



Magistrates' Court
Victoria

MAGISTRATES CASES 1985

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Wilson v Buttery [1926] SASR 150, referred to: 20/85 cited: 29/85
Woolmington v D [1935] AC 462, applied: 42/85
Wrixon v Deehan [1865] 2 WW & a'B (L) 16, applied: 46/85
Youngberry v Hetherington [1977] Qd R 15, referred to: 45/85

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Alcoholics and Drug-Dependent Persons Act 1968, s13: 27, 34/85
Auction Sales Act 1958, ss3-7, 22, 24, 29, 35: 9/85; s38: 8, 9/85
Australian Federal Police Act 1979 (Cth.) s64: 49/85
Bail Act 1977, s4: 2, 7/85; s5: 7/85
Building Societies Act 1976, ss2, 7, 24, 53: 48/85
Commerce (Trade Descriptions) Act 1905 (Cth), ss2, 12: 16/85
Companies Act 1961, s122: 25/85
Companies (Victoria) Code, s16A: 3/85; ss67, 68: 48/85; s573: 3/85
Crimes Act 1958, s48(1)(4): 42/85; ss71, 72, 73: 48/85; s351: 13/85; s376: 19/85;
Crimes Act 1914 (Cth), s13: 16/85; s19B: 52/85; s20: 38/85; s29B: 25/85; s86: 15/85
Crown Proceedings Act 1958, s5: 43/85
Customs Act 1901 (Cth), Part XIV: 16, 37, 39/85
Extradition (Foreign States) Act 1966 (Cth.), ss17, 18, 26: 24/85
Forgery Act 1913 (UK), s6: 21/85
Income Tax Assessment Act 1936 (Cth), s223: 50/85
Instruments Act 1958, s27: 26/85
Interpretation of Legislation Act 1984, s35: 9, 22/85; s36: 22/85; s38: 9/85
Judgment Debt Recovery Act 1984, s6: 46/85
Judiciary Act 1903 (Cth), s69(1): 13/85
Labour and Industry Act 1958, s80: 1/85; s98(1B): 32/85; 5th Schedule: 1/85
Liquor Control Act 1968, ss3, 110, 112: 22/85
Magistrates' Courts Act 1971, s51(2): 43/85; s75: 23/85
Magistrates' Courts Rules 1980, rr 71, 73: 33/85
Magistrates (Summary Proceedings) Act 1975, s43: 13/85; ss56, 59: 15/85; s80: 43/85; s90: 33/85; s95: 11/85; s97: 31/85; s143: 46/85; ss152, 154: 25/85
Melbourne Metropolitan Planning Scheme Ordinance, cl4, 7: 4/85
Motor Car Act 1958, ss22C, 24: 28/85; s26: 23/85; s27A-D: 28/85; s28(1): 23, 28/85; s80F: 20, 40, 47/85; s80G: 40/85; s81A: 40, 47/85
Quarantine Act (Cth), s67: 37, 39/85
Road Traffic Act 1961 (SA), s47g: 45/85
Sales Tax Assessment Act (No.1) 1930 (Cth), s3: 5/85; s4: 23/85; ss17, 17A: 5/85; s23: 51/85
Service and Execution of Process Act 1901 (Cth), s18: 6/85
Summary Offences Act 1966, s9(1)(d): 41/85
Taxation Administration Act 1953 (Cth), ss8B, 8C: 50, 51/85; s8E: 51, 52/85
Taxation Laws Amendment Act 1984 (Cth), s297: 50/85
Telecommunications (Interception) Act 1979 (Cth), s7(6): 13, 14/85; s20: 14/85
Town and Country Planning Act 1961, s49A: 4/85
Uniform Building Regulations 1973: rr508, 511, 512: 33/85
Vehicles (Excise) Act 1971 (UK), s26: 21/85

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