. In section 35 (2) for “clerk” substitute “registrar”.

SCHEDULE 1—*continued*

44. In section 36 (2) for “clerk” substitute “registrar”.
45. In section 36 (3) for “clerk” substitute “registrar”.
46. In section 36 (4) for “clerk” substitute “registrar”.
47. In section 37 (4) for “clerk” substitute “registrar”.
48. In section 38 (2) for “clerk” substitute “registrar”.
49. In section 39 (1) for “clerk” substitute “registrar”.
50. In section 39 (3) for “apprehend” substitute “arrest against”.
51. In section 39 (4)—
 - (a) for “justice” substitute “magistrate”; and
 - (b) for “apprehend” substitute “arrest against”.
52. In section 39 (4A) for “information made before the justice on oath the justice” substitute “an application under sub-section (4) supported by evidence on oath or by affidavit the magistrate”.
53. In section 39 (4B)—
 - (a) for “justice on information made before him on oath or affirmation” substitute “magistrate on an application supported by evidence on oath or by affidavit made”; and
 - (b) for “a warrant” (where secondly occurring) substitute “a search warrant”; and
 - (c) for “apprehend” substitute “arrest”.
54. In section 39 (4C) for “apprehended” substitute “arrested”.
55. In section 40 (3) for “a Magistrates’ Court” substitute “the Magistrates’ Court”.
56. In section 41 (4) for “clerk” substitute “registrar”.
57. In section 41 (6)—
 - (a) for “apprehend” substitute “arrest against”; and
 - (b) for “on apprehension” substitute “when arrested”.
58. In section 41 (7A) for “apprehend” substitute “arrest against”.
59. In section 41 (7B)—
 - (a) for “justice, on information made before him on oath or affirmation” substitute “magistrate on an application supported by evidence on oath or by affidavit made”; and
 - (b) for “the justice” substitute “the magistrate”; and
 - (c) for “a warrant” (where secondly occurring) substitute “a search warrant”; and
 - (d) in paragraph (b) for “apprehend” substitute “arrest”.
60. In section 41 (7C)—
 - (a) for “justice on information made before him on oath or affirmation” substitute “magistrate on an application supported by evidence on oath or by affidavit made”; and
 - (b) for “apprehension” substitute “arrest”; and
 - (c) for “the justice” substitute “the magistrate”; and
 - (d) for “a warrant” substitute “a search warrant”; and
 - (e) for “apprehend” substitute “arrest”.
61. In section 41 (7D) for “apprehended” substitute “arrested”.
62. In section 42 (2) for “clerk” substitute “registrar”.
63. In section 42 (3)—
 - (a) for “for the apprehension of” substitute “to arrest against”; and
 - (b) for “apprehended” substitute “arrested”.
64. In section 42 (6) for “a Magistrates’ Court” substitute “the Magistrates’ Court”.

SCHEDULE 1—*continued*

65. In section 43 (1) for “clerk” substitute “registrar”.
66. In section 43 (2) for “clerk” substitute “registrar”.
67. In section 46 for “may be effected under the *Magistrates (Summary Proceedings) Act 1975*” substitute “to answer to a charge may be effected under the *Magistrates' Court Act 1989*”.
68. In section 51 (1) for “Magistrates' Court which seems the most convenient court in the circumstances” substitute “proper venue of the Magistrates' Court”.
69. In section 51 (2) for “a Magistrates' Court” substitute “the Magistrates' Court”.
70. In section 52 (1) for “under Part IX of the *Magistrates' Courts Act 1971*” substitute “to the County Court”.
71. In section 52 after sub-section (1) insert—
- “(1A) Subdivision 1 of Division 4 of Part 4 (except sections 83, 84, 87 and 90) of, and Schedule 6 to, the *Magistrates' Court Act 1989* apply, with any necessary modifications, to appeals under this section as if—
- (a) a reference to the Magistrates' Court were a reference to the children's court; and
 - (b) a reference to section 83 or 84 were a reference to this section; and
 - (c) in section 85 after the word “Court” there were inserted the expression “or, in the case of an order made by the Family Division, by the fact that he or she did not contest the making of the order”; and
 - (d) a reference to the sentencing order were a reference to the conviction or order made by the children's court.”.

72. In section 52 (2) for “Part IX of the *Magistrates' Courts Act 1971*” substitute “the *Magistrates' Court Act 1989* referred to in sub-section (1A)”.

73. In section 52 (3)—

 - (a) for “Part IX” (where first occurring) substitute “the *Magistrates' Court Act 1989* referred to in sub-section (1A)”; and
 - (b) for “magistrate or justice” (where twice occurring) substitute “or magistrate”; and
 - (c) for “said Part IX” substitute “*Magistrates' Court Act 1989* referred to in sub-section (1A)”.

74. In section 52 (6) for “section 75 of the *Magistrates' Courts Act 1971*” substitute “the provisions of the *Magistrates' Court Act 1989* referred to in sub-section (1A)”.

SCHEDULE 2

Section 3 (2)

SAVINGS AND TRANSITIONALS

1. (1) Each person who holds office as a clerk of a children's court immediately before the commencement of section 3 of this Act holds office as a registrar of a children's court under and subject to the *Children's Court Act 1973* and the *Public Service Act 1974* on and from that commencement without any further appointment.
- (2) Unless the context otherwise requires, any reference in any Act or in any subordinate instrument (within the meaning of the *Interpretation of Legislation Act 1984*) or in any document or writing of any kind whatsoever to a clerk of a children's court is to be taken to refer to a registrar of a children's court.
2. (1) The *Children's Court Act 1973* (as in force immediately before the commencement of section 3 of this Act) continues to apply to—
 - (a) any action or matter pending in a children's court immediately before that commencement unless at that commencement—
 - (i) the hearing of that action or matter had not commenced; or
 - (ii) no evidence had been given on the hearing of that action or matter; and
 - (b) any re-hearing of, or appeal from, any action or matter—
 - (i) that was concluded before that commencement; or

SCHEDULE 2—*continued*

- (ii) to which, by virtue of paragraph (a), the *Children's Court Act 1973* (as in force immediately before that commencement) continues to apply; and
 - (c) the enforcement of any order made in any action or matter referred to in paragraph (b).
- (2) The reference in sub-clause (1) to the *Children's Court Act 1973* includes a reference to any provisions of the *Magistrates' Courts Act 1971* or the *Magistrates (Summary Proceedings) Act 1975* that—
- (a) prescribe a procedure for or in relation to any proceeding in a children's court or for or in relation to any step or process in such a proceeding; and
 - (b) are incorporated by reference in the *Children's Court Act 1973*.

SCHEDULE 3

Section 4

AMENDMENT OF *MAGISTRATES' COURT ACT 1989*

1. In section 3 (1), after the definition of "Civil registry court" insert—
 - ' "Committal mention date" means the date fixed in respect of a committal proceeding under clause 1 (1A) of Schedule 5 or clause 4A (3) of that Schedule.'
2. In section 3 (1), after the definition of "Prison" insert—
 - ' "Prison officer" has the same meaning as in the *Corrections Act 1986*.'
3. For section 26 (1) substitute—
 - "(1) A criminal proceeding must be commenced by filing a charge—
 - (a) with the appropriate registrar; or
 - (b) if the defendant is arrested without a warrant and is released on bail, with a bail justice."
4. In section 41 (2), after paragraph (b) insert—
 - "
 - ; or
 - (c) adjourn the proceeding on any terms that it thinks fit."
5. In section 69 (1), after paragraph (b) insert—
 - "(ba) generally all prison officers; or"
6. After section 69 (2) insert—
 - "(3) A warrant to imprison directed to a named member of the police force or to generally all members of the police force may be executed by any prison officer."
7. In section 80 (1), after paragraph (b) insert—
 - "(ba) generally all prison officers; or"
8. After section 80 (2) insert—
 - "(3) A remand warrant directed to a named member of the police force or to generally all members of the police force may be executed by any prison officer."
9. In section 120 (1), after "under the" insert "*Children's Court Act 1973* and the".
10. After section 134 (7) insert—
 - "(8) The *Bail Act 1977* applies, with any necessary modifications, to and in respect of a person brought before the Court under this section as if the person were accused of an offence and were being held in custody in relation to that offence."
11. After section 140 (1) (d) insert—
 - "(da) the manner in which orders may be authenticated; and
 - (db) prescribing municipal districts or subdivisions of municipal districts as areas in which a member of the police force is not required to serve process in a civil proceeding; and"

SCHEDULE 3—*continued*

12. In section 144 (2) (e), in the proposed section 107A (1) of the *Evidence Act 1958*, after paragraph (y) insert—

“(z) a fellow of the Institute of Legal Executives (Victoria).”

13. In section 144 (2) (k) (i) (B) omit “or County Court”.

14. In section 144 (2) (k) (i) (F), after the proposed paragraph (ga) of section 123c (1) of the *Evidence Act 1958* insert—

“(ge) a fellow of the Institute of Legal Executives (Victoria);”

15. In clause 5 of Schedule 2, after sub-clause (2) insert—

“(3) Sub-clause (1) does not limit the power of the Court to proceed to hear and determine the charge in the defendant's absence under sub-section (2) or (3) of section 41 on the basis of evidence on oath given by or on behalf of the informant if the informant had not served a brief of evidence on the defendant in accordance with section 37.”

16. In Schedule 4, items 41, 42 and 43 are repealed.

17. In Schedule 4, after item 44 insert—

“Offence to obtain payment in respect of sexual services provided by a child

45. Offences under section 8 of the *Prostitution Regulation Act 1986*.

Offence to enter into agreement under which child is to provide sexual services

46. Offences under section 9 of the *Prostitution Regulation Act 1986*.

Offence to force person into or to remain in prostitution

47. Offences under section 10 of the *Prostitution Regulation Act 1986*.”

18. Schedule 5 is amended as follows:

(a) For clause 1 (1) (a) (i) substitute—

“(i) specifying the committal mention date fixed under sub-clause (1A); and”;

(b) After clause 1 (1) insert—

“(1A) The registrar at the venue of the Court at which the committal proceeding is to be held must fix a mention date in respect of the committal proceeding.

(1B) The committal mention date must be within the prescribed period after the commencement of the proceeding for the offence.”;

(c) In clause 2 (1) for “day on which the committal proceeding is to be held” substitute “committal mention date”;

(d) In clause 2 (3) for “day on which that proceeding is to be held” substitute “committal mention date”;

(e) In clause 3 (2) for “day on which the committal proceeding is to be held” substitute “committal mention date”;

(f) After clause 4 insert—

When committal proceeding is held

“4A. (1) The committal proceeding shall be held on the committal mention date unless—

(a) the informant receives a notice under clause 3 (2) and that notice has not been wholly withdrawn or set aside; or

(b) the hand-up brief has not been served within the period referred to in clause 2 (1); or

(c) for some other reason the Court is satisfied that it is appropriate to adjourn the hearing of the committal proceeding.

(2) In the circumstances referred to in sub-clause (1) (a), the Court must adjourn the hearing of the committal proceeding.

SCHEDULE 3—*continued*

(3) In the circumstances referred to in sub-clause (1) (b), the Court may fix another committal mention date if satisfied that reasonable efforts have been made to prepare or serve the hand-up brief.”;

(g) In clause 5 (1) after “proceeding” insert “must attend on the date to which the hearing of the proceeding has been adjourned and”;

19. In Schedule 6, clause 1 (4), for “at the venue of the Court where the sentencing order was made” substitute “at any venue of the Court”.

20. In Schedule 7, clause 2, in the definition of “Registrar” for “140 (1) (j)” substitute “140 (1) (i)”.

21. In Schedule 7, clause 4 (1) (a), after “document” insert “in the prescribed form”.

SCHEDULE 4

Section 5

AMENDMENT OF MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) ACT 1989

1. Section 5 (7) is repealed.
2. Section 5 (8) is repealed.
3. In item 4.10 of the Schedule, for “or” substitute “a”.
4. In item 4.12 (a) of the Schedule, omit “or”.
5. In item 8.2 (a) of the Schedule, for “the Supreme Court, to a judge of the County Court or to a magistrate” substitute “the Supreme Court, to the County Court or to a magistrate”.
6. In item 8.2 (b) of the Schedule, omit “, judge”.
7. In item 8.3 of the Schedule, omit “, judge”.
8. In item 8.5 (a) of the Schedule, omit “, judge”.
9. For item 11.25 (b) of the Schedule, substitute—
 (b) for “the justice or justices before whom the case is brought” substitute “the Court”.
10. Item 22 of the Schedule is repealed.
11. Item 29.13 of the Schedule is repealed.
12. Item 42.1 of the Schedule is repealed.
13. Item 42.2 of the Schedule is repealed.
14. Item 42.3 of the Schedule is repealed.
15. Item 42.4 of the Schedule is repealed.
16. Item 42.10 of the Schedule is repealed.
17. Item 42.11 of the Schedule is repealed.
18. Item 42.12 of the Schedule is repealed.
19. Item 42.13 of the Schedule is repealed.
20. Item 42.22 of the Schedule is repealed.
21. Item 42.28 of the Schedule is repealed.
22. Item 42.29 of the Schedule is repealed.
23. In item 42.30 (b) of the Schedule, for “a registrar of the Magistrates' Court or a clerk of the” substitute “a registrar of the Magistrates' Court or a registrar of”.
24. Item 42.43 of the Schedule is repealed.
25. Item 42.48 of the Schedule is repealed.
26. Item 42.49 of the Schedule is repealed.
27. Item 42.50 of the Schedule is repealed.

SCHEDULE 4—*continued*

28. Item 42.51 of the Schedule is repealed.
29. Item 42.52 of the Schedule is repealed.
30. Item 42.53 of the Schedule is repealed.
31. Item 42.58 (c) of the Schedule is repealed.
32. Item 42.59 of the Schedule is repealed.
33. Item 42.60 of the Schedule is repealed.
34. Item 42.61 of the Schedule is repealed.
35. Item 42.67 of the Schedule is repealed.
36. Item 42.68 of the Schedule is repealed.
37. Item 42.69 of the Schedule is repealed.
38. Item 42.75 of the Schedule is repealed.
39. Item 42.76 of the Schedule is repealed.
40. Item 42.78 of the Schedule is repealed.
41. Item 42.79 of the Schedule is repealed.
42. Item 42.80 of the Schedule is repealed.
43. Item 46.2 of the Schedule is repealed.
44. In the heading to item 47 of the Schedule for "*Crown Lands (Reserves) Act 1978*" substitute "*Crown Land (Reserves) Act 1978*".
45. For item 48.5 (a) (ii) of the Schedule, substitute—
'(ii) omit "or magistrate"; and'.
46. For item 48.5 (d) (i) of the Schedule, substitute—
'(i) omit "or justice (as the case requires)"; and'.
47. For item 48.5 (d) (ii) of the Schedule, substitute—
'(ii) omit "or justice".'. .
48. For item 48.17 (b) of the Schedule, substitute—
'(b) omit "or magistrate".'. .
49. For item 48.20 (a) of the Schedule, substitute—
'(a) omit "or justice (as the case requires)"; and'.
50. For item 48.20 (b) of the Schedule, substitute—
'(b) omit "or justice".'. .
51. For item 48.24 (c) (ii) of the Schedule, substitute—
'(ii) omit "or justice" (where secondly occurring); and'.
52. Item 48.28 of the Schedule is repealed.
53. In item 56.3 (a) of the Schedule, omit "(where twice occurring)".
54. After item 56.3 (a) of the Schedule, insert—
'(ab) for "magistrate or court" substitute "Court"; and'.
55. Item 63.2 of the Schedule is repealed.
56. Item 63.3 of the Schedule is repealed.
57. Item 63.4 of the Schedule is repealed.
58. In item 64.6 (c) of the Schedule, after "'summons'" insert "(where twice occurring)".
59. Item 64.9 of the Schedule is repealed.
60. Item 66.1 of the Schedule is repealed.

SCHEDULE 4—*continued*

61. Item 66.3 of the Schedule is repealed.
62. Item 66.6 of the Schedule is repealed.
63. Item 66.7 of the Schedule is repealed.
64. In item 75.4 (a) of the Schedule omit “of Victoria”.
65. In item 79.10 (c) of the Schedule, after “thirdly” insert “and fourthly”.
66. Item 83.1 of the Schedule is repealed.
67. In item 90.1 (b) (ii) of the Schedule omit “to”.
68. Item 91.7 of the Schedule is repealed.
69. Item 99.3 (b) (iii) of the Schedule is repealed.
70. For item 99.3 (c) of the Schedule, substitute—
‘(c) in sub-section (5), for “or to any two justices which or who” substitute “or the Magistrates’ Court which”.’.
71. Item 107.3 of the Schedule is repealed.
72. Item 107.4 of the Schedule is repealed.
73. In item 108.6 of the Schedule after “by” insert “him”.
74. Item 116.2 of the Schedule is repealed.
75. Item 116.3 of the Schedule is repealed.
76. Item 116.4 of the Schedule is repealed.
77. Item 116.5 of the Schedule is repealed.
78. Item 116.7 of the Schedule is repealed.
79. Item 116.8 of the Schedule is repealed.
80. In item 116.10 of the Schedule, omit “or before any judge or chairman of any of such courts”.
81. Items 122.1 to 122.36 of the Schedule are repealed.
82. Items 122.38 to 122.40 of the Schedule are repealed.
83. Item 122.90 of the Schedule is repealed.
84. In item 149.2 of the Schedule, for “8 (b)” substitute “8 (a)”.
85. In item 170.1 of the Schedule—
(a) for “(c)” substitute “(d)”; and
(b) for “(d)” substitute “(da)”.
86. Item 173.13 of the Schedule is repealed.
87. In item 175.15 of the Schedule, for ‘ “A clerk” ’ substitute ‘ “The clerk” ’.
88. For item 206.5 (b) of the Schedule, substitute—
‘(b) for “justices acting for the same municipal district” substitute “other magistrate”; and’.

SCHEDULE 4—*continued*

89. For item 206.8 (b) of the Schedule, substitute—
 - (b) for “the justices acting for the municipal district within which such special constables have been called out assembled in special sessions” substitute “any other magistrate”.
90. In item 206.9 (b) of the Schedule, for “city borough town or district” substitute “municipal district”.
91. In item 206.10 of the Schedule, for “city borough town or district” substitute “municipal district”.
92. In item 206.11 (a) of the Schedule, for “city borough town or district” substitute “municipal district”.

