

# Courts (Further Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purpose of the Act.

*Clause 2* states when the Act comes into operation.

*Clause 3* states that the Principal Act is the *Magistrates' Courts Act 1971*.

*Clause 4* inserts into the Principal Act a New Part which provides an arbitration procedure for the hearing of certain complaints in the Magistrates' Courts and a further Part which introduces a procedure for the conduct of pre-hearing conferences in relation to certain other complaints in the Magistrates' Courts.

*Clause 5* inserts into the Principal Act provisions which enable rules and regulations to be made about the arbitration and pre-hearing conferences introduced by clause 4.

*Clause 6* inserts a provision into the *County Court Act 1958* which empowers the County Court, in certain circumstances, to amend a summons and to hear a matter where the summons exceeds the jurisdiction of the Court.

*Clause 7* makes amendments to the *Strata Titles Act 1967* which allow a court of competent jurisdiction to hear certain matters under that Act.

*Clause 8* makes an amendment to the *Cluster Titles Act 1974* which allows a court of competent jurisdiction to hear certain matters under that Act.

*Clause 9* corrects references to section and sub-section numbers in the *Courts Amendment Act 1986*.

*Clause 10* inserts a provision into the *Companies (Application of Laws) Act 1981* which empowers the Governor in Council to make regulations about penalty notices under the Companies (Victoria) Code.

*Clause 11* inserts a paragraph into Schedule 1 of the *Companies (Application of Laws) Act 1981* which adds a provision about penalty notices to the Companies (Victoria) Code.

*Clause 12* inserts a provision into the *Securities Industry (Application of Laws) Act 1981* which empowers the Governor in Council to make certain regulations about penalty notices under the Securities Industry (Victoria) Code.

*Clause 13* inserts a paragraph into Schedule 1 to the *Securities Industry (Application of Laws) Act 1981* which adds a provision about penalty notices to the Securities Industry (Victoria) Code.

*Clause 14* inserts provisions into the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* which empower the Governor in Council to make certain regulations about penalty notices under the Companies (Acquisition of Shares) (Victoria) Code.

*Clause 15* inserts paragraphs into Schedule 1 to the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* which add provisions setting out a procedure for the use of penalty notices in relation to offences under the Companies (Acquisition of Shares) (Victoria) Code.

*Clause 16* inserts provisions into the *Magistrates (Summary Proceedings) Act 1975* which enable the penalty notice procedure in the Act to be available for use in relation to offences under the Companies (Acquisition of Shares) Code.

*Clause 17* makes amendments to the *Magistrates (Summary Proceedings) Act 1975* which alter the way in which the service of a summons can be proved in the Magistrates' Courts.