

**DISTRICT COURT (FRUSTRATED CONTRACTS)  
AMENDMENT ACT, 1978, No. 107**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 107, 1978.**

An Act to amend the District Court Act, 1973, to confer jurisdiction on the District Court of New South Wales with respect to certain matters arising under the Frustrated Contracts Act, 1978. [Assented to, 20th December, 1978.]

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*District Court (Frustrated Contracts) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**Short title.**      **1.** This Act may be cited as the "District Court (Frustrated Contracts) Amendment Act, 1978".

**Commence-ment.**      **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Frustrated Contracts Act, 1978.

**Amendment of Act No. 9, 1973.**      **3.** The District Court Act, 1973, is amended—

**Sec. 3. (Division of Act.)**      (a) by omitting from the matter relating to Subdivision 2 of Division 8 of Part III in section 3 the words "*and equity*" and by inserting instead the words "*, equity and other*";

**Part III. (The civil jurisdiction of the Court.)**      (b) by omitting from the heading to Subdivision 2 of Division 8 of Part III the words "*and equity*" and by inserting instead the words "*, equity and other*";

**Sec. 134A.**      (c) by inserting after section 134 the following section :—

**Frustrated contracts.**      134A. The Court shall have the same jurisdiction as the Supreme Court, and may exercise all the powers and authority of the Supreme Court, in proceedings under Division 4 of Part III of the Frustrated Contracts Act, 1978, where the claim does not exceed \$20,000 in amount or value, as determined by the Court.

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*District Court (Frustrated Contracts) Amendment.*

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(d) by inserting after section 135 (2) the following subsection :—

Sec. 135.  
(Commence-  
ment of  
proceedings.)

(3) Proceedings in the Court under Division 4 of Part III of the Frustrated Contracts Act, 1978, shall be commenced—

- (a) where the defendant is resident or carries on business at a place in New South Wales—at the nearest proclaimed place to that place; or
- (b) where paragraph (a) does not apply—at Sydney.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 20th December, 1978.*

1948

United States District Court

(5) In the matter of the estate of

John Doe

vs. Jane Doe

et al.

et al.

In the presence of the undersigned

A. M. [Name]

Commissioner of the Court

at the City of New York

**DISTRICT COURT (FRUSTRATED CONTRACTS)  
AMENDMENT BILL, 1978**

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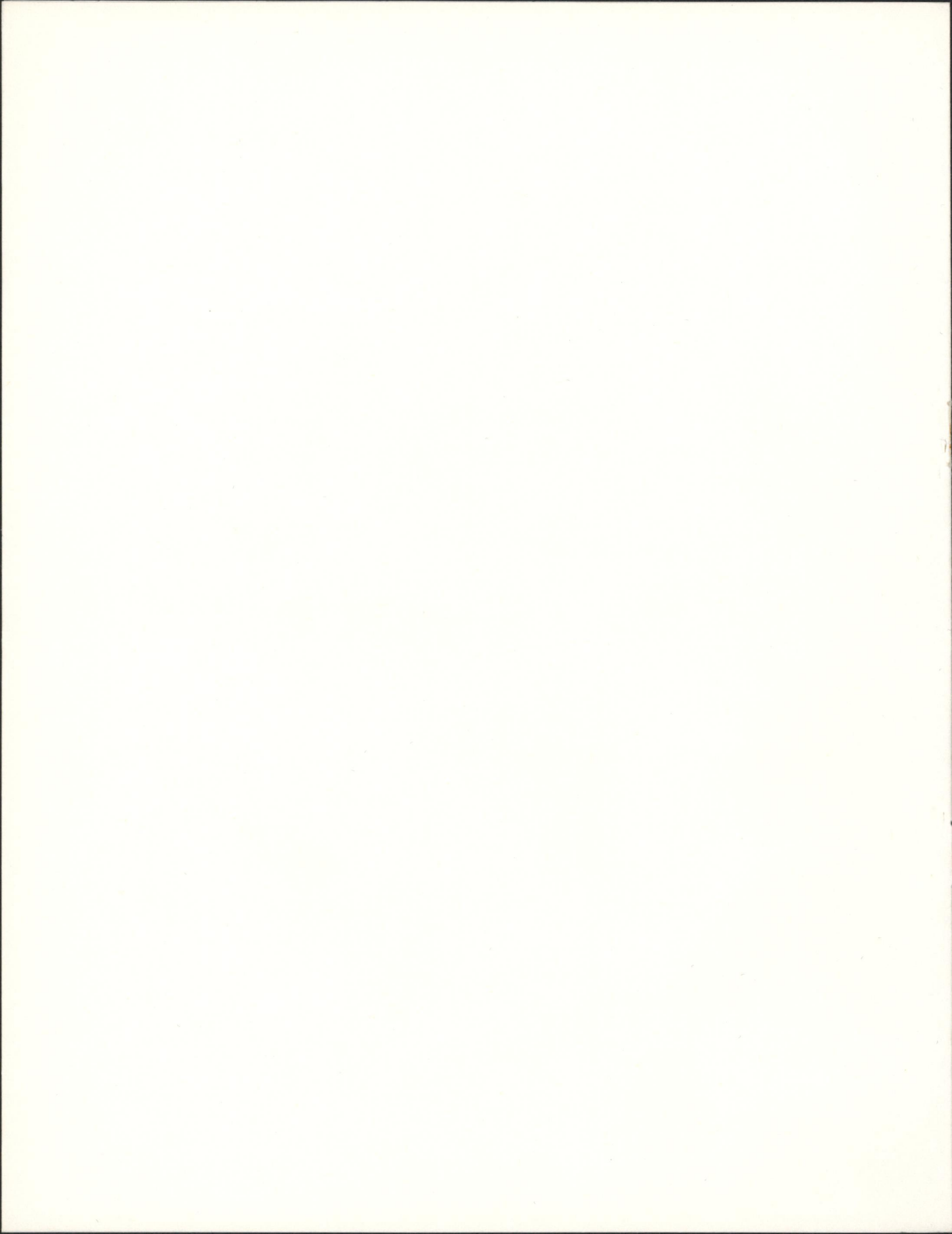
**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Frustrated Contracts Bill, 1978.

The object of this Bill is to confer jurisdiction on the District Court to hear and determine an application under Division 4 of Part III of the Frustrated Contracts Act, 1978 (adjustment by the court of rights and liabilities following frustration of a contract) where the value of the claim does not exceed \$20,000.

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**DISTRICT COURT (FRUSTRATED CONTRACTS)  
AMENDMENT BILL, 1978**

No. , 1978.

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**A BILL FOR**

An Act to amend the District Court Act, 1973, to confer jurisdiction on the District Court of New South Wales with respect to certain matters arising under the Frustrated Contracts Act, 1978.

[MR F. J. WALKER—21 *November*, 1978.]

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*District Court (Frustrated Contracts) Amendment.*

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Sec. 135.  
(Commence-  
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proceedings.)

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(a) where the defendant is resident or carries on business at a place in New South Wales—at the nearest proclaimed place to that place; or

10 (b) where paragraph (a) does not apply—at Sydney.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[8c]

