

No. 48 of 1973

AN ORDINANCE

To amend the Court of Petty Sessions Ordinance 1930-1972.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the Seat of Government (Administration) Act 1910-1972.

Dated this eleventh day of December, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

LIONEL MURPHY
Attorney-General.

COURT OF PETTY SESSIONS ORDINANCE 1973

1. (1) This Ordinance may be cited as the Court of Petty Sessions Ordinance 1973.* Short title and citation.

(2) The Court of Petty Sessions Ordinance 1930-1972† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the Court of Petty Sessions Ordinance 1930-1973.

2. Section 5 of the Principal Ordinance is amended by omitting from the definition of "Magistrate" the words "a stipendiary magistrate or" and substituting the words "the Chief Magistrate, a stipendiary magistrate or a". Interpretation.

3. Section 7 of the Principal Ordinance is amended— Appointment of

(a) by inserting in paragraph (a) of sub-section (1), after the word "appoint", the words, "a Chief Magistrate and"; Magistrates, clerks, &c.

and (b) by omitting from sub-section (2) the words "stipendiary magistrate" and substituting the word "Magistrate".

4. After section 8 of the Principal Ordinance the following sections are inserted:—

"8A. The Chief Magistrate shall make arrangements for the disposal of the business of the Court of Petty Sessions, the Children's Court and the Coroner's Court. Functions of the Chief magistrate.

"8B. The Clerk shall perform such duties as are prescribed by or under this Ordinance or as the Chief Magistrate directs." Duties of the Clerk.

* Notified in the Australian Government Gazette on 17 December 1973.
† Ordinance No. 21, 1930, as amended by No. 21, 1932; No. 17, 1934; No. 13, 1936; Nos. 5 and 28, 1937; Nos. 25 and 35, 1938; Nos. 20 and 22, 1940; No. 13, 1949; Nos. 7 and 12, 1951; No. 14, 1953; No. 12, 1958; No. 2, 1961; No. 2, 1966; No. 1, 1967; No. 25, 1968; No. 12, 1969; No. 15, 1970; and No. 37, 1972.

Oath of
allegiance
and office.

5. Section 10 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:—

“(3) Where a person has once taken or made the oaths or affirmations required by sub-section (1) on his appointment to the office of stipendiary magistrate or special magistrate and—

(a) afterwards ceases to hold that office; or

(b) is appointed to the office of Chief Magistrate,

it is not necessary for him again to take or make the oaths or affirmations on his again becoming a stipendiary magistrate or special magistrate or on his being appointed Chief Magistrate, as the case requires.”.