

AUSTRALIAN CAPITAL TERRITORY

AMENDMENTS OF THE COURT OF PETTY SESSIONS RULES

EXPLANATORY MEMORANDUM

No. 2 of 1967

The Court of Petty Sessions Ordinance 1967 made comprehensive provision with regard to sound-recording of proceedings in the Court of Petty Sessions. There had been some provision for this before in the principal Ordinance, the Court of Petty Sessions Ordinance 1930-1966, which the 1967 Ordinance amended, but most of the detail of the old provision was provided by Part IXA of the Court of Petty Sessions Rules. The attached amendments to the Rules repeal Part IXA, as it is no longer needed in view of the comprehensive provisions now included in the Ordinance itself. In view of the amendments to the Ordinance, Part IXA of the Rules is not inoperative as its provisions are either included in the Ordinance or are inconsistent with it.

The attached amendments to the Rules repeal also rule 68A and the Third Schedule. These deal with witnesses' expenses and are also now inoperative because of a provision made by the court of Petty Sessions Ordinance 1967 that the amount of costs that may be awarded in the Court of Petty Sessions shall be determined by reference to the appropriate provisions in the Supreme Court Rules. This is consistent with the Commonwealth policy of using a uniform scale of witnesses' expenses in all Commonwealth tribunals.

Opportunity is also taken to convert to references to decimal currency all references to the old currency in the Rules. For greater clarity, the word 'transcript' is included in item 18 of the Second Schedule, which shows the charge applicable to requests for copies of transcripts of Court of Petty Sessions proceedings.