

SOUTH AUSTRALIA

COMMERCIAL TRIBUNAL ACT, 1982

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **1 October 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision since its last reprinting on 1 April 1987.

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APPENDIX LEGISLATIVE HISTORY

COMMERCIAL TRIBUNAL ACT, 1982

being

Commercial Tribunal Act, 1982, No. 38 of 1982
[Assented to 22 April 1982]¹

as amended by

Commercial Tribunal Act Amendment Act, 1983, No. 44 of 1983 [Assented to 16 June 1983]²
Statutes Amendment (Commercial Tenancies) Act, 1985, No. 19 of 1985 [Assented to 14 March 1985]³
Commercial Tribunal Act Amendment Act, 1986, No. 113 of 1986 [Assented to 18 December 1986]⁴
Landlord and Tenant Act Amendment Act (No. 2), 1990, No. 58 of 1990 [Assented to 29 November 1990]⁵

¹ Came into operation 1 March 1984: *Gaz.* 1 March 1984, p. 445.

² Came into operation 1 March 1984: *Gaz.* 1 March 1984, p. 446.

³ Came into operation 1 January 1986: *Gaz.* 12 December 1985, p. 1802.

⁴ Came into operation 22 January 1987: *Gaz.* 22 January 1987, p. 122.

⁵ Came into operation 1 September 1991: *Gaz.* 29 August 1991, p. 690.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to establish a tribunal to exercise statutory jurisdictions formerly exercised by various boards and tribunals; to confer certain powers on the tribunal; and for other purposes.

The Parliament of South Australia enacts as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Commercial Tribunal Act, 1982*.

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Interpretation

4. In this Act, unless the contrary intention appears—

"Commercial Registrar" means the person for the time being holding or acting in the office of the Commercial Registrar:

"the Commissioner" means the person for the time being holding or acting in the office of Commissioner for Consumer Affairs:

"Deputy Commercial Registrar" means a person for the time being holding or acting in the office of a Deputy Commercial Registrar:

"registrar" means the Commercial Registrar or a Deputy Commercial Registrar:

"relevant Act" means an Act that confers jurisdiction on the Tribunal:

"the Senior Judge" means the person for the time being holding, or acting in, the office of Senior Judge under the *Local and District Criminal Courts Act, 1926*:

"the Tribunal" means the Commercial Tribunal established under this Act.

Transitional provisions

4a. (1) If, when the Tribunal acquires jurisdiction to hear and determine proceedings of a particular kind, any such proceedings have been commenced but not completed, the proceedings may be continued and determined by the Tribunal as if they had been commenced under the relevant Act by which the jurisdiction was conferred, as in force upon the conferral of that jurisdiction.

(2) The Chairman of the Tribunal may give directions in relation to the constitution of the Tribunal for the purpose of hearing and determining proceedings to which subsection (1) relates, and such directions shall have effect notwithstanding any conflict between those directions and the provisions of this Act.

3.

(3) Where an order of a kind that the Tribunal has jurisdiction to make under the provisions of a relevant Act is in force immediately before the Tribunal acquires jurisdiction to make such an order, the order shall be deemed to be an order of the Tribunal and shall have effect as if made under the relevant Act by which the jurisdiction was conferred, as in force upon the conferral of that jurisdiction.

PART II

THE COMMERCIAL TRIBUNAL

DIVISION I—CONSTITUTION OF THE TRIBUNAL

Establishment of the Tribunal

5. There shall be a tribunal entitled the "Commercial Tribunal".

Constitution of the Tribunal

6. (1) Subject to this section, the Tribunal shall be constituted in relation to the hearing of any proceedings or the conduct of any other business of the following members:

- (a) the Chairman or a Deputy Chairman of the Tribunal;
- (b) a member of the appropriate panel constituted under section 8(1) and selected by the Chairman or a Deputy Chairman of the Tribunal to be a member of the Tribunal for the purpose of the hearing of those proceedings or the conduct of that business;
- (c) a member of the panel constituted under section 8(2) and selected by the Chairman or a Deputy Chairman of the Tribunal to be a member of the Tribunal for the purpose of the hearing of those proceedings or the conduct of that business.

(2) The membership of the Tribunal may if the Chairman or a Deputy Chairman of the Tribunal, in a particular case, so determines include one or more members of a panel constituted under section 8(3).

(3) Where proceedings (including proceedings founded on an application) involving the same or similar questions are commenced under two or more of the relevant Acts, the Chairman or a Deputy Chairman of the Tribunal, if of the opinion that it would be expedient to consolidate those proceedings and that the consolidation would not unfairly prejudice any party to the proceedings, may direct that the proceedings be consolidated accordingly and in that event a member shall be selected under subsection (1)(b) from each panel constituted in relation to the Acts under which the consolidated proceedings arise.

(4) The regulations may provide that, in relation to the exercise of specified powers or functions, or in relation to matters of a specified class, the Tribunal may be constituted solely of the Chairman or a Deputy Chairman and where the regulations so provide, the Tribunal may be constituted accordingly.

(5) The Tribunal, separately constituted in accordance with this section, may sit simultaneously for the purpose of hearing and determining separate proceedings or conducting separate business of the Tribunal.

(6) Where other provisions of this Act or the provisions of a relevant Act deal with the manner in which the Tribunal is to be constituted for the purposes of proceedings or any other business under a relevant Act, this section shall be construed subject to those provisions.

The Chairman and Deputy Chairmen of the Tribunal

7. (1) There shall be—

(a) a Chairman of the Tribunal;

and

(b) not more than five Deputy Chairmen of the Tribunal.

(2) The Chairman and Deputy Chairmen of the Tribunal shall be appointed by the Governor.

(3) A person is not eligible for appointment as the Chairman or a Deputy Chairman of the Tribunal unless he or she is—

(a) a District Court Judge;

or

(b) a legal practitioner of not less than seven years standing.

(4) A District Court Judge shall not be appointed as the Chairman or a Deputy Chairman of the Tribunal except upon the nomination of the Senior Judge.

(5) If the Chairman is absent or unavailable to act a Deputy Chairman nominated by the Minister may act in the office of the Chairman.

(6) A District Court Judge is not precluded by appointment as the Chairman or a Deputy Chairman of the Tribunal from performing any other judicial functions.

Panels

8. (1) The Governor may in relation to each of the relevant Acts establish a panel consisting of members representative of the interests of the class or classes of persons who are licensed or registered under the relevant Act, or whose conduct is otherwise regulated under the relevant Act.

(2) The Governor may establish a panel consisting of members representative of members of the public who deal with the persons who are licensed or registered under the relevant Acts or whose conduct is otherwise regulated under the relevant Acts.

(3) The Governor may establish panels of experts whose expertise would in the opinion of the Governor be of value to the Tribunal.

(4) A member of a panel shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of appointment and, upon the expiration of that term, shall be eligible for reappointment.

(5) The Governor may remove a member of a panel from office for—

(a) mental or physical incapacity to carry out satisfactorily official duties;

(b) neglect of duty;

6.

or

(c) dishonourable conduct.

(6) A person ceases to be a member of a panel if the person—

(a) dies;

(b) completes a term of office and is not reappointed;

(c) resigns by notice addressed to the Minister;

or

(d) is removed from office under subsection (5).

(7) The Governor may make appointments from time to time for the purpose of maintaining or increasing the membership of panels established under this Act.

Allowances and expenses

9. A member of the Tribunal is entitled to such allowances and expenses as may be determined by the Governor.

The Commercial Registrar and Deputy Commercial Registrar of the Tribunal

10. (1) There shall be—

(a) a Commercial Registrar;

and

(b) one or more Deputy Commercial Registrars.

(2) The Commercial Registrar must be a legal practitioner.

(3) A registrar is a Public Service employee.

(4) A registrar is an executive officer of the Tribunal and—

(a) has, subject to paragraph (b), the powers, discretions and functions conferred on, or assigned to, registrars by or under this Act or any other Act;

and

(b) if the registrar is a legal practitioner—may with the approval of the Tribunal or the Chairman exercise the jurisdiction of the Tribunal in relation to matters of a prescribed class.

(5) Where a registrar exercises the jurisdiction of the Tribunal, the registrar may, and shall, if the Tribunal or the Chairman so directs, refer the matter to the Tribunal for determination by the Tribunal.

Validity of acts of the Tribunal and immunity of its members

11. (1) An act or proceeding of the Tribunal is not invalid by virtue only of a vacancy in the membership of a panel from which members of the Tribunal are drawn.

(2) No liability attaches to a member of the Tribunal for an act or omission by the member or the Tribunal in good faith and in the exercise of official powers or functions by the member or the Tribunal.

**DIVISION II—MANNER IN WHICH TRIBUNAL IS TO ARRIVE
AT ITS DECISIONS**

Decisions in cases where Tribunal sits *in banco*

12. Where the Tribunal is constituted of the Chairman or a Deputy Chairman and two or more other members—

(a) the Chairman or Deputy Chairman shall preside;

(b) the Chairman or Deputy Chairman shall determine any question relating to the admissibility of evidence and any other question of law or procedure;

and

(c) on any other question a decision in which a majority of the members of the Tribunal (excluding any drawn from a panel constituted under section 8(3)) concurs shall be a decision of the Tribunal and, if they are equally divided in opinion, the question shall be decided in accordance with the opinion of the Chairman or Deputy Chairman.

Principles on which Tribunal is to make decisions

13. (1) The Tribunal shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms and, subject to subsection (2) and the provisions of any other Act, is not bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

(2) The Tribunal is bound by the rules of evidence in—

(a) disciplinary proceedings;

and

(b) proceedings related to a contempt of the Tribunal.

DIVISION III—PROCEDURES AND POWERS OF THE TRIBUNAL

Proceedings before the Tribunal

14. (1) The Tribunal shall give a party to proceedings reasonable notice of the time and place at which it intends to hear those proceedings, and shall afford any such person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(2) If a person to whom notice has been given pursuant to subsection (1) does not attend at the time and place fixed by the notice, the Tribunal may hear the proceedings in that person's absence.

(3) The Commissioner may appear personally in proceedings before the Tribunal or may be represented at such proceedings by counsel or an officer of the Public Service.

(4) A party to proceedings before the Tribunal (not being the Commissioner) is entitled to appear—

(a) personally or by counsel;

or

(b) by leave of the Tribunal—by some other representative.

Powers of the Tribunal

15. (1) The Tribunal may—

(a) by summons signed on behalf of the Tribunal by a registrar, require the attendance before the Tribunal of any person;

(b) by summons signed on behalf of the Tribunal by a registrar, require the production of any books, papers or documents;

(c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;

(d) require any person to make an oath or affirmation to answer truthfully all questions put by members of the Tribunal, or a person appearing before the Tribunal, relating to a matter before the Tribunal;

or

(e) require any person appearing before the Tribunal, including a person whose conduct is subject to an inquiry, (whether summoned to appear or not) to answer any relevant questions put by any member of the Tribunal, or by any other person appearing before the Tribunal.

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(4) A person is not obliged to answer a question, or to produce books, papers or documents, under this section if—

(a) the answer to the question or the contents of the books, papers or documents would tend to incriminate that person of an offence;

or

(b) by answering the question or producing the books, papers or documents that person would commit a breach of legal professional privilege.

(5) In the course of any proceedings, the Tribunal may—

(a) receive in evidence any transcript of evidence in proceedings before a court, tribunal or board and draw any conclusions of fact from the evidence that it considers proper;

or

(b) adopt, as in its discretion it considers proper, any findings, decision, or judgment of a court, tribunal or board that may be relevant to the proceedings.

(6) Where a person takes a proceeding before the Tribunal frivolously, vexatiously or for an improper purpose, the Tribunal may—

(a) dismiss or annul the proceeding;

and

(b) order the party by whom it was taken to pay to any other party compensation for any consequent embarrassment, inconvenience and expense that the other party has suffered or incurred.

Orders for fines or costs

16. The Tribunal may make such orders for costs as the Tribunal considers just and reasonable.

Reasons for decisions of Tribunal

17. Where a party to any proceedings before the Tribunal has, within seven days after the Tribunal has made a decision or order in those proceedings, requested the Tribunal to give reasons in writing for the decision or order, the Tribunal shall give reasons in writing for its decision or order.

Operation of order may be suspended

18. (1) Where an order has been made by the Tribunal, and the Tribunal, or the Supreme Court, is satisfied that an appeal against the order has been instituted, it may suspend the operation of the order until the determination of the appeal.

(2) Where the Tribunal has suspended the operation of an order under subsection (1), the Tribunal may terminate the suspension, and where the Supreme Court has suspended the operation of an order under subsection (1), the Supreme Court may terminate the suspension.

DIVISION IV—CASES STATED, APPEALS AND REVIEWS

Case stated

19. The Tribunal may state a case upon any question of law for the opinion of the Supreme Court.

Appeal

20. (1) A party to proceedings before the Tribunal who is dissatisfied with a decision or order of the Tribunal in those proceedings is, subject to this section, entitled to appeal to the Supreme Court against the decision or order.

10.

(2) The appeal lies as of right if—

- (a) it involves a question of law;
- (b) it relates to a decision or order of the Tribunal in proceedings under Part IV of the *Landlord and Tenant Act, 1936*;

or

- (c) it arises from proceedings related to contempt of the Tribunal,

but otherwise lies only by leave of the Tribunal or the Supreme Court.

(3) The appeal or application for leave to appeal must be instituted or made within one month of the making of the decision or order appealed against, but the Supreme Court or the Tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal or the application should be instituted or made within that period.

(4) The Supreme Court may, on the hearing of the appeal, exercise one or more of the following powers, according to the nature of the case:

- (a) affirm, vary or quash the decision or order appealed against, or substitute, and make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Tribunal for further hearing or consideration or for rehearing;
- (c) make any further or other order as to costs or any other matter that the case requires.

(5) The rights of appeal conferred by this section are subject to any limitations and exclusions contained in the relevant Acts.

Proceedings to lie to single Judge of Supreme Court

21. For the purposes of a case stated or an appeal under this Division, the Supreme Court shall be constituted of a single Judge but this subsection does not derogate from the power of such a Judge to reserve an appeal or question for hearing and determination by the Full Court.

Certain decisions of the Tribunal are subject to review

21a. (1) Where a registrar makes a decision or order in the exercise of the jurisdiction of the Tribunal, a party to the proceedings may, within one month of the date of the decision or order, apply to the Tribunal for a review of the decision or order.

(2) The Tribunal may, on reviewing a decision or order under this section, confirm, vary or set aside the decision or order.

PART III

MISCELLANEOUS

Registers, etc.

22. (1) The Commercial Registrar shall keep registers of all persons licensed or registered under the relevant Acts.

(2) Any person may on payment of the prescribed fee (if any) inspect any of the registers kept under this section.

(3) A certificate under the hand of a registrar certifying that on a date, or between dates, specified in the certificate a person was or was not licensed or registered under a particular Act (being one of the relevant Acts) shall be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the matter so certified.

(4) An apparently genuine document purporting to be a certificate under subsection (3) shall be accepted in legal proceedings, in the absence of proof to the contrary, as such a certificate.

Power to cure irregularities

23. (1) Where in proceedings before the Tribunal or an appeal from the Tribunal to the Supreme Court it appears to the Tribunal or the Court—

(a) that some irregularity has occurred affecting the proceedings or any matter to which the proceedings relate;

and

(b) that it would conduce to the expeditious resolution of the questions of substance at issue between the parties if the powers conferred by this section were exercised,

the Tribunal or the Court may cure the irregularity by ordering that, subject to the fulfilment of such conditions as may be stipulated by the Tribunal or the Court, the requirements of this Act, or of any other Act or law, be dispensed with to the extent necessary for the purpose.

(2) An order under this section does not affect the rights or liabilities of persons who are not parties to the proceedings.

Proof of judgments and orders of the Tribunal

24. An apparently genuine document purporting to be a copy of a judgment or order of the Tribunal and to be certified as such by a registrar shall be accepted in any legal proceedings, in the absence of proof to the contrary, as a true copy of a judgment or order of the Tribunal.

Enforcement of orders

25. (1) Where a judgment or order for payment of a pecuniary sum is given or made by the Tribunal, a registrar shall, upon application by a party to the proceedings in which the judgment or order was given, or a person claiming through or under such a party, issue a certified copy of the judgment or order.

(2) Where—

(a) a certified copy of a judgment or order is lodged with the clerk of a local court;

and

(b) the fee (if any) payable upon lodgment is paid to the clerk,

the clerk shall register the judgment or order and proceedings may then be taken upon it as if it were a judgment or order of the court in which it is registered.

(3) A judgment or order is registrable under this section in—

(a) the Local Court of Adelaide;

or

(b) some other local court, being the local court nearest to the place at which the person who is liable upon the judgment or order resides.

Contempt of the Tribunal

25a. A person who—

(a) fails without reasonable excuse to comply with a summons issued to attend, or to produce books, papers or documents, before the Tribunal;

(b) misbehaves before the Tribunal, wilfully insults the Tribunal or one or more of the members in the exercise of the member's official duties, or interrupts the proceedings of the Tribunal;

(c) refuses to be sworn or to affirm, or to answer a relevant question when required to do so by the Tribunal;

or

(d) fails to comply with a judgment or order of the Tribunal (not being a judgment or order for the payment of a pecuniary sum),

is guilty of a contempt of the Tribunal.

How contempts of the Tribunal are dealt with

25b. (1) A contempt of the Tribunal—

(a) may be prosecuted as a summary offence (punishable by a fine not exceeding \$10 000);

or

(b) may be dealt with by the Tribunal under this section.

(2) The Tribunal may punish a contempt by a fine not exceeding \$10 000.

(3) A fine imposed under this section may be recovered as a debt due to the Crown.

Regulations

26. (1) The Governor may make such regulations as are contemplated by this Act or any other Act conferring jurisdiction on the Tribunal, or as are necessary or expedient for the purposes of this Act or any other Act conferring jurisdiction on the Tribunal.

(2) Without limiting the generality of subsection (1), the regulations may—

- (a) provide for the constitution of panels from which members of the Tribunal are to be drawn and require consultation with specified bodies in relation to the membership of such panels;
- (b) prescribe matters relevant to the practice and procedure of the Tribunal;
- (c) provide for the settlement or attempted settlement, by conciliation, of disputes between parties to proceedings before the Tribunal;
- (d) provide for the enforcement of judgments and orders of the Tribunal (other than judgments or orders for payment of pecuniary sums);
- (e) prescribe information to be included in the registers to be kept under this Act;
- (f) assign functions to the registrars and regulate the manner in which they are to be carried out;
- (g) prescribe and provide for the payment of fees;

and

- (h) prescribe penalties (to be recoverable summarily) not exceeding \$500 for contravention of, or non-compliance with, any regulation.

(3) The regulations may provide a means by which a party to proceedings before the Tribunal may obtain judgment or an order in the proceedings without any form of adjudication if—

- (a) the proceedings are not defended, or notice of defence is not given, as required by the regulations;

or

- (b) the other party to the proceedings fails to attend a hearing in relation to the proceedings after being given reasonable notice of the time and place of the hearing.

(4) The Tribunal may, if the justice of the case so requires, set aside a judgment or order given or obtained under subsection (3).

SCHEDULE

SPECIAL PROVISIONS RELATING TO CONSTITUTION OF TRIBUNAL
COMMERCIAL TENANCIES

1. In this schedule—

"commercial tenancy agreement" means a commercial tenancy agreement within the meaning of Part IV of the *Landlord and Tenant Act, 1936*.

2. (1) Subject to this clause, the Tribunal shall, for the purpose of exercising its jurisdiction under Part IV of the *Landlord and Tenant Act, 1936*, be constituted of—

(a) the Chairman or a Deputy Chairman of the Tribunal;

(b) a member of the appropriate panel constituted under clause 3(a) and selected from time to time by the Chairman or a Deputy Chairman of the Tribunal to be a member of the Tribunal;

and

(c) a member of the appropriate panel constituted under clause 3(b) and selected from time to time by the Chairman or Deputy Chairman of the Tribunal to be a member of the Tribunal.

(2) The membership of the Tribunal may if the Chairman or a Deputy Chairman, in a particular case, so determines include one or more members of a panel constituted under section 8(3).

(3) Where the regulations so provide, the Tribunal may be constituted solely of the Chairman or a Deputy Chairman.

3. (1) The Governor may, for the purposes of clause 2—

(a) establish a panel consisting of members who, in the opinion of the Governor, are suitable persons to represent the interests of landlords under commercial tenancy agreements;

(b) establish a panel consisting of members who, in the opinion of the Governor, are suitable persons to represent the interests of tenants under commercial tenancy agreements.

(2) The provisions of Part II shall, subject to this schedule, apply in relation to members of the panels established under this clause as if they were members of panels established under that Part.

APPENDIX

Legislative History

Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 April 1987. A schedule of these alterations was laid before Parliament on 31 March 1987.

Section 2:	deleted in pursuance of the <i>Acts Republication Act, 1967</i> , as its function is now exhausted
Section 3:	amended by 19, 1985, s. 10; repealed by 113, 1986, s. 15 (Sched.)
Section 4:	definition of "Commercial Registrar" inserted by 113, 1986, s. 3(a) definition of "the Registrar" repealed and definitions of "Deputy Commercial Registrar" and "registrar" inserted in its place by 113, 1986, s. 3(b)
Section 4a:	inserted by 44, 1983, s. 3
Section 6(1):	amended by 44, 1983, s. 4(a), (b)
Section 6(3):	substituted by 113, 1986, s. 15 (Sched.)
Section 6(4):	amended by 44, 1983, s. 4(c), (d)
Section 6(5):	amended by 44, 1983, s. 4(e)
Section 6(6):	amended by 44, 1983, s. 4(f); 19, 1985, s. 11
Section 7(3) and (5):	amended by 113, 1986, s. 15 (Sched.)
Section 8(5):	amended by 113, 1986, s. 15 (Sched.)
Section 8(6):	substituted by 113, 1986, s. 15 (Sched.)
Section 10:	amended by 44, 1983, s. 5; substituted by 113, 1986, s. 4
Section 11(1):	amended by 113, 1986, s. 15 (Sched.)
Section 11(2):	substituted by 113, 1986, s. 15 (Sched.)
Section 12:	amended by 44, 1983, s. 6
Section 13(1):	amended by 113, 1986, s. 15 (Sched.)
Section 13(2):	substituted by 113, 1986, s. 5
Section 14(2):	amended by 113, 1986, s. 15 (Sched.)
Section 15(1):	amended by 113, 1986, s. 6(a), s. 15 (Sched.)
Section 15(2):	amended by 44, 1983, s. 7(a); repealed by 113, 1986, s. 6(b)
Section 15(3):	repealed by 113, 1986, s. 6(b)
Section 15(4):	amended by 113, 1986, s. 15 (Sched.)
Section 15(5):	amended by 44, 1983, s. 7(b); 113, 1986, s. 15 (Sched.)
Section 15(6):	inserted by 44, 1983, s. 7(c); amended by 113, 1986, s. 15 (Sched.)
Heading preceding section 19:	substituted by 113, 1986, s. 7
Section 20(1):	amended by 44, 1983, s. 8; substituted by 113, 1986, s. 8(a)
Section 20(2):	substituted by 113, 1986, s. 8(a); 58, 1990, s. 17(a)
Section 20(5):	inserted by 113, 1986, s. 8(b)
Section 21a:	inserted by 113, 1986, s. 9
Section 22(1):	amended by 113, 1986, s. 10(a)
Section 22(3):	amended by 113, 1986, s. 10(b)
Section 24:	amended by 113, 1986, s. 11
Section 25:	substituted by 44, 1983, s. 9
Section 25(1):	amended by 113, 1986, s. 12
Section 25(3):	amended by 113, 1986, s. 15 (Sched.)
Sections 25a and 25b:	inserted by 113, 1986, s. 13
Section 26:	inserted by 44, 1983, s. 9
Section 26(2):	amended by 113, 1986, s. 14
Section 26(3) and (4):	inserted by 58, 1990, s. 17(b)
Schedule:	inserted by 19, 1985, s. 12