



AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Act (No. 2) 1991

No. 79 of 1991

An Act to amend the *Magistrates Court Act 1930*

[Notified in ACT Gazette S139: 11 December 1991]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Magistrates Court (Amendment) Act (No. 2) 1991*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Magistrates Court Act 1930*.¹

Where both parties present Court to hear case

4. Section 54 of the Principal Act is amended by omitting “If” and substituting “Subject to section 54AA, if”.

Insertion

5. After section 54 of the Principal Act the following section is inserted:

Interpreter

“54AA. (1) If the Court is satisfied that a defendant—

- (a) does not have a knowledge of the English language that is sufficient to enable the defendant to understand, or participate in, the proceedings; or
- (b) is unable to hear or speak;

the Court shall not hear and determine those proceedings unless an interpreter is present to assist the defendant.

“(2) In subsection (1)—

‘defendant’ includes a person in respect of whom an order is sought under the *Domestic Violence Act 1986*;

‘interpreter’ means—

- (a) an interpreter accredited with the National Accreditation Authority for Translators and Interpreters Limited; or
- (b) any other competent interpreter.”.

NOTE

1. 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; No. 37, 1972; No. 48, 1973; Nos. 14 and 47, 1974; No. 42, 1976; Nos. 4, 34, 56 and 61, 1977; No. 46, 1978; Nos. 33 and 41, 1979; Nos. 4 and 10, 1980; Nos. 2 and 3, 1982; Nos. 9, 10, 16, 61 and 62, 1984; Nos. 17, 18, 41, 66 and 67, 1985; Nos. 33, 53, 57, 71, 74 and 83, 1986; No. 56, 1987; No. 45, 1988; Nos. 21, 25, 55, 59 and 60, 1989; Nos. 1, 5 and 9, 1990; Act No. 65, 1990; Nos. 9, 38 and 44, 1991.

[Presentation speech made in Assembly on 11 September 1991]