

AUSTRALIAN CAPITAL TERRITORY

Court of Petty Sessions Ordinance 1967

No. 1 of 1967

Coroners Ordinance 1967

No. 2 of 1967

EXPLANATORY MEMORANDUM

All three court rooms used mainly for the Court of Petty Sessions and the Coroners Court in Canberra have been equipped with sound-recording facilities. It has been decided that, in the interests of more accurate recording of depositions and to solve staff difficulties associated with the recording of depositions on typewriter by depositions clerks, sound-recording equipment be used exclusively, except in the case of a breakdown in the equipment. This necessitates amendments to the Court of Petty Sessions Ordinance and the Coroners Ordinance. These are made by the attached Ordinances and opportunity is taken to make some other amendments.

Coroners Ordinance

The amendment alters the present requirement for depositions to be taken down in writing and to be signed by the witnesses and the Coroner, and permits any procedures permitted by the Court of Petty Sessions Ordinance to be used. It makes also the Clerk of the Court of Petty Sessions the Clerk of the Coroner's Court and Deputy Clerks of the Court of Petty Sessions Deputy Clerks of the Coroner's Court. This is in the interests of convenient administration.

Court of Petty Sessions Ordinance

The general scheme of the amending legislation is to require depositions of witnesses to be sound-recorded, but to permit the Court to direct recording of evidence by other means, such as taking down on typewriter or by shorthand. Sound-recordings will be in the custody of the Clerk of the Court of Petty Sessions and transcripts are made if required. Copies of transcripts of depositions can be obtained on payment of the appropriate fee prescribed by the Court of Petty Sessions Rules. If legal argument has been recorded, transcripts of such recordings can also be obtained. (in practice it is intended to record the whole of each proceeding). Except in the case of parties to the proceedings, an applicant for a transcript (or for a copy of an information, complaint, conviction or order) may have to satisfy the Clerk or a Magistrate that he has a good reason for his request. Provision is made to ensure that where, under the Ordinance, depositions made in the Court of Petty Sessions are admissible in later proceedings, the sound-recording or a transcript (or a certified copy of a transcript) of the recording is evidence of depositions so made. There are a

number of consequential amendments to various provisions of the Ordinance in which depositions are mentioned.

Other amendments include bringing the scale of maximum imprisonment that can be imposed in default of payment of fines into line with the present monetary values (one day of imprisonment for each two dollars of unpaid fine will be the maximum – under the previous law up to 14 days imprisonment could be imposed in respect of the same amount), bringing the amounts that may be allowed as costs in respect of witnesses into line with those allowable in other Commonwealth Courts (in accordance with the policy of making all such costs uniform), and converting amounts in the old currency into amounts in decimal currency.