

EXPLANATORY STATEMENT

1979 No. 41

Australian Capital Territory

Court of Petty Sessions (Amendment) Ordinance (No. 2) 1979

The purpose of this Ordinance is to amend the Court of Petty Sessions Ordinance 1930 so as to give an informant the right to appeal to the Supreme Court from the dismissal of an information by the Court of Petty Sessions. The Ordinance also prescribes time limits for, and deals with costs in, these appeals.

Sections 1 and 2 are formal provisions.

Section 3 inserts paragraph (a) in section 219B of the Principal Ordinance. This paragraph was in the Ordinance from 1972 until 1974 when it was repealed. The purpose of the amendment is to allow errors of law in decisions of the Court of Petty Sessions, that result in dismissal of an information, to be corrected on appeal just as similar errors resulting in conviction may be corrected under existing paragraphs (b) and (c) of section 219B on appeal by a defendant.

Section 4 repeals and remakes sub-section 219C(1). The sub-section deals with the granting by the Supreme Court of an order nisi to review. The amendments made are to insert consequential references to an appeal by an informant and to insert a period of 21 days within which all appeals by way of order to review, whether by informant or defendant, must be made.

Section 5 requires the Supreme Court to order an informant who is an appellant to pay the costs of the appeal in all cases including those in which an appeal succeeds. Appeals by informants will in most case be Crown appeals.

Section 6 applies the amendments only to decisions of the Court of Petty Sessions made in proceedings commenced after the amendments come into operation. The existing provisions will apply to all other proceedings.

Authorized by the Attorney-General

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