

AUSTRALIAN CAPITAL TERRITORY

COURT OF PETTY SESSIONS (AMENDMENT) ORDINANCE (No. 3) 1977

EXPLANATORY MEMORANDUM

The purpose of this Ordinance is to amend the Court of Petty Sessions Ordinance of the Australian Capital Territory so as to permit a magistrate, hearing committal proceedings against a person alleged to have committed an indictable offence, to excuse that person from attendance at all or part of the preliminary examination. This may be done if the person is legally represented and is not otherwise required to attend either pursuant to a warrant or because he has been arrested, is in custody and has not been discharged upon recognisance. Provision is also made for a person who has been excused from attendance to be brought before the Court if the Court so directs or if the Court finds a prima facie case against him and decides to charge him with the offence and commit him for trial or sentence.

Section 6 of the Ordinance inserts a new section 89A in the Court of Petty Sessions Ordinance 1930 for this purpose.

The remaining sections of the Ordinance make consequential amendments and provide for a form of warrant to apprehend a defendant who disobeys an order from the Court to attend after he has been excused.