

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice and Community)

Magistrates Court (Amendment) Bill 1999

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Magistrates Court (Amendment) Bill 1999

A BILL

FOR

An Act to amend the *Magistrates Court Act 1930*

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

1 Name of Act

This Act is the *Magistrates Court (Amendment) Act 1999*.

2 Commencement

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

5 **3 Act amended**

This Act amends the *Magistrates Court Act 1930*.¹

4 Hearing of applications

Section 203 is amended—

- 10 (a) by omitting subsection (1) and substituting the following subsection:

“(1) The *Magistrates Court (Civil Jurisdiction) Act 1982* applies (under section 4 of that Act) to a proceeding under this Part subject to—

- (a) this section; and
- 5 (b) any other provision of this Part if, and to the extent that, the provision is inconsistent with that Act; and
- (c) any modification of that Act, in its application to such a proceeding, prescribed by the regulations.”; and
- 10 (b) by omitting from subsection (2) “Section” and substituting “Paragraph 22 (4) (a), subsection 22 (5) and section”; and
- (c) by omitting from subsection (2) “does” and substituting “do”.

5 Insertion

After section 206, insert the following section:

“206AA Jurisdiction under section 206

- 15 “(1) Jurisdiction under section 206 may be exercised for making an order under any provision of this Part that confers power to make an order.
- “(2) Jurisdiction under section 206 may be exercised—
 - (a) in court or by a magistrate in chambers; and
 - 20 (b) whether or not the parties have attended, or any of the parties has attended, in court or before the magistrate in chambers.
- “(3) For the exercise of jurisdiction under section 206, it is not necessary for the court or magistrate to be satisfied about anything mentioned in subsection 197 (1).
- 25 “(4) An order under section 206 may be made without proof or admission of guilt.”.

6 Insertion

After section 258, insert the following Part:

“PART 16—TRANSITIONAL

“259 Application of section 203 (as amended) and section 206AA

- 30 “(1) Section 203 as amended by the *Magistrates Court (Amendment) Act 1999* is taken to apply in relation to any proceeding under Part 10 of this Act begun on or after 24 December 1990.
- “(2) Section 206AA is taken to apply in relation to—

- (a) any order made (or purportedly made) under section on or after 24 December 1990; and
- (b) any proceeding (a *contravention proceeding*) begun, on or after that date, for the contravention of any such order.

5 [NOTE—24 December 1990 is when Part 10 commenced.]

“(3) However, paragraph (2) (b) does not affect a judgment or decision given before the commencement of this section in any contravention proceeding.

10 “(4) This section does not affect the validity of any order, proceeding, step or action that, apart from this section, is valid.

“(5) This section lapses at the end of 5 years after the date it commences.”.

ENDNOTE

Act amended

1 Reprinted as at 31 March 1999. See also Act 1999 No 22.