

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

MAGISTRATES COURT (AMENDMENT) ORDINANCE 1988

EXPLANATORY STATEMENT

No. 45, 1988

Sub-section 12(1) of the Seat of Government (Administration) Act 1910 provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory.

Transcript of proceedings before the ACT Magistrates Court is provided by the Commonwealth Reporting Service (CRS). Previously, such transcript was provided to the Court free of charge. However, pursuant to a recent Government decision affecting all the Courts and Tribunals which are serviced by CRS, CRS now levies significant charges for transcript (\$2.00 per page for the first copy and \$0.10 per page for subsequent copies). It is necessary for the Court to recoup these costs from parties and other persons who order transcript. Accordingly, amendments to the Magistrates Court Rules, which came into effect on the same day as the amending Ordinance, substantially increased the charges payable upon provision of transcript. The amendments to the Rules will also alter the terminology, since the new charges are not fees payable to the Commonwealth as such but are intended to reimburse the Court for the cost of purchasing the transcript.

The amendments effected by the amending Ordinance complement these changes.

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Details of the clauses in the amending Ordinance are as follows:

Clause 1 provides that the amending Ordinance may be cited as the Magistrates Court (Amendment) Ordinance 1988.

Clause 2 defines the Principal Ordinance to mean the Magistrates Court Ordinance 1930.

Clause 3 amends section 255C in the Principal Ordinance. The amendment to subsection 255C(3) replaces a reference to fees for copies or transcript with a reference to an amount, calculated in accordance with the Rules. The repeal and replacement of subsection 255C(4) is consequential upon the amendment to subsection (3). The new subsection 255C(8) provides that, if the Clerk requires a deposit which exceeds the amount which is ultimately due to be paid, there is to be a refund of the excess.

By virtue of subsection 12(2) of the Seat of Government (Administration) Act, the amending Ordinance commences upon notification in the Gazette.

Authorised by the
Minister for Justice