

## VICTORIA.



ANNO DUODEVICESIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7840.

An Act to abolish Courts of Mines and Warden's Courts, to transfer the Jurisdiction thereof to the County Court and Courts of Petty Sessions respectively and for other purposes.

[20th May, 1969.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. (1) This Act may be cited as the *Mines (Abolition of Courts) Act 1969*.

Principal Act  
No. 6320—  
reprinted to  
No. 7499,  
subsequently  
amended by  
Nos. 7705, 7761.  
Amendment of  
No. 6320 s. 1.  
Division  
Table.

(2) The *Mines Act 1958* is in this Act referred to as the Principal Act.

2. In section 1 of the Principal Act in the part of the Table relating to Part I.—

- (a) for the words "Courts of Mines" (where twice occurring) there shall be substituted the words "Mines Jurisdiction of the County Court"; and
- (b) for the word "Wardens" there shall be substituted the words "Mines Jurisdiction of Courts of Petty Sessions".

## 3. In section 3 of the Principal Act—

(a) after the interpretation of “Claim” there shall be inserted the expression—

“ “Court of petty sessions” means court of petty sessions consisting of a stipendiary magistrate sitting alone.”; and

(b) the interpretation of “Warden” is repealed.

## 4. Division 1 of Part I. of the Principal Act is amended as follows :—

Amendment of  
No. 6320,  
Part I.,  
Division 1.

(a) In section 4 for the word “warden” (where twice occurring) there shall be substituted the words “court of petty sessions”; and

(b) In sub-section (3) of section 11 for the words “such last last-mentioned” there shall be substituted the words “such last-mentioned”.

## 5. Division 4 of Part I. of the Principal Act is amended as follows :—

Amendment of  
No. 6320,  
Part I.,  
Division 4.

(a) In sub-section (3) of section 23 for the word “warden” there shall be substituted the words “court of petty sessions”;

(b) In sub-section (2) of section 24—

(i) for the word “warden” (where first occurring) there shall be substituted the words “court of petty sessions”; and

(ii) for the word “warden” (where second and third occurring) there shall be substituted the word “court”;

(c) In section 28 for the words “the warden of the district” there shall be substituted the words “a court of petty sessions”;

(d) In section 29 for the word “warden” (where twice occurring) there shall be substituted the word “court”;

(e) In section 30 for the word “warden” there shall be substituted the word “magistrate”; and

(f) In section 34 for the words “a warden in accordance with the provisions of Division twelve of this Part” there shall be substituted the words “a court of petty sessions”.

Amendment of  
No. 6320,  
Part I.,  
Division 5

6. Division 5 of Part I. of the Principal Act is amended as follows :—

- (a) In section 38 for the word “warden” there shall be substituted the words “court of petty sessions”; and
- (b) In section 45—
  - (i) in sub-section (5) for the word “warden” there shall be substituted the words “court of petty sessions”; and
  - (ii) in sub-section (6) for the word “warden” there shall be substituted the word “magistrate”.

Amendment of  
No. 6320,  
Part I.,  
Division 6.

7. Division 6 of Part I. of the Principal Act is amended as follows :—

- (a) In section 49—
  - (i) in sub-section (1) the words “to the warden’s clerk and” are repealed; and
  - (ii) in sub-section (2) the words “and clerk” are repealed; and
- (b) In sub-section (7) of section 50 the expression “a clerk of a court of mines, a clerk to a warden,” is repealed.

Amendment of  
No. 6320,  
Part I.,  
Division 7.

8. Division 7 of Part I. of the Principal Act is amended as follows :—

- (a) In sub-section (2) of section 51—
  - (i) for the words “the warden” (where first occurring) there shall be substituted the words “a court of petty sessions”; and
  - (ii) for the word “warden” (where second and third occurring) there shall be substituted the word “court”;
- (b) In section 52—
  - (i) in sub-section (1) for the word “warden” there shall be substituted the word “magistrate”;
  - (ii) sub-section (2) and sub-section (3) are repealed;
  - (iii) in sub-section (4)—
    - for the words “the warden” (where twice occurring) there shall be substituted the words “the court”;

for

for the words "the warden's recommendation" there shall be substituted the words "the court's recommendation"; and

for the words "he may recommend" there shall be substituted the words "the court may recommend";

(iv) in sub-section (5)—

for the word "warden" (where twice occurring) there shall be substituted the word "court"; and

the words commencing with the words "All costs" and ending at the end of the sub-section are repealed;

(v) in sub-section (6) for the words "warden may if he thinks fit" there shall be substituted the words "court may"; and

(vi) in sub-section (7) for the words "of the warden back to the warden" there shall be substituted the words "back to the court";

(c) In sub-section (1) of section 53—

(i) for the words "of the warden" there shall be substituted the words "of the court"; and

(ii) for the words "the warden's recommendation" there shall be substituted the words "the court's recommendation";

(d) In section 54 for the words "warden's report" there shall be substituted the words "court's report";

(e) In section 57 for the word "warden" there shall be substituted the words "court of petty sessions";

(f) In section 60—

(i) for the words "to the warden the warden" there shall be substituted the words "to a court of petty session the court"; and

(ii) for the words "the warden's opinion" there shall be substituted the words "the court's opinion";

(g) In section 61 for the word "warden" there shall be substituted the word "court"; and

(h) In section 62—

- (i) for the word “warden” there shall be substituted the word “court”; and
- (ii) the words “to the warden’s clerk at such place and” are repealed.

Amendment of  
No. 6320 s. 66.

9. In section 66 of the Principal Act—

- (a) in sub-section (5) for the words “the same to be recovered before a warden or a warden and assessors in the manner provided by this Act for proceedings before a warden or a warden and assessors for the recovery of a money demand” there shall be substituted the words “and the amount of any such damage shall be recoverable in a court of petty sessions”; and
- (b) In sub-section (11) for the expression “therof” there shall be substituted the word “thereof”.

Amendment of  
No. 6320.  
Part I.,  
Division 9.

10. Division 9 of Part I. of the Principal Act is amended as follows :—

(a) In sub-section (1) of section 67—

- (i) for the words “within the jurisdiction of the warden” there shall be substituted the words “within the jurisdiction of a court of petty sessions”;
- (ii) the words “before any such warden or any such warden and assessors” are repealed;
- (iii) the words “before wardens” are repealed;
- (iv) for the expression “such warden or warden and assessors (as the case may be)” there shall be substituted the words “the court”;
- (v) for the words “decision of a warden” there shall be substituted the words “decision of a court of petty sessions”; and
- (vi) for the words “clerk of the warden” there shall be substituted the words “clerk of the court”;

(b) In sub-section (2) of section 70 for the expression “admistrator” there shall be substituted the word “administrator”;

(c) In section 74 for the words “the wardens appointed” there shall be substituted the words “courts of petty sessions”;

(d) Section

- (d) Section 77 is repealed ;
- (e) In sub-section (1) of section 81 for the expression "covenant" there shall be substituted the word "covenant" ;
- (f) In sub-section (2) of section 83 for the words "the warden" there shall be substituted the words "a court of petty sessions" ;
- (g) In section 84 for the word "warden" there shall be substituted the word "court" ;
- (h) In sub-section (2) of section 85 for the words "a warden" there shall be substituted the words "a court of petty sessions" ;
- (j) In sub-section (2) of section 91 for the words commencing with the words "the Court of Mines" and ending at the end of the sub-section there shall be substituted the words "the County Court" ; and
- (k) In sub-section (2) of section 92 for the words "Secretary of Mines" there shall be substituted the words "Secretary for Mines" .

11. In paragraph (j) in section 99 of the Principal Act the words "or the decision of a warden" are repealed.

Amendment of  
No. 6320 s. 99.

12. Subdivision 1 of Division 12 of Part I. of the Principal Act is amended as follows :—

Amendment of  
No. 6320,  
Part I.,  
Division 12,  
Subdivision 1.

- (a) The expression "*Subdivision 1.—Courts of Mines.*" preceding section 105 is repealed ;
- (a) *General Provisions.*" preceding section 105 is repealed ;
- (b) Sections 105 to 125, sections 127 to 185, the headings preceding section 130 and section 174, section 189, and sections 191 to 205 are repealed ;
- (c) In section 126—
  - (i) for the words "Every Court of Mines shall have original jurisdiction" there shall be substituted the words "The County Court shall have jurisdiction" ;
  - (ii) for the words "Courts of Mines" there shall be substituted the words "the County Court" ; and
  - (iii) for the words "every Court of Mines" there shall be substituted the words "the County Court" ;
- (d) In section 186 for the words "The judge of any Court of Mines" there shall be substituted the words "A judge of the County Court" ;

(e) In

## (e) In section 187—

- (i) for the words “The last preceding section” there shall be substituted the expression “Section 186”; and
- (ii) for the expression “incident to the jurisdiction of the Court of Mines as defined by section one hundred and twenty-six; but on the contrary the said Court of Mines” there shall be substituted the expression “conferred by section 126; but on the contrary the County Court”;

## (f) In section 188—

- (i) for the words “in the Court of Mines” there shall be substituted the words “under this Part in the County Court”;
- (ii) for the words “Court of Mines” there shall be substituted the words “County Court”; and
- (iii) for the words “in any county court warden’s court or” there shall be substituted the words “in the County Court or in any”; and

## (g) In section 190—

- (i) for the words “The judge of any Court of Mines” there shall be substituted the words “A judge of the County Court”; and
- (ii) for the words “by order under the hand of such judge” there shall be substituted the words “under this Part by order under his hand”.

Amendment of  
No. 6320,  
Part I.,  
Division 12,  
Subdivision 2.

**13. Subdivision 2 of Division 12 of Part I. of the Principal Act is amended as follows:—**

- (a) The heading preceding section 206, section 206, sections 209 to 226, section 231, section 233, the heading preceding section 234, sections 242 and 243, the heading preceding section 245, sections 246 to 260, and the heading preceding section 261 are repealed;

## (b) In section 207—

- (i) for the words “Every warden” there shall be substituted the words “Every court of petty sessions”;
- (ii) for the words “Courts of Mines are” there shall be substituted the words “County Court is”; and

(iii) for

- (iii) for the words "the warden or assessors as hereinafter provided" there shall be substituted the words "the court as hereafter in this subdivision provided";

(c) At the end of section 207 there shall be inserted the following words :—

"In exercising any jurisdiction conferred upon it by this Act a court of petty sessions shall hear and determine the matter in a summary way and may conduct any investigation as it thinks fit and shall be free either to act without regard to or to observe any rules of law relating to evidence or procedure." ;

(d) For section 208 there shall be substituted the following section :—

"208. The provisions of Division 3 of Part V. of the *Justices Act* 1958 with respect to orders to review in the Supreme Court shall extend and apply to orders made by courts of petty sessions under and for the purposes of this Act." ;

Orders to  
review in  
Supreme Court

(e) In section 227—

- (i) for sub-section (1) there shall be substituted the following sub-section :—

"(1) A court of petty sessions upon such terms (if any) as to payment of costs or otherwise as the court thinks fit, may grant a re-hearing of any complaint heard before it and for that purpose may set aside any decision or order made on the complaint or upon any re-hearing thereof." ;

Re-hearing.

- (ii) in sub-section (2) for the word "warden" there shall be substituted the word "court" ;  
and

(iii) sub-section (3) is repealed ;

(f) In section 228—

- (i) for the words "In case any such proceeding before a warden or warden and assessors is" there shall be substituted the words "In any proceeding before a court of petty sessions" ;
- (ii) for the words "such warden or assessors" there shall be substituted the words "the court" ;
- (iii) for the words "the warden" there shall be substituted the words "the court" ; and
- (iv) the words "or any other warden may" are repealed ;

(g) In



(g) In section 229—

- (i) for the words “In case any such proceeding before a warden or warden and assessors is” there shall be substituted the words “In any proceeding before a court of petty sessions” ;
- (ii) for the words “such warden or assessors” there shall be substituted the words “the court” ; and
- (iii) for the words “such warden” there shall be substituted the words “the court” ;

(h) In section 230—

- (i) for the words “such warden or assessors” there shall be substituted the words “the court” ;
- (ii) for the words “the warden” there shall be substituted the words “the court” ; and
- (iii) for the words “the same or any other warden” there shall be substituted the words “the court” ;

(j) For section 232 there shall be substituted the following section :—

“ 232. All members of the police force shall aid and assist the court in the execution of any of the duties imposed upon it by any of the provisions of this subdivision.” ;

(k) In section 234—

- (i) for the words “the warden, if he thinks fit” there shall be substituted the words “a court of petty sessions” ;
- (ii) the words “by him or by any such assessors” are repealed ;
- (iii) for the words “such warden or assessors” there shall be substituted the words “the court” ; and
- (iv) for the words “such warden” (where twice occurring) there shall be substituted the words “the court” ; and
- (v) the words “in the form contained in the Twenty-fourth Schedule or to that effect” and the word “aforesaid” are repealed ;

(l) In section 235—

(i) in sub-section (1)—

for the words “A warden in his discretion” there shall be substituted the words “A court of petty sessions” ; and  
the

the words "by writing under the hand of such warden" are repealed; and

- (ii) in sub-section (3) for the words "such warden" there shall be substituted the words "the magistrate";

(m) In section 236—

(i) in sub-section (1)—

for the word "warden" (where first occurring) there shall be substituted the words "court of petty sessions"; and

for the word "warden" (where second and third occurring) there shall be substituted the word "court";

(ii) in sub-section (2)—

for the words "the warden in his discretion" there shall be substituted the words "the court";

for the word "he" (where twice occurring) there shall be substituted the word "it";

the words "under his hand" are repealed; and

for the words "the warden making the same or by the judge of any Court of Mines" there shall be substituted the words "the court making the same or by a judge of the County Court";

(iii) in sub-section (3)—

for the word "warden" (where twice occurring) there shall be substituted the word "court";

for the words "in his opinion" there shall be substituted the words "in its opinion"; and

the words "or if none in, then in the newspaper or one of the newspapers circulating nearest to" are repealed; and

- (iv) in sub-section (4) for the words "the said warden" there shall be substituted the words "the court";

(n) In section 237—

- (i) for the words "the warden so to do, he may" there shall be substituted the words "a court of petty sessions so to do, the court may,";

(ii) the

- (ii) the words "by order under his hand" are repealed ; and
- (iii) for the word "warden" there shall be substituted the word "court" ;
- (o) After section 237 there shall be inserted the following sections :—

Injunction to  
restrain  
unauthorized  
mining or  
encroachment.

" 237A. If any person not lawfully authorized under the provisions of this Act mines or attempts to mine or encroaches in under or upon or within a distance prohibited by this Act from any private land the County Court or a judge thereof may grant an injunction to restrain such mining or encroachment at the suit of the Attorney-General the owner of the land or of any person in lawful possession thereof without proof of any special or material damage.

Inspection of  
damage to  
roadways.

237B. Upon the application of any corporation having the care and management of any public highway street or road or upon the application of any person authorized by such corporation a court of petty sessions may authorize a surveyor or surveyors either alone or together with some experienced miner or miners to enter upon and inspect any land or mines held as a claim or comprised in any lease under this Act or under any corresponding previous enactment and every part thereof for the purpose of ascertaining whether the persons working such mines are encroaching on any public highway street or road and whether the mining operations carried on can be continued without causing injury or damage to such public highway street or road or to any house or building abutting thereon or adjoining thereto." ;

- (p) In section 238—

- (i) for the words "A warden" there shall be substituted the words "A court of petty sessions" ;
- (ii) for the words "before him" there shall be substituted the words "before it" ; and
- (iii) for the word "warden" (wherever occurring) there shall be substituted the word "court" ;
- (iv) the words "under his hand" are repealed ; and
- (v) the words "in the name of such warden or of any other person mentioned in such order to abide the decision of such warden or of any assessors who may be summoned in any such proceeding" are repealed ;

(q) In

(q) In section 239—

- (i) for the words “by a warden under any of the last four preceding sections” there shall be substituted the words “by a court of petty sessions under sections 235 to 238”;
- (ii) the expression “be in the form contained in the Twenty-fifth Schedule or to that effect, without any further recital than is directed by such form, and every such order shall (except the warden otherwise orders)” is repealed;
- (iii) for the word “warden” (wherever occurring) there shall be substituted the word “court”;
- and
- (iv) the words “and every such order shall be entered by the warden who has made the same in the register to be kept by him as aforesaid” are repealed;

(r) In section 240—

- (i) for the word “warden” (wherever occurring) there shall be substituted the word “court”;
- (ii) the words “in the form in the Sixteenth Schedule” are repealed;
- (iii) the words “before the same or any other warden” are repealed;
- (iv) the words “in the form in the Twenty-sixth Schedule or to the like effect” are repealed;
- (v) for the words “the bailiff of the Court of Mines of the district in which such order has been made” there shall be substituted the words “the member of the police force”; and
- (vi) for the words “he thinks fit” there shall be substituted the words “it thinks fit”;

(s) In section 241—

- (i) for the word “warden” (wherever occurring) there shall be substituted the word “magistrate”;
- (ii) for the words “a Court of Mines” there shall be substituted the words “the County Court”; and
- (iii) for the words “warden by whom such order of commitment was made or to the clerk of the court of which such judge is judge” there shall be substituted the words “clerk of

the

the court of petty sessions by which the order was made or to the registrar of the County Court ” ;

(t) In section 244—

(i) for the words “ any warden ” there shall be substituted the words “ any court of petty sessions ” ;

(ii) for the word “ warden ” (wherever occurring) there shall be substituted the word “ court ” ; and

(iii) for the words “ under the hand of ” there shall be substituted the word “ by ” ;

(u) For section 245 there shall be substituted the following section :—

Appeal to  
County Court.

“ 245. (1) Any person who is desirous of appealing from the decision of a court of petty sessions upon any hearing or re-hearing of a case under this Act where the decision is not by this Act declared to be final, and whether the decision is the dismissal of the case or otherwise, may appeal from the decision to the County Court.

(2) Such person shall within ten days from the day of the making of such decision deposit with the registrar the sum of \$50 to abide the costs of the appeal and shall also within the same ten days serve upon the other parties or such of them as appear to the court to represent all the parties interested or in case no such person can be found upon the magistrate who made the decision a notice in writing stating the intention to appeal and the grounds of such appeal and the time and place at which the appeal will be heard.”

Amendment of  
No. 6320,  
Part I.,  
Division 12,  
Subdivision 3.

14. Subdivision 3 of Division 12 of Part I. of the Principal Act is amended as follows :—

(a) In section 261 the words “ or before any warden ” are repealed ;

(b) In section 262 for the word “ warden ” there shall be substituted the word “ magistrate ” ; and

(c) Sections 263 to 279 are repealed.

Amendment of  
No. 6320,  
Part I.,  
Division 13.

15. In Division 13 of Part I. of the Principal Act sections 281, 283, 284, 285, 288 and 289 are repealed.

Amendment of  
No. 6320,  
Part II.

16. Part II. of the Principal Act is amended as follows :—

(a) In sub-section (1) of section 290 the interpretation of “ warden ” is repealed ;

(b) In

(b) In sub-section (2) of section 300 for the word "an" there shall be substituted the word "to";

(c) In section 302—

(i) in sub-section (2) for the words "the warden" there shall be substituted the words "a court of petty sessions";

(ii) in sub-section (3) for the word "warden" (where twice occurring) there shall be substituted the word "court"; and

(iii) in sub-section (4)—

for the words "the warden" (where first occurring) there shall be substituted the words "a court of petty sessions";

for the word "warden" (where second occurring) there shall be substituted the word "court"; and

for the word "warden" (where last occurring) there shall be substituted the word "magistrate";

(d) In sub-section (1) of section 304 the words "or by the warden" are repealed;

(e) In sub-section (1) of section 307 for the words "the warden" there shall be substituted the words "a court of petty sessions";

(f) In section 308 for the word "warden" there shall be substituted the word "court";

(g) For section 309 there shall be substituted the following section:—

" 309. Every such complaint shall be deemed to be a proceeding within the meaning of Part I. and for the purposes of enabling courts of petty sessions to hear determine and enforce such complaints and of enabling appeals to be made from their decisions all the provisions of Part I. applying to proceedings under and for the purposes of that Part shall apply to such complaint so far as those provisions are applicable." ;

Proceedings to  
be as under  
Part I.

(h) In section 310 for the words "the warden may allow" there shall be substituted the words "a court of petty sessions allows";

(j) In paragraph (a) in section 311 for the words "by the warden" there shall be substituted the words "under this Act";

(k) In

(k) In section 312—

- (i) the expression “(1)” is repealed ;
- (ii) for the words “the warden” there shall be substituted the words “a court of petty sessions” ; and
- (iii) sub-section (2) is repealed ;

(l) In section 313 for the word “warden” there shall be substituted the words “court of petty sessions” ;

(m) In sub-section (2) of section 321—

- (i) for the word “warden” (where first occurring) there shall be substituted the words “court of petty sessions” ;
- (ii) for the words “warden’s clerk or as the warden orders” there shall be substituted the words “clerk of petty sessions or as the court orders” ; and
- (iii) the words “by the warden” are repealed ;

(n) In section 326 for the words “the jurisdiction of the warden and of the Court of Mines and every other jurisdiction established or continued” there shall be substituted the words “the jurisdiction conferred on the County Court and courts of petty sessions” ;

(o) In section 327—

- (i) for the words “in any court of mines or before any warden” there shall be substituted the words “under this Act” ; and
- (ii) the words “before a warden” are repealed ;

(p) In section 328—

- (i) in sub-section (1) the words “within the jurisdiction of the warden” are repealed ;
- (ii) in sub-section (2)—
  - for the word “warden” there shall be substituted the words “court of petty sessions” ; and
  - the words “before wardens” are repealed ;
- (iii) in sub-section (3) for the expression “such warden or warden and assessors (as the case may be)” there shall be substituted the words “the court” ; and
- (iv) in sub-section (4)—
  - for the words “a warden” there shall be substituted the words “a court of petty sessions” ; and

for

for the words "clerk of the warden"  
there shall be substituted the words  
"clerk of petty sessions";

(g) In sub-section (2) of section 331—

- (i) for the words "to the warden" there shall be substituted the words "to a court of petty sessions"; and
- (ii) for the word "warden" (where second and third occurring) there shall be substituted the word "court";

(r) In section 332 and section 333 for the word "warden" there shall be substituted the word "court";

(s) Sections 334 and 335 are repealed;

(t) In section 336—

- (i) for the words "The warden" there shall be substituted the words "A court of petty sessions"; and
- (ii) the words "by writing under the hand of the warden" are repealed;

(u) In section 338 for the word "warden" there shall be substituted the word "magistrate";

(v) In section 339—

- (i) for the words "The warden" (where first occurring) there shall be substituted the words "A court of petty sessions";
- (ii) for the word "warden" (where subsequently occurring) there shall be substituted the word "court"; and
- (iii) for the words "if he in his discretion thinks fit by order under his hand" there shall be substituted the word "may";

(w) In section 340—

- (i) for the words "the warden under the last preceding section may be in the form contained in the Thirtieth Schedule or to that effect and every such order" there shall be substituted the words "a court of petty sessions under the last preceding section"; and
- (ii) for the word "warden" (where second and third occurring) there shall be substituted the word "court";

(x) In



(x) In section 342—

- (i) for the words “the warden” there shall be substituted the words “a court of petty sessions”; and
- (ii) the words commencing with the words “and shall also be liable” and ending at the end of the section are repealed;

(y) In sub-section (2) of section 344—

- (i) in paragraph (a) for the word “warden” there shall be substituted the words “court of petty sessions”;
- (ii) in paragraph (b)—  
the words “within the meaning of sections two hundred and nine and two hundred and ten of” there shall be substituted the word “under”; and  
for the word “warden” (where twice occurring) there shall be substituted the word “court”; and
- (iii) in paragraph (c) the words “by the warden” are repealed;

(z) For sub-section (2) of section 358 there shall be substituted the following sub-section:—

“(2) If there are no such conditions it shall be lawful for the Attorney-General on behalf of Her Majesty to bring an action in the County Court to recover possession of such land or the mines thereunder.”

Amendment of  
No. 6320,  
Part III.

17. Part III. of the Principal Act is amended as follows:—

(a) In section 363—

(i) in sub-section (1)—

for the words “the warden without assessors” there shall be substituted the words “a court of petty sessions”; and

for the word “warden” (where second occurring) there shall be substituted the word “court”; and

(ii) in sub-section (2)—

for the words “sections two hundred and nine and two hundred and ten” there shall be substituted the words “this Act”;

for

for the word "wardens" there shall be substituted the words "courts of petty sessions"; and

for the words "such sections" there shall be substituted the words "this Act";

(b) In sub-section (2) of section 364 for the words "the warden" there shall be substituted the words "a court of petty sessions";

(c) In section 365—

(i) for the words "the warden" (where first occurring) there shall be substituted the words "a court of petty sessions"; and

(ii) for the word "warden" (where second occurring) there shall be substituted the word "court";

(d) In section 368—

(i) in sub-section (1) for the words "the warden" there shall be substituted the words "a court of petty sessions"; and

(ii) in sub-section (2)—

for the words "sections two hundred and nine and two hundred and ten" there shall be substituted the words "this Act"; and

for the word "wardens" there shall be substituted the word "courts";

(e) In section 383 for the words "of sections ninety-three and ninety-four" there shall be substituted the words "of section ninety-three";

(f) In section 398 for the expression "misdeanour" there shall be substituted the word "misdemeanour";

(g) Sub-sections (3), (4) and (5) of section 411 are repealed;

(h) In sub-section (1) of section 413 the words "or by a warden" are repealed;

(j) In section 421 for the words "sections ninety-three and ninety-four" there shall be substituted the words "section ninety-three";

(k) In section 422 the interpretation of "Warden" is repealed;

(l) In

## (l) In section 423—

## (i) in sub-section (3)—

for the words “before a warden, who” there shall be substituted the words “before a court of petty sessions which”; and

for the word “warden” (where second occurring) there shall be substituted the word “court”;

## (ii) for sub-section (4) there shall be substituted the following sub-section :—

“(4) The court may upon making such order impose on the owner of such machinery such terms with regard to the efficient working thereof for the benefit of all parties as to such court seems just and order the same to be performed, or may make such other order concerning the premises as the justice and equity of the case demand and the court from time to time may annul vary or alter any such order.”; and

## (iii) in sub-section (5)—

for the word “warden” (wherever occurring) there shall be substituted the word “court”;

for the word “he” (where twice occurring) there shall be substituted the word “it”; and

for the words “Court of Mines” there shall be substituted the words “County Court”;

for the word “wardens” there shall be substituted the word “courts”;

## (m) Section 428 is repealed ;

## (n) In section 429—

(i) for the word “warden” (where first occurring) there shall be substituted the words “court of petty sessions”;

(ii) for the words “the warden who has made such order or any other warden” there shall be substituted the words “the court making the order or any other court”;

(iii) for

- (iii) for the words “ in the form in the Thirty-second Schedule or to the like effect ” there shall be substituted the words “ setting out the terms of such order ” ;
  - (iv) for the words “ with the clerk of the Court of Mines of the district in which such order has been made ” there shall be substituted the words “ with the registrar of the County Court ” ;
  - (v) for the word “ clerk ” (where second occurring) there shall be substituted the word “ registrar ” ; and
  - (vi) for the word “ warden ” (where second and subsequently occurring) there shall be substituted the word “ court ” ;
- (o) In section 430—
- (i) for the word “ warden ” (where first occurring) there shall be substituted the words “ court of petty sessions ” ;
  - (ii) for the words “ clerk of the Court of Mines ” there shall be substituted the words “ registrar of the County Court ” ;
  - (iii) for the words “ warden by whom ” there shall be substituted the words “ court by which ” ;
  - (iv) for the words “ warden to whom ” there shall be substituted the words “ court to which ” ; and
  - (v) for the words “ in such warden’s order ” there shall be substituted the words “ in such order ” ;
- (p) In sub-section (3) of section 441 for the words “ the warden ” there shall be substituted the words “ a court of petty sessions ” ;
- (q) In section 443—
- (i) in sub-section (1) for the words “ the warden ” there shall be substituted the words “ a court of petty sessions ” ; and
  - (ii) in sub-section (2) for the word “ warden ” (where twice occurring) there shall be substituted the word “ court ” ;
- (r) In section 446—
- (i) in sub-section (1) for the words “ Any warden ” there shall be substituted the words “ Every court of petty sessions ” ; and
  - (ii) in

- (ii) in sub-section (2) for the word "warden" there shall be substituted the words "court of petty sessions" ;
- (s) In sub-section (4) of section 461 for the words "the others or others of them upon complying with such order may recover before a warden or in a Court of Mines" there shall be substituted the words "the other or others of them upon complying with such order may recover in a court of petty sessions or the County Court" ;
- (t) In sub-section (3) of section 494 for the word "giving" there shall be substituted the word "given" ;
- (u) In section 513 the interpretation of "Warden" is repealed ;
- (v) In sub-section (2) of section 521 for the words "the warden" there shall be substituted the words "a court of petty sessions" ;
- (w) In section 523—
  - (i) in sub-section (2) for the words "the warden" there shall be substituted the words "a court of petty sessions" ;
  - (ii) in sub-section (3) for the words "sections two hundred and nine and two hundred and ten of this Act, and for the purpose of enabling wardens" there shall be substituted the words "this Act and for the purpose of enabling courts of petty sessions" ; and
  - (iii) sub-section (4) is repealed ;
- (x) In sub-section (2) of section 524 for the word "warden" there shall be substituted the word "court" ; and
- (y) In section 525—
  - (i) in sub-section (1) for the words "the warden" there shall be substituted the words "a court of petty sessions" ; and
  - (ii) in sub-section (2) for the words "warden's report" there shall be substituted the words "report from the court".

19. The *County Court Act* 1958 is amended as follows :—

Amendment of  
No. 6230.

- (a) In section 1 in the part of the Table relating to Part II. after the expression "Division 7A.—Appellate Jurisdiction s. 53A" there shall be inserted the expression "Division 7B.—Mines Jurisdiction s. 53B." ;
- (b) Section 11 and section 12 are repealed ;
- (c) After section 53A there shall be inserted the following heading and section :—

" DIVISION 7B.—MINES JURISDICTION.

Mines  
jurisdiction.

53B. Subject to this Act the court shall have and may exercise throughout the whole of Victoria the jurisdiction conferred upon it by the *Mines Act* 1958 and every judge of the court shall have and may exercise the powers conferred upon a judge by the said Act."

20. The *Evidence Act* 1958 is amended as follows :—

Amendment of  
No. 6246.

- (a) In section 4 the words "or court of mines" are repealed ; and
- (b) In section 13 the words "or court of mines" are repealed.

21. Section 205 of the *Land Act* 1958 is amended as follows :—

Amendment of  
No. 6284.

- (a) In sub-section (2) for the expression "before a warden or in the Court of Mines of the mining district in which the land resumed is situate and in manner provided by the *Mines Act* 1958 (but without assessors)" there shall be substituted the expression "in the County Court or a court of petty sessions in manner provided by the *Mines Act* 1958" ;
- (b) In sub-section (3) for the words "with the warden or the clerk of the said court" there shall be substituted the words "with the registrar of the court or with the magistrate" ;
- (c) In sub-section (4)—
  - (i) for the expression "Every Court of Mines held under the provisions of the *Mines Act* 1958" there shall be substituted the words "The County Court" ;

(ii) for

- (ii) for the word “warden” there shall be substituted the words “court of petty sessions”; and
  - (iii) for the words “Court of Mines” there shall be substituted the words “County Court”; and
- (d) In sub-section (5)—
- (i) for the words “by the warden” there shall be substituted the words “by a court of petty sessions”; and
  - (ii) for the words “Court of Mines in whose mining district the land resumed is situated” there shall be substituted the words “County Court”; and
  - (iii) for the words “appeals from a warden to a Court of Mines” there shall be substituted the words “appeals from a court of petty sessions to the County Court”.

Amendment of  
No. 6334.

**22. The *Petroleum Act* 1958 is amended as follows :—**

(a) In section 22—

- (i) in sub-section (1) for the words “the warden nearest to such land” there shall be substituted the words “a court of petty sessions”; and
- (ii) in sub-section (2) for the word “warden” there shall be substituted the words “court of petty sessions”;

(b) In section 23—

- (i) in sub-section (1) for the words “the warden” there shall be substituted the words “a court of petty sessions”; and
- (ii) in sub-section (2) for the word “warden” there shall be substituted the word “court”;

(c) In sub-section (2) of section 36—

- (i) in paragraph (a) for the expression “the warden under the *Mines Act* 1958 nearest to such land” there shall be substituted the words “a court of petty sessions”; and
- (ii) in paragraph (b) and paragraph (c) for the word “warden” (wherever occurring) there shall be substituted the word “court”; and

(d) In

(d) In section 59—

(i) in sub-section (2) for the words “the warden” there shall be substituted the words “a court of petty sessions”; and

(ii) in sub-section (3)—

in paragraph (a)—

for the expression “meaning of sections two hundred and nine and two hundred and ten of” there shall be substituted the words “jurisdiction of courts of petty sessions under”;

for the words “such sections” there shall be substituted the words “such jurisdiction”; and

for the word “wardens” there shall be substituted the words “courts of petty sessions”;

in paragraph (b) for the word “warden” (where twice occurring) there shall be substituted the word “court”.

**23.** (1) Any reference in any Act or law to a “Court of Mines” or to a judge thereof shall, unless inconsistent with the context or subject-matter, be read and construed as a reference to the County Court or to a judge thereof (as the case requires).

Construction  
of references.

(2) Any reference in any Act or law to a “warden of the gold-fields” or a “warden” shall, unless inconsistent with the context or subject-matter, be read and construed as a reference to a court of petty sessions.

**24.** Anything required by or under any Act or law to be done by or before a Court of Mines, a judge thereof, or a warden before the commencement of the *Mines (Abolition of Courts) Act 1969* shall be sufficiently done after the said commencement by or before the County Court, a judge thereof, or a court of petty sessions (as the case requires).

Transfer of  
power generally.