

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Courts Legislation Amendment Bill 2015

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2015

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Courts Legislation Amendment Bill 2015

A Bill for

An Act to amend legislation about courts, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Courts Legislation Amendment Act 2015*.

4 **2 Commencement**

5 (1) Section 4 and part 2 (ACT Civil and Administrative Tribunal
6 Act 2008) commence 12 months after this Act's notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 (2) The remaining provisions commence on the 14th day after this Act's
10 notification day.

11 **3 Legislation amended**

12 This Act amends the following legislation:

- 13 • [ACT Civil and Administrative Tribunal Act 2008](#)
- 14 • [Civil Law \(Wrongs\) Act 2002](#)
- 15 • [Commissioner for Sustainability and the Environment Act 1993](#)
- 16 • [Cooperatives Regulation 2003](#)
- 17 • [Coroners Act 1997](#)
- 18 • [Court Procedures Act 2004](#)
- 19 • [Criminal Code 2002](#)
- 20 • [Judicial Commissions Act 1994](#)
- 21 • [Juries Act 1967](#)
- 22 • [Legislation Act 2001](#)
- 23 • [Magistrates Court Act 1930](#)
- 24 • [Oaths and Affirmations Act 1984](#)
- 25 • [Ombudsman Act 1989](#)

- 1 • *Public Sector Management Act 1994*
2 • *Remuneration Tribunal Act 1995*
3 • *Supreme Court Act 1933.*

4 **4 Legislation repealed**

- 5 (1) The *Mediation Act 1997* (A1997-61) is repealed.
6 (2) All legislative instruments under the *Mediation Act 1997* are
7 repealed.

1 **Part 2** **ACT Civil and Administrative**
2 **Tribunal Act 2008**

3 **5** **New section 30A**

4 *in division 5.3, insert*

5 **30A** **Definitions—div 5.3**

6 In this division:

7 *mediation* means a meeting between parties to an application and an
8 accredited mediator, ordered under this Act, for resolving a matter
9 to which the application relates, and includes a thing done—

- 10 (a) to arrange the meeting (whether or not successfully); or
11 (b) to follow up anything raised in the meeting.

12 *mediation material* means—

- 13 (a) a communication made at mediation; or
14 (b) a document, whether delivered or not, prepared—
15 (i) for or during mediation; or
16 (ii) following a decision made or undertaking given in
17 mediation.

18 **6** **Mediation for applications**
19 **Section 35 (2) (a)**

20 *omit*

21 a registered

22 *substitute*

23 an accredited

7 Section 35 (4)

omit

8 New sections 35A to 35C

in division 5.3, insert

35A Admissibility of information given at mediation

Evidence of mediation material is not admissible in a proceeding under this Act except in accordance with the *Evidence Act 2011*, section 131 (Exclusion of evidence of settlement negotiations).

35B Secrecy

- (1) A person who is or has been an accredited mediator must not disclose mediation material.
- (2) However, this section does not apply if—
 - (a) the disclosure is required under a territory law or Commonwealth law; or
 - (b) the disclosure is made with the consent of the parties to mediation; or
 - (c) the disclosure is made with the consent of the person who gave the material to the accredited mediator; or
 - (d) the person mentioned in subsection (1) believes on reasonable grounds that—
 - (i) a person's life, health or property is under serious and imminent threat and the disclosure is necessary to avert, or mitigate the consequences of, its realisation; or
 - (ii) the disclosure is necessary to report to the appropriate authority the commission of an offence or prevent the likely commission of an offence.

- 1 (3) In this section:
2 *offence* means an offence involving—
3 (a) violence, or the threat of violence, to a person; or
4 (b) intentional damage, or the threat of intentional damage, to
5 property.

6 **35C Protection from defamation**

7 The same privilege in relation to defamation that applies to judicial
8 proceedings applies to—

- 9 (a) mediation; or
10 (b) mediation material—
11 (i) produced at mediation; or
12 (ii) given to an accredited mediator for arranging, conducting
13 or following up mediation.

14 **9 Protection of members etc from liability**
15 **Section 116 (3), definition of *protected person*,**
16 **paragraph (b), example**

17 *omit*
18 a registered
19 *substitute*
20 an accredited

21 **10 Dictionary, note 2**

22 *insert*
23 • Corporations Act

11 Dictionary, new definitions1
2
3
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9
10
11*insert*

accredited mediator means a person who is entered as a mediator in the register of nationally accredited mediators maintained by the Mediator Standards Board.

mediation, for division 5.3 (Case management)—see section 30A.

mediation material, for division 5.3 (Case management)—see section 30A.

Mediator Standards Board means the incorporated body registered under the [Corporations Act](#) as the Mediator Standards Board Limited (ACN 145 829 812).

1 **Part 3 Civil Law (Wrongs) Act 2002**

2 **12 Section 193**

3 *substitute*

4 **193 Who can be a mediator**

5 (1) A person can be a mediator if the person is—

6 (a) an accredited mediator; and

7 (b) appointed by a tribunal as a mediator.

8 (2) In this section:

9 *accredited mediator* means a person who is entered as a mediator in
10 the register of nationally accredited mediators maintained by the
11 Mediator Standards Board.

12 *Mediator Standards Board* means the incorporated body registered
13 under the [Corporations Act](#) as the Mediator Standards Board
14 Limited (ACN 145 829 812).

15 **13 Agreements and arrangements arising from mediation
16 sessions
17 Section 198, note**

18 *omit*

19 **14 Dictionary, note 2**

20 *insert*

- 21
 - Corporations Act

1
2
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Part 4

**Commissioner for Sustainability
and the Environment Act 1993**

**15 Functions
Section 12 (2) (a)**

omit

master

substitute

associate judge

1 **Part 5 Cooperatives Regulation 2003**

2 **16 Holders of prescribed offices**
3 **Schedule 5, clause 5.2, item 2**

4 *substitute*

5 2 associate judge of the Supreme Court

Part 6 Coroners Act 1997

17 Coroner's jurisdiction in relation to deaths Section 13 (1) (a)

substitute

(a) dies violently, or unnaturally, in unknown circumstances; or

18 Section 13 (1) (b) and (c)

omit

19 Coroner's jurisdiction in relation to fires Section 18 (1)

substitute

(1) A coroner must hold an inquiry into the cause and origin of a fire that has destroyed or damaged property if asked to do so by the Attorney-General.

(1A) A coroner may (at the request of the owner or occupier of destroyed or damaged property or on the coroner's own initiative) hold an inquiry into the cause and origin of a fire if the coroner considers that an inquiry should be held.

20 New part 5A

insert

Part 5A Coronial investigation scenes

68B Definitions—pt 5A

In this part:

coronial investigation scene means a coronial investigation scene established under section 68D.

1 *coronial investigation scene declaration* means a declaration made
2 under section 68F (2).

3 *coronial investigation scene order* means an order issued under
4 section 68C (1), and includes an order extended under
5 section 68C (4).

6 *coronial investigation scene power* means a power mentioned in
7 section 68E.

8 **68C Coronial investigation scene order**

9 (1) If a coroner is satisfied that an investigation for an inquest or inquiry
10 should be carried out at a particular place, the coroner may issue an
11 order to a police officer or other person to—

12 (a) establish a coronial investigation scene at a stated place; and

13 (b) exercise coronial investigation scene powers at the place stated
14 in the order; and

15 (c) enter and stay at the place for those purposes.

16 (2) A coronial investigation scene order—

17 (a) may be issued at any time before the end of an inquest or
18 inquiry; and

19 (b) must state—

20 (i) the date and time the order is issued; and

21 (ii) the date, within 30 days after the order was made, the
22 order ends; and

23 (iii) any conditions applying under the order.

- 1 (3) A coroner may, before a coronial investigation order ends (a *current*
2 *order*), order an extension of the current order for an additional
3 period (an *extension period*) if—
- 4 (a) the date the extension period ends is within 30 days after the
5 day the current order ends; and
- 6 (b) the coroner is satisfied that an extension of the current order is
7 in the interests of justice.
- 8 (4) A coroner may make an order under subsection (3)—
- 9 (a) more than once; and
- 10 (b) whether or not the coroner issued the current order.
- 11 (5) A coronial investigation scene order may be issued to a police
12 officer in writing or orally or to anyone else in writing.
- 13 (6) However, an order that is issued to a police officer orally must, as
14 soon as practicable, be given to the police officer in writing.
- 15 (7) A police officer acting under a coronial investigation scene order
16 may obtain the assistance of anyone else for the purpose of
17 exercising powers under section 68E (Coronial investigation scene
18 powers).
- 19 (8) In this section:
- 20 *place* means a place of any kind, whether or not a public place.

21 **68D Establishment of coronial investigation scene**

- 22 (1) A police officer may establish a coronial investigation scene under a
23 coronial investigation scene order in any way that is reasonably
24 appropriate in the circumstances.
- 25 (2) A police officer who establishes a coronial investigation scene at a
26 place must, if reasonably appropriate in the circumstances, tell the
27 public that the place is a coronial investigation scene.

1 **68E Coronial investigation scene powers**

2 A police officer may, in accordance with a coronial investigation
3 scene order, exercise any of the following powers at, or in relation
4 to, a coronial investigation scene if the police officer suspects on
5 reasonable grounds that it is necessary to do so to preserve evidence
6 related to the coronial investigation:

- 7 (a) direct a person to leave the scene or remove a vehicle, vessel or
8 aircraft from the scene;
- 9 (b) remove from the scene—
- 10 (i) a person who fails to comply with a direction to leave the
11 scene; or
- 12 (ii) a vehicle, vessel or aircraft if a person fails to comply
13 with a direction to remove it from the scene;
- 14 (c) direct a person not to enter the scene;
- 15 (d) prevent a person from entering the scene;
- 16 (e) prevent a person from removing evidence from, or otherwise
17 interfering with, the scene or anything in it and, for that
18 purpose, detain and search the person;
- 19 (f) remove an obstruction from the scene;
- 20 (g) perform any necessary investigation;

21 **Examples**

- 22 1 search the scene
- 23 2 inspect anything in the scene to obtain evidence in relation to an
24 inquest or inquiry

25 *Note* An example is part of the Act, is not exhaustive and may extend,
26 but does not limit, the meaning of the provision in which it
27 appears (see [Legislation Act](#), s 126 and s 132).

- 28 (h) conduct any necessary examination or process;
- 29 (i) open anything at the scene that is locked;

- 1 (j) take electricity, gas or any other utility, for use at the scene;
- 2 (k) photograph or otherwise record the scene and anything in it;
- 3 (l) seize and detain all or part of a thing that might provide
4 evidence in relation to an inquest or inquiry or provide
5 evidence of the commission of an offence;
- 6 (m) dig up anything at the scene;
- 7 (n) remove wall or ceiling linings or floors of a building, or panels
8 of a vehicle;
- 9 (o) take possession of the remains of a deceased person on behalf
10 of the coroner, including body tissue, clothing and items
11 apparently in the possession of the deceased person;
- 12 (p) remove or cause the removal of the remains of a deceased
13 person to any location nominated by the coroner;
- 14 (q) anything else reasonably necessary or incidental to the
15 investigation.

16 **68F Senior police officer may establish scene for expected**
17 **coronial investigation**

- 18 (1) This section applies if—
- 19 (a) a coroner is not available to decide whether to issue a coronial
20 investigation scene order for a particular place; and
- 21 (b) a senior police officer believes on reasonable grounds that—
- 22 (i) a coroner is likely to issue a coronial investigation scene
23 order for the place; and
- 24 (ii) it is necessary to preserve the integrity of anything found
25 at the place that appears relevant to the death of a person.
- 26 (2) The senior police officer may make a coronial investigation scene
27 declaration for the place.

- 1 (3) A coronial investigation scene declaration—
- 2 (a) comes into force when it is made by the senior police officer;
- 3 and
- 4 (b) ends when whichever of the following happens first:
- 5 (i) a coronial investigation order is issued for the place;
- 6 (ii) the period of 24 hours after the declaration was made
- 7 ends; and
- 8 (c) may include any conditions on the exercise of a power
- 9 mentioned in subsection (4) that the senior police officer
- 10 considers appropriate.
- 11 (4) While a declaration is in force, a police officer at the place may,
- 12 subject to any condition in the declaration, exercise any power
- 13 mentioned in section 68E (Coronial investigation scene powers) as
- 14 if the declaration were a coronial investigation scene order.
- 15 (5) A coronial investigation scene declaration may be made in writing
- 16 or orally.
- 17 (6) However, a declaration made orally must, as soon as practicable, be
- 18 made in writing.
- 19 (7) In this section:
- 20 *senior police officer* means the chief police officer or another police
- 21 officer of or above the rank of superintendent.

22 **68G Exercise of investigation scene powers under pt 5A**

- 23 (1) Investigation scene powers given to a police officer under this part
- 24 may be exercised by the police officer in any way that—
- 25 (a) the officer considers reasonable in the circumstances; and

- 1 (b) is consistent with—
- 2 (i) if a coronial investigation scene order applies—the order;
- 3 and
- 4 (ii) if a coronial investigation scene declaration applies—the
- 5 declaration.
- 6 (2) If a police officer secures a place, the officer must, if it is reasonable
- 7 in the circumstances, give notice to members of the public that the
- 8 place is an investigation scene.
- 9 (3) In this section:
- 10 *investigation scene power*, under this part, means a power
- 11 exercisable by a police officer, under section 68E or section 68F (4).

12 **68H Part does not limit other powers**

13 Nothing in this part limits any power that a police officer has under

14 another law in force in the Territory to enter a place or do anything

15 else when at the place.

16 **21 Dictionary, new definitions**

17 *insert*

18 *coronial investigation scene*, for part 5A (Coronial investigation

19 scenes)—see section 68B.

20 *coronial investigation scene declaration*, for part 5A (Coronial

21 investigation scenes)—see section 68B.

22 *coronial investigation scene order*, for part 5A (Coronial

23 investigation scenes)—see section 68B.

24 *coronial investigation scene power*, for part 5A (Coronial

25 investigation scenes)—see section 68B.

- 1 **22 Dictionary, definition of *hearing***
- 2 *substitute*
- 3 *hearing* means a hearing for an inquest or inquiry under
- 4 division 5.1.

1 Part 7 Court Procedures Act 2004

2 **23 Rule-making committee** 3 **Section 9 (5) and (6)**

4 *substitute*

- 5 (5) However, if the Chief Justice is not personally present at a meeting
6 of the rule-making committee, the member present chosen by the
7 committee is to chair the meeting.

8 **24 Section 76**

9 *substitute*

10 **76 Supreme Court jurisdiction to make orders for conduct of** 11 **indictable trials**

- 12 (1) The Supreme Court has jurisdiction in relation to the conduct of a
13 criminal proceeding against an accused person for an indictable
14 offence—

15 (a) if the accused person is committed to the sittings of the
16 Supreme Court for the offence—when the Magistrates Court
17 has completed making—

18 (i) an order to commit the accused person to the sittings of
19 the Supreme Court (the *committal order*); and

20 (ii) any other orders incidental to the committal order; or

21 (b) in any other case—when an indictment for the offence is
22 presented against the accused person in the Supreme Court.

- 23 (2) Any orders, rulings or directions that may be made by the Supreme
24 Court for the purposes of a trial for an indictable offence may be
25 made before—

26 (a) if the tribunal of fact for the trial is a jury—the jury is
27 empanelled; or

- 1 (b) if the tribunal of fact for the trial is a judge alone—the judge
2 starts hearing evidence to determine the guilt or innocence of
3 the accused person; and
- 4 (3) An order, ruling or direction of the Supreme Court under
5 subsection (2) is binding on the trial judge at the hearing of the trial
6 unless in the opinion of the trial judge it is not in the interests of
7 justice for the order, ruling or direction to remain binding.
- 8 (4) Subject to this Act, the point in a criminal proceeding on indictment
9 against an accused person when an order, ruling or direction under
10 subsection (2) is made is taken to be part of the trial of the accused
11 person.
- 12 (5) If an accused person elects to be tried by a jury, the person may be
13 arraigned again in the presence of the panel of jurors.

25 New division 8.3*insert***Division 8.3 Pre-trial disclosure of expert evidence****77 Application—div 8.3**

- 18 (1) This division applies to a criminal proceeding that is a trial on
19 indictment of an accused person in which—
- 20 (a) the Supreme Court has jurisdiction; and
- 21 (b) neither of the following events in the trial has happened:
- 22 (i) if the tribunal of fact for the trial is a jury—the jury is
23 empanelled;
- 24 (ii) if the tribunal of fact for the trial is a judge alone—the
25 trial judge starts hearing evidence to determine the guilt
26 or innocence of the accused.

- 1 (2) In this section:
- 2 *criminal proceeding*—a reference to a *criminal proceeding*
- 3 includes a criminal proceeding begun before the day on which this
- 4 section commences.
- 5 *trial*—a reference to a *trial* includes a retrial.
- 6 **78 Mandatory pre-trial disclosure—expert evidence**
- 7 (1) After an indictment is filed in a proceeding, the following pre-trial
- 8 disclosure is required:
- 9 (a) the prosecutor must give each accused person written notice in
- 10 accordance with section 79 about whether or not the
- 11 prosecution will adduce expert evidence in the proceeding;
- 12 (b) an accused person must give the prosecution and each
- 13 co-accused person (if any)—
- 14 (i) written notice about whether or not the accused person
- 15 will adduce expert evidence in the proceeding; and
- 16 (ii) if the accused person receives written notice under this
- 17 division from the prosecution or a co-accused person
- 18 about an intention to adduce expert evidence in the
- 19 proceeding—written notice in reply in accordance with
- 20 section 79A;
- 21 (c) if the prosecutor receives written notice under this division
- 22 from an accused person about an intention to adduce expert
- 23 evidence in the proceeding—the prosecutor must give each
- 24 accused person written notice in reply in accordance with
- 25 section 79B.
- 26 (2) Pre-trial disclosure in accordance with this section must happen
- 27 before the date set for the trial in the proceeding and in accordance
- 28 with a timetable determined by the court.

- 1 (3) The court may vary the timetable determined under subsection (2) if
2 it considers that it would be in the interests of justice to do so.

3 **79 Prosecution notice—expert evidence**

4 For section 78 (1) (a), written notice by a prosecutor in a proceeding
5 must—

- 6 (a) if the prosecution intends to adduce expert evidence in the
7 proceeding—include the following:

8 (i) a statement that the prosecution intends adducing expert
9 evidence in the proceeding;

10 (ii) a copy of any statement or report relevant to the
11 proceeding that sets out the opinion of a person who the
12 prosecution intends to call as an expert witness in the
13 proceeding;

14 (iii) a copy of any other real evidence that is relevant to expert
15 evidence that the prosecution proposes to adduce at the
16 trial or, if it is not practicable to copy the real evidence, a
17 detailed description of the real evidence;

18 (iv) any chart or explanatory material relating to expert
19 evidence that the prosecution proposes to adduce at the
20 trial; or

- 21 (b) if the prosecution does not intend adducing expert evidence in
22 the proceeding—a statement that the prosecution does not
23 intend adducing expert evidence in the proceeding.

- 1 **79A Accused person's notice and reply—expert evidence**
- 2 (1) For section 78 (1) (b) (i), written notice by an accused person about
3 expert evidence in the accused person's case must—
- 4 (a) if the accused person intends to adduce expert evidence in the
5 proceeding—include the following:
- 6 (i) a statement that the accused person intends adducing
7 expert evidence in the proceeding;
- 8 (ii) a copy of any statement or report relevant to the
9 proceeding that sets out the opinion of a person who the
10 accused person intends to call as an expert witness in the
11 proceeding;
- 12 (iii) a copy of any other real evidence that is relevant to expert
13 evidence that the accused person proposes to adduce at
14 the trial or, if it is not practicable to copy the real
15 evidence, a detailed description of the real evidence;
- 16 (iv) any chart or explanatory material relating to expert
17 evidence that the accused person proposes to adduce at
18 the trial; or
- 19 (b) if the accused person does not intend adducing expert evidence
20 in the proceeding—a statement that the accused person does
21 not intend adducing expert evidence in the proceeding.
- 22 (2) For section 78 (1) (b) (ii), written notice by an accused person in
23 reply to a notice under this division from the prosecution or a
24 co-accused person (a *party's notice*) in a proceeding must—
- 25 (a) if the party's notice states an intention to adduce expert
26 evidence in the proceeding—state any objections or relevant
27 matters of fact or law that the accused person intends to raise in
28 relation to the expert evidence; and

- 1 (b) if the party's notice states the party does not intend adducing
2 expert evidence in the proceeding—confirm receipt of the
3 party's notice.

4 **79B Prosecution reply—expert evidence**

5 For section 78 (1) (c), written notice by the prosecution in reply to a
6 notice under this division from an accused person in a proceeding
7 must—

- 8 (a) if the accused person's notice states an intention to adduce
9 expert evidence in the proceeding—state any objections or
10 relevant matters of fact or law that the prosecution intends to
11 raise in relation to the expert evidence; and
- 12 (b) if the accused person's notice states no intention to adduce
13 expert evidence in the proceeding—confirm receipt of the
14 accused person's notice.

15 **79C Sanctions for non-compliance with pre-trial disclosure**
16 **requirements**

- 17 (1) The court may refuse to admit expert evidence sought to be adduced
18 by a party in a proceeding if the party failed to disclose the evidence
19 to the other parties in accordance with this division.
- 20 (2) The court may refuse to admit evidence from an expert witness
21 sought to be adduced by a party in a proceeding if the party failed to
22 give the other parties a copy of a report by the expert witness in
23 accordance with requirements for pre-trial disclosure imposed under
24 this division.
- 25 (3) The court may grant an adjournment to a party (the *first party*) if
26 another party (the *second party*) seeks to adduce evidence in the
27 proceedings that the second party failed to disclose in accordance
28 with requirements for pre-trial disclosure imposed under this
29 division and that would prejudice the case of the first party.

- 1 **79D Disclosure requirement is ongoing**
- 2 (1) The obligation to comply with the requirements for pre-trial
3 disclosure in relation to expert evidence under this division applies
4 until—
- 5 (a) the accused person is convicted or acquitted of the charges in
6 the indictment; or
- 7 (b) the prosecution is brought to an end.
- 8 (2) If a party becomes aware of a notifiable development in relation to
9 expert evidence disclosed under this division after the evidence was
10 disclosed the party must notify each other party to the proceeding
11 about the development as soon as practicable.
- 12 (3) A party may, with the leave of the court, amend notice given by the
13 party under this division if notification about a notifiable
14 development is received from another party that would affect the
15 contents of the party's notice.
- 16 (4) A party that amends the party's notice in accordance with
17 subsection (3) must give the amended notice to each other party to
18 the proceeding.
- 19 (5) In this section:
- 20 ***notifiable development***, in relation to expert evidence required to be
21 disclosed under this division in a proceeding, means any
22 information, document, thing or occurrence relevant to—
- 23 (a) an understanding of the expert evidence; or
- 24 (b) the reliability of the expert evidence or a person who is
25 proposed to give the evidence in the proceeding; or
- 26 (c) the use or effect of the expert evidence in a proceeding.

1 **79E Court may waive requirements**

- 2 (1) A court may, by order, waive any of the pre-trial disclosure
3 requirements under this division if the court considers that it would
4 be in the interests of justice to do so.
- 5 (2) The court may make an order under this section on its own initiative
6 or on the application of the prosecutor or an accused person.
- 7 (3) An order may be made subject to any condition the court considers
8 appropriate.
- 9 (4) The court must take into account whether the accused person is
10 represented by a lawyer when considering whether to make an order
11 under this section.
- 12 (5) The court must give reasons for the making of an order under this
13 section.

14 **26 Dictionary, note 2**

15 *insert*

- 16
 - associate judge

17 **27 Dictionary, definition of *master***

18 *omit*

19 **28 Further amendments, mentions of *master***

20 *omit*

21 *master*

22 *substitute*

23 associate judge

24 *in*

- 25
 - section 9 (2) (c)
 - section 11
- 26

- 1 • section 18A (5) (a) (i)
- 2 • section 40, definition of *judge*
- 3 • schedule 1, part 1.1, item 1 (3)

1 **Part 8 Criminal Code 2002**

2 **29 Definitions—ch 3**
3 **Section 300, definition of *territory public official*,**
4 **paragraph (d)**

5 *omit*

6 master

7 *substitute*

8 associate judge

1 **Part 9** **Judicial Commissions Act 1994**

2 **30** **Dictionary, definitions of *head of jurisdiction* and *judicial***
3 ***officer***

4 *omit*

5 master

6 *substitute*

7 associate judge

1 **Part 10 Juries Act 1967**

2 **31 Jury service**
3 **Schedule 2, part 2.1, item 13**

4 *omit*

5 master

6 *substitute*

7 associate judge

1 **Part 11** **Legislation Act 2001**

2 **32** **Dictionary, part 1, new definition of *associate judge***

3 *insert*

4 *associate judge* means the associate judge under the *Supreme Court*
5 *Act 1933*.

6 **33** **Dictionary, part 1, definition of *master***

7 *omit*

1 **Part 12 Magistrates Court Act 1930**

2 **34 Transfer of action from Supreme Court**
3 **Section 268 (1)**

4 *substitute*

5 (1) This section applies if a proceeding in the Supreme Court relates to
6 a cause of action that is a prescribed action.

7 **35 Section 268 (3)**

8 *omit*

1 **Part 13** **Oaths and Affirmations Act 1984**

2 **36 Oath or affirmation by spoken words or other means**
3 **Section 17 (1)**

4 *substitute*

- 5 (1) A person taking an oath must, if the person is physically capable of
6 doing so, in the presence of the person before whom the oath is
7 taken, say the words of the oath.

1 **Part 14 Ombudsman Act 1989**

2 **37 Functions—investigating complaints under Act**
3 **Section 5 (2) (b) (i)**

4 *omit*

5 master

6 *substitute*

7 associate judge

1 **Part 15** **Public Sector Management**
2 **Act 1994**

3 **38** **Application**
4 **Section 5 (b)**

5 *omit*

6 master

7 *substitute*

8 associate judge

1 **Part 16 Remuneration Tribunal Act 1995**

2 **39 Positions to which Act applies**
3 **Schedule 1, part 1.1**

4 *omit*

- 5 • master of the Supreme Court

6 *substitute*

- 7 • associate judge of the Supreme Court

1 **Part 17** **Supreme Court Act 1933**

2 **40 Seniority of judges**
3 **Section 5 (2)**

4 *omit*

5 **41 Section 5 (5)**

6 *omit*

7 or the President

8 **42 Arrangement of business of court**
9 **Section 7**

10 *omit*

11 Subject to section 37G (Arrangement of business of Court of
12 Appeal), the

13 *substitute*

14 The

15 **43 Exercise of jurisdiction**
16 **Section 8**

17 *omit*

18 master

19 *substitute*

20 associate judge

44 Section 9

2 *substitute*

9 Exercise of jurisdiction by associate judge

- 4 (1) For the exercise of jurisdiction given to the associate judge under
5 the rules, this Act has effect as if the court consisted of the judges
6 and the associate judge.
- 7 (2) A person who is dissatisfied with an order of the associate judge
8 made in the exercise of jurisdiction given under the rules may
9 appeal as prescribed under the rules to the Court of Appeal.

**45 Full Court decisions—equal division of opinion
Section 14 (a)**

12 *omit*

13 master

14 *substitute*

15 associate judge

**46 Appellate jurisdiction
Section 37E (2) (a)**

18 *substitute*

- 19 (a) appeals in relation to orders of the court (except orders of the
20 registrar, the Full Court exercising appellate jurisdiction or the
21 Court of Appeal itself);

47 Section 37E (4)

23 *substitute*

- 24 (4) Also, an appeal may be brought against an interlocutory order of the
25 court constituted by a single judge, or the associate judge, only with
26 leave of the Court of Appeal.

1	48	Sections 37F and 37G
2		<i>omit</i>
3	49	Appeal bench
4		Section 37H (2)
5		<i>omit</i>
6		President
7		<i>substitute</i>
8		Chief Justice
9	50	Salary of former President
10		Section 37UB
11		<i>omit</i>
12	51	New section 45
13		<i>in part 3, insert</i>
14	45	Master to be known as associate judge
15		The Master is to be known as the Associate Judge.
16	52	Completion of part-heard matters—end of term of office
17		Section 60A
18		<i>omit</i>
19		master
20		<i>substitute</i>
21		associate judge

1 **53 New part 11**

2 *insert*

3 **Part 11 Transitional—Courts Legislation**
4 **Amendment Act 2015**

5 **110 Meaning of *commencement day*—pt 11**

6 In this part:

7 *commencement day* means the day the *Courts Legislation*
8 *Amendment Act 2015*, section 3 commences.

9 **111 Transitional regulations**

10 (1) A regulation may prescribe transitional matters necessary or
11 convenient to be prescribed because of the enactment of the *Courts*
12 *Legislation Amendment Act 2015*.

13 (2) A regulation may modify this part (including in relation to another
14 territory law) to make provision in relation to anything that, in the
15 Executive's opinion, is not, or is not adequately or appropriately,
16 dealt with in this part.

17 (3) A regulation under subsection (2) has effect despite anything else in
18 this Act or another territory law.

19 **112 Expiry—pt 11**

20 This part expires 2 years after the commencement day.

21 *Note* Transitional provisions are kept in the Act for a limited time. A
22 transitional provision is repealed on its expiry but continues to have
23 effect after its repeal (see [Legislation Act](#), s 88).

1 **54 Dictionary, new definition of *associate judge***

2 *insert*

3 *associate judge* means the person known as the Associate Judge
4 under section 45.

5 **55 Dictionary, definition of *President***

6 *omit*

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 19 February 2015.

2 **Notification**

Notified under the [Legislation Act](#) on 2015.

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
