

AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Ordinance (No. 3) 1986

No. 74 of 1986

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AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Ordinance (No. 3) 1986

No. 74 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 6 November 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Magistrates Court Ordinance 1930* and for other purposes

PART 1—PRELIMINARY

Short title

1. This Ordinance may be cited as the *Magistrates Court (Amendment) Ordinance (No. 3) 1986*.¹

PART II—AMENDMENTS OF THE MAGISTRATES COURT ORDINANCE 1930

Principal Ordinance

2. In this Part, "Principal Ordinance" means the *Magistrates Court Ordinance 1930*.²

Interpretation

3. Section 5 of the Principal Ordinance is amended—

- (a) by inserting after the definition of “Charge of an indictable offence” in sub-section (1) the following definition:

“ ‘Claim’ means a claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*;”;

- (b) by omitting from sub-section (1) the definition of “Complaint”;
- (c) by omitting “or a complaint is made” from the definition of “Defendant” in sub-section (1); and
- (d) by omitting “, a complaint under the Masters and Servants Act, 1902, of the State of New South Wales in its application to the Territory” from the definition of “Information”.

Arrangement of business of Courts

4. Section 10G of the Principal Ordinance is amended by omitting “Children’s” and substituting “Childrens”.

Acts by a Magistrate or Clerk

5. Section 12 of the Principal Ordinance is amended by omitting from sub-section (1) “or a complaint”.

Jurisdiction of the Court

6. Section 19 of the Principal Ordinance is amended by omitting from sub-section (2) “the matter may be heard and determined by the Court in a summary manner under the provisions of this Ordinance, and”.

Repeal of sections 20 and 20A

7. Sections 20 and 20A of the Principal Ordinance are repealed.

Jurisdiction of the Court where defendant absent from the Territory

8. Section 21 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) all the words after “Territory”; and
- (b) by omitting sub-section (2).

***Ex parte* order may be set aside on terms**

9. Section 23 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where a conviction or order is made when one party does not appear, the party in whose absence the conviction or order was made may apply to the Court for an order that the Court set aside the conviction or order.”;
- (b) by omitting sub-sections (5) and (6); and
- (c) by omitting from sub-section (8) “, order or judgment” and substituting “or order”.

Repeal of sections 24, 24A and 24B

- 10. Sections 24, 24A and 24B of the Principal Ordinance are repealed.

Informations

- 11. Section 25 of the Principal Ordinance is amended by omitting all the words from and including “Proceedings” to and including “as the case may be,” and substituting “Proceedings may be commenced in the Court by information laid by the informant”.

Repeal of Division 3 of Part IV

- 12. Division 3 of Part IV of the Principal Ordinance is repealed.

When Magistrate may issue summons

- 13. Section 37 of the Principal Ordinance is amended by omitting sub-section (2).

Form of summons

- 14. Section 38 of the Principal Ordinance is amended by omitting sub-section (2).

***Ex parte* proceedings**

- 15. Section 39 of the Principal Ordinance is repealed.

Service of summons

- 16. Section 41 of the Principal Ordinance is amended—
 - (a) by omitting from sub-section (1) “or complaint, not being a default summons,”;
 - (b) by omitting sub-section (1A) and substituting the following sub-section:

“(1A) Service of a summons under sub-section (1) shall be effected at least 72 hours before the time appointed in the summons for the hearing of the information.”; and

(c) by omitting from sub-section (2) all the words after “hearing”.

Open Court

17. Section 51 of the Principal Ordinance is amended by omitting from sub-section (1) “or complaint”.

Conduct of case

18. Section 53 of the Principal Ordinance is amended by omitting from sub-section (1) “or complainant”.

Where both parties present Court to hear case

19. Section 54 of the Principal Ordinance is amended by omitting “or complaint”.

Recording of proceedings

20. Section 54A of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) In this section, unless the contrary intention appears, ‘deposition’ includes a statement made by an accused person in reply to the question referred to in sub-section 92 (1), but does not include a written statement admitted in pursuance of section 90AA.”.

Power to order witnesses out of Court

21. Section 56 of the Principal Ordinance is amended by omitting from sub-section (1) “the complainant and the defendant,” and substituting “the informant, the defendant”.

Repeal of section 57

22. Section 57 of the Principal Ordinance is repealed.

Power of Magistrate to summon witnesses to attend and give evidence

23. Section 61 of the Principal Ordinance is amended by omitting “or complaint” (wherever occurring).

Refusal of witness to be examined

24. Section 65 of the Principal Ordinance is amended by omitting from paragraph (1) (a) “or complaint”.

Person about to leave Territory may be ordered to be examined or produce documents

25. Section 67 of the Principal Ordinance is amended by omitting from sub-section (1) “complaint” and substituting “claim”.

26. After section 67 of the Principal Ordinance the following sections are inserted:

Examination of witnesses—application of *Magistrates Court (Civil Jurisdiction) Ordinance 1982*

“67A. Section 201 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* applies in relation to proceedings on an information in respect of the alleged commission of an offence against a law in force in the Territory, as if references in that section to proceedings were references to proceedings on an information.

Affidavits—application of *Magistrates Court (Civil Jurisdiction) Ordinance 1982*

“67B. Sections 202, 203, 204, 209, 210, 211, 212 and 213 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* apply in relation to affidavits for use in proceedings under this Ordinance.”.

27. Before section 74 of the Principal Ordinance the following section is inserted in Division 4 of Part V:

Application of Division

“73A. This Division applies in relation to a person in respect of whom a warrant has been issued under sub-section 185 (8) of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*.”.

Witnesses may be discharged on recognizance

28. Section 76 of the Principal Ordinance is amended by omitting “sixty-five of this Ordinance” and substituting “65 or under section 196 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*.”.

Particular cases may be adjourned

29. Section 84 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “or complaint”; and
- (b) by omitting from sub-section (2) “In case of an information, the” and substituting “The”.

Proceedings when either party is not present at adjourned hearing

30. Section 85 of the Principal Ordinance is amended—

- (a) by omitting “or complainant”; and
- (b) by omitting “or complaint”.

Postponement of hearing

31. Section 88 of the Principal Ordinance is amended by omitting “complainant or”.

Proceedings where evidence sufficient to put accused on trial

32. Section 92 of the Principal Ordinance is amended—

- (a) by omitting sub-section (2) “paragraph (ii) of the last preceding sub-section” and substituting “sub-section (1)”; and
- (b) by omitting from sub-section (3) “paragraph (ii) of sub-section (1) of this section” and substituting “sub-section (1)”.

Repeal of Part VIII

33. Part VIII of the Principal Ordinance is repealed.

Proceedings in case of dismissal

34. Section 143 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) “, complaint or set-off,”;
- (b) by omitting from sub-section (1) “or complainant, as the case may be,”; and
- (c) by omitting from sub-section (2) “, complaint”.

Copies of information, &c.

35. Section 144 of the Principal Ordinance is amended—

- (a) by omitting paragraph (1) (b); and
- (b) by omitting from sub-section (2) “or complaint”.

Warrants of execution

36. Section 147 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “or the order is made in respect of a complaint” and substituting “, the judgment is given or entered or the order is made in respect of a claim”;
- (b) by omitting from sub-section (2) “an order made in respect of a complaint” and substituting “a judgment given or entered or an order made in respect of a claim”;
- (c) by omitting from sub-section (3) “an order made in respect of a complaint” and substituting “a judgment given or entered in respect of a claim”; and
- (d) by inserting after sub-section (3) the following sub-section:

“(3A) Where, in the enforcement of a conviction or order of the kind referred to in sub-section (3), a warrant of execution is issued under section 158, the provisions of Part XVII of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*, other than section 232, apply to and in relation to property taken or to be taken by a bailiff under that warrant, and to the proceeds of a sale of that property, as if—

- (a) a reference in that Part to a judgment debtor were a reference to the party against whom the warrant is issued; and
- (b) a reference in that Part to the plaintiff or judgment creditor were a reference to the party obtaining the warrant.”.

Repeal of section 149

37. Section 149 of the Principal Ordinance is repealed.

Committal to prison where fine or costs not paid

38. Section 150 of the Principal Ordinance is amended by omitting from sub-section (1) “an order made in respect of a complaint” and substituting “a judgment given or entered or an order made in respect of a claim”.

Issue of warrant of execution

39. Section 158 of the Principal Ordinance is amended by omitting “makes an order in respect of a complaint” and substituting “gives or enters a judgment or makes an order in respect of a claim”.

Issue of execution without revival of judgment

40. Section 161 of the Principal Ordinance is amended—

- (a) by omitting “an order made in respect of a complaint” and substituting “a judgment given or entered or an order made in respect of a claim”; and
- (b) by inserting “the giving or entering of the judgment or” before “the making”.

Repeal of Division 3 of Part IX

41. Division 3 of Part IX of the Principal Ordinance is repealed.

Where garnishee disputes debt

42. Section 174 of the Principal Ordinance is amended by omitting from sub-section (1) “complaint were laid” and substituting “claim were made”.

43. Section 190 of the Principal Ordinance is repealed and the following section substituted:

Proceeds of warrants of execution

“190. (1) Where the Clerk receives a sum as the proceeds of a warrant of execution issued pursuant to a judgment given or entered on a claim, the Clerk shall, unless section 25 of the *Public Trustee Ordinance 1985* or an order of the Court otherwise requires, pay the sum to the judgment creditor.

“(2) Where the Clerk receives a sum as the proceeds of a warrant of execution issued other than pursuant to a judgment given or entered on a claim the Clerk shall, unless a law in force in the Territory or an order of the Court otherwise requires, pay the sum into the Consolidated Revenue Fund.”.

Estreating recognizance

44. Section 205 of the Principal Ordinance is amended by omitting “an order made on a complaint” and substituting “a judgment entered on a claim”.

Appeals to which this Division applies

45. Section 208 of the Principal Ordinance is amended—

- (a) by adding at the end of paragraph (1) (g) “and”;
- (b) by omitting from paragraph (1) (ga) “sureties; and” and substituting “sureties.”;

- (c) by omitting paragraph (1) (h); and
- (d) by omitting sub-section (2).

46. Section 209 of the Principal Ordinance is repealed and the following section substituted:

Institution of appeal

“209. (1) An appeal shall be instituted by the appellant filing a notice of appeal in the office of the Registrar of the Supreme Court within the period of 21 days after the conviction was entered, the order or decision was made or the sentence or penalty imposed, as the case requires, or within such further time as the Supreme Court allows.

“(2) As soon as practicable after the appeal has been instituted, the appellant shall—

- (a) lodge a copy of the notice of appeal in the office of the Magistrates Court for inclusion in the records of that Court; and
- (b) serve a copy of the notice of appeal on the informant.”.

Repeal of section 211

47. Section 211 of the Principal Ordinance is repealed.

Repeal of section 215

48. Section 215 of the Principal Ordinance is repealed.

Stay of execution pending appeal in certain cases

49. Section 216 of the Principal Ordinance is amended by omitting from sub-section (1) “(other than an appeal referred to in paragraph (h) of sub-section (1) of section two hundred and eight of this Ordinance)’.

Repeal of section 217

50. Section 217 of the Principal Ordinance is repealed.

Barring of right of appeal under this Division if order to review is granted

51. Section 219 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Where an order *nisi* to review a decision of the Magistrates Court is granted under Division 3 to a person after the person has instituted an appeal to

the Supreme Court under this Division against that decision, the appeal shall be deemed to have been withdrawn.”.

Interpretation

52. Section 219G of the Principal Ordinance is amended by omitting “(other than an appeal referred to in paragraph 208 (1) (h))” from the definition of “appellant”.

Control of Supreme Court over summary convictions

53. Section 222 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (2) “judgment” after “conviction,” (first occurring);
- (b) by omitting from sub-section (2) “complaint” and substituting “claim”; and
- (c) by inserting in sub-section (2) “, judgment” after “conviction” (last occurring).

Amendment

54. Section 223 of the Principal Ordinance is amended—

- (a) by inserting “, judgment” after “conviction” (wherever occurring); and
- (b) by omitting “complaint” and substituting “claim”.

Want of summons or information

55. Section 228 of the Principal Ordinance is amended by omitting “or complaint” (wherever occurring).

Payment of money into court

56. Section 239 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) After an action under this Part has been commenced but before issue is joined, the defendant may pay into court such sum of money as he or she thinks fit.”;
- (b) by omitting from sub-section (2) “tendered or”; and
- (c) by omitting from that sub-section “(if any)” (first occurring).

Verdict for defendant

57. Section 242 of the Principal Ordinance is amended by omitting paragraphs (a) and (b).

Award of costs

58. Section 244 of the Principal Ordinance is amended—

- (a) by adding at the end of paragraph (1) (f) “and”;
- (b) by omitting from paragraph (1) (g) “Court and the costs in proceedings to obtain judgment on complaints shall follow the event; and” and substituting “Court.”;
- (c) by omitting paragraph (1) (h); and
- (d) by omitting sub-section (2).

Repeal of section 246

59. Section 246 of the Principal Ordinance is repealed.

Recovery of sum due under security

60. Section 250 of the Principal Ordinance is amended by omitting “summarily on complaint” and substituting “on a claim”.

Sums paid by surety may be recovered from principal

61. Section 252 of the Principal Ordinance is amended by omitting “summarily on complaint” and substituting “on a claim”.

Enforcement of recognizance

62. Section 254 of the Principal Ordinance is amended by omitting from sub-section (3) “an order made on a complaint” and substituting “a judgment entered on a claim”.

Repeal of section 257

63. Section 257 of the Principal Ordinance is repealed.

Rules and Regulations

64. Section 258 of the Principal Ordinance is amended by omitting paragraph (1) (b).

First Schedule

65. (1) The First Schedule to the Principal Ordinance is amended—

- (a) by omitting Form 3 and substituting the form set out in Part 1 of Schedule 1; and
- (b) by omitting Form 51 and substituting the form set out in Part 2 of the Schedule 1.

(2) The First Schedule to the Principal Ordinance is further amended as set out in Schedule 2.

Transitional

66. (1) Proceedings on a complaint within the meaning of the Principal Ordinance as in force immediately before the commencement of this Ordinance, being proceedings pending in the Court at the commencement of this Ordinance, may be continued and determined as if this Ordinance had not been made.

(2) Proceedings for the enforcement of an order made or a judgement given or entered, being an order or judgment in proceedings—

- (a) on a complaint within the meaning of the Principal Ordinance as in force immediately before the commencement of this Ordinance; or
- (b) on a claim within the meaning of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* as in force at the date of the commencement of this Ordinance,

may be instituted or continued, as the case requires, as if this Ordinance had not been made.

(3) Notwithstanding the amendment of section 208 of the Principal Ordinance effected by section 45 of this Ordinance—

- (a) appeals arising out of proceedings on a complaint within the meaning of the *Magistrates Court Ordinance 1930* pending in the Court at the commencement of the *Court of Petty Sessions (Civil Jurisdiction) Ordinance 1982*; and
- (b) appeals arising out of proceedings on a claim within the meaning of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* pending in the Court at the commencement of the *Court of Petty Sessions (Civil Jurisdiction) (Amendment) Ordinance 1984*,

may be continued and determined as if this Ordinance had not been made.

(4) Notwithstanding the amendment effected by section 35 of this Ordinance, section 144 of the Principal Ordinance as in force immediately before the commencement of this Ordinance continues to apply to and in relation to the obtaining of a copy of a complaint.

(5) In this section, a reference to an order in proceedings on a complaint shall be read as including a reference to an order that, by virtue of—

- (a) a provision of the Principal Ordinance as in force immediately before the commencement of this Ordinance; or
- (b) another law of the Territory as in force immediately before the commencement of this Ordinance,

may be enforced as if it were an order made on a complaint, however described.

(6) The Principal Ordinance as in force immediately before the commencement of this Ordinance and the rules made under that Ordinance continue to apply to and in relation to proceedings of the kind referred to in sub-sections (1) and (2).

PART III—AMENDMENTS OF THE MAGISTRATES COURT RULES

Interpretation

67. Rule 3 of the Magistrates Court Rules is amended by omitting from sub-rule (1) the definition of “Clerk”.

68. Rule 4 of the Magistrates Court Rules is repealed and the following rule substituted:

Form of heading and conclusion of notices

“4. The general form of heading and conclusion of all notices, orders and warrants in respect of proceedings to enforce a judgment given or entered, or an order made, shall be in accordance with Forms 1 and 2.”.

Repeal of rules 7 and 8

69. Rules 7 and 8 of the Magistrates Court Rules are repealed.

Repeal of Parts IV and V

70. Parts IV and V of the Magistrates Court Rules are repealed.

Repeal of rules 24 to 30 (inclusive)

71. Rules 24 to 30 (inclusive) of the Magistrates Court Rules are repealed.

Effect of judgment entered in Australian Register of Judgments

72. Rule 31 of the Magistrates Court Rules is amended by omitting “an order made by the Court upon a complaint” and substituting “a judgment given or entered by the Court upon a claim”.

Repeal of rule 32

73. Rule 32 of the Magistrates Court Rules is repealed.

Repeal of Parts VII to X (inclusive)

74. Parts VII to X (inclusive) of the Magistrates Court Rules are repealed.

Proceedings under New South Wales Acts continued in force in the Territory

75. Rule 67 of the Magistrates Court Rules is amended by omitting “under the *Masters and Servants Act, 1902* or any other” and substituting “under an”.

Heading to Part XII

76. The heading to Part XII of the Magistrates Court Rules is amended by omitting “AND WITNESSES’ EXPENSES”.

Court fees

77. Rule 68 of the Magistrates Court Rules is amended—

- (a) by omitting from sub-rule (2) all the words after “fee” and substituting “is an amount equal to the aggregate of 55 cents and an amount calculated at the rate of 20 cents for each page of the record or transcript.”; and
- (b) by omitting sub-rules (3) and (4).

Repeal of Part XIII

78. Part XIII of the Magistrates Court Rules is repealed.

Repeal of Part XV

79. Part XV of the Magistrates Court rules is repealed.

Repeal of Part XVI

80. Part XVI of the Magistrates Court Rules is repealed.

Issue of process where death in parties occurs after judgment

81. Rule 92 of the Magistrates Court Rules is amended—

- (a) by omitting “complaint” (wherever occurring) and substituting “claim”; and
- (b) by omitting “and summons”.

Obtaining evidence from foreign Tribunals

82. Rule 97B of the Magistrates Court Rules is amended—

- (a) by omitting from sub-rule (5) “Ordinance” and substituting “*Magistrates Court (Civil Jurisdiction) Ordinance 1982*”; and
- (b) by omitting from sub-rule (6) “Crown” and substituting “Australian Government”.

First Schedule

83. The First Schedule to the Magistrates Court Rules is amended as set out in Schedule 3.

Second Schedule

84. The Second Schedule to the Magistrates Court Rules is amended—

- (a) by omitting item 1;
- (b) by omitting from item 2 “0.50” and “0.15” and substituting “0.55” and “0.20” respectively; and
- (c) by omitting items 3 and 4.

PART IV—AMENDMENTS OF OTHER LAWS

Division 1—Ordinances

Air Pollution Ordinance 1984—amendment

85. Section 42F of the *Air Pollution Ordinance 1984* is amended by omitting “Court of Petty Sessions” (wherever occurring) and substituting “Magistrates Court”.

Animal Nuisance Control Ordinance 1975—amendment

86. (1) Section 11 of the *Animal Nuisance Control Ordinance 1975* is repealed and the following section substituted:

Power of Court to summon witnesses

“11. (1) Sections 185 to 188 (inclusive) and section 196 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* apply to, and in relation to, the

hearing by the Court of an application made under this Ordinance as if the hearing of the application were the hearing of a claim.”.

(2) Notwithstanding the amendment of the *Animal Nuisance Control Ordinance 1975* effected by this section, the provision of the *Magistrates Court Ordinance 1930* that, immediately before the commencement of this section, applied to and in relation to proceedings under the *Animal Nuisance Control Ordinance 1975* by virtue of the operation of section 11 of the *Animal Nuisance Control Ordinance 1975* continue to apply in relation to proceedings under that Ordinance instituted before that date as if that amendment had not been made.

Magistrates Court (Civil Jurisdiction) Ordinance 1982—amendments

87. (1) Section 4 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* is amended by omitting “This Ordinance” (first occurring) and substituting “Subject to section 201, this Ordinance”.

(2) Section 201 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* is amended by adding at the end the following sub-section:

“(16) This section applies in relation to proceedings in the court under any law in force in the Territory.”.

(3) Section 292 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* is amended by adding at the end the following sub-section:

“(5) No fees are payable—

- (a) on an application arising out of a conviction or order in respect of an offence; and
- (b) in respect of proceedings under the *Domestic Violence Ordinance 1986*.”.

Crimes Act, 1900 of the State of New South Wales in its application to the Territory—amendments

88. Section 556E of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory is amended—

- (a) by omitting from sub-section (2) “an order made by the Clerk of the Magistrates Court on a complaint” and substituting “a judgment entered by the Clerk of the Magistrates Court on a claim”; and
- (b) by omitting from that sub-section “an order made on such a complaint” and substituting “a judgment entered on such a claim”.

Dividing Fences Ordinance 1981—amendments

89. (1) Section 9 of the *Dividing Fences Ordinance 1981* is amended by omitting from sub-section (3) “complaint made under the *Magistrates Court Ordinance 1930*” and substituting “claim made under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

(2) Section 10 of the *Dividing Fences Ordinance 1981* is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) An order under sub-section (1) is enforceable as if it were a judgment given or entered under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* in proceedings commenced by a claim.”.

Evidence Ordinance 1971—amendment

90. Section 41 of the *Evidence Ordinance 1971* is amended by omitting from paragraph (b) “rules of court in force under the *Magistrates Court Ordinance 1930*” and substituting “*Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

Litter Ordinance 1977—amendment

91. Section 11 of the *Litter Ordinance 1977* is amended by omitting from sub-section (2) “complaint” and substituting “claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

Motor Traffic Ordinance 1936—amendment

92. Section 196 of the *Motor Traffic Ordinance 1936* is amended—

- (a) by omitting from sub-section (1) “or complaint”;
- (b) by omitting from that sub-section “or made”; and
- (c) by omitting from sub-section (2) “or complaint is laid or made” and substituting “is laid”.

Pounds Ordinance 1928—amendments

93. (1) Section 32 of the *Pounds Ordinance 1928* is amended—

- (a) by omitting “complain to” and substituting “institute proceedings in”; and
- (b) by inserting “claiming” after “cattle” (second occurring).

(2) Section 33 of the *Pounds Ordinance 1928* is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) An application to institute proceedings pursuant to section 32 shall be made within 10 days after the date on which the notice referred to in that section was given.”;

- (b) by omitting from sub-section (2) “the complaint” and substituting “the application”; and
- (c) by omitting from sub-section (4) “the complaint” and substituting “an application”.

Traffic Ordinance 1937—amendments

94. Section 37 of the *Traffic Ordinance 1937* is amended—

- (a) by omitting from sub-sections (1) and (2) “or complaint”; and
- (b) by omitting from sub-sections (1) and (2) “or made”.

Division 2—Rules

Court of Petty Sessions (Solicitors’ Costs) Rules—repeal

95. The Court of Petty Sessions (Solicitors’ Costs) Rules (being regulations made on 12 December 1930 and notified in the *Gazette* on 18 December 1930), the amendment of the Court of Petty Sessions (Solicitors’ Costs) Rules (being regulations made on 17 December 1937 and notified in the *Gazette* on 23 December 1937), and Regulations 1950 No. 3, 1958 No. 10, 1965 No. 10, 1969 No. 5, 1977 No. 6, and 1979 No. 26, are repealed.

Workmen’s Compensation Rules—amendments

96. (1) Rule 11 of the Workmen’s Compensation Rules is amended by omitting “Magistrates Court Rules” and substituting “*Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

(2) Rule 31 of the Workmen’s Compensation Rules is amended by omitting from sub-rule (1) “complaint in the Court” and substituting “claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

(3) Rule 43 of the Workmen’s Compensation Rules is amended by omitting from paragraph (c) “complaint” and substituting “claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

(4) Rule 44 of the Workmen’s Compensation Rules is amended by omitting from sub-rule (7) “complaint” and substituting “claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*”.

(5) Rule 49 of the Workmen's Compensation rules is amended by omitting from paragraph (9) (c) "complaint in the Court" and substituting "claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*".

(6) Rules 63 of the Workmen's Compensation Rules is amended by omitting "in a complaint in the Court" and substituting "on the hearing of a claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*".

(7) Rule 85 of the Workmen's Compensation Rules is amended by inserting "or the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*" after "thereunder".

(8) The Second Schedule to the Workmen's Compensation Rules is amended by omitting from sub-item 1 (14) "complaint in that Court" and substituting "claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*".

(9) The Third Schedule to the Workmen's Compensation Rules is amended—

- (a) by omitting from item 19 "complaint in the Court" and substituting "claim under the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*"; and
- (b) by omitting from item 19 "complaint" (last occurring) and substituting "claim".

(10) Notwithstanding the amendments of the Workmen's Compensation Rules effected by this section, the provisions of the *Magistrates Court Ordinance 1930* and the Magistrates Court Rules that, immediately before the date of commencement of this section, applied to and in relation to proceedings under the *Workmen's Compensation Ordinance 1951* by virtue of the operation of the Workmen's Compensation Rules continue to apply in relation to proceedings under the *Workmen's Compensation Ordinance 1951* instituted before that date as if those amendments had not been made.

SCHEDULE 1

Section 65

PART 1**FORM 3***Information in all other cases*

Australian Capital Territory,
to wit.

The information of C.D., of _____, in the said Territory,
laid this day of _____, 19____, before the undersigned, a Magistrate of the said
Territory, who says that on the _____ day of _____, 19____, at
(*&c., stating the offence or subject matter*).

Sworn (*or laid*) before me on the day of the year first mentioned,
at _____, in the said Territory.

J.S.
Magistrate

PART 2**FORM 51***Summons for oral examination of debtors*

In the Magistrates Court, at Canberra.

A.B., informant (*or* plaintiff).

C.D., defendant.

Date of information (*or* claim)

To:

WHEREAS by an order made or a judgment given herein by the Court, or a
judgment entered, on the _____ day of _____,
19____, _____ was ordered to pay to _____ the
sum of _____ :

You are hereby commanded to attend before the Magistrates Court at Canberra on the _____ day of _____ 19____, at _____ o'clock in the noon, to be orally examined before the Court for the purpose of ascertaining—

- (a) whether any and what debts are owing to the said _____; and
- (b) whether the said _____ has any other property or means of satisfying the said order or judgment.

You are also commanded to produce to the Court for the purposes of the examination all books of account and other documents in your possession or custody in any way relating to those debts, property or means.

Dated this _____ day of _____, 19____.

Clerk of the Magistrates Court

SCHEDULE 2

Section 64 (2)

Amendments of the *Magistrates Court Ordinance 1930*

Provision	Amendment
Form 6	Omit.
Form 7	(a) Omit “[or complainant or applicant]”. (b) Omit “[or complaint or as the case may be]”. (c) Omit “[or complaint or as the case may be]”. (d) Omit “[or complaint or as the case may be]”.
Form 8	(a) Omit “[or complaint or applicant]”. (b) Omit “[or complainant or as the case may be]” (wherever occurring).
Form 9	Omit.
Form 10	Omit.
Form 11	Omit.

- Form 17 (a) Omit “[*or a complaint*] was laid [*or made*]” substitute “was laid”.
- (b) Omit “[*or complaint*]”.
- Form 32 Omit “; [*or Whereas* on the _____ day of _____, 19____, at _____, upon the hearing of a complaint made by C.D., of _____ against A.B., of _____, E.F., and others the Magistrates Court at Canberra adjudged that the said A.B. should pay to the said C.D. the sum of _____ on or before the _____ day of _____ then next, and should also pay to the said C.D. the sum of _____ for costs], [*or that the said complaint should be dismissed, and that the said C.D. should pay to the said A.B. the sum of _____ for costs*]”.
- Form 35 Omit “[*or DEBT, or as the case may be*]”.
- Form 39 Omit “*forty shillings*”, substitute “\$4”.
- Form 41 (a) Omit “*or complaint*”.
- (b) Omit “[*or complainant*]”.
- (c) Omit “[*or complaint*]” (wherever occurring).
- (d) Omit “[*information or complaint*]” (wherever occurring), substitute “*information*”.
- Form 44 Omit.
- Form 48 (a) Omit “*complainant or application*”.
- (b) Omit “[*or complainant*]”.
- (c) Omit “[*complaint or application*]” (wherever occurring).
- (d) Omit “[*or complaint or application*]” (wherever occurring).
- Form 49 Omit.
- Form 52 (a) Omit “*complainant*”, substitute “*plaintiff*”.
- (b) Omit “*complaint*” (wherever occurring), substitute “*claim*”.
- (c) Insert “*or judgment*” after “*order*” (first, second and third occurring).
- Form 53 (a) Omit “*complainant*”, substitute “*plaintiff*”.
- (b) Omit “*complaint*” (wherever occurring), substitute “*claim*”.
- Form 54 (a) Omit “*complainant*” (first occurring), substitute “*plaintiff*”.
- (b) Omit “*complaint*” (wherever occurring), substitute “*claim*”.

- (c) Omit “complainant *or*”, substitute “informant *or*”.
- Form 55(a) Omit “complainant”, substitute “plaintiff”.
 (b) Omit “complaint” (wherever occurring), substitute “claim”.
- Form 57Omit “complaint”, substitute “claim”.
- Form 58(a) Omit “*complaint*”, substitute “*claim*”.
 (b) Omit “[*or a complaint*] made”, substitute “[*or a claim made*]”.
 (c) Omit “dismissed the complaint”, substitute “dismissed the information or claim”.

SCHEDULE 3

Section 83

Amendments of the Magistrates Court Rules

Provision	Amendment
Form 1	(a) Omit “AND ADMISSIONS”. (b) Omit “Court of”. (c) Omit “of complaint”. (d) Omit “Complainant”, substitute “Plaintiff”.
Form 2	(a) Omit “JUDGMENTS”. (b) Omit “Court of”. (c) Omit “Complainant”, substitute “Plaintiff”.
Form 3	(a) Omit “complainant”, substitute “plaintiff”.
Form 4	Omit “Court of”.
Form 5	Omit.
Form 6	Omit.
Form 7	Omit.
Form 8	Omit.
Form 9	Omit.

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Form 10Omit.

Form 11Omit.

Form 12Omit.

Form 13Omit.

Form 14Omit.

Form 15Omit.

Form 16Omit "Court of".

Form 17Omit.

Form 18Omit.

Form 20Omit "Court of" (wherever occurring).

Form 21Omit "Court of" (wherever occurring).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 14 November 1986.
2. No. 21, 1930 as amended to date. For previous amendments *see* Note 2 to No. 33, 1986 and *see also* Nos. 33 and 71, 1986.