

# Smalls Claims Tribunals (Jurisdiction) Bill

No.

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By Authority L. V. North, Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

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Read 1° 29 April 1992

*(Brought in by Mr Kennan and Mr Roper)*

## A BILL

to amend the Small Claims Tribunals Act 1973 and for other purposes.

### **Small Claims Tribunals (Jurisdiction) Act 1992**

The Parliament of Victoria enacts as follows:

#### 1. *Purposes*

The purposes of this Act are—

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- (a) to widen the definition of “consumer” in the **Small Claims Tribunals Act 1973**;
  - (b) to enable the jurisdiction of Small Claims Tribunals to be increased by regulation;
  - (c) to enable different fees to be paid by different classes of claimant.

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#### 2. *Commencement*

This Act comes into operation on a day to be proclaimed.

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

No. 8486.  
Reprinted to  
No. 57/1989.

**3. Principal Act**

In this Act, the **Small Claims Tribunals Act 1973** is referred to as the **Principal Act**.

**4. Definition of "consumer"**

In section 2 (1) of the **Principal Act**, for the definition of "consumer" substitute—

“consumer” means—

- (a) a natural person; or
- (b) a firm within the meaning of the **Partnership Act 1958**; or
- (c) an exempt proprietary company as defined in section 69 (1) of the **Corporations Law**; or
- (d) a residential corporation; or
- (e) an association that is incorporated under the **Associations Incorporation Act 1981**; or
- (f) an unincorporated non-profit association—

to whom or to which a trader has supplied goods or provided services or who or which, as the insured party, enters into a contract of insurance;’

**5. Definition of "small claim"**

(1) In section 2 (1) of the **Principal Act**, in the definition of "small claim" after "\$5000" (where twice occurring) insert "or such greater amount as is prescribed".

(2) In section 19 of the **Principal Act**—  
(a) before "An" insert "(1)";  
(b) at the end of the section insert—

“(2) If an amount greater than \$5000 is prescribed for the purposes of the definition of "small claim" in section 2 (1), a reference in sub-section (1) to \$5000 must be taken to be a reference to the prescribed amount.”

(3) In section 40 of the **Principal Act**, after paragraph (b) insert—

“(ba) prescribing an amount exceeding \$5000 for the purposes of the definition of “small claim” in section 2 (1);”.

**6. Presentation of cases**

5 In section 30 (2) of the Principal Act, after “body corporate” insert “, firm or association”.

**7. Regulations**

In section 40 of the Principal Act—

(a) before “The” insert “(1)”; and

10 (b) at the end of the section insert—

“(2) A power conferred by sub-section (1) to make regulations providing for fees may be exercised by providing for fees that vary according to the class of claimant.”.

15 **8. Statute law revision**

In section 22 (1) (b) of the Principal Act for “clerk of a” substitute “registrar of the”.

**9. Supreme Court—Limitation of jurisdiction**

20 It is the intention of this section to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of a small claim (within the meaning of the Principal Act as amended by sections 4 and 5 of this Act) that has been duly referred to a Small Claims Tribunal.

25 **10. Transitional provision**

The Principal Act as amended by this Act applies to small claims referred to a Small Claims Tribunal on or after the day on which this Act comes into operation.



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