

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. It also inserts a provision re-enacting a former section 37A of the *County Court Act 1958*.

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.