



AUSTRALIAN CAPITAL TERRITORY

## **Magistrates Court (Civil Jurisdiction) (Amendment) Act 1994**

No. 5 of 1994

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### **An Act to amend the *Magistrates Court (Civil Jurisdiction) Act 1982* and for a related purpose**

*[Notified in ACT Gazette S44: 14 March 1994]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Magistrates Court (Civil Jurisdiction) (Amendment) Act 1994*.

#### **Interpretation**

2. In this Act—

“Magistrates Court Act” means the *Magistrates Court Act 1930* as amended by the *Magistrates Court (Amendment) Act 1994*;

“Principal Act” means the *Magistrates Court (Civil Jurisdiction) Act 1982*.<sup>1</sup>

#### **Commencement**

3. (1) Sections 1 to 4 (inclusive), 11 and 12 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect.

### **Interpretation**

4. Section 3 of the Principal Act is amended by omitting from subsection (1) the definition of “determined fee”.

### **Lodgment and filing of originating process**

5. Section 11 of the Principal Act is amended by omitting from subsection (2) “the determined fee” and substituting “any fee payable under section 248B of the *Magistrates Court Act 1930*”.

### **Proceedings by application**

6. Section 20 of the Principal Act is amended by omitting from subsection (3) “and be accompanied by the determined fee”.

### **Service of originating process by post**

7. Section 22 of the Principal Act is amended by omitting from subsection (1) “and paying the determined fee,”.

### **Repeal**

8. Section 292 of the Principal Act is repealed.

### **Copies of judgments, certificates and other documents in proceedings**

9. Section 306 of the Principal Act is amended by omitting from subsection (1) “together with the determined fee”.

### **Substitution**

10. Section 306A of the Principal Act is repealed and the following section substituted:

### **Records of default judgments**

“306A. Any person may inspect a record of the court that contains particulars of—

- (a) a judgment that has been entered under section 41; or
- (b) the setting aside of such a judgment under section 219.”.

### **Repeal**

11. Section 307B of the Principal Act is repealed.

**Saving—existing fees and charges**

**12. (1)** Notwithstanding section 11, a determination under section 307B of the Principal Act, being a determination in force immediately before the day on which this section commences, continues in force by virtue of this subsection until the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect.

**(2)** For the purposes of the interpretation of the Principal Act from and including the day on which this section commences until the first determination under subsection 248A (1) of the Magistrates Court Act comes into effect, a reference to a determined fee, or to a court fee determined under section 307B of the Principal Act, is to be taken to be a reference to a fee determined in a determination continued in force by virtue of subsection (1).

**Amendment of *Children's Services Act 1986***

**13.** Section 175 of the *Children's Services Act 1986* is repealed.

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**NOTE**

1. Reprinted as at 31 March 1992.

*[Presentation speech made in Assembly on 9 December 1993]*

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