



AUSTRALIAN CAPITAL TERRITORY

# Magistrates Court Amendment Act 2000

No 60 of 2000

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## **An Act to amend the *Magistrates Court Act 1930***

*[Notified in ACT Gazette No. 40: 5 October 2000]*

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

**1 Name of Act**

This Act is the *Magistrates Court Amendment Act 2000*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Act amended**

This Act amends the *Magistrates Court Act 1930*.

**4 Interpretation**

Section 196 is amended by inserting the following definition:

“*employer* means a person who engages an individual under—

- (a) a contract of service; or
- (b) a contract for services; or
- (c) an apprenticeship; or
- (d) a training agreement under the *Vocational Education and Training Act 1995*.”

**5 Entitlement to apply**

Section 198 is amended—

- (a) by inserting after paragraph (1) (b) the following paragraph:  
“(ba) an employer of the aggrieved person; or”; and
- (b) by omitting subsection (3).

**6 Insertion**

Before section 199 the following section is inserted:

**“198B Special requirements—applications by community advocate or employer**

“(1) The court may proceed with an application by the community advocate only if satisfied that the community advocate is an appropriate person to make the application in the circumstances.

“(2) The court may proceed with an application by an employer of an aggrieved person only if satisfied that the aggrieved person consents to the making of the application.

“(3) Despite paragraph 206 (1) (b) of the *Magistrates Court (Civil Jurisdiction) Act 1982* (which is about service of affidavits on parties), an affidavit is not to be served on another party to a proceeding under this Part if the only matter sworn is an aggrieved person’s consent to the making of the application by the person’s employer.

“(4) Subsection (3) is not to be taken to limit the ways in which the court may be satisfied that the aggrieved person consents to the making of the application.”.

**7 Parties—applications by person other than aggrieved persons**

Section 200 is amended by inserting after paragraph (1) (a) the following paragraph:

- “(aa) an employer of the aggrieved person; or”.

**8 Service of applications**

Paragraph 206A (1) (b) is amended by omitting “relative” and substituting “relative, employer”.

**Endnote**

**Act amended**

- 1 Republished as in force on 31 March 1999. See also Acts 1999 Nos 22, 34, 59, 61, 64, 66, 79 and 91; Act No 2000 No 1.

*[Presentation speech made in Assembly on 10 May 2000]*