

# MAGISTRATES CASES 2002 INDEX

Magistrates' Court Victoria

# **TABLE OF CASES REPORTED IN 2002**

	Case No.
Berlyn v Brouskos (Nettle J)	27/02
Blair v Magistrates' Court & Anor (Pagone J)	14/02
Cheremnov v Magistrates' Court & Ors (Smith J)	24/02
Coleman v DPP & County Court (Court of Appeal – Batt & Vincent JJ A, O'Bryan AJ	A)10/02
Cook v Velkray Pty Ltd (Nettle J)	25/02
Day v County Court and Hanson (Smith J)	29/02
Dept of Human Serv v Magistrates' Court & Kass (CA – Phillips & Batt JJ A, O'Bryan AJ	A) 31/02
Dir of Asset Confiscation Office v Nguyen (Ashley J) (2002) 128 A Crim R 531	12/02
DPP v Berman (Ashley J)	01/02
DPP v D'Amico (Eames J) 34 MVR 573; 126 A Crim R 301	02/02
DPP v Greelish (CA) (2002) 4 VR 220; 35 MVR 466; (2002) 128 A Crim R 144	04/02
DPP v Mitchell (Gillard J) 37 MVR 142	22/02
DPP v Moore (Balmford J) 35 MVR 357; (2002) 129 A Crim R 95	03/02
Dura (Australia) Constructions Pty Ltd v Girgin (Balmford J)	30/02
Fernandes v Butler & Ors (Smith J)	21/02
Goodey v Clarke (Bongiorno J) 37 MVR 121	05/02
Hrysikos v Mansfield (Court of Appeal - Ormiston, Chernov & Eames JJ A)	32/02
Hunter v Magistrates' Court & Aulich (Smith J)	23/02
Indevelco Pty Ltd v Betts and Ors (Williams J)	34/02
Indus Realty Pty Ltd v Phillipson (Gillard J)	16/02
Kassionis v Magistrates' Court & Anor (Pagone J)	11/02
Kowal v Zoccoli (CA - Winneke P, Ormiston & Phillips JJ A) (2002) 4 VR 399	15/02
Moate v Magistrates' Court & Anor (Beach J)	13/02
Morton's Machinery Pty Ltd v Stumpgrinding Pty Ltd (Ashley J)	28/02
Mounsey v Lafayette (Nettle J) 37 MVR 256	26/02
Platz v Barmby (Byrne J)225	33/02
Popovic v Herald & Weekly Times Ltd and Bolt (Liability) (Bongiorno J)	07/02
Popovic v Herald & Weekly Times Ltd and Bolt (Damages) (Bongiorno J)	06/02
Price v Hesse (Byrne J)	08/02
Quarry Quip Engineering Pty Ltd v Starr (Byrne J)	35/02
Stephens v Melis and Anor (Smith J)	20/02
Stilinox Sales Pty Ltd v World Class Pty Ltd (Mandie J)	18/02
Stojanoski v Northern Meat & Poultry Supplies Pty Ltd & Anor (Gillard J)	17/02
Stragan & Co Pty Ltd v Christodolou (Beach J)	19/02
Wilson v Children's Court & Anor (Mandie J) (2002) 129 A Crim R 107	09/02

### SUBJECT MATTER

### **CIVIL PROCEEDINGS**

- **Bailee for reward –** engine delivered to repairer under warranty engine passed on to third party engine not returned repairer a bailee for reward: 28/02
- **Contract for sale of property** agent's commission sale not completed deposit obtained and retained by vendor agent entitled to full commission: 16/02
- **Corporations law** company insolvent claim against directors of insolvent company finding that company had funding agreement with another company at relevant time directors not liable: 35/02
- **Costs** incurred by witness attending court medical practitioner not entitled to claim loss of earnings as costs: 15/02
- **Defamation** newspaper article critical of magistrate qualified privilege whether discussion of a government or political matter whether reasonable for article to be published plaintiff not contacted damages awarded: 06, 07/02
- **Defamation and damages** comments made by radio broadcaster on talk-back program reference to person in derogatory terms finding by magistrate that words used conveyed the imputation that person was not a person of good reputation defence of fair comment rejected no error by magistrate: 08/02
- **Goods sold** order for goods placed by employee invoices addressed to employee's employer payments made by employer magistrate not in error in finding employer liable for cost of goods: 34/02
- **Motor vehicle collision** vehicle struck from behind vehicle then accelerated and struck other vehicles causation 'agony of the moment' decision 'all or nothing' approach magistrate not in error in finding first driver liable: 25/02
- **Rehearing application** defence on the merits counterclaim or set-off are capable of being a defence to a claim: 18/02
- **Rehearing application** order made irregularly order to be set aside as a general rule no defence on the merits magistrate in error in setting order aside: 17/02
- **Rehearing application** second application could be abuse of process if application based on same grounds: 19/02

### **CONSTITUTIONAL LAW**

**Alleged inconsistency** - between *Transport Act* 1983 and *Currency Act* 1965 and *Reserve Bank Act* 1959 – in relation to coin-operated machines - no inconsistency: 26/02

### COSTS

**Costs** – incurred by witness attending court – medical practitioner – not entitled to claim loss of earnings as costs: 15/02

### **CRIMINAL LAW**

- **Crimes Family Violence** consent order made without admissions of allegations in complaint magistrate must be satisfied of one or more relevant criteria before making order: 20/02
- Order to undergo compulsory procedure pre-requisite for making of order matters of which the court must be satisfied before making order: 09/02
- **Stalking** course of conduct meaning of must be engaged in on more than one occasion or be protracted: 27/02

## **EVIDENCE**

**Informant refreshed memory from statement** – cross-examined by defence counsel using statement – no error in magistrate admitting statement into evidence: 32/02

# **MOTOR TRAFFIC**

- Drink-driving
  - **BAC reading .068** administrative discretion whether to lay charge defendant aware of right to blood test chose not to elect for blood test in the circumstances charges laid dismissed on grounds of unfairness magistrate in error: 01/02
  - **Blood test taken more than 3 hours after driving** doctor asked driver "Will you let me?" "expressed consent" must be more than a mere formality not an expressed consent in the circumstances date and place of offence mere variance can be amended: 29/02
  - **Defendant advised not to have blood test** certificate excluded by magistrate charge dismissed no error charge failed to include words "after having undergone a preliminary breath test" charge dismissed magistrate in error: 03/02
  - **Defendant required to go to booze bus for breath test** sample of breath furnished second sample requested defendant left booze bus to smoke cigarette defendant not

### SUBJECT MATTER

- guilty of refusing to remain at booze bus: 32/02
- **Person found next to his motor vehicle** appeared to be under influence of alcohol refused to accompany police officer for breath test magistrate in error in dismissing charge: 22/02
- **Refusing to accompany officer for breath test** reason given accepted by magistrate as a reason of a substantial character charge dismissed magistrate in error defence does not apply to a charge of refusing to accompany: 04/02
- **Sample of breath insufficient** request for second sample refusal by defendant charged with refusing to comply wrong sub-section of s55 of *Road Safety Act* 1986 specified in charge amendment made by magistrate insufficient particulars charge should have been dismissed magistrate in error in making amendment: 05/02

### Driving-

- **Driving whilst disqualified** driver seen to be driving into service station at cross-roads not sure on which highway driver came from identity of road not material Court able to conclude that driver was driving on a highway: 29/02
- **Speeding motor cycle** 147km/h in a 100km/h zone charge admitted motor cycle licence suspended no order in relation to motor car driver licence magistrate in error: 02/02

# **NATURAL JUSTICE**

- **Contest mention hearing** matters adjourned for hearing no joinder of charges signed copy of statement not given to accused no error charge amended in open court not necessary to confirm amendment in writing: 11/02
- **Examination under Confiscation Act 1997** nature of examination under s99 procedural fairness error to adjourn examination so that third party can be given notice: 12/02
- **Intervention Order made** indication by magistrate before hearing evidence order made without consent denial of natural justice: 23/02
- **Matter fixed for one-day hearing** contention that matter would take more than one day no error: 13/02
- **Original charge and summons not produced at hearing** unable to be found finding by magistrate that summons would have been filed judicial notice taken of court's records no error: 14/02

# OCCUPATIONAL HEALTH AND SAFETY

**Employee injured when falling from platform –** employer to provide a safe working environment – employer to be aware that employee might act inadvertently or without taking reasonable care for their own safety – employer liable: 30/02

# PRACTICE AND PROCEDURE

- **Brief of evidence -** summons to answer charge short-served magistrate in error in hearing charge *ex parte* and convicting defendant: 33/02
- **Charge laid under wrong sub-section** amendment made by magistrate insufficient particulars amendment made out of time magistrate in error in finding charge proved: 05/02
- **Contest mention hearing** matters adjourned for hearing no joinder of charges signed copy of statement not given to accused no error charge amended in open court not necessary for prosecutor to confirm amendment in writing: 11/02
- **Crimes Family Violence** consent order made without admissions of allegations in complaint magistrate must be satisfied of one or more relevant criteria before making order: 20/02
- **Examination under Confiscation Act 1997** nature of examination under s99 procedural fairness error to adjourn examination so that third party can be given notice: 12/02
- **Order to undergo compulsory procedure** pre-requisite for making of order matters of which the court must be satisfied before making order: 09/02
- **Original charge and summons not produced at hearing** unable to be found finding by magistrate that summons would have been filed judicial notice taken of court's records no error: 14/02
- **Search warrant** property seized *ex parte* order made by magistrate as to retention of property subsequent application made for return of property magistrate in error in refusing application on ground that magistrate was *functus officio*: 21/02
- **Sub-poena addressed to Chief Commissioner of Police** not present on return of sub-poena objection that prosecutor had no standing to represent Chief Commissioner adjourned by magistrate for Chief Commissioner to appear no error: 24/02
- **Young offender charged with offences** application to remand in YTC offender not undergoing a sentence of detention remand warrant not authorized by *Bail Act* 1977 magistrate in error: 31/02

### SUBJECT MATTER

### **SENTENCING**

**Suspended sentence breached** – breaching offence punishable by fine only – suspended sentence not breached: 10/02

### **TRANSPORT**

**Failing to produce ticket to travel on a tram** – defendant said he had no change to operate the on-board coin-operated machine – all reasonable steps not taken by defendant to prepurchase ticket – no defence: 26/02

### TABLE OF CASES REFERRED TO, CONSIDERED, APPLIED etc.

Adam v Ward [1917] AC 309, applied: 06/02 Aherne v Freeman [1974] 121, referred to: 24/02 Allitt v Sullivan [1988] VR 621, applied: 21/02

Australian Broadcasting Tribunal v Bond (1990) 170 CLR 321, applied: 27/02

Australian Capital Television Pty Ltd v The Commonwealth (1992) 177 CLR 106, referred to: 06/02

Australian Meat Industries Employees Union v O'Connor (1999) 96 IR 266, applied: 26/02

Barca v R (1975) 133 CLR 82, applied: 27/02

Brittingham v Williams [1932] VLR 237, followed: 30/02 Broome v Cassell & Co [1972] AC 1027, applied: 07/02

Brygel v Stewart-Thornton [1992] 2 VR 387, applied: 11/02

Bunning v Cross (1978) 141 CLR 54, referred to: 01, 03/02. Cachia v Hanes (1994) 179 CLR 403, followed: 15/02

Chitty v Mason (1926) VLR 419, applied: 17/02

Christie (DA) Pty Ltd v Baker [1996] 2 VR 582, applied: 19/02

Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337, applied: 16/02

Cooke v Wood unrep, Ct App, (Vic), 11 Dec 1997, applied: 07/02 Cox v Snowball & Kaufman [1930] VLR 325, applied: 14/02

Coyne v Citizen Finance Limited (1991) 172 CLR 211, followed: 07/02

Crampton v Nugawela (1996) 41 NSWLR 176, followed: 07/02

Craven v Smith [1869] LR 4 Ex 146, applied: 14/02

David Syme & Co Ltd v Mather [1997] VR 516, referred to: 07/02

DCT v Pejkovic (2000) ATC 4825, applied: 26/02 De Zylva (1988) 38 A Crim R 207, followed: 23/02

DPP v Berman MC 01/02, referred to: 03/02

DPP v Connor 32 MVR 479, cited: 03/02

DPP v Drage (1993) 17 MVR 390, referred to: 01/02

DPP v Ellison (1995) 21 MVR 444, referred to: 04/02

DPP v Foster [1999] 2 VR 643, applied: 04/02

DPP v Greelish MC 22/01, reversed: 04/02

DPP v Judge Fricke [1993] 1 VR 369, applied: 14/02

DPP v Murphy MC 30/00, distinguished: 03/02

DPP Reference No 2 of 2001 MC13/01, followed: 03/02

DPP v Warren (1993) AC 319, referred to: 29/02

DPP v Webb [1993] 2 VR 403, distinguished: 32/02

DPP v Williams (1998) 28 MVR 521, referred to: 32/02

Evans v Bartlam (1937) AC 473, applied: 17/02

Ex parte Lovell; Re Buckley and Anor (1948) 38 SR (NSW) 153, applied: 05/02

Gahan v Frahm MC 37/99, distinguished: 33/02

George v Rockett (1990) 170 CLR 104, referred to: 21, applied: 22/02

Gigante v Nickson (2001) 33 MVR 51, followed: 29/02

Gillard v Wenborn MC42/88: referred to: 22/02

Glynn v Margetson & Co [1893] AC 351, applied: 16/02

Guise v Kouvelis (1946) 46 SR(NSW) 419, referred to: 07/02

Gunes v Pearson (1996) 89 A Crim R 297, followed: 27/02

Guss v Magistrates' Court of Victoria and Katz [1998] 2 VR 113, applied: 17, 19/02

Harris v Caladine [1991] 172 CLR 84, applied: 20/02

Holmes v RE Spence & Co (1992) 5 VIR 119, referred to: 30/02

Howtrac Rentals Pty Ltd v Theiss Contractors (NZ) Ltd [2000] VSC 415, referred to: 16/02

Hume Steel v Attorney-General (1927) 39 CLR 455, applied: 16/02

John Fairfax and Sons Ltd v Kelly (1987) 8 NSWLR 131, applied: 07/02

John Fairfax Publications Pty Ltd v Attorney-General (NSW) (2000) 181 ALR 694, applied: 06/02

John L Pty Ltd v Attorney-General (NSW) (1987) 163 CLR 508, applied: 05/02

Johnson v Miller (1937) 59 CLR 467, referred to: 05/02

Kelly v vonEinem (1995) 84 A Crim R 3, referred to: 23/02

Kiama Constructions Pty Ltd v Davey (1996) 40 NSWLR 639, applied: 30/02

Knight v The Queen (1992) 175 CLR 503, referred to: 27/02

Kostokanellis v Allen Ltd (1974) VR 596, applied: 17/02

Kruger v The Commonwealth (1997) 190 CLR 1, referred to: 06/02

### TABLE OF CASES REFERRED TO, CONSIDERED, APPLIED, etc.

Lange v Herald and Weekly Times Ltd (1997) 189 CLR 520, applied:  $06,\,08/02$ 

LJ Hooker Ltd v WJ Adams Estates Pty Ltd (1977) 138 CLR 52, referred to: 16/02

Loughnan v Magistrates' Court of Victoria [1993] 1 VR 685, applied: 09/02

L Schuler AG v Wickham Machine Tools Sales Ltd [1974] AC 235, applied: 16/02

Luxor (Eastbourne) Ltd v Cooper (1941) AC 108, applied: 16/02

McCarey v Associated Newspapers Ltd (No 2) [1965] 2 QB 86, followed: 07/02

Mansfield v Hrysikos MC 41/00, approved (in part): 32/02

May v Commissioner of Taxation (1999) 92 FLR 152, discussed: 12/02

Morgan v John Fairfax & Sons Pty Ltd (1991) 23 NSWLR 374, followed: 06/02

Nationwide News Pty Ltd v Wills (1992) 177 CLR 1, applied: 06/02

Naxakis v Western General Hospital (1999) 197 CLR 269, distinguished: 06/02

Nitz v Evans (1993) 19 MVR 55, followed: 33/02

Nolan v Rhodes (1982) 32 SASR 207, referred to: 01, followed 03/02

O'Brien v Salisbury (1889) 54 JP 215, referred to: 08/02

O'Sullivan v Komesaroff, unrep, Vic Sup Ct, 22 April 1983, applied: 07/02

Peacock v R (1911) 13 CLR 619, applied: 27/02

Petrunic v Barnes [1989] VR 927, not followed: 15/02

Pettitt v Dunkley [1971] 1 NSWLR 376, followed: 30/02

Plomp v The Queen (1963) 110 CLR 234, applied: 27/02

Potter v Tural (2000) 2 VR 612, followed: 09/02

Praed v Graham (1890) 24 QBD 53, applied: 07/02

R v Australian Char Pty Ltd [1999] 3 VR 834, applied: 30/02

R v Melbourne (1980) 2 Cr App R (S) 116, distinguished: 10/02

R v Pantorno [1988] VR 195, referred to: 10/02

Rankin v O'Brien [1986] VR 67, referred to: 04/02

Re ACI International Limited (1986) 11 ACLR 204, referred to: 24/02

Rigby v Associated Newspapers [1969] 1 NSWR 729, referred to: 07/02

Rolfe v Willis (1916) 21 CR 152, applied: 26/02

Sammassino v Franich MC 46/94, distinguished: 33/02

Scott v Dunstone [1963] VR 579, referred to: 04/02

Scott v Willmore and Randell (1949) VR 113, applied: 16/02

Secretary Dept of Affairs & Trade v Boswell (No 2) (1992) 39 FCR 288, not followed: 15/02

Senat v Senat [1965] P 172, applied: 32/02

Seventeenth Febtor Pty Ltd v Household Financial Services Ltd (1996) 2 VR 577, applied: 17/02

Shepherd v Felt & Textiles of Australia Ltd (1931) 45 CLR 359, followed: 06/02

Sinclair v Magistrates' Court & Brereton MC 3/99, followed: 33/02

Sinclair v Maryborough Mining Warden (1975) 132 CLR 473, applied: 27/02

Soulemezis v Dudley (Holdings) P/L [1987] 10 NSWLR 247, followed: 30/02

Stephens v West Australian Newspapers Ltd (1994) 182 CLR 211, referred to: 06/02

Stiles v Lamont (1992) 15 MVR 557, referred to: 03/02

Talevski v The County Court of Victoria and Ors [2001] VSC 171, distinguished: 12/02

Theophanos v The Herald and Weekly Times Ltd (1994) 182 CLR 104, applied: 06/02

Thompson v His Honour Judge Byrne & Ors (1999) 196 CLR 141, referred to:  $01,\,04/02$ 

Transport Industries Insurance Co Ltd v Longmuir [1997] 1 VR 125, applied: 27/02

Uren v John Fairfax & Sons Pty Ltd (1966) 117 CLR 118, followed: 07/02

Vakauta v Kelly (1989) 167 CLR 568, referred to: 23/02

Walsh v Loughnan [1991] 2 VR 351, followed: 22/02

Walsh v Tattersall 139 ALR 27, referred to: 05/02

Walton v McBride (1995) 36 NSWLR 440, followed: 15/02

Weissensteiner v The Queen (1993) 178 CLR 217, applied: 22/02

# WORDS AND PHRASES, CATCHWORDS, CONCEPTS etc.

[Note: Words and phrases judicially considered are in inverted commas.  $\operatorname{Ed}$ ]

Abuse of process: 19/02

Adjournment of matter by court: 24/02

Advice by operator: 03/02

"After having undergone a preliminary breath test": 03/02

Agent's commission: 16/02 Aggravated damages: 07/02

'Agony of the moment' decision: 25/02

'All or nothing' approach: 25/02 "All reasonable steps": 26/02

Amendment

- of charge: 05, 11, 29/02

- of Register: 23/02

"any order under this Act": 20/02

Application for-

compulsory procedure: 09/02return of property: 21/02

# WORDS AND PHRASES, CATCHWORDS, CONCEPTS etc.

Assets confiscation examination: 12/02 Attendance at court costs: 15/02 "At the scene of the offence": 09/02

Bailee for reward: 28/02

Bail refused for young offender: 31/02

Blood sample taken by medical practitioner: 29/02

Booze bus: 32/02

Breach of suspended sentence: 09/02

Brief of evidence: 33/02

Bunning v Cross discretion: 01, 03/02 Causation in motor vehicle collision: 25/02

Certificate of analysis: 03, 33/02 Charge and summons filed: 14, 33/02

Charge short-served: 33/02 Coin-operated machines: 26/02 Commission, estate agent: 16/02 Company insolvency: 35/02 Compensatory damages: 07/02 "Completion of a sale": 16/02

Compulsory procedure application: 09/02 Confiscation Act 1997 examination: 12/02 Consent to intervention order: 20/02

Constitution: 26/02

Construction of contract: 16/02 Contest Mention hearing: 11/02

Contract of sale: 16/02

Contributory negligence: 25/02 Corporations law: 35/02 Costs attending court: 15/02 Counterclaim as a defence: 18/02 "Course of conduct": 27/02 Course of employment: 34/02

Court records, judicial notice of: 14/02 In charge of a motor vehicle: 22/02 Crimes Family Violence: 20, 23/02

Cross-examination: 20/02 Defamation: 06, 08/02

Damages—

aggravated: 07/02compensatory: 06/02exemplary: 06, 07/02punitive: 07/02

Defence of fair comment: 08/02

Defence of honest and reasonable belief: 26/02

Defence on the merits: 17, 18/02

"Did not appear in the proceeding": 17/02

Disbursements: 15/02 DNA material: 09/02

Drink/driving: 01, 03, 04, 05, 22, 29, 32, 33/02

Driver licence suspension: 02/02 Driving a motor vehicle: 22/02 Duties of employers: 30/02

Elements of drink/driving offences: 22, 29/02

Employment, course of: 34/02 Employers, duty of: 30/02

Equitable set-off as a defence: 18/02 Estate agent's commission: 16/02

Examination under Confiscation Act 1997: 12/02

Exceptions: 26/02
Exemplary damages: 07/02
Exemptions: 26/02
Ex parte order: 21/02
"Expressed consent": 29/02
Pair comment: 08/02

Fair comment: 08/02 Fairness discretion: 01/02

Filing of charge and summons: 14/02 Forfeiture of property examination: 12/02

# WORDS AND PHRASES, CATCHWORDS, CONCEPTS etc.

"For that purpose": 04/02

Freedom of political discussion: 06/02

Functus officio: 21/02 "Further": 04/02 "Further offence": 10/02

Gazettal of coin-operated machines: 26/02

Goods sold: 34/02

Income loss not costs: 15/02 Insolvency of company: 35/02

Interest: 07/02

Intervention order criteria: 20/02

Irregular order: 17/02

Joinder: 11/02

Judicial independence: 06/02

Judicial notice: 14/02

Lange qualified privilege: 06/02 Loss of income not costs: 15/02 Memory refreshment: 32/02 Motor cycle speeding: 02/02 Motor vehicle collision: 25/02

Natural justice: 11, 12, 13, 14, 17, 23, 24/02

Negligence: 25/02

Non obstante veredicto: 06/02 Notice to other party: 17/02 Novus actus interveniens: 25/02 Occupational Health & Safety: 30/02

"On an object believed to have been associated with the commission of the offence": 09/02

Order obtained irregularly: 17/02

Order to undergo compulsory procedure: 09/02

Ostensible bias: 23/02

Particulars of charge: 05, 11, 29/02

"Place": 32/02

Pre-hearing disclosure: 11/02

"Prison": 31/02

Procedural fairness: 11, 12/02

"Punishable": 10/02

"Punishable by imprisonment": 10/02

Punitive damages: 07/02 Qualified privilege: 06/02 Reasonable belief: 09, 22/02

"Reasonable grounds for suspecting": 22/02

"Reasonable grounds to expect company solvent": 35/02

Reasonableness: 06, 08, 32/02 Reasons for decision: 30/02

Refuse to accompany police officer: 04, 22/02 Refuse to provide sample of breath: 05/02 Refuse to remain at booze bus: 32/02

Register amendment: 23/02

Rehearing application: 17, 18, 19/02 Remand of offender to YTC: 31/02

"Remain there": 32/02 Reward, bailee for: 28/02 Sale of property: 16/02 Search warrant: 21/02 Secondary evidence: 14/02

Sentencing: 10/02

Set-off as a defence: 18/02 Settlement Terms: 17/02 Short service of charge: 33/02

Slip rule: 23/02

"Some reason of a substantial character": 04/02

Special term in contract: 16/02 Speeding motor cycle: 02/02

"Stalking" 27/02 Standing: 24/02

Struck out with right of reinstatement: 17/02

Sub-poena for documents: 24/02

### TABLE OF STATUTES AND REGULATIONS

Summons short-served: 33/02

Superadded words in contract: 16/02 Suspended sentence breached: 10/02

Tender of statement: 32/02 Tenure of judicial officers: 06/02 Terms of Settlement: 17/02 Ticket for tram travel: 26/02

Tram travel: 26/02 Triggering offence: 10/02 "under this Act": 20/02 Unfairness: 01, 20/02 Variance: 29/02

Warrant of commitment: 31/02 Warrant to remand: 31/02 Witness costs: 15/02 Witness' credibility: 30/02

Witness summons to produce documents: 24/02

Workplace considerations: 30/02 Young offender on remand: 31/02

### TABLE OF STATUTES AND REGULATIONS

Bail Act 1977 Confiscation Act 1997 Corporations Act

County Court Rules Crimes Act 1958

Crimes (Family Violence) Act 1987 Defamation Act 1974 (NSW)

Drugs, Poisons and Controlled Substances Act 1981

Evidence Act 1958

Interpretation of Legislation Act 1984

Magistrates' Court Act 1989

Magistrates (Summary Proceedings) Act 1975 Motor Car (Driving Offences) Act 1971

Motor Car (Miscellaneous Provisions) Act 1980 Occupational Health and Safety Act 1985

Penalty Interest Rates Act 1983

Road Rules Victoria Road Safety Act 1986

Sentencing Act 1991

Transport Act 1983

ss3, 12(1): 31/02

s99: 12/02

s588G, H M(3): 35/02

r63A.69: 15/02 s21A: 27/02;

s465: 21/02

s464U(7): 09/02

ss3A, 4(1), 5, 14: 20/02

s22(1)(c): 06/02

s73(1): 10/02

s36: 32/02

s35: 03/02

s40: 21/02

s30(2): 14/02

s34: 33/02

s38(c): 24/02

s41(2): 33/02

s48(c): 24/02

s49(1)(c): 31/02

s50(1): 05/02 s51: 11/02

s78: 21/02

s110: 17/02

s128: 24/02

s130: 26/02

Sch 2: 11/02

Sch 8: 31/02

s59(7): 31/02 s7: 04/02

s80F(6): 04/02

s21: 30/02

s2: 07/02

r19: 02/02

s28(1)(a):02/02

s30(1)(a).02/02

\$30(1): 29/02

s48(1)(b): 22/02

s49(1)(b): 01, 03, 22, 29/02 s49(1)(e): 04, 22, 32/02

s49(1)(f): 01, 03, 05/02

s55(1): 04, 05, 22, 32/02

s55(2A): 05/02

s55(9): 04/02; s55(9A): 29/02

s57(5): 33/02

s57(9): 29/02

s58(2): 03/02

s31: 10/02

s221(A), (2), (4): 26/02

Edited by: Patrick Street LL B, Dip Crim

C/o Magistrates' Court,

GPO Box 882G,

Melbourne Vic. 3001