

LEGISLATIVE ASSEMBLY

Read 1° 19 April 1989

(Brought in by Mr McCutcheon and Mr Roper)

A BILL

to amend Part III of the *Constitution Act 1975* and for other purposes.

Constitution (Supreme Court) Act 1989

The Parliament of Victoria enacts as follows:

Purpose

- 5 1. The purpose of this Act is to make further provision relating to the jurisdiction of the Supreme Court and to remove doubts about the validity of certain Acts.

Commencement

- 10 2. (1) Section 4 shall be deemed to have come into operation on 1 December 1975.
(2) The rest of this Act comes into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act, the *Constitution Act 1975* is called the Principal Act.

Jurisdiction of the Supreme Court

- 15 4. After section 85 (4) of the Principal Act insert—
“(5) The jurisdiction of the Court is not excluded by any provision of an Act unless—
(a) the Bill for the Act is passed in accordance with section 18 (2); and

No. 8750.
Reprinted to
No. 55/1988.

Constitution (Supreme Court)

(b) the Act (or another Act the Bill for which is so passed) expressly, and not merely by implication, so provides.

(6) A provision of an Act conferring judicial jurisdiction or power on a court, tribunal, body or person, whether or not expressed or implied to be exclusive, also confers additional jurisdiction or power on the Court and shall not be taken to repeal, alter or vary the provisions of this Part.”. 5

Validity of certain Acts etc.

5. (1) The enactment or validity of the *Retail Tenancies Act* 1986, the *Planning and Environment Act* 1987 or any other Act enacted or purporting to have been enacted after 1 December 1975 and before the commencement of this section shall not be called in question in any proceeding in any court or tribunal on the ground that the Bill for the Act contained any provision by which section 85 of the Principal Act may be repealed, altered or varied or that the Bill was not lawfully presented for Royal Assent because the requirements of section 18 (2) of the Principal Act were not complied with. 10 15

(2) Anything done or omitted to be done under the authority or purported authority of an Act to which sub-section (1) applies shall not be called in question on any ground referred to in sub-section (1). 20