



Australian Capital Territory

# Supreme Court Act 1933

**A1933-34**

**Republication No 71**

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## About this republication

### The republished law

This is a republication of the *Supreme Court Act 1933* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 15 May 2024. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 15 May 2024.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Supreme Court Act 1933

## Contents

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Dictionary 2
2A	Notes 2
<b>Part 2</b>	<b>Constitution and jurisdiction of the Supreme Court</b>
3	Establishment 3
4	Resident judges 3
4AA	Requirements of appointment—resident judges 4
4A	Additional judges 4
4B	Acting judges 4
R71	Supreme Court Act 1933 contents 1
15/05/24	Effective: 15/05/24-25/11/25

## Contents

	Page
5 Seniority of judges	5
6 Acting Chief Justice	6
7 Arrangement of business of court	6
8 Exercise of jurisdiction	6
10 Exercise of jurisdiction by registrar	7
11 Exercise of jurisdiction—legal practitioners	7
13 Power of judge to order that jurisdiction in a matter be exercised by Full Court	8
14 Full Court decisions—equal division of opinion	8
16 Holding other judicial offices	9
18 Principal seat of court and sittings	9
19 Oath or affirmation of office—judges	10
20 Jurisdiction and powers of Supreme Court	10
22 No trial by jury in civil proceedings	10
25 Law and equity to be concurrently administered	10
26 Equities of plaintiff	10
27 Equities of defendant	11
29 Incidental equities	11
30 Defence or stay of proceeding instead of prohibition order or injunction	11
31 Common law and statute	12
32 Final determination of matters	12
33 Law and equity	12
34 Equitable damages	13
34B Habeas corpus and prerogative orders	13

## **Part 2A Court of Appeal**

37E Appellate jurisdiction	14
37H Appeal bench	15
37I Presiding judge	15
37J Appeal court constituted by single judge	15
37K Decision-making	16
37L Appeal judge unable to continue sitting	17
37M Reserved judgments	18
37N Evidence on appeal	18

		Page
37O	Orders on appeal	19
37P	New trials	21
37Q	Bail time on appeal does not count towards sentence	21
37S	Reference appeal in relation to proceeding	21
<b>Part 2AA</b>	<b>Drug and alcohol treatment order jurisdiction</b>	
37SA	Definitions—pt 2AA	23
37SB	Drug and alcohol treatment order jurisdiction	23
37SC	Court not bound by rules of evidence	24
37SD	Treatment order judge may convene case conference	24
<b>Part 2B</b>	<b>Remuneration, allowances and other entitlements of judges</b>	
37T	Meaning of <i>entitlements</i>	25
37U	Resident judges	25
37UA	Indemnity for superannuation surcharge levy	28
37V	Acting judge—conditions of appointment	28
37W	Dual appointments	28
37X	Accrual and appropriation	29
<b>Part 4</b>	<b>Officers</b>	
46	Appointments	30
47	Functions of registrar and deputy registrars	30
48	Oath or affirmation of office—registrar	31
50	Functions of sheriff	31
51	Deputy sheriffs	31
52	Process of court if sheriff or deputy sheriff is interested party	32
53	Sheriff's assistants	32
<b>Part 5</b>	<b>General matters of procedure</b>	
55A	Hearing of bail applications	34
58A	Supreme Court trials—evidence of dead or absent persons	34
60A	Power to complete part-heard proceedings	35
61	Reserved judgments	36

## Contents

	Page
63 Change of venue	36
64 Seals	36
67A Vexatious litigants	37
<b>Part 7 Trial on indictment</b>	
68 Prosecution of indictable offences	39
68A Trial by jury in criminal proceedings	40
68B Trial by judge alone in certain criminal proceedings	40
68C Verdict of judge in criminal proceedings	41
<b>Part 8 Back-up and related offences</b>	
68CA Definitions—pt 8	42
68D Back-up and related offences	43
68E Procedure	43
68F Remission of back-up and related offences to Magistrates Court	44
68G Alternative verdict—summary offence	44
<b>Part 8AA Acquittals</b>	
<b>Division 8AA.1 Application—pt 8AA</b>	
68H Application—pt 8AA	45
<b>Division 8AA.2 Important concepts</b>	
68I Definitions—pt 8AA	46
68J Meaning of <i>acquittal</i> —pt 8AA	47
68K Meaning of <i>fresh</i> and <i>compelling</i> evidence—pt 8AA	48
68L Meaning of <i>tainted</i> acquittal—pt 8AA	48
<b>Division 8AA.3 Retrial etc of acquitted person</b>	
68M Court may order retrial—category A offence	49
68N Court may order retrial—category B offence	50
68O Court may order trial—administration of justice offence	51
68P Interests of justice	51
<b>Division 8AA.4 Procedure</b>	
<b>Subdivision 8AA.4.1 Applications under pt 8AA</b>	
68Q Conditions for retrial application	52
68R Limitations on retrial application	52

	Page
68S Conditions for justice offence trial application	53
<b>Subdivision 8AA.4.2 Presentation of indictment</b>	
68T Limitations on indictment	53
68U Indictment for retrial of category A or category B offences	54
68V Indictment for trial of justice offence	55
<b>Division 8AA.5 Conduct of proceeding for retrial etc</b>	
68W Prosecution must not refer to certain matters before jury	56
<b>Division 8AA.6 Miscellaneous</b>	
68X Entitlement to bail	57
68Y Single course of action for each proceeding	57
68Z Restrictions on publication	57
68ZA Maximum penalty for retrial offence	58
68ZB Indemnification for costs	59
 <b>Part 8AB Appeals against conviction for fresh and compelling evidence</b>	
<b>Division 8AB.1 Application—pt 8AB</b>	
68ZC Application—pt 8AB	61
<b>Division 8AB.2 Important concepts</b>	
68ZD Definitions—pt 8AB	61
68ZE Meaning of <i>fresh</i> and <i>compelling</i> evidence—pt 8AB	61
<b>Division 8AB.3 Application of pt 2A</b>	
68ZF Certain provisions of pt 2A taken to apply	62
<b>Division 8AB.4 Appeal against conviction</b>	
68ZG Court may grant leave to appeal conviction	63
68ZH Orders on appeal against conviction	63
 <b>Part 8A Judicial officers exchange</b>	
69A Definitions—pt 8A	64
69B Establishment of judicial exchange arrangements	64
69C Transfer of judicial officer of another jurisdiction to ACT court	65
69D Service in ACT court of judicial officer of another jurisdiction	66
69E Service of ACT judicial officer in corresponding court	66

	Page
69F Judicial office not affected by appointment to another judicial office	67
69G Other arrangements not affected	68
69H Amendment of sch 3	68
<b>Part 9 Miscellaneous</b>	
70A Failure to attend Supreme Court as required	69
71 Security of the peace and for good behaviour	69
74A Certified copies of transcript of Supreme Court proceedings	70
76 Regulation-making power	72
<b>Part 13 Transitional—Courts Legislation Amendment Act 2023</b>	
119 Meaning of <i>associate judge</i> —pt 13	73
120 Equally divided opinion relating to order of associate judge	73
121 Appeals against interlocutory orders of associate judge	73
122 Power to complete part-heard proceedings of associate judge	73
123 Expiry—pt 13	73
<b>Schedule 1 Oaths and affirmations of office</b>	74
<b>Part 1.1 Chief justice and judges</b>	74
<b>Part 1.2 Chief justice and judges</b>	75
<b>Part 1.3 Registrar</b>	76
<b>Part 1.4 Registrar</b>	77
<b>Schedule 2 Trial by judge alone—excluded offences</b>	78
<b>Part 2.1 Definitions—sch 2</b>	78
2.1 Definitions—sch 2	78
<b>Part 2.2 Excluded offences</b>	78



		Contents
		Page
<b>Schedule 3</b>	<b>ACT and corresponding courts</b>	81
<b>Dictionary</b>		82
<b>Endnotes</b>		
1	About the endnotes	86
2	Abbreviation key	86
3	Legislation history	87
4	Amendment history	104
5	Earlier republications	130
6	Expired transitional or validating provisions	136





Australian Capital Territory

# Supreme Court Act 1933

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An Act to establish a Supreme Court of the Australian Capital Territory, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Supreme Court Act 1933*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition ‘*entitlements*, for part 2B (Remuneration, allowances and other entitlements of judges)—see section 37T.’ means that the expression *entitlements* is defined in section 37T, and the definition applies to part 2B.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156).

### 2A Notes

A note included in this Act is explanatory and is not part of the Act.

*Note* See [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## **Part 2                      Constitution and jurisdiction of the Supreme Court**

### **3                      Establishment**

- (1) There shall be a Supreme Court of the Territory which shall be known as the Supreme Court of the Australian Capital Territory.
- (2) The court shall be a superior court of record.
- (3) The court shall consist of the Chief Justice and the other judges.

### **4                      Resident judges**

- (1) The Executive may by commission appoint, as resident judges, a Chief Justice of the court and other judges of the court.
- (2) A person is not eligible to be appointed as a resident judge—
  - (a) unless he or she—
    - (i) is or has been a judge of a superior court of record of the Commonwealth or a State, or has been a judge of the Supreme Court; or
    - (ii) has been a legal practitioner for not less than 5 years; or
  - (b) if he or she has attained the age of 70 years.
- (3) A resident judge ceases to hold office on attaining the age of 70 years.
- (4) A resident judge may resign by written notice to the Attorney-General.

**4AA Requirements of appointment—resident judges**

- (1) The Executive must, in relation to the appointment of resident judges, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**4A Additional judges**

- (1) The Executive may, by commission, appoint a judge or judges of a superior court of record of the Commonwealth or a State as an additional judge or additional judges of the court.
- (2) An additional judge ceases to hold office on ceasing to hold office as a judge (other than as an additional judge) of a superior court of record of the Commonwealth or a State.
- (3) An additional judge may resign by written notice to the Attorney-General.

**4B Acting judges**

- (1) The Executive may, by commission, appoint persons to be acting judges of the court.
- (2) An appointment under subsection (1) shall be for the period, not longer than 2 years, specified in the commission.
- (3) A person is not eligible to be appointed under subsection (1) unless he or she—
  - (a) has been a judge of a superior court of record of the Commonwealth or a State, or has been a judge of the Supreme Court; or

- (b) has been a legal practitioner for not less than 5 years.

## **5 Seniority of judges**

- (1) The Chief Justice is the senior judge of the court.
- (2) The resident judges are senior to the additional judges and the acting judges.
- (3) The additional judges are senior to the acting judges.
- (4) The resident judges (other than the Chief Justice) have seniority as between themselves—
  - (a) according to the dates their respective commissions took effect; or
  - (b) if the commissions of 2 or more of them took effect on the same date—according to the precedence assigned to them by their respective commissions.
- (5) The additional judges have seniority as between themselves—
  - (a) according to the dates their respective commissions took effect; or
  - (b) if the commissions of 2 or more of them took effect on the same date—according to the precedence assigned to them by their respective commissions.
- (6) The acting judges have seniority as between themselves—
  - (a) according to the dates their respective commissions took effect; or
  - (b) if the commissions of 2 or more of them took effect on the same date—according to the precedence assigned to them by their respective commissions.

**6 Acting Chief Justice**

Whenever—

- (a) the Chief Justice is absent from Australia or from duty; or
- (b) there is a vacancy in the office of Chief Justice;

the next senior judge who is in Australia and is able and willing to do so is to act as Chief Justice.

**7 Arrangement of business of court**

The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the court and accordingly may, subject to this Act and to such consultation with the judges as is appropriate and practicable, make arrangements as to the judge or judges who is or are to constitute the court in particular matters or classes of matters.

**8 Exercise of jurisdiction**

- (1) The jurisdiction of the court is exercisable by a single judge, except—
  - (a) when exercised by the registrar under the rules (see section 10); or
  - (b) when exercised by a Full Court under section 11 or 13; or
  - (c) when exercised by the Court of Appeal under part 2A.
- (2) The rules may provide for the jurisdiction of the court otherwise exercisable by a single judge to be exercised by the registrar, in the cases and subject to the conditions prescribed under the rules.
- (3) In this section:  
*registrar* includes a deputy registrar.



**10 Exercise of jurisdiction by registrar**

- (1) For the purposes of the exercise of jurisdiction given to the registrar under the rules, this Act has effect as if the court consisted of the judges and the registrar.
- (2) In this section:  
*registrar* includes a deputy registrar.

**11 Exercise of jurisdiction—legal practitioners**

- (1) The jurisdiction of the court in an application for admission to the legal profession must be exercised by a Full Court unless the Chief Justice directs otherwise.
- (2) The jurisdiction of the court in a proceeding in relation to the grant, renewal, amendment, suspension or cancellation of a practising certificate under the *Legal Profession Act 2006* must be exercised by a Full Court.
- (3) The jurisdiction of the court in relation to an application under the *Legal Profession Act 2006*, section 96 or section 97 in relation to the removal of a lawyer's name from the local roll must be exercised by a Full Court.
- (4) Nothing in this section prevents a single judge, in proceedings referred to in subsection (2) or (3), from—
  - (a) making any findings of fact; or
  - (b) giving directions of an interlocutory kind.
- (5) A single judge who has heard any part of proceedings referred to in subsection (3) for the purpose of making any findings of fact may be 1 of the judges who exercise the jurisdiction of the court in those proceedings under that subsection.

**13 Power of judge to order that jurisdiction in a matter be exercised by Full Court**

- (1) This section applies in relation to matters in which, apart from this section, the jurisdiction of the court would be exercisable by a single judge.
- (2) At any time before the beginning of the hearing of a matter in relation to which this section applies, a judge may order that the jurisdiction of the court in that matter shall be exercised by the Full Court.
- (3) At any time after the beginning of the hearing of a matter in relation to which this section applies, the judge hearing the matter may order that the jurisdiction of the court in that matter shall be exercised by the Full Court.
- (4) If an order has been made under subsection (2) or (3) in relation to a matter—
  - (a) the jurisdiction of the court in the matter must, subject to the rules, be exercised by the Full Court; and
  - (b) the court may give the directions it considers appropriate about the procedure to be followed in the further conduct of the proceeding, including directions about the use (if any) of any evidence received before the making of the order.

**14 Full Court decisions—equal division of opinion**

If the Full Court is divided in opinion as to the decision to be given on any question, the question is to be decided according to—

- (a) if there is a majority—the opinion of the majority; or
- (b) if the judges are equally divided in opinion—the opinion of the most senior judge sitting.

**16 Holding other judicial offices**

- (1) Subject to this section, a judge may also hold office as a judge of a superior court of record of the Commonwealth, a State or another Territory, whether appointed to that office before or after his or her appointment as a judge of the Supreme Court.
- (2) A resident judge or acting judge is not, without the written approval of the Executive, entitled to—
  - (a) engage in remunerative employment otherwise than in connection with the duties of judicial office or any office, appointment or commission held by him or her in the Defence Force of the Commonwealth; or
  - (b) accept appointment to another judicial office or to an office under a law of the Territory, the Commonwealth, a State or another Territory.
- (3) The Executive shall consult with the Chief Justice before giving the approval.

**18 Principal seat of court and sittings**

- (1) The court may sit at Canberra, and at any other places in Australia that are from time to time determined by the Chief Justice.
- (2) The times of the sittings of the court shall be such as are from time to time specified under the rules.
- (3) The offices of the court shall be at Canberra.

**19 Oath or affirmation of office—judges**

Before exercising the functions of office, a judge shall take or make—

- (a) an oath or affirmation in accordance with schedule 1, part 1.1;  
or
- (b) an oath or affirmation in accordance with schedule 1, part 1.2;

before another judge, a justice of the High Court or a judge of the Federal Court.

**20 Jurisdiction and powers of Supreme Court**

- (1) The court has the following jurisdiction:
  - (a) all original and appellate jurisdiction that is necessary to administer justice in the Territory;
  - (b) jurisdiction conferred by a Commonwealth Act or a law of the Territory.
- (2) Unless it is required to do so by or under a Commonwealth Act or a law of the Territory, the court is not bound to exercise its powers if it has concurrent jurisdiction with another court or tribunal.

**22 No trial by jury in civil proceedings**

In every suit in the court, the trial must be by the court without a jury.

**25 Law and equity to be concurrently administered**

Subject to the express provisions of any other Act, in every civil cause or matter begun in the court law and equity shall be administered according to sections 26 to 34B.

**26 Equities of plaintiff**

In proceedings in the court, the plaintiff is entitled to equitable relief if, in pre-Judicature Act proceedings of the same type, the plaintiff would have been entitled to such relief.

**27 Equities of defendant**

In proceedings in the court, the defendant is entitled to rely on an equitable defence, or is entitled to equitable relief of any sort, against any claim (whether at law or in equity) if, in pre-Judicature Act proceedings of the same type, the defendant would have been entitled to rely on such a defence, or would have been entitled to such relief, as the case may be.

**29 Incidental equities**

In proceedings in the court, the parties are entitled to such incidental equitable rights, and subject to such incidental equitable duties, as they would have been entitled or subject to in pre-Judicature Act proceedings of the same type.

**30 Defence or stay of proceeding instead of prohibition order or injunction**

- (1) A proceeding in the court must not be restrained by a prohibition order or injunction.
- (2) A defence is available in a proceeding in the court if an injunction would previously have been available in a pre-Judicature Act proceeding of the same kind.
- (3) However, this section does not prevent the court from ordering a stay in a proceeding in the court.
- (4) The court may grant a stay in a proceeding in the court on application by an entitled person.
- (5) In this section:

*entitled person*, in relation to a proceeding in the court, means a person (whether or not the person is a party to the proceeding) who

would have been entitled, in relation to a pre-Judicature Act proceeding of the same kind—

- (a) to apply to a court to restrain the prosecution of the proceeding; or
- (b) to enforce any order or rule in contravention of which all or part of the proceeding had been taken.

### **31 Common law and statute**

The court shall give effect to all claims for relief arising under the common law or the statute law of the Territory, subject to any equitable rules applicable under this Act.

### **32 Final determination of matters**

- (1) In the exercise of its jurisdiction under this Act in relation to proceedings in the court, the court shall, so far as practicable, ensure that—
  - (a) all the matters in issue between the parties to the proceedings are finally determined; and
  - (b) all multiplicity of legal proceedings concerning those matters is avoided.
- (2) For subsection (1), the court may grant legal or equitable relief absolutely or conditionally.

### **33 Law and equity**

Subject to this Act, in any matter arising in the court, if there is a conflict between the rules of equity and the rules of law with reference to that matter, the rules of equity prevail.

**34 Equitable damages**

If the court has power to grant an injunction or an order for specific performance, the court may give damages in addition to, or in substitution for, the injunction or specific performance.

**34B Habeas corpus and prerogative orders**

- (1) The Supreme Court has power to grant any relief by way of a habeas corpus order or prerogative order.

- (2) In this section:

***habeas corpus order*** means an order the relief under which is in the nature of, and to the same effect as, relief by way of a writ of habeas corpus.

***prerogative order*** means an order the relief under which is in the nature of, and to the same effect as, relief by way of—

- (a) a writ of mandamus, prohibition or certiorari; or
- (b) an information in the nature of *quo warranto*.

***relief*** includes remedy.

## Part 2A Court of Appeal

### 37E Appellate jurisdiction

- (1) When exercising its appellate jurisdiction under this part, the court is to be known as the Court of Appeal.
- (2) The following matters may be brought before, and heard by, the Court of Appeal:
  - (a) appeals in relation to orders of the court (except orders of the registrar, the Full Court exercising appellate jurisdiction or the Court of Appeal itself);
  - (b) appeals under section 37S (Reference appeal in relation to proceeding);
  - (c) cases stated or questions reserved by the court about any matter in relation to which an appeal may be brought to the Court of Appeal;
  - (d) applications under part 8AA (Acquittals);
  - (e) applications and appeals under part 8AB (Appeals against conviction for fresh and compelling evidence).
- (3) However, an appeal may not be brought against an order made by the court sitting as the Court of Disputed Elections under the *Electoral Act 1992*, section 252.
- (4) Also, an appeal may be brought against an interlocutory order of the court constituted by a single judge only with leave of the Court of Appeal.
- (5) In this section:  
**registrar** includes a deputy registrar.



**37H Appeal bench**

- (1) The Court of Appeal is constituted by 3 judges, except under the following provisions:
  - section 37J (Appeal court constituted by single judge)
  - section 37L (Appeal judge unable to continue sitting)
  - section 37O (4) (which provides for the enforcement of an order).
- (2) At least 1 of the judges sitting on the Court of Appeal must be a resident judge, unless the Chief Justice considers it impracticable for the Court of Appeal to be so constituted.
- (3) A judge must not sit on an appeal from an order made by the judge.

**37I Presiding judge**

The presiding judge of the Court of Appeal for the hearing of an appeal is the most senior judge sitting on the appeal.

**37J Appeal court constituted by single judge**

- (1) The Court of Appeal may be constituted by a single judge for hearing and deciding any of the following matters (*incidental matters*) in relation to an appeal:
  - (a) leave or special leave to appeal;
  - (b) extension of time to institute an appeal;
  - (c) leave to amend the grounds of an appeal;
  - (d) amendment or stay of an order of the court from which the appeal is brought;
  - (e) suspension of the operation of an order to which the appeal relates;
  - (f) including, removing or substituting a party;
  - (g) a consent order disposing of the appeal (including an order for costs);

- (h) dismissal of an appeal or other proceeding for want of prosecution or for any other reason prescribed under the rules;
  - (i) dismissal of an appeal or other proceeding on the application of the appellant or other applicant;
  - (j) directions about the conduct of the appeal (including directions about use of written submissions and limiting time for oral argument);
  - (k) any other question of practice and procedure in the Court of Appeal;
  - (l) costs and other matters incidental to a matter mentioned in paragraphs (a) to (k).
- (2) The rules may provide for incidental matters to be dealt with without an oral hearing, subject to any conditions prescribed under the rules.
  - (3) The rules may provide that the jurisdiction and powers of the Court of Appeal may be exercised by a single judge in particular kinds of proceedings.

### **37K Decision-making**

The Court of Appeal must make its decision on an appeal in accordance with the opinion of the majority of the judges sitting on the appeal, unless section 37L (3) applies.

**37L Appeal judge unable to continue sitting**

- (1) If, before a proceeding on an appeal is decided, 1 of the judges becomes unable to continue to sit on the appeal, the proceedings may continue before the appeal court constituted by the 2 remaining judges, if the parties agree.

*Note* If a judge's term of office ends before the proceeding is decided, this section does not apply (unless the judge is removed from office, or is otherwise unable to continue to sit on the appeal). Section 60A provides that, in this circumstance, the judge continues to hold office for the purpose of the proceeding, and may continue to exercise the jurisdiction of the Court of Appeal for that purpose.

- (2) If the parties do not agree to the continuation of the proceeding before the 2 remaining judges, the appeal must be reheard and decided by the Court of Appeal constituted by 3 judges ((including, if practicable, the 2 remaining judges)).
- (3) If the parties agree to the continuation of proceedings before the 2 remaining judges, and the remaining judges are divided in opinion—
- (a) if they are divided in opinion about the decision on the appeal—the appeal must be reheard and decided by the Court of Appeal constituted by 3 judges (including, if practicable, the 2 remaining judges); or
  - (b) if they are divided in opinion about any other issue—the decision of the court is the decision of the most senior of the remaining judges.

**37M Reserved judgments**

- (1) If judgment is reserved in a proceeding before the Court of Appeal after a full hearing, the judgment of the court (including the judgment of 1 or more of the judges sitting on the court) may later be delivered, orally or in writing, by any of the sitting judges.
- (2) It is not necessary for the other judges sitting on the Court of Appeal in the proceeding to be present when judgment is delivered.

**37N Evidence on appeal**

- (1) The Court of Appeal must have regard to the evidence given in the proceeding out of which the appeal arose.
- (2) The Court of Appeal may draw inferences of fact from that evidence.
- (3) The Court of Appeal may receive further evidence in any of the following ways:
  - (a) by oral examination before the court or a judge;
  - (b) on affidavit;
  - (c) by audiovisual link or audio link;
  - (d) any other way the court may receive evidence.
- (4) In this section:

**audio link**—see the *Evidence (Miscellaneous Provisions) Act 1991*, section 16 (Definitions—ch 3).

**audiovisual link**—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.

**370 Orders on appeal**

- (1) The Court of Appeal has the following powers in relation to the order appealed from:
  - (a) to confirm, reverse or amend the order;
  - (b) to give any order it considers appropriate, or refuse to give an order applied for;
  - (c) to set aside the order (completely or in part) and remit the proceeding to the court constituted by a single judge for further hearing and decision, subject to any directions the Court of Appeal considers appropriate;
  - (d) to set aside the verdict and order in a trial on indictment and order a verdict of not guilty (or another verdict) to be entered;
  - (e) to order a new trial, with or without jury, on any appropriate ground;
  - (f) to award enforcement of any order, or remit the proceeding to the court constituted by a single judge for enforcement of the order.
- (2) The Court of Appeal on an appeal against conviction must—
  - (a) allow the appeal if it considers that—
    - (i) the verdict of the jury should be set aside on the ground that it is unreasonable, or cannot be supported, having regard to the evidence; or
    - (ii) the judgment of the court before which the appellant was convicted should be set aside on the ground of a wrong decision of any question of law; or
    - (iii) on any other ground there was a miscarriage of justice; or
  - (b) dismiss the appeal.

- (3) However, the Court of Appeal may also dismiss an appeal against conviction if it considers that—
  - (a) the point raised by the appeal might be decided in favour of the appellant; but
  - (b) no substantial miscarriage of justice has actually occurred.
- (4) If a judgment of the Court of Appeal is remitted for execution under subsection (1) (f), the court constituted by a single judge must execute the judgment of the Court of Appeal as if it were that judge's own judgment.
- (5) The Court of Appeal may exercise powers under subsection (1) in relation to the order appealed from—
  - (a) despite any application in the notice of appeal that part only of the order be reversed or amended; and
  - (b) in favour of all or any of the respondents or other parties, including any who have not appealed from or complained of the order.
- (6) An interlocutory order from which there has been no appeal does not prevent the Court of Appeal from making any order on the appeal it considers just.
- (7) In a criminal matter, the powers of the Court of Appeal in an appeal against sentence (whether by the prosecution or defendant) include the following powers:
  - (a) to increase or decrease the sentence;
  - (b) to substitute a different sentence.

**37P New trials**

If the Court of Appeal orders a new trial, the court may, by the order, do any or all of the following in relation to the new trial:

- (a) order that the new trial be conducted generally, or on particular issues;
- (b) impose any conditions that it considers appropriate;
- (c) direct any admissions by a party that it considers appropriate;
- (d) order that the testimony of a witness examined at the original trial be used in the new trial in the way stated in the order.

**37Q Bail time on appeal does not count towards sentence**

If a person who has been convicted and sentenced to a term of imprisonment appeals to the Court of Appeal (against the conviction, or sentence, or both), any time spent while released on bail pending the decision on the appeal does not count as part of the term of imprisonment.

**37S Reference appeal in relation to proceeding**

- (1) This section applies if a person has been charged on indictment in the court and the proceeding in relation to all or any part of the indictment has concluded.

*Note* **Indictment** includes information (see [Legislation Act](#), dict, pt 1).

- (2) The Court of Appeal may, on application by the Attorney-General, solicitor-general or the director of public prosecutions (the **applicant**), hear and decide (by a **reference appeal**) any question of law arising at or in relation to the proceeding.
- (3) An application must be made within 6 weeks after the end of the proceeding, or within any longer period allowed by the Court of Appeal.

- (4) Either or both of the following people (an *interested party*) may be heard in the reference appeal:
  - (a) a person charged in the proceeding;
  - (b) a person affected by any decision in the proceeding.
- (5) If an interested party is not represented in the appeal, the applicant must instruct counsel to argue the reference appeal on the party's behalf.
- (6) The decision on the reference appeal does not invalidate or affect any verdict or decision given in the proceeding.



## Part 2AA                      Drug and alcohol treatment order jurisdiction

### 37SA        Definitions—pt 2AA

In this part:

*drug and alcohol treatment order*—see the [Crimes \(Sentencing\) Act 2005](#), section 12A.

*member*—

- (a) in relation to the treatment and supervision team—see the [Crimes \(Sentencing\) Act 2005](#), section 80M; and
- (b) in relation to the treatment order team—see the [Crimes \(Sentencing\) Act 2005](#), section 80M.

*treatment and supervision team*—see the [Crimes \(Sentencing\) Act 2005](#), section 80M.

*treatment order judge* means a judge exercising the jurisdiction of the court under this part.

*treatment order team*—see the [Crimes \(Sentencing\) Act 2005](#), section 80M.

### 37SB        Drug and alcohol treatment order jurisdiction

- (1) The court has jurisdiction under this part to hear and decide all matters relating to a drug and alcohol treatment order in relation to an offender.
- (2) Without limiting subsection (1), a matter relating to an offender's drug and alcohol treatment order includes the following:
  - (a) the making of the order;
  - (b) the conditions of the order;
  - (c) an amendment of the order;

- (d) the offender's compliance with the order;
- (e) the cancellation or suspension of the order;
- (f) any matter reasonably necessary for the proper administration, operation of, or compliance with, the order.

**37SC Court not bound by rules of evidence**

When exercising its jurisdiction under this part, the court is not bound by the rules of evidence and may inform itself of anything in a manner it thinks appropriate.

**37SD Treatment order judge may convene case conference**

- (1) The treatment order judge may, from time to time, convene a case conference with the treatment order team or the treatment and supervision team in relation to any matter relating to a drug and alcohol treatment order, including the following:
  - (a) the making, amending or cancelling the order;
  - (b) giving directions that are reasonably necessary to achieve the object of the order;
  - (c) consulting with other members of the treatment and supervision team or members of the treatment order team;
  - (d) monitoring the progress of the offender subject to the order;
  - (e) managing the work of the court in relation to drug and alcohol treatment orders.
- (2) It is not a requirement of a case conference under this section that the offender or the offender's lawyer be present unless the court directs otherwise.

## Part 2B                      Remuneration, allowances and other entitlements of judges

### 37T            **Meaning of *entitlements***

In this part:

***entitlements*** means a benefit other than remuneration or allowances.

### 37U            **Resident judges**

- (1) This section applies to a person (other than a person to whom the *A.C.T. Self-Government (Consequential Provisions) Act 1988* (Cwlth), section 29A (2) applies) who is appointed as a resident judge.
- (2) A person to whom this section applies is entitled to the same remuneration, allowances and entitlements as a judge of the Federal Court is entitled to from time to time.
- (3) However, subsection (2) is subject to the following provisions:
  - (a) subsections (4) to (6);
  - (b) section 37UA (Indemnity for superannuation surcharge levy);
  - (c) section 37UB (Salary of former President).
- (4) For subsection (2), the *Judges' Pensions Act 1968* (Cwlth) and the *Judges (Long Leave Payments) Act 1979* (Cwlth) apply in relation to a person to whom this section applies, to the extent to which they are capable of being applied, as if—
  - (a) those Acts were territory laws; and
  - (b) the person had been a judge of the Federal Court immediately before the person died or retired, had been appointed to that court when appointed as a resident judge and had served as a judge of that court for a period equal to the period of the person's service as a resident judge; and

- (c) the *Judges' Pensions Act 1968* (Cwlth), section 6A applied to the person, and section 6B did not apply to the person, whether or not the person's surcharge debt account (if any) is in debit when a pension becomes payable to the person; and
- (d) a reference to the Attorney-General of the Commonwealth were a reference to the Attorney-General; and
- (e) a reference to the Governor-General of the Commonwealth were a reference to the Executive; and
- (f) a reference to the Constitution, section 72 were a reference to the *Judicial Commissions Act 1994*, section 5; and
- (g) a reference to the Consolidated Revenue Fund were a reference to the public money of the Territory; and
- (h) a reference to the administrative appeals tribunal of the Commonwealth were a reference to the ACAT; and
- (i) a reference in the *Judges' Pensions Act 1968* (Cwlth) to a **marital relationship** included a reference to a relationship between 2 people of the same sex, subject otherwise to that Act, section 4AB (Marital relationship); and
- (j) a reference in the *Judges (Long Leave Payments) Act 1979* (Cwlth) to a **widow or widower** of a judge who has died included a reference to anyone else who was the domestic partner of the judge when the judge died; and
- (k) all other necessary changes, and any changes prescribed by regulation, were made.

*Note 1* A reference to a Cwlth Act includes a reference to the Act as originally made and as amended (see [Legislation Act](#), s 102).

*Note 2* For the meaning of **domestic partner**, see the [Legislation Act](#), s 169.

- (5) To remove any doubt, for the application of the *Judges' Pensions Act 1968* (Cwlth) to a person to whom this section applies, a reference in that Act to the ***appropriate current judicial salary*** in relation to the person is—
- (a) for a person who was Chief Justice—a reference to salary at the rate that would be payable to the person as Chief Justice if the person had not died or retired; and
  - (b) for a person who was President—a reference to salary at the rate that would be payable to the person as President if the person had not died or retired; and
  - (c) for a person who was appointed to an office that has been abolished—a reference to the amount determined by the Minister to be reasonable having regard to the rate of salary payable—
    - (i) for the office before it was abolished; and
    - (ii) for other offices under this part.
- (6) For subsection (5), ***salary*** includes salary (however described) payable under a determination of the remuneration tribunal.
- (7) A determination made under subsection (5) (c)—
- (a) is a notifiable instrument; and
  - (b) for the first determination made in relation to the holder of the abolished office—takes effect on, unless otherwise stated in the determination, the day immediately after the office is abolished.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**37UA Indemnity for superannuation surcharge levy**

- (1) This section applies if—
  - (a) a judge or other person is entitled to be paid a pension under this Act; and
  - (b) the commissioner of taxation has notified the judge or other person that the judge or other person is liable to pay the amount of superannuation contributions surcharge stated in the notice; and
  - (c) the superannuation contributions surcharge relates to surchargeable contributions made in relation to the judge.
- (2) The Territory must indemnify the judge or other person against the liability to pay the amount stated in the notice.
- (3) The public money of the Territory is appropriated to the extent necessary for payment of the amount indemnified.
- (4) A term used in this section that is defined in the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* (Cwlth) has the same meaning in this section.

**37V Acting judge—conditions of appointment**

An acting judge is appointed on the conditions decided by the Executive, subject to this Act and any determination under the *Remuneration Tribunal Act 1995*.

**37W Dual appointments**

- (1) In this section:  
  
*superior court office*, in relation to a judge of the court who holds office as a judge of a superior court of record of the Commonwealth, a State or another Territory, means the office of judge of that superior court of record.

- (2) Subject to subsections (3) and (4), a judge is not entitled to remuneration, allowances or entitlements if the judge—
  - (a) concurrently holds a superior court office; and
  - (b) is entitled to remuneration, allowances or entitlements (as the case requires) in relation to the superior court office.
- (3) If the amount of remuneration or allowances to which a judge would be entitled as a judge of the court if subsection (2) did not apply exceeds the remuneration or allowances (as the case may be) to which he or she is entitled in relation to his or her superior court office, the judge is entitled to receive an additional amount equal to that excess.
- (4) If the entitlements to which a judge would be entitled as a judge of the court if subsection (2) did not apply—
  - (a) are of a type not provided for in relation to his or her superior court office; or
  - (b) are of a better quality than those provided for in relation to his or her superior court office;the judge is entitled to receive entitlements of that type or quality.
- (5) This section does not apply to an acting judge of the court.

### **37X      Accrual and appropriation**

- (1) The remuneration and allowances to which a judge is entitled accrue from day-to-day.
- (2) The public money of the Territory is appropriated to the extent necessary for payment to judges of remuneration and allowances.

## Part 4                      Officers

### 46                      Appointments

- (1) The Attorney-General must appoint a person as the registrar of the Supreme Court.

*Note 1*     For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2*     In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

*Note 3*     Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

- (2) The director-general must appoint a person as the sheriff of the Territory.
- (3) The registrar may appoint the deputy registrars of the court and other officers of the court that are necessary.
- (4) The sheriff may appoint the deputy sheriffs of the Territory.
- (5) A person appointed under subsection (3) or (4) must be a public servant.

### 47                      Functions of registrar and deputy registrars

- (1) The registrar has power to administer oaths and may exercise the other functions given to the registrar under this Act, another Territory law or a special order of the court.
- (2) Subject to this Act and to any directions of the registrar, a deputy registrar may exercise the functions of the registrar under this Act or another Territory law.

*Note*        A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see [Legislation Act](#), s 104).



- (3) The exercise of a function by a deputy registrar does not affect the power of the registrar to exercise the function.

**48 Oath or affirmation of office—registrar**

Before exercising the functions of office, the registrar shall take or make—

- (a) an oath or affirmation in accordance with schedule 1, part 1.3; or
- (b) an oath or affirmation in accordance with schedule 1, part 1.4; before a judge.

**50 Functions of sheriff**

The sheriff shall—

- (a) serve or execute any process of the court directed to him or her; and
- (b) make due return to the court of such process; and
- (c) take due charge of any person committed to his or her custody by the court; and
- (d) discharge any such person as directed by the court or as required under a Territory law.

**51 Deputy sheriffs**

- (1) Subject to this Act and the directions of the sheriff, a deputy sheriff may exercise the functions of the sheriff under this Act or another Territory law.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see [Legislation Act](#), s 104).

- (2) In exercising the functions of the sheriff, a deputy sheriff has all the rights, privileges, immunities and liabilities of the sheriff.

- (3) The exercise of a function by a deputy sheriff does not affect the power of the sheriff to exercise the function.

**52 Process of court if sheriff or deputy sheriff is interested party**

- (1) If the sheriff or a deputy sheriff is a party to a cause in the court, any process of the court in the cause that would, except for this section, be directed to the sheriff or the deputy (as the case may be) shall be directed to a disinterested person appointed by the court.
- (2) A person appointed under subsection (1) shall—
- (a) serve or execute a process directed to him or her; and
  - (b) make due return of the process to the court.
- (3) In exercising the functions of the sheriff or deputy sheriff, a person appointed under subsection (1) has all the rights, privileges, immunities and liabilities of the sheriff or a deputy sheriff (as the case requires).

**53 Sheriff's assistants**

- (1) The sheriff may appoint public servants to assist in the exercise of the sheriff's functions.

*Note 1* For the making of appointments (including acting appointments), see [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#) 2001, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A person appointed under subsection (1) (a *sheriff's assistant*)—
- (a) may exercise any function given to the sheriff, subject to this Act and any directions of the sheriff; and
  - (b) has the rights, privileges, immunities and liabilities of the sheriff.
- (3) Anything done by a sheriff's assistant is taken to have been done by the sheriff.

## Part 5                      General matters of procedure

### 55A            Hearing of bail applications

- (1) Unless the court otherwise directs, where—
  - (a) a person who is in custody is required or entitled to appear, or is required to be brought, before the court for the hearing of an application in relation to bail; and
  - (b) an audiovisual link is available between the place where the court is sitting and a place where the person is in custody;the proceeding shall be conducted by the audiovisual link.
- (2) The court may at any time vary or revoke a direction made under subsection (1), either on its own initiative or on the application of a party to the proceeding.
- (3) This section does not apply in relation to a child.
- (4) In this section:

*audiovisual link*—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.

### 58A            Supreme Court trials—evidence of dead or absent persons

- (1) On the trial before the Supreme Court of a person who has been committed for trial, whether for the offence in relation to which the person was committed for trial or for an offence founded on evidence disclosed in the course of the committal hearing, it is provided that—
  - (a) a witness whose depositions were taken in the course of the committal proceedings is dead, is so ill as not to be able to travel or give evidence or is absent from Australia; and

- (b) if the witness gave evidence in person at the committal hearing, the accused person or the accused person's lawyer had the opportunity to cross-examine the witness;

any of the statements in the depositions that would, if the witness who made the depositions had given evidence on the trial have been admissible, are admissible as evidence on the trial.

- (2) In this section:

*depositions*, of a witness, means—

- (a) if a record of the depositions was made in accordance with the *Magistrates Court Act 1930*, section 316 (2) (Record of proceedings)—a transcript of the record certified in accordance with that Act, section 314 (2) (Registrar to give directions for preparation of transcript); or
- (b) if the depositions were taken down in writing and signed in accordance with the *Magistrates Court Act 1930*, section 316 (3)—the depositions taken down and signed.

## **60A Power to complete part-heard proceedings**

- (1) This section applies if a proceeding (including a proceeding in the Full Court or the Court of Appeal) is not finally determined when a judge (the *former judge*) hearing the proceeding ceases to hold office.
- (2) The former judge—
  - (a) is taken to continue to hold office for the purpose of determining the proceeding; and
  - (b) may continue to exercise the court's jurisdiction for the purpose of hearing and determining the proceeding, including giving judgment, making an order or completing or otherwise continuing to deal with any matter relating to the proceeding.

- (3) However, the former judge is not entitled to any remuneration, allowances or entitlements under this Act for holding office under this section.
- (4) This section does not apply if a judge is removed from office.
- (5) Nothing in this section prevents a person being appointed as an acting judge.

**61 Reserved judgments**

- (1) If judgment is reserved in a proceeding before the Full Court after a full hearing, the judgment of the court (including the judgment of 1 or more of the judges sitting on the court) may later be delivered, orally or in writing, by any of the sitting judges.
- (2) It is not necessary for the other judges sitting on the Full Court in the proceeding to be present when judgment is delivered.

**63 Change of venue**

- (1) At any stage of proceedings on a cause or matter in the court, the court may order that the cause or matter be heard at a specified place within Australia, or continued at another specified place within Australia, subject to section 18 (1) and to any conditions specified in the order.
- (2) After a cause or matter in the court has been heard at a place, the court may give further hearing or consideration to the cause or matter, or pronounce judgment, at a sitting of the court at another place within Australia, subject to section 18 (1).

**64 Seals**

- (1) The Court of Appeal must have a seal.
- (2) The Supreme Court must have a seal.

**67A Vexatious litigants**

- (1) In this section:

*aggrieved person*, in relation to proceedings, means a person aggrieved by the institution of those proceedings.

*proceedings* means any cause, matter, action, suit or proceeding of any other kind within the jurisdiction of any court or tribunal and includes any proceeding taken in connection with any such legal proceedings pending before any court or tribunal.

*vexatious proceedings* means proceedings—

- (a) the purpose of which is to harass or annoy, to cause delay or for some other ulterior purpose; or
  - (b) that lack reasonable grounds.
- (2) If, on the application of the Attorney-General or an aggrieved person, the court is satisfied that a person has frequently instituted vexatious proceedings, the court may declare the person to be a vexatious litigant.
- (3) If a person is declared to be a vexatious litigant—
- (a) the person, or a person acting in concert with the person, shall not institute or continue any proceedings or, for a declaration expressed to apply only in relation to a particular type of matter, proceedings of that type, without the leave of the court; and
  - (b) any proceedings pending at the time of the declaration or, for a declaration expressed to apply only in relation to a particular type of matter, proceedings of that type, are stayed subject to any order of the court in relation to those proceedings.
- (4) If the court gives leave to a person for subsection (3) (a), it may impose the conditions it considers appropriate.

- (5) Conditions imposed under subsection (4) in relation to proceedings may include conditions—
  - (a) relating to security for costs in the proceedings; and
  - (b) specifying matters relating to the issue of process in the proceedings.
- (6) Unless expressed to remain in force until the end of a date specified in the declaration, a declaration remains in force until revoked by the court.
- (7) The court may vary a declaration.
- (8) Subject to any order of the court, a declaration, or a variation or revocation of a declaration, is a notifiable instrument.

*Note* Power to make a notifiable instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (9) If proceedings are instituted by a person in contravention of this section, the proceedings shall be taken to have been permanently stayed.
- (10) If practicable, any documents filed or lodged with a court or tribunal by a person in proceedings referred to in subsection (9) shall be returned to the person by the registrar or similar officer of a court or tribunal.
- (11) Notwithstanding subsection (3), a person declared to be a vexatious litigant may, without the leave of the court, apply to the court for the revocation or variation of the declaration or of any conditions to which the declaration is subject.



## Part 7 Trial on indictment

### 68 Prosecution of indictable offences

- (1) Subject to subsection (2), an indictable offence triable before the court shall be prosecuted by information in the name of the Attorney-General or of any other person the Attorney-General, in writing, appoints for this subsection.
- (2) The Attorney-General may file an information under subsection (1) without examination or commitment for trial of the accused person.
- (3) On an information being filed without examination or commitment for trial, the court may—
  - (a) cause a summons to be issued to the accused person to appear at the time and place specified in the summons and there to answer the charge specified in the information; or
  - (b) issue a warrant for the arrest of the accused person and hold him or her in custody or admit him or her to bail.
- (4) If a person has been committed for trial on a charge for an indictable offence triable before the court, the information against the person may include, either in substitution for, or in addition to, a count charging the offence for which the person was committed, a count founded on a fact or evidence disclosed in the course of the committal proceedings.
- (5) Subsection (4) does not authorise the inclusion of more than 1 count in the same information unless those counts may lawfully be joined in a single information.

- (6) If a person is under commitment on a charge of an indictable offence triable before the court, the Attorney-General, or any other person the Attorney-General, by instrument, appoints this subsection, may decline to proceed further in the prosecution and, if the accused person is in custody, may, by warrant, direct the discharge of the accused person from custody, and the accused person shall be discharged accordingly.

**68A Trial by jury in criminal proceedings**

Criminal proceedings shall be tried by a jury, except as otherwise provided by this part.

**68B Trial by judge alone in certain criminal proceedings**

- (1) A criminal proceeding against an accused person for an offence other than an excluded offence must be tried by a judge alone if—
- (a) the person elects in writing to be tried by a judge alone; and
  - (b) the person produces a certificate signed by a legal practitioner stating that—
    - (i) the legal practitioner has advised the person in relation to the election; and
    - (ii) the person has made the election freely; and
  - (c) the election and certificate are filed in the court before—
    - (i) the person, or the person's legal representative, knows the identity of the judge for the person's trial; and
    - (ii) any time limit prescribed under the rules; and

- (d) if there is more than 1 accused person in the proceeding—
  - (i) each other accused person also elects to be tried by a judge alone; and
  - (ii) each other accused person's election is made in relation to all offences for which that person is to be tried in the proceeding; and
  - (iii) none of the offences for which any other accused person is to be tried is an excluded offence.
- (2) An accused person who elects to be tried by a judge alone may, at any time before the person is arraigned, elect to be tried by a jury.
- (3) If an accused person makes and then withdraws an election, the person may not make another election.
- (4) In this section:

***excluded offence*** means an offence against a provision mentioned in an item in schedule 2 (Trial by judge alone—excluded offences), part 2.2, column 3 of an Act mentioned in the item, column 2.

## **68C Verdict of judge in criminal proceedings**

- (1) A judge who tries criminal proceedings without a jury may make any finding that could have been made by a jury as to the guilt of the accused person and any such finding has, for all purposes, the same effect as a verdict of a jury.
- (2) The judgment in criminal proceedings tried by a judge alone must include the principles of law applied by the judge and the findings of fact on which the judge relied.
- (3) In criminal proceedings tried by a judge alone, if a territory law requires a warning or direction to be given, or a comment to be made, to a jury in the proceedings, the judge must take the warning, direction or comment into account in considering his or her verdict.

## Part 8                      Back-up and related offences

### 68CA      Definitions—pt 8

In this part:

***back-up offence***, in relation to an indictable offence (the ***first indictable offence***), means an offence—

- (a) that is—
  - (i) a summary offence; or
  - (ii) an indictable offence that is capable of being dealt with summarily by the Magistrates Court under the [Magistrates Court Act 1930](#), part 3.6 (Proceedings for offences punishable summarily); and
- (b) at least some of the elements of which are similar to the elements that constitute the first indictable offence; and
- (c) that is to be prosecuted on the same facts as the first indictable offence.

***related offence***, in relation to an indictable offence (the ***first indictable offence***), means an offence, other than a back-up offence—

- (a) that is—
  - (i) a summary offence; or
  - (ii) an indictable offence that is capable of being dealt with summarily by the Magistrates Court under the [Magistrates Court Act 1930](#), part 3.6 (Proceedings for offences punishable summarily); and
- (b) that arises from substantially the same circumstances as those from which the first indictable offence has arisen.

**68D Back-up and related offences**

- (1) This section applies in the following circumstances:
  - (a) if the Magistrates Court commits an accused person for trial or sentencing to the Supreme Court under any of the following provisions of the *Magistrates Court Act 1930*:
    - (i) section 88B (Court may waive committal proceedings);
    - (ii) section 90A (7) (Plea of guilty at committal hearing);
    - (iii) section 92A (1) (Committal for sentence for indictable offence tried summarily);
    - (iv) section 94 (1) (b) (Discharge or committal for trial);
    - (v) section 291G (2) (Childrens Court may send cases to Supreme Court for sentencing);
  - (b) at the conclusion of the trial of an accused person for an indictable offence, or in the course of a sentencing proceeding.
- (2) The court must deal with any back-up or related offence with which the accused person has been charged if the court considers that it is in the interests of justice.
- (3) The court may deal with a back-up or related offence with which an accused person has been charged even though it is not doing so in relation to a back-up or related offence with which another accused person in the same proceedings is charged.

**68E Procedure**

- (1) The court shall deal with a back-up or related offence under this part—
  - (a) without a jury; and

- (b) on the basis only—
  - (i) of evidence given during the trial of the accused person for any indictable offence in the same proceedings; and
  - (ii) of any additional evidence given under this section.
- (2) The prosecutor or the accused person may, with the leave of the court, call additional evidence in relation to the back-up or related offence.
- (3) In sentencing or otherwise dealing with a person for a back-up or related offence, the court has the same functions as the Magistrates Court.

**68F      Remission of back-up and related offences to Magistrates Court**

The court may, at any time, remit a back-up or related offence being dealt with under this part to the Magistrates Court.

**68G      Alternative verdict—summary offence**

- (1) This section applies if, on the trial of a person for an indictable offence against a territory law—
  - (a) the person is found not guilty of the offence but guilty of another offence that, under that law, is an alternative offence; and
  - (b) the alternative offence is a summary offence.
- (2) The court may sentence or otherwise deal with the person for the alternative offence.
- (3) In sentencing or otherwise dealing with the person, the court has the same functions as the Magistrates Court.

## **Part 8AA                      Acquittals**

### **Division 8AA.1              Application—pt 8AA**

#### **68H              Application—pt 8AA**

- (1) This part applies if—
  - (a) a person has been acquitted of an offence (a *principal offence*); and
  - (b) a double jeopardy law of the Territory would, but for this part, prevent the person from being retried for the principal offence, or from being tried for another offence, in a proceeding in the ACT.
- (2) A reference to a person acquitted of a principal offence includes a person acquitted of a principal offence in a proceeding in another jurisdiction if a law of the jurisdiction provides for the retrial of the person for the offence, or the trial of the person for another offence.
- (3) This part abrogates the doctrine of double jeopardy, however expressed in a double jeopardy law, to the extent necessary for the operation of this part and—
  - (a) confers on the Crown a right of appeal against an acquittal in a criminal proceeding; and
  - (b) permits the retrial of a person acquitted of an offence (the *acquittal offence*), and the trial of the person for another offence.

*Note*              A reference to a territory law includes a reference to an Act and the common law (see [Legislation Act](#), dict, pt 1, def *territory law*).

(4) In this section:

***double jeopardy law*** means a territory law that gives effect to a rule of double jeopardy in a criminal proceeding.

**Example—law that gives effect to a rule of double jeopardy**

a law that does any of the following in relation to a criminal proceeding:

- (a) makes available the plea of *autrefois acquit* or *autrefois convict*;
- (b) gives effect to the principle that a person should not be punished more than once for the same matter;
- (c) gives effect to the principle of finality of an acquittal;
- (d) prevents an abuse of process brought about by repeated prosecution for an offence when the repeated prosecution is based on facts that are manifestly inconsistent with a previous acquittal or previous conviction

## Division 8AA.2      Important concepts

### 68I      Definitions—pt 8AA

In this part:

***acquittal***—see section 68J.

***administration of justice offence*** means—

- (a) if the offence is committed in the ACT—an offence under the [Criminal Code](#), chapter 7 (Administration of justice offences) other than part 7.3 (a ***chapter 7 offence***); or
- (b) if the offence is committed in a jurisdiction other than the ACT—a corresponding offence to a chapter 7 offence.

***another jurisdiction*** means a jurisdiction other than the ACT and includes a jurisdiction outside Australia.

***category A offence*** means an offence punishable by imprisonment for life.



*category B offence* means an offence punishable by imprisonment for life or imprisonment for 15 years or longer.

*compelling*, evidence—see section 68K.

*court* means the Court of Appeal.

*fresh*, evidence—see section 68K.

*tainted*, acquittal—see section 68L.

## **68J      Meaning of *acquittal*—pt 8AA**

- (1) For this part an *acquittal* in a criminal proceeding includes—
  - (a) an order of an appellate court that quashes a conviction or finding of guilt for an offence; and
  - (b) a verdict, returned or entered, of not guilty of an offence.
- (2) However, for this part, an *acquittal* in a criminal proceeding does not include a special verdict of not guilty of an offence because of mental impairment, returned or entered, under the *Crimes Act 1900*, division 13.3 or the *Criminal Code*, section 28 (7).
- (3) In this section:

*finding of guilt*, for an offence, means—

- (a) an order made for the offence under the *Crimes (Sentencing) Act 2005*, section 17 (Non-conviction orders—general); and
- (b) a decision by a court to take the offence into account under the *Crimes (Sentencing) Act 2005*, section 57 (Outstanding additional offences taken into account in sentencing).

**68K      Meaning of *fresh* and *compelling* evidence—pt 8AA**

- (1) For this part, evidence against a person acquitted of an offence is *fresh* if the evidence—
  - (a) was not tendered in the proceeding in which the person was acquitted of the offence; and
  - (b) could not, in the course of an exercise of reasonable diligence, have been tendered in the proceeding.
- (2) However, for this part, evidence against a person acquitted of an offence is not *fresh* if the evidence—
  - (a) was, or was considered to be, inadmissible in the proceeding in which the person was acquitted of the offence; and
  - (b) would, as a result of a change in the law on or after the person was acquitted of the offence, be admissible in a proceeding in which the person is retried for the offence.
- (3) For this part, evidence against a person acquitted of an offence is *compelling* if the evidence is—
  - (a) reliable; and
  - (b) substantial; and
  - (c) highly probative of the guilt of the acquitted person in the context of the issues in dispute in the proceeding in which the person was acquitted.

**68L      Meaning of *tainted* acquittal—pt 8AA**

- (1) For this part, an acquittal is *tainted* if—
  - (a) the person acquitted of an offence (the *acquittal offence*), or someone else, has been convicted of an administration of justice offence that is relevant to the proceeding in which the acquittal happened; and

- (b) it is more likely than not that, but for the commission of the administration of justice offence, the acquitted person would have been convicted of the acquittal offence.
- (2) However, an acquittal is not *tainted* if the conviction for the administration of justice offence is subject to an appeal for which leave is not required.

### Division 8AA.3      Retrial etc of acquitted person

#### 68M      Court may order retrial—category A offence

- (1) The court may, on application by the director of public prosecutions, order a person acquitted of an offence (an *acquitted person*) to be retried for a category A offence if satisfied that—
  - (a) there is fresh and compelling evidence against the acquitted person in relation to the offence; and
  - (b) it is in the interests of justice for the order to be made.
- (2) If the court orders the acquitted person to be retried, the court must quash the person's acquittal and remove the acquittal as a bar to the person being retried for a category A offence.
- (3) The court may, under this section, order the acquitted person to be retried for a category A offence even if the person was acquitted of a lesser offence.
- (4) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.
- (5) This section applies only if the acquittal that is the subject of the application happened on or after the commencement of the *Supreme Court Amendment Act 2016*, section 3.

**68N            Court may order retrial—category B offence**

- (1) The court may, on application by the director of public prosecutions, order a person acquitted of an offence (an *acquitted person*) to be retried for a category B offence if satisfied that—
  - (a) the person’s acquittal is tainted; and
  - (b) it is in the interests of justice for the order to be made.
- (2) If the court orders the acquitted person to be retried, the court must quash the person’s acquittal and remove the acquittal as a bar to the person being retried for a category B offence.
- (3) The court may, under this section, order the acquitted person to be retried for a category B offence even if the person was acquitted of a lesser offence.
- (4) If the court makes an order under this section for an acquitted person to be retried, based on the person’s conviction for an administration of justice offence (the *justice offence*), and the conviction for the justice offence is quashed after the order is made, the acquitted person may apply to the court to set aside the order and—
  - (a) restore the acquittal that was quashed; or
  - (b) restore the acquittal as a bar to the acquitted person being retried for an offence.
- (5) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.
- (6) This section applies whether the acquittal that is the subject of the application happened before, on or after the commencement of the [Supreme Court Amendment Act 2016](#), section 3.

**68O Court may order trial—administration of justice offence**

- (1) The court may, on application by the director of public prosecutions, order a person who has been acquitted of an indictable offence (an *acquitted person*) to be tried for an administration of justice offence that is related to the proceeding for the indictable offence, if satisfied that—
  - (a) there is fresh evidence against the acquitted person; and
  - (b) the evidence is relevant to the administration of justice offence; and
  - (c) it is in the interests of justice for the order to be made.
- (2) If the court orders the acquitted person to be tried for the administration of justice offence, the court must quash the person's acquittal for the indictable offence and remove the acquittal for the indictable offence as a bar to the person being tried for the administration of justice offence.
- (3) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.
- (4) This section applies whether the acquittal that is the subject of the application happened before, on or after the commencement of the [Supreme Court Amendment Act 2016](#), section 3.

**68P Interests of justice**

When determining whether an order under section 68M (Court may order retrial—category A offence), section 68N (Court may order retrial—category B offence) or section 68O (an *order*) is in the interests of justice, the court must take into account the following:

- (a) whether an acquitted person to whom the order would relate is, in the circumstances, likely to receive a fair trial;

- (b) the period since the offence, for which an acquitted person would be tried or retried as a result of an order, was committed;
- (c) whether a police officer or prosecutor has failed to act with reasonable diligence or expedition in relation to the application for an order.

## **Division 8AA.4 Procedure**

### **Subdivision 8AA.4.1 Applications under pt 8AA**

#### **68Q Conditions for retrial application**

- (1) An application under section 68M (Court may order retrial—category A offence) or section 68N (Court may order retrial—category B offence) for the retrial of an acquitted person must not be made unless—
  - (a) the acquitted person has been charged with the offence for which the retrial is sought (the *retrial offence*); or
  - (b) a warrant has been issued for the person’s arrest in relation to the retrial offence.
- (2) The application must be made not later than 28 days after the person is charged with the retrial offence or the warrant is issued for the person’s arrest in relation to the retrial offence.
- (3) The court may extend the period mentioned in subsection (2).

#### **68R Limitations on retrial application**

- (1) Not more than 1 application in relation to the same acquittal may be made under this part for the retrial of an acquitted person.
- (2) For an acquittal that happens in a retrial ordered under this part—
  - (a) no further application may be made under section 68M (Court may order retrial—category A offence) in relation to the acquittal; but

- (b) a further application may be made under section 68N (Court may order retrial—category B offence) in relation to the acquittal.

## **68S Conditions for justice offence trial application**

- (1) An application under section 68O (Court may order trial—administration of justice offence) for the trial of an acquitted person must not be made unless—
  - (a) the person has been charged with the administration of justice offence for which the trial is sought (the *justice offence*); or
  - (b) a warrant has been issued for the person’s arrest for the justice offence.
- (2) The application must be made not later than 28 days after the person is charged with the justice offence or the warrant is issued for the person’s arrest in relation to the justice offence.
- (3) The Court may extend the period mentioned in subsection (2).

## **Subdivision 8AA.4.2 Presentation of indictment**

### **68T Limitations on indictment**

- (1) If an acquitted person is, by an order under division 8AA.3, liable to be retried for a category A offence or a category B offence, the director of public prosecutions must not, in a proceeding allowed by the order, present an indictment against the person for an offence that was not enacted at the time the person is alleged to have engaged in conduct constituting the offence for which the person was acquitted and that was the subject of the application for the order.
- (2) Subsection (3) applies if an acquitted person is, by an order under division 8AA.3, liable to be—
  - (a) retried for a category A offence or a category B offence (a *retrial offence*); and

- (b) tried for an administration of justice offence (a *justice offence*), in relation to the proceeding for which the person was acquitted (the *original proceeding*) and that was the subject of the application for the order that the person be retried for the category A or category B offence.
- (3) The director of public prosecutions may, in a proceeding allowed by the order, present an indictment against the person for—
  - (a) if the justice offence does not directly controvert the person's acquittal in the original proceeding—both the retrial offence and the justice offence; or
  - (b) if the justice offence directly controverts the person's acquittal in the original proceeding—either the retrial offence or the justice offence, but not both.

#### **68U Indictment for retrial of category A or category B offences**

- (1) An indictment against a person liable under this part to be retried of a category A or category B offence must be presented against the person within 2 months after the day the order for the retrial was made (the *indictment period*) under section 68M (Court may order retrial—category A offence) or section 68N (Court may order retrial—category B offence) (a *retrial order*).
- (2) However, the court may give leave to present the indictment after the end of the indictment period if it is satisfied that in the circumstances—
  - (a) the prosecutor has acted reasonably expeditiously to present the indictment; and
  - (b) that presenting the indictment will not cause an injustice to the person.
- (3) An indictment presented in accordance with this section may be amended or replaced at any time if the court is satisfied that amending or replacing the indictment will not cause an injustice to the person.



- (4) If, after the end of the indictment period, an indictment for the retrial has not been presented or has been withdrawn or quashed, the person may apply to the court for any of the following:
  - (a) an order setting aside the retrial order;
  - (b) an order restoring the acquittal quashed by the retrial order;
  - (c) an order restoring the bar to the person being tried for the offence.
- (5) If the retrial order is set aside, a further application may not be made under this part for the retrial of the person in relation to the offence mentioned in the retrial order.

## **68V Indictment for trial of justice offence**

- (1) An indictment against a person liable under this part to be tried for an administration of justice offence must be presented against the person within 2 months after the day the order for the trial was made (the *indictment period*) under section 68O (Court may order trial—administration of justice offence) (a *trial order*).
- (2) However, the court may give leave to present the indictment after the end of the indictment period if it is satisfied that in the circumstances—
  - (a) the prosecutor has acted reasonably expeditiously to present the indictment; and
  - (b) that presenting the indictment will not cause an injustice to the person.
- (3) An indictment presented in accordance with this section may be amended or replaced at any time if the court is satisfied that amending or replacing the indictment will not cause an injustice to the person.

- (4) If, after the end of the indictment period, an indictment for the trial has not been presented or has been withdrawn or quashed, the person may apply to the court for any of the following:
  - (a) an order setting aside the trial order;
  - (b) an order restoring the acquittal quashed by the trial order;
  - (c) an order restoring the bar to the person being tried for the offence.
- (5) If the trial order is set aside, a further application may not be made under section 68O for the trial of the person in relation to the offence mentioned in the trial order.

## **Division 8AA.5      Conduct of proceeding for retrial etc**

### **68W      Prosecution must not refer to certain matters before jury**

- (1) At the retrial of a person in accordance with an order under section 68M (Court may order retrial—category A offence) or section 68N (Court may order retrial—category B offence) the prosecution must not mention before the jury that the court has found that it appears that—
  - (a) there is fresh and compelling evidence against the person; or
  - (b) more likely than not, but for the commission of an administration of justice offence, the person would have been convicted of an offence.
- (2) At the trial of a person in accordance with an order under section 68O (Court may order trial—administration of justice offence) the prosecution must not mention before the jury that the court has found that it appears that there is fresh evidence against the person.

## Division 8AA.6      Miscellaneous

### 68X      Entitlement to bail

The [Bail Act 1992](#), section 9A (Entitlement to bail—offences other than minor offences), applies to a person charged with an offence for which a retrial, or a trial, is sought under this part.

### 68Y      Single course of action for each proceeding

A person acquitted of an offence must not in a single proceeding—

- (a) be retried for the offence (the *principal offence*) under this part; and
- (b) be tried for an administration of justice offence related to the principal offence.

### 68Z      Restrictions on publication

- (1) A person must not publish any matter that identifies or is capable of identifying an acquitted person—
  - (a) who is being retried for an offence as a result of an order under section 68M (Court may order retrial—category A offence) or section 68N (Court may order retrial—category B offence); or
  - (b) who is being tried for an administration of justice offence as a result of an order under section 68O (Court may order trial—administration of justice offence); or
  - (c) who is the subject of—
    - (i) a police investigation, or an application for a police investigation, under the [Crimes Act 1900](#), section 252L (Authorisation of police investigations—acquitted person); or

*Note*      Procedure for a police investigation of an offence suspected to have been committed by a person acquitted of the offence are set out under the [Crimes Act 1900](#), s 252L.

- (ii) an application for a retrial, or trial for an administration of justice offence, or an order for retrial, or trial for an administration of justice offence, under this part.
- (2) However, subsection (1) does not apply if the publication is authorised by order of—
  - (a) the court; or
  - (b) a court before which the acquitted person is being retried, or tried for the administration of justice offence.
- (3) The relevant court may at any time vary or revoke an order under this section.
- (4) The prohibition on publication under this section ceases to have effect, subject to any order under this section, when whichever of the following happens first:
  - (a) there is no longer any step that could be taken which would lead to the acquitted person being retried, or tried for the administration of justice offence, under this part;
  - (b) if the acquitted person is retried, or tried for an administration of justice offence, under this part—the trial ends.
- (5) Nothing in this section affects any prohibition of the publication of any matter under any other law in force in the Territory.
- (6) A contravention of this section is punishable as contempt of the Supreme Court.

## **68ZA Maximum penalty for retrial offence**

- (1) This section applies if an acquitted person is—
  - (a) retried for a category A offence or a category B offence as a result of an order under division 8AA.3; and
  - (b) found guilty of the offence.

- (2) When imposing a sentence on the person for the offence, the court must not exceed the maximum penalty for the offence that applied at the time the person is alleged to have engaged in conduct that constituted the offence for which the person was acquitted and that was the subject of the application for the order.

## **68ZB Indemnification for costs**

- (1) This section applies if—
- (a) an application is made to the court by the director of public prosecutions for an order under division 8AA.3 in relation to—
    - (i) the retrial of an acquitted person under section 68M (Court may order retrial—category A offence); or
    - (ii) the retrial of an acquitted person under section 68N (Court may order retrial—category B offence); or
    - (iii) the trial of an acquitted person for an administration of justice offence under section 68O (Court may order trial—administration of justice offence); and
  - (b) the acquitted person (the *applicant*) applies to the court for indemnification of the applicant's costs incurred as a result of—
    - (i) an application for an order mentioned in paragraph (a); or
    - (ii) if the order is granted—a proceeding resulting from the order.
- (2) The court may make an order, subject to any conditions the court thinks appropriate, that the applicant is entitled to be indemnified for the costs mentioned in subsection (1) (b) (an *indemnification order*) if the court is satisfied that the order is in the interests of justice.
- (3) When deciding whether it is in the interests of justice to make an indemnification order the court may take into account the following:
- (a) whether the court makes an order mentioned in subsection (1) (a);

- (b) whether the applicant's acquittal, that is the subject of the application for an order mentioned in subsection (1) (a), was attributable to the act, neglect or fault of the applicant;
  - (c) any other matter that the court considers relevant.
- (4) If the court makes an indemnification order in the applicant's favour the applicant must be indemnified by the Territory, in relation to the costs mentioned in the order, for an amount assessed as reasonably incurred.

*Note* If a form is approved under the [Court Procedures Act 2004](#), s 8 for an application, the form must be used.

## **Part 8AB**                      **Appeals against conviction for fresh and compelling evidence**

### **Division 8AB.1**            **Application—pt 8AB**

#### **68ZC**            **Application—pt 8AB**

- (1) This part applies in relation to a person who is convicted or found guilty of an offence in the Supreme Court or the Magistrates Court (the *convicted person*).
- (2) In this section:  
  
*convicted or found guilty*, of an offence, includes a conviction or finding of guilt entered before the commencement of this part.

### **Division 8AB.2**            **Important concepts**

#### **68ZD**            **Definitions—pt 8AB**

In this part:

*compelling*, evidence—see section 68ZE (3).

*convicted person*—see section 68ZC (1).

*court* means the Court of Appeal.

*fresh*, evidence—see section 68ZE (1).

#### **68ZE**            **Meaning of *fresh* and *compelling* evidence—pt 8AB**

- (1) For this part, evidence in relation to an offence is *fresh* if the evidence—
  - (a) has not been tendered in the proceeding in which the convicted person was convicted or found guilty of the offence, or any appeal against the conviction or finding of guilt; and

- (b) could not, in the course of an exercise of reasonable diligence, have been tendered in a proceeding mentioned in paragraph (a).
- (2) To avoid any doubt, subsection (1) does not prevent evidence from being fresh only because the evidence was, or would have been considered to be, inadmissible in the proceeding in which the convicted person was convicted or found guilty of the offence.
- (3) For this part, evidence in relation to an offence is **compelling** if the evidence is—
- (a) reliable; and
  - (b) substantial; and
  - (c) highly probative in the context of the issues in dispute in the proceeding in which the person was convicted or found guilty.

## **Division 8AB.3      Application of pt 2A**

### **68ZF      Certain provisions of pt 2A taken to apply**

The following provisions of part 2A (Court of Appeal) are taken to apply to this part:

- section 37E (Appellate jurisdiction)
- section 37H (Appeal bench)
- section 37I (Presiding judge)
- section 37J (Appeal court constituted by a single judge)
- section 37K (Decision-making)
- section 37L (Appeal judge unable to continue sitting)
- section 37M (Reserved judgments)
- section 37N (Evidence on appeal)
- section 37P (New trials)
- section 37Q (Bail time on appeal does not count towards sentence).



## **Division 8AB.4      Appeal against conviction**

### **68ZG      Court may grant leave to appeal conviction**

- (1) The court may, on application by a convicted person, grant leave for the convicted person to bring an appeal against their conviction or finding of guilt if satisfied that—
  - (a) there is fresh and compelling evidence in relation to the offence that should be considered on an appeal; and
  - (b) it is in the interests of justice for the order to be made.
- (2) To remove any doubt, the court may grant leave under this section if a convicted person has previously made an application or been granted leave under this section.

### **68ZH      Orders on appeal against conviction**

- (1) This section applies if the court grants leave under section 68ZG.
- (2) The court, on an appeal against a conviction or finding of guilt, may—
  - (a) allow the appeal if it considers that—
    - (i) there is fresh and compelling evidence; and
    - (ii) after taking into account the fresh and compelling evidence, there has been a substantial miscarriage of justice; or
  - (b) dismiss the appeal.
- (3) If the court allows the appeal, the court must—
  - (a) set aside the conviction or finding of guilt; and
  - (b) either order—
    - (i) a verdict of not guilty to be entered; or
    - (ii) a new trial or hearing.

## Part 8A                      Judicial officers exchange

### 69A            Definitions—pt 8A

In this division:

**ACT court** means a court of this jurisdiction mentioned in an item in schedule 3, column 2.

**corresponding court**, in relation to an ACT court mentioned in an item in schedule 3, column 2, means a court of another jurisdiction mentioned in the item, column 3.

**court** includes tribunal.

**judicial exchange arrangement** means an arrangement under section 69B.

**judicial officer** means a judge or other person who, whether alone or together with others, constitutes a court, but does not include a lay member of a court.

**participating jurisdiction** means the Commonwealth, a State or another country if under the law of that jurisdiction a judicial exchange arrangement may be entered into with the Attorney-General of this jurisdiction.

*Note*        **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**this jurisdiction** means the ACT.

### 69B            Establishment of judicial exchange arrangements

- (1) The Attorney-General of this jurisdiction may enter into an arrangement with the Attorney-General of a participating jurisdiction for the temporary transfer of judicial officers between ACT courts and corresponding courts.
- (2) An arrangement under this section cannot provide for the transfer of judicial officers to a federal court of the Commonwealth.

- (3) Without limiting subsection (1), an arrangement under this section—
- (a) may require transfers to a court to be subject to the prior approval of either or both of the following:
    - (i) the Attorney-General of this jurisdiction;
    - (ii) the Attorney-General of the participating jurisdiction; and
  - (b) may establish the manner and form in which a transfer to a court is to be made; and
  - (c) may determine the rank, title, status and precedence of a transferred judicial officer.

**69C      Transfer of judicial officer of another jurisdiction to ACT court**

- (1) This section applies if a judicial exchange arrangement provides for the transfer to an ACT court of a judicial officer of a corresponding court.
- (2) The Chief Justice may, in accordance with the judicial exchange arrangement and with the agreement of the senior judicial officer of the corresponding court, appoint a judicial officer of the corresponding court to act as a judicial officer of the ACT court.
- (3) The judicial officer of the corresponding court is qualified for appointment despite any law of this jurisdiction to the contrary.
- (4) The maximum term for which an appointment under this section may be made on any one occasion is 6 months.
- (5) However, an appointment under this section may not extend beyond the retirement age for judicial officers of the ACT court.
- (6) A judicial officer of a corresponding court may be appointed under this section to more than one ACT court.

- (7) A judicial officer whose appointment under this section has ceased may complete or otherwise continue to deal with any matters relating to proceedings in the ACT court that have been heard, or partly heard, by the judicial officer before the appointment under this section ceased.

**69D Service in ACT court of judicial officer of another jurisdiction**

- (1) This section applies to a judicial officer of a corresponding court who is appointed to act as a judicial officer of an ACT court in accordance with a judicial exchange arrangement.
- (2) While acting as a judicial officer of the ACT court, the judicial officer of the corresponding court has all the powers, authorities, privileges and immunities of, and is taken to be for all purposes, a judicial officer of the ACT court.
- (3) Despite subsection (2), territory laws concerning the following matters do not apply to the judicial officer of the corresponding court while acting as a judicial officer of the ACT court:
- (a) the remuneration, allowances and other conditions of service of judicial officers;
  - (b) the pension or other superannuation entitlements of judicial officers and related provisions;
  - (c) the removal or suspension of judicial officers from office.

**69E Service of ACT judicial officer in corresponding court**

- (1) This section applies to a judicial officer of an ACT court who is appointed to act as a judicial officer of a corresponding court in accordance with a judicial exchange arrangement.

- (2) The judicial officer's service as a judicial officer of the corresponding court is taken to be service as a judicial officer of the ACT court for the purposes of territory laws about—
- (a) the remuneration, allowances and other conditions of service of judicial officers; and
  - (b) the pension or other superannuation entitlements of judicial officers and related provisions; and
  - (c) the removal or suspension of judicial officers from office.

**69F      Judicial office not affected by appointment to another judicial office**

- (1) In this section:

*court* includes a tribunal (however described) that exercises functions of a judicial nature or functions of a similar nature (such as conciliation functions, arbitration functions, disciplinary functions or administrative review functions).

*judicial office* extends to the office of any member of a court, but only if the holder of the office is required to be a judicial officer or have legal qualifications.

- (2) The doctrine of incompatibility of office—
- (a) does not operate to prevent the holder of a judicial office (the *original office*) from being appointed to another judicial office (the *additional office*); and
  - (b) does not operate to effect or require the surrender or vacation of the original office as a result of the appointment to the additional office.

(3) This section applies—

- (a) even if the original office or the additional office is held on an acting or temporary basis; and
- (b) even if the original office or the additional office is a judicial office of another jurisdiction (including, but not limited to, judicial offices to which appointments are made under section 69C); and
- (c) even if an appeal lies from a decision of the court of one of the judicial offices to the court of the other judicial office; and
- (d) even if the courts of the judicial offices are not of the same status.

#### **69G Other arrangements not affected**

This division does not limit or affect any other arrangements under which—

- (a) a judicial officer of another jurisdiction may be appointed or act as a judicial officer of this jurisdiction; or
- (b) a judicial officer of this jurisdiction may be appointed or act as a judicial officer of another jurisdiction.

#### **69H Amendment of sch 3**

A regulation may amend schedule 3.

## Part 9 Miscellaneous

### 70A Failure to attend Supreme Court as required

- (1) If a person duly bound by recognisance or served with a subpoena to attend as a witness in a proceeding before the Supreme Court fails to attend, or remain in attendance, before the Supreme Court as required by the recognisance or the subpoena, the court may issue its warrant directing that the person be arrested and brought before the court to give evidence in the proceeding.
- (2) If a person duly bound by a recognisance or served with a subpoena to attend as a witness in a proceeding before the Supreme Court appears or is brought before the Supreme Court, after having failed to attend or remain in attendance before the Supreme Court as required by the recognisance or the subpoena, the court may, if satisfied that the failure to attend was without just cause or reasonable excuse—
  - (a) order the person to pay a fine not exceeding \$5 000; or
  - (b) order that the person be imprisoned for not longer than 6 months; or
  - (c) make orders under both paragraph (a) and (b).

### 71 Security of the peace and for good behaviour

The court may hold persons to security of the peace and for good behaviour in matters arising under the laws of the Territory.

**74A Certified copies of transcript of Supreme Court proceedings**

- (1) If a record is made of evidence given in a proceeding before the Supreme Court, the registrar has custody of the record.
- (2) The registrar shall give the directions necessary to ensure that, as and when required, a transcript of the record of evidence given in a proceeding in the Supreme Court is prepared, and, for the purpose of enabling the transcript to be prepared, the record shall be produced out of the custody of the registrar.
- (3) The person who—
  - (a) prepares a transcript under subsection (2); or
  - (b) if such a transcript is prepared under supervision—supervises the transcription;

shall certify on the transcript that it is a true transcript of the record of the proceedings produced out of the custody of the registrar.

- (4) If—
  - (a) a record of evidence given in a proceeding in the Supreme Court has been made by means of sound recording apparatus; and
  - (b) the sound recording is produced out of the custody of the registrar; and
  - (c) the sound recording contains a record of the comments that purport—
    - (i) to have been made at the same time as the sound recording produced out of the custody of the registrar was made; and
    - (ii) to have been made for the purpose of identifying the proceeding or the voices recorded by the sound recording or any other matter or thing so recorded;

the sound recording is evidence of the identity of the proceedings, of the voices or of the other matter or thing, as the case may be.



- (5) On application, the registrar shall, subject to subsection (6)—
- (a) give the applicant a copy of the whole or any requested part of a transcript prepared under subsection (2); and
  - (b) certify on the copy that it is a true copy of the transcript or part, as the case may be.
- (6) The registrar shall not give a copy of a transcript or part of a transcript to an applicant unless—
- (a) the applicant is a party to the proceeding to which the transcript relates; or
  - (b) the applicant satisfies the registrar or a judge that he or she has good reason for applying.
- (7) If—
- (a) a document purports to be a transcript, made in accordance with this section, of evidence given by a person in a proceeding in the Supreme Court; and
  - (b) the document bears a certificate that purports to be a certificate given in accordance with subsection (5);
- any statement in the document is admissible in evidence in another proceeding to the same extent that the statement would, if given orally, be admissible in that other proceeding if the person—
- (c) is dead; or
  - (d) is outside Australia and it is not reasonably practicable to secure his or her attendance; or
  - (e) is unfit because of old age or bodily or mental condition to appear as a witness; or
  - (f) cannot with reasonable diligence be found.

## 76 Regulation-making power

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 13 Transitional—Courts Legislation Amendment Act 2023

### 119 Meaning of *associate judge*—pt 13

In this part:

*associate judge* means the Master of the court under this Act, as in force at any time before the day the *Courts Legislation Amendment Act 2023*, section 23 commences.

*Note* The *Courts Legislation Amendment Act 2023*, s 23 omitted this Act, pt 3, which provided for the Master of the court (known as the Associate Judge).

### 120 Equally divided opinion relating to order of associate judge

Despite section 14 (b), if an order of the associate judge is called into question and the Full Court is equally divided in opinion as to the decision to be given, the order is confirmed.

### 121 Appeals against interlocutory orders of associate judge

For section 37E (2), an appeal may be brought against an interlocutory order of the court that was constituted solely by the associate judge only with leave of the Court of Appeal.

### 122 Power to complete part-heard proceedings of associate judge

For section 60A, a *judge* includes the associate judge.

### 123 Expiry—pt 13

This part expires 4 years after the day it commences.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## **Schedule 1      Oaths and affirmations of office**

(see s 19, s 42 and s 48)

### **Part 1.1      Chief justice and judges**

#### Oath

I, [name], do swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, in the office of [\*Chief Justice/\*judge] of the Supreme Court of the Australian Capital Territory, and that I will do right to all manner of people according to law, without fear or favour, affection or ill will. So help me God.

#### Affirmation

I, [name], do solemnly and sincerely affirm that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, in the office of [\*Chief Justice/\*judge] of the Supreme Court of the Australian Capital Territory, and that I will do right to all manner of people according to law, without fear or favour, affection or ill will.

\* State whichever is applicable.

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## **Part 1.2**                      **Chief justice and judges**

### Oath

I, [name], do swear that I will well and truly serve in the office of [\*Chief Justice/\*judge] of the Supreme Court of the Australian Capital Territory, and that I will do right to all manner of people according to law, without fear or favour, affection or ill will. So help me God.

### Affirmation

I, [name], do solemnly and sincerely affirm that I will well and truly serve in the office of [\*Chief Justice/\*judge] of the Supreme Court of the Australian Capital Territory, and that I will do right to all manner of people according to law, without fear or favour, affection or ill will.

\* State whichever is applicable.

## Part 1.3 Registrar

### Oath

I, [name], do swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, and that I will well and truly serve Him in the office of registrar of the Supreme Court of the Australian Capital Territory. So help me God.

### Affirmation

I, [name], do solemnly and sincerely affirm that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors, and that I will well and truly serve Him in the office of registrar of the Supreme Court of the Australian Capital Territory.

## **Part 1.4 Registrar**

### Oath

I, [name], do swear that I will well and truly serve in the office of registrar of the Supreme Court of the Australian Capital Territory. So help me God.

### Affirmation

I, [name], do solemnly and sincerely affirm that I will well and truly serve in the office of registrar of the Supreme Court of the Australian Capital Territory.

## Schedule 2 Trial by judge alone—excluded offences

(see s 68B (4))

### Part 2.1 Definitions—sch 2

#### 2.1 Definitions—sch 2

In this schedule:

*Crimes Act* means the *Crimes Act 1900*.

*Radiation Act* means the *Radiation Protection Act 2006*.

*Sex Work Act* means the *Sex Work Act 1992*.

*Work Safety Act* means the *Work Health and Safety Act 2011*.

*Note* A reference to an offence against an ACT law includes a reference to an offence against the *Criminal Code*, pt 2.4 (Extensions of criminal responsibility) and s 717 (Accessory after the fact) that relates to the ACT law (see *Legislation Act*, s 189).

### Part 2.2 Excluded offences

column 1 item	column 2 legislation	column 3 provision and case (if any)	column 4 description
1	<a href="#">Crimes Act</a>	12	murder
2	<a href="#">Crimes Act</a>	15	manslaughter
3	<a href="#">Crimes Act</a>	17	suicide—aiding etc
4	<a href="#">Crimes Act</a>	29 (2) or (3)	culpable driving of motor vehicle causing death
5	<a href="#">Crimes Act</a>	42	child destruction
6	<a href="#">Crimes Act</a>	51	sexual assault in the first degree
7	<a href="#">Crimes Act</a>	52	sexual assault in the second degree



column 1 item	column 2 legislation	column 3 provision and case (if any)	column 4 description
8	<a href="#">Crimes Act</a>	53	sexual assault in the third degree
9	<a href="#">Crimes Act</a>	54	sexual intercourse without consent
10	<a href="#">Crimes Act</a>	55	sexual intercourse with young person
11	<a href="#">Crimes Act</a>	55A	sexual intercourse with young person under special care
12	<a href="#">Crimes Act</a>	56	persistent sexual abuse of child or young person under special care
13	<a href="#">Crimes Act</a>	57	act of indecency in the first degree
14	<a href="#">Crimes Act</a>	58	act of indecency in the second degree
15	<a href="#">Crimes Act</a>	59	act of indecency in the third degree
16	<a href="#">Crimes Act</a>	60	act of indecency without consent
17	<a href="#">Crimes Act</a>	61	acts of indecency with young people
18	<a href="#">Crimes Act</a>	61A	act of indecency with young person under special care
19	<a href="#">Crimes Act</a>	62	incest and similar offences
20	<a href="#">Crimes Act</a>	63	abduction (for sexual purposes)
21	<a href="#">Crimes Act</a>	63A	bestiality
22	<a href="#">Crimes Act</a>	64	using child for production of child exploitation material etc
23	<a href="#">Crimes Act</a>	64A	trading in child exploitation material
24	<a href="#">Crimes Act</a>	65	possessing child exploitation material
25	<a href="#">Crimes Act</a>	66	using the internet etc to deprave young people
26	<a href="#">Crimes Act</a>	74	prohibition of female genital mutilation
27	<a href="#">Crimes Act</a>	75	removal of child from ACT for genital mutilation
28	<a href="#">Crimes Act</a>	79	sexual servitude offences
29	<a href="#">Crimes Act</a>	80	deceptive recruiting for sexual services
30	<a href="#">Sex Work Act</a>	20	causing child to provide commercial sexual services etc

**Schedule 2**  
**Part 2.2**

Trial by judge alone—excluded offences  
Excluded offences

Section 2.1

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column 1 item	column 2 legislation	column 3 provision and case (if any)	column 4 description
31	<a href="#">Sex Work Act</a>	21	receiving proceeds of commercial sexual services by child
32	<a href="#">Radiation Act</a>	55, if failure causes death	failure to comply with safety duty causing death
33	<a href="#">Work Safety Act</a>	34A	industrial manslaughter

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## Schedule 3      ACT and corresponding courts

(see s 69A, defs *ACT court* and *corresponding court*)

column 1 item	column 2 ACT court	column 3 corresponding court
1	Supreme Court	Federal Court of Australia Supreme Court of any State (other than Queensland)

*Note*      *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

## Dictionary

(see s 2)

*Note* The [Legislation Act](#) contains definitions relevant to this Act.  
For example:

- ACAT
- Criminal Code
- director of public prosecutions
- exercise
- function
- legal practitioner
- may (see s 146)
- month
- must (see s 146)
- indictable offence (see s 190)
- indictment
- police officer
- proceeding
- public servant
- the Territory.

***acquittal***, for part 8AA (Acquittals)—see section 68J.

***acting judge*** means an acting judge appointed under section 4B.

***additional judge*** means a judge appointed under section 4A.

***administration of justice offence***, for part 8AA (Acquittals)—see section 68I.

***another jurisdiction***, for part 8AA (Acquittals)—see section 68I.

***back-up offence***, in relation to an indictable offence—for part 8 (Back-up and related offences)—see section 68CA.

***category A offence***, for part 8AA (Acquittals)—see section 68I.

***category B offence***, for part 8AA (Acquittals)—see section 68I.

**cause** includes any suit, and also includes criminal proceedings.

**Chief Justice** means the Chief Justice of the Supreme Court, and includes a judge acting as Chief Justice.

**compelling**, evidence—

- (a) for part 8AA (Acquittals)—see section 68K; and
- (b) for part 8AB (Appeals against conviction for fresh and compelling evidence)—see section 68ZE (3).

**convicted person**, for part 8AB (Appeals against conviction for fresh and compelling evidence)—see section 68ZC (1).

**court**—

- (a) for this Act generally—means the Supreme Court; and
- (b) for part 8AA (Acquittals)—see section 68I; and
- (c) for part 8AB (Appeals against conviction for fresh and compelling evidence)—see section 68ZD.

**Court of Appeal** means the Supreme Court constituted as a Court of Appeal under part 2A (Court of Appeal).

**criminal proceedings** means proceedings in the court for the prosecution of a person on indictment.

**defendant** includes any person against whom any relief is sought in a matter or who is required to attend the proceedings in a matter as a party.

**deputy registrar** means a deputy registrar of the court.

**deputy sheriff** means a deputy sheriff of the Territory.

**drug and alcohol treatment order**, for part 2AA (Drug and alcohol treatment order jurisdiction)—see the [Crimes \(Sentencing\) Act 2005](#), section 12A.

**entitlements**, for part 2B (Remuneration, allowances and other entitlements of judges)—see section 37T.

**fresh**, evidence—

- (a) for part 8AA (Acquittals)—see section 68K; and
- (b) for part 8AB (Appeals against conviction for fresh and compelling evidence)—see section 68ZE (1).

**Full Court** means the court constituted by not less than 3 judges sitting together.

**judge** means a resident judge, additional judge or acting judge.

**judgment** includes an order or sentence.

**Judicature Act** means the *Supreme Court of Judicature Act 1873* (36 & 37 Vic c 66) (UK).

**matter** includes any proceeding in the Supreme Court, whether between parties or not, and also any incidental proceeding in a cause or matter.

**member**, for part 2AA (Drug and alcohol treatment order jurisdiction)—

- (a) in relation to the treatment and supervision team—see the *Crimes (Sentencing) Act 2005*, section 80M; and
- (b) in relation to the treatment order team—see the *Crimes (Sentencing) Act 2005*, section 80M.

**order** includes a judgment, decree, direction or decision.

**plaintiff** includes any person seeking any relief against any other person by any form of proceeding in a court.

**pre-Judicature Act** proceedings means proceedings in the English Court of Chancery immediately before the commencement of the Judicature Act.

**process of the court** includes a writ, summons, order, warrant and precept issued by the court.

**registrar** means the Registrar of the court.

***related offence***, in relation to an indictable offence—for part 8 (Back-up and related offences)—see section 68CA.

***resident judge*** means the Chief Justice or another judge appointed under section 4, and includes the judges (other than additional judges) who continue to hold office under the [A.C.T. Self-Government \(Consequential Provisions\) Act 1988](#) (Cwlth), section 29A.

***rules*** means rules under the [Court Procedures Act 2004](#) applying in relation to the court.

***sheriff*** means the Sheriff of the Territory.

***suit*** includes any action or original proceeding between parties of a civil nature.

***tainted***, acquittal, for part 8AA (Acquittals)—see section 68L.

***treatment and supervision team***, for part 2AA (Drug and alcohol treatment order jurisdiction)—see the [Crimes \(Sentencing\) Act 2005](#), section 80M.

***treatment order***, for part 2AA (Drug and alcohol treatment order jurisdiction)—see the [Crimes \(Sentencing\) Act 2005](#), dictionary.

***treatment order judge***, for part 2AA (Drug and alcohol treatment order jurisdiction)—see section 37SA.

***treatment order team***, for part 2AA (Drug and alcohol treatment order jurisdiction)—see the [Crimes \(Sentencing\) Act 2005](#), section 80M.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

This Act was originally a Commonwealth Act—the *Seat of Government Supreme Court Act 1933* A1933-34 (Cwlth).

It was renamed the *Australian Capital Territory Supreme Court Act 1933* by the [Statute Law Revision Act 1950](#) (Cwlth).

It was later renamed the *Supreme Court Act 1933* by the [A.C.T. Supreme Court \(Transfer\) Act 1992](#) (Cwlth).

The [Australian Capital Territory \(Self-Government\) Act 1988](#) (Cwlth), s 34 (2) converted some Commonwealth Acts in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1992 under the [Australian Capital Territory \(Self-Government\) Act 1988](#) (Cwlth), s 34 (3).

#### Legislation before becoming Territory enactment

##### **Supreme Court Act 1933 A1933-34**

assented to 9 December 1933

commenced 1 January 1934 (s 3)

as amended by

##### **[Seat of Government Supreme Court Act 1935 No 27](#) (Cwlth)**

assented to 13 April 1935

commenced 13 April 1935

##### **[Seat of Government Supreme Court Act 1945 No 57](#) (Cwlth)**

assented to 19 October 1945

commenced 19 October 1945 (s 2)

##### **[Salaries \(Statutory Offices\) Adjustment Act 1947 No 52](#) (Cwlth) sch 1**

assented to 1 November 1947

commenced 1 November 1947 (s 2 (1))

##### **[Judges' Pensions Act 1948 No 65](#) (Cwlth) sch**

assented to 9 December 1948

commenced 9 December 1948 (s 2)

##### **[Salaries \(Statutory Offices\) Adjustment Act 1950 No 51](#) (Cwlth) sch 1**

assented to 14 December 1950

commenced 1 July 1950 (s 2)

## Endnotes

**Statute Law Revision Act 1950 No 80 (Cwlth) sch 1**

assented to 16 December 1950  
commenced 31 December 1950 (s 2)

**Judges' Remuneration Act 1955 No 17 (Cwlth) sch 1**

assented to 9 June 1955  
commenced 1 January 1955 (s 2)

**Australian Capital Territory Supreme Court Act 1955 No 36 (Cwlth)**

assented to 16 June 1955  
commenced 14 July 1955

**Australian Capital Territory Supreme Court Act 1956 No 47 (Cwlth)**

assented to 30 June 1956  
commenced 14 August 1956 (s 2 and Cwlth Gaz 1956 p 2489)

**Australian Capital Territory Supreme Court Act 1957 No 34 (Cwlth)**

assented to 7 June 1957  
commenced 5 July 1957

**Australian Capital Territory Supreme Court Act 1958 No 43 (Cwlth)**

assented to 29 September 1958  
commenced 29 September 1958 (s 2)

**Australian Capital Territory Supreme Court Act 1959 No 51 (Cwlth)**

assented to 22 May 1959  
commenced 22 May 1959 (s 2)

**Judges' Remuneration Act 1960 No 110 (Cwlth) sch 1**

assented to 16 December 1960  
commenced 1 October 1960 (s 2)

**Australian Capital Territory Supreme Court Act 1964 No 109 (Cwlth)  
(as am by Act 1973 No 216 (Cwlth) sch 1)**

assented to 20 November 1964  
s 5 commenced 27 October 1960 (s 2 (2))  
remainder commenced on assent (s 2 (1))

**Judges' Remuneration Act 1965 No 92 (Cwlth) sch 1**

assented to 4 December 1965  
amdt commenced 1 July 1965 (s 2)

**Australian Capital Territory Supreme Court Act 1966 No 8 (Cwlth)**

assented to 3 May 1966  
commenced 31 May 1966

**Statute Law Revision (Decimal Currency) Act 1966 No 93 (Cwlth)  
sch 1**

assented to 29 October 1966  
amds commenced 1 December 1966 (s 2 (1))

**Australian Capital Territory Supreme Court Act 1968 No 156 (Cwlth)**

assented to 10 December 1968  
commenced 10 December 1968 (s 2)

**Judges' Remuneration Act 1969 No 40 (Cwlth) sch 1**

assented to 14 June 1969  
commenced 14 June 1969 (s 2)

**Australian Capital Territory Supreme Court Act 1971 No 13 (Cwlth)**

assented to 5 April 1971  
commenced 5 April 1971 (s 2)

**Australian Capital Territory Supreme Court Act (No 2) 1971 No 98  
(Cwlth)**

assented to 17 November 1971  
commenced 17 November 1971 (s 2)

**Statute Law Revision Act 1973 No 216 (Cwlth) sch 1**

assented to 19 December 1973  
commenced 31 December 1973 (s 2)

**Australian Capital Territory Supreme Court Amendment Act 1976  
No 158 (Cwlth)**

assented to 9 December 1976  
s 12, s 14 commenced 1 February 1977 (s 2 (2) and Cwlth Gaz 1977  
No S3)  
remainder commenced on assent (s 2 (1))

**Australian Capital Territory Supreme Court Amendment Act 1978  
No 3 (Cwlth)**

assented to 20 March 1978  
commenced 1 April 1980 (s 2 and Cwlth Gaz 1980 No S65)

## Endnotes

**Statute Law Revision Act 1981 No 61 (Cwlth) sch 1 (as am by 1982 No 26 (Cwlth) s 217)**

assented to 12 June 1981  
amds commenced 12 June 1981 (2 (1))

**Companies (Miscellaneous Amendments) Act 1981 No 92 (Cwlth) pt 5**

assented to 18 June 1981  
s 1, s 2 commenced on assent  
pt 5 commenced 1 July 1982 (s 2 (3) and Cwlth Gaz 1982 No S124)

**Statute Law (Miscellaneous Amendments) Act 1981 No 176 (Cwlth) pt 6 (as am by 1982 No 80 (Cwlth) s 14)**

assented to 2 December 1981  
pt 6 commenced 30 December 1981 (s 2 (12))

**Statute Law (Miscellaneous Amendments) Act (No 1) 1982 No 26 (Cwlth) pt 8**

assented to 7 May 1982  
pt 8 commenced 7 May 1982 (s 2 (1))

**Statute Law (Miscellaneous Provisions) Act (No 2) 1983 No 91 (Cwlth) sch 1**

assented to 22 November 1983  
amdt commenced 1 January 1984 (s 2 (4))

**Director of Public Prosecutions (Consequential Amendments) Act 1983 No 114 (Cwlth) s 4**

assented to 14 December 1983  
s 4 commenced 5 March 1984 (s 2 (1) and Cwlth Gaz 1984 No S55)

**Statute Law (Miscellaneous Provisions) Act (No 1) 1985 No 65 (Cwlth) sch 1**

assented to 5 June 1985  
amdt commenced 3 July 1985 (s 2 (1))

**Statute Law (Miscellaneous Provisions) Act (No 2) 1986 No 168 (Cwlth) sch 1**

assented to 18 December 1986  
amdt commenced 18 December 1986 (s 2 (1))

**Statute Law (Miscellaneous Provisions) Act 1988 No 38 (Cwlth) sch 1**

assented to 3 June 1988  
amds commenced 9 November 1988 (s 2 (3) and Cwlth Gaz 1988 No S348)

**Statutory Instruments (Tabling and Disallowance) Legislation****Amendment Act 1988 No 99 (Cwlth) sch**

assented to 2 December 1988  
commenced 2 December 1988 (s 2)

**A.C.T. Self-Government (Consequential Provisions) Act 1988 No 109 (Cwlth) sch**

assented to 6 December 1988  
amds commenced 11 May 1989 (s 2 (3) and Cwlth Gaz 1989 No S164)

as modified by

**A.C.T. Self-Government (Consequential Provisions) Regulations SR 1989 No 3 (Cwlth) (as am by SR 1989 No 52 (Cwlth), SR 1989 No 188 (Cwlth) and Act 1992 No 49 (Cwlth) s 16)**

notified 25 January 1989  
mod s 28 (1) commenced 11 May 1989 (SR 1989 No 52 s 2 (1))  
remainder commenced 1 July 1990 (SR 1989 No 52 s 2 (2))  
mod ended 1 July 1992

as amended by

**Law and Justice Legislation Amendment Act 1990 No 115 (Cwlth) sch**

assented to 21 December 1990  
amdt commenced 21 December 1990 (s 2 (1))

**Law and Justice Legislation Amendment Act 1991 No 136 (Cwlth) sch**

assented to 12 September 1991  
amdt commenced 10 October 1991

**A.C.T. Supreme Court (Transfer) Act 1992 No 49 (Cwlth) s 14, sch 1**

assented to 17 June 1992  
amds commenced 1 July 1992 (s 2)

**Legislation after becoming Territory enactment**

**Supreme Court (Amendment) Act 1993 A1993-59**

notified 6 September 1993 (Gaz 1993 No S172)  
commenced 6 September 1993 (s 2)

**Supreme Court (Amendment) Act (No 2) 1993 A1993-91**

notified 17 December 1993 (Gaz 1993 No S258)  
commenced 17 December 1993 (s 2)

**Legal Practitioners (Amendment) Act 1993 A1993-94 s 45**

notified 24 December 1993 (Gaz 1993 No S267)  
commenced 24 December 1993 (s 2)

**Supreme Court (Amendment) Act 1994 A1994-3**

notified 14 March 1994 (Gaz 1993 No S44)  
commenced 14 March 1994 (s 2)

**Judicial Commissions (Consequential Amendments) Act 1994 A1994-10 s 11**

notified 14 March 1994 (Gaz 1994 No S44)  
commenced 14 March 1994 (s 2)

**Public Sector Management (Consequential and Transitional Provisions) Act 1994 A1994-38 sch 1 pt 75**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 75 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

**Mental Health (Consequential Provisions) Act 1994 A1994-45 sch**

notified 7 September 1994 (Gaz 1994 No S177)  
s 1, s 2 commenced 7 September 1994 (s 2 (1))  
sch commenced 6 February 1995 (s 2 (2) and see Gaz 1995 No S33)

**Administrative Appeals (Consequential Amendments) Act 1994 A1994-60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 Nov 1994 (s 2 (2) and see Gaz 1994 No S250)

**Statute Law Revision Act 1995 A1995-46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
amds commenced 18 December 1995 (s 2)

**Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 A1996-26 sch pt 34**

notified 1 July 1996 (Gaz 1996 No S130)  
commenced 1 July 1996 (s 2)

**Remuneration Tribunal (Consequential Amendments) Act 1997 A1997-41 sch 1 (as am by A2002-49 amdt 3.222)**

notified 19 September 1997 (Gaz 1997 No S264)  
commenced 24 September 1997 (s 2 as am by A2002-49 amdt 3.222)

**Coroners (Consequential Provisions) Act 1997 A1997-58 sch 1**

notified 9 October 1997 (Gaz 1997 No S300)  
commenced 9 October 1997 (s 2)

**Juries (Amendment) Act 1997 A1997-83 s 34**

notified 25 November 1997 (Gaz 1997 No S360)  
s 34 commenced 25 November 1997 (s 2 (1))

**Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Supreme Court (Amendment) Act 1998 A1998-6**

notified 25 May 1998 (Gaz 1998 No S150)  
commenced 25 May 1998 (s 2)

**Supreme Court (Amendment) Act (No 2) 1998 A1998-72**

notified 23 December 1998 (Gaz 1998 No S212)  
s 4, s 5 and s 7 taken to have commenced 29 September 1997 (s 2 (2))  
remainder commenced 23 December 1998 (s 2 (1))

**Courts and Tribunals (Audio Visual and Audio Linking) Act 1999 A1999-22 pt 14**

notified 14 April 1999 (Gaz 1999 No S16)  
s 1, s 2 commenced 14 April 1999 (s 2 (1))  
pt 14 commenced 1 September 1999 (s 2 and Gaz 1999 No 35)

## Endnotes

**Children and Young People (Consequential Amendments) Act 1999  
A1999-64 sch 2**

notified 10 November 1999 (Gaz 1999 No 45)  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
sch 2 commenced 10 May 2000 (s 2 (2))

**Law Reform (Miscellaneous Provisions) Act 1999 A1999-66 sch 3**

notified 10 November 1999 (Gaz 1999 No 45)  
commenced 10 November 1999 (s 2)

**Victims of Crime (Financial Assistance) (Amendment) Act 1999  
A1999-91 sch 2**

notified 23 December 1999 (Gaz 1999 No S65)  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
sch 2 commenced 24 December 1999 (s 2 (2) and Gaz 1999 No S69)

**Justice and Community Safety Legislation Amendment Act 2000  
A2000-1 sch**

notified 9 March 2000 (Gaz 2000 No 10)  
amds commenced 9 March 2000 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2000  
(No 3) A2000-17 sch 1**

notified 1 June 2000 (Gaz 2000 No 22)  
commenced 1 June 2000 (s 2)

**Supreme Court Amendment Act 2001 A2001-7**

notified 8 March 2001 (Gaz 2001 No 10)  
commenced 8 March 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 375**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 375 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)



**Supreme Court Amendment Act 2001 (No 2) 2001 No 54**

notified 15 August 2001 (Gaz 2001 No S57)  
 s 1, s 2 commenced 15 August 2001 (IA s 10B)  
 s 3, s 15, sch 1 and sch 2 commenced 15 August 2001 (s 2 (1))  
 ss 4-12, s 13 (to the extent that it inserts s 37E (1) and 37E (3), s 37F, s 37G, s 37H, s 37I, s 37J, s 37K, s 37L, s 37M, s 37N, s 37O and s 37P) and s 14 commenced 11 September 2001 (Gaz 2001 No S69 and IA s 10C)  
 s 13 to the extent that it inserts s 37E (2) (a) (i) and s 37E (2) (c) commenced 1 October 2001 (Gaz 2001 No S69)  
 remainder commenced 14 October 2002 (s 2 (2) and [CN2002-11](#))

**Crimes Legislation Amendment Act 2001 A2001-63 pt 11 (as am 2002 No 49 amdt 3.52)**

notified 10 September 2001 (Gaz 2001 No S66)  
 s 1, s 2 commenced 10 September 2001 (IA s 10B)  
 pt 11 om [A2002-49](#) before commencement

**Defamation Act 2001 A2001-88 s 43 (3)**

notified LR 24 September 2001  
 s 1, s 2 commenced 24 September 2001 (LA s 75)  
 s 43 (3) commenced 1 July 2002 (s 2)

**Statute Law Amendment Act 2002 A2002-30 pt 3.80**

notified LR 16 September 2002  
 s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
 pt 3.80 commenced 17 September 2002 (s 2 (1))

**Civil Law (Wrongs) Act 2002 A2002-40 div 3.2.12**

notified LR 10 October 2002  
 s 1, s 2 commenced 10 October 2002 (LA s 75 (1))  
 div 3.2.12 commenced 1 November 2002 (s 2 (2) and [CN2002-13](#))

**Statute Law Amendment Act 2002 (No 2) A2002-49 amdt 3.52, amdt 3.222**

notified LR 20 December 2002  
 s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))  
 amdt 3.52 commenced 17 January 2003 (s 2 (1))  
 amdt 3.222 commenced 24 September 1997 (s 2 (3))

*Note* This Act only amends the [Crimes Legislation Amendment Act 2001 A2001-63](#) and the [Remuneration Tribunal \(Consequential Amendments\) Act 1997 A1997-41](#).

## Endnotes

3 Legislation history

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### **Justice and Community Safety Legislation Amendment Act 2003**

#### **A2003-2 pt 17**

notified LR 3 March 2003  
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))  
pt 17 commenced 31 March 2003 (s 2 (2))

### **Evidence (Miscellaneous Provisions) Amendment Act 2003 A2003-48**

#### **sch 2 pt 2.14**

notified LR 31 October 2003  
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))  
sch 2 pt 2.14 commenced 30 April 2004 (s 2 and LA s 79)

### **Sexuality Discrimination Legislation Amendment Act 2004 A2004-2**

#### **sch 1 pt 1.15**

notified LR 18 February 2004  
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
sch 1 pt 1.15 commenced 22 March 2004 (s 2 and [CN2004-4](#))

### **Court Procedures (Consequential Amendments) Act 2004 A2004-60**

#### **sch 1 pt 1.70**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.70 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

### **Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.64**

notified LR 12 May 2005  
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))  
sch 3 pt 3.64 commenced 2 June 2005 (s 2 (1))

### **Justice and Community Safety Legislation Amendment Act 2005 (No 3) A2005-43 sch 1 pt 1.13**

notified LR 30 August 2005  
s 1, s 2 commenced 30 August 2005 (LA s 75 (1))  
amdt 1.41 commenced 28 February 2006 (s 2 (3) and LA s 79)  
sch 1 pt 1.13 remainder commenced 1 October 2005 (s 2 (3) and [CN2005-18](#))

### **Justice and Community Safety Legislation Amendment Act 2005 (No 4) A2005-60 sch 1 pt 1.25**

notified LR 1 December 2005  
s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))  
sch 1 pt 1.25 commenced 22 December 2005 (s 2 (4))

**Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.34**

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.34 commenced 2 June 2006 (s 2 (1) and see [Crimes \(Sentence Administration\) Act 2005](#) A2005-59 s 2, [Crimes \(Sentencing\) Act 2005](#) A2005-58, s 2 and LA s 79)

**Legal Profession Act 2006 A2006-25 sch 2 pt 2.10**

notified LR 21 June 2006

s 1, s 2 commenced 21 June 2006 (LA s 75 (1))

sch 2 pt 2.10 commenced 1 July 2006 (s 2)

**Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 2 pt 2.30**

notified LR 28 September 2006

s 1, s 2 commenced 28 September 2006 (LA s 75 (1))

sch 2 pt 2.30 commenced 29 September 2006 (s 2 (1))

**Supreme Court (Judges Pensions) Amendment Act 2006 A2006-43**

notified LR 24 October 2006

s 1, s 2 commenced 24 October 2006 (LA s 75 (1))

remainder commenced 25 October 2006 (s 2)

**Housing Assistance Act 2007 A2007-8 sch 1 pt 1.9**

notified LR 10 May 2007

s 1, s 2 commenced 10 May 2007 (LA s 75 (1))

sch 1 pt 1.9 commenced 10 November 2007 (s 2 and LA s 79)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.96**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.96 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**Court Legislation Amendment Act 2008 A2008-42 pt 5**

notified LR notified LR 8 September 2008

s 1, s 2 commenced 8 September 2008 (LA s 75 (1))

pt 5 commenced 8 March 2009 (s 2 and LA s 79)

## Endnotes

**Crimes Legislation Amendment Act 2008 A2008-44 sch 1 pt 1.13**

notified LR 9 September 2008

s 1, s 2 commenced 9 September 2008 (LA s 75 (1))

sch 1 pt 1.13 commenced 30 May 2009 (s 2 and [CN2009-4](#))

**Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 16**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

pt 16 commenced 29 September 2009 (s 2)

**Crimes Legislation Amendment Act 2009 A2009-24 sch 1 pt 1.10**

notified LR 3 September 2009

s 1, s 2 commenced 3 September 2009 (LA s 75 (1))

sch 1 pt 1.10 commenced 4 September 2009 (s 2)

**Courts (Appointments) Amendment Act 2009 A2009-37 pt 3**

notified LR 21 October 2009

s 1, s 2 commenced 21 October 2009 (LA s 75 (1))

pt 3 commenced 22 October 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2009 (No 3) A2009-44 sch 1 pt 1.15**

notified LR 24 November 2009

s 1, s 2 commenced 24 November 2009 (LA s 75 (1))

sch 1 pt 1.15 commenced 22 December 2009 (s 2 (3))

**Justice and Community Safety Legislation Amendment Act 2010 A2010-13 sch 1 pt 1.7**

notified LR 31 March 2010

s 1, s 2 commenced 31 March 2010 (LA s 75 (1))

s 3 commenced 1 April 2010 (LA s 75AA)

sch 1 pt 7 commenced 28 April 2010 (s 2 (4))

**Crimes (Sentence Administration) Amendment Act 2010 A2010-21 sch 1 pt 1.9**

notified LR 30 June 2010

s 1, s 2 commenced 30 June 2010 (LA s 75 (1))

sch 1 pt 1.9 commenced 1 July 2010 (s 2)

**Justice and Community Safety Legislation Amendment Act 2010  
(No 3) A2010-40 sch 3 pt 3.2**

notified LR 5 October 2010  
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))  
s 3 commenced 6 October 2010 (s 2 (1))  
sch 3 pt 3.2 commenced 2 November 2010 (s 2 (2))

**Criminal Proceedings Legislation Amendment Act 2011 A2011-20 pt 3**

notified LR 6 July 2011  
s 1, s 2 commenced 6 July 2011 (LA s 75 (1))  
pt 3 commenced 7 July 2011 (s 2)

**Law Officers Act 2011 A2011-30 sch 1 pt 1.6**

notified LR 29 August 2011  
s 1, s 2 commenced 29 August 2011 (LA s 75 (1))  
sch 1 pt 1.6 commenced 31 August 2011 (s 2 and [CN2011-9](#))

**Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1  
pt 1.36**

notified LR 22 November 2011  
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))  
sch 1 pt 1.36 commenced 1 March 2012 (s 2 (1) and see [Evidence Act 2011 A2011-12](#), s 2 and [CN2012-4](#))

**Courts Legislation Amendment Act 2012 A2012-29 sch 1 pt 1.2**

notified LR 13 June 2012  
s 1, s 2 commenced 13 June 2012 (LA s 75 (1))  
sch 1 pt 1.2 commenced 13 August 2012 (s 2 and [CN2012-14](#))

**Crimes Legislation Amendment Act 2013 A2013-12 pt 11**

notified LR 17 April 2013  
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))  
pt 11 commenced 24 April 2013 (s 2)

**Courts Legislation Amendment Act 2014 A2014-1 pt 6**

notified LR 5 March 2014  
s 1, s 2 commenced 5 March 2014 (LA s 75 (1))  
pt 6 commenced 2 April 2014 (s 2)

## Endnotes

**Courts Legislation Amendment Act 2015 A2015-10 pt 17**

notified LR 7 April 2015  
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))  
pt 17 commenced 21 April 2015 (s 2 (2))

**Crimes (Child Sex Offenders) Amendment Act 2015 A2015-35 sch 1 pt 1.6**

notified LR 1 October 2015  
s 1, s 2 commenced 1 October 2015 (LA s 75 (1))  
sch 1 pt 1.6 commenced 2 October 2015 (s 2)

**Crimes (Domestic and Family Violence) Legislation Amendment Act 2015 A2015-40 sch 1 pt 1.11**

notified LR 4 November 2015  
s 1, s 2 commenced 4 November 2015 (LA s 75 (1))  
sch 1 pt 1.11 commenced 4 May 2016 (s 2 (2))

**Courts Legislation Amendment Act 2015 (No 2) A2015-52 pt 14**

notified LR 26 November 2015  
s 1, s 2 commenced 26 November 2015 (LA s 75 (1))  
pt 14 commenced 10 December 2015 (s 2 (2))

**Supreme Court Amendment Act 2016 A2016-36**

notified LR 22 June 2016  
s 1, s 2 commenced 22 June 2016 (LA s 75 (1))  
remainder commenced 23 June 2016 (s 2)

**Justice and Community Safety Legislation Amendment Act 2016 A2016-37 sch 1 pt 1.19**

notified LR 22 June 2016  
s 1, s 2 commenced 22 June 2016 (LA s 75 (1))  
sch 1 pt 1.19 commenced 29 June 2016 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.59**

notified LR 25 August 2016  
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))  
sch 1 pt 1.59 commenced 1 September 2016 (s 2)

**Justice and Community Safety Legislation Amendment Act 2016  
(No 2) A2016-53 pt 4**

notified LR 25 August 2016  
s 1, s 2 taken to have commenced 23 June 2016 (LA s 75 (2))  
pt 4 taken to have commenced 23 June 2016 (s 2 (2) and see  
[Supreme Court Amendment Act 2016](#) A2016-36 s 2)

**Courts and Other Justice Legislation Amendment Act 2018 A2018-9  
pt 16**

notified LR 29 March 2018  
s 1, s 2 commenced 29 March 2018 (LA s 75 (1))  
pt 16 commenced 26 April 2018 (s 2)

**Prostitution Amendment Act 2018 A2018-25 sch 1 pt 1.5**

notified LR 8 August 2018  
s 1, s 2 commenced 8 August 2018 (LA s 75 (1))  
sch 1 pt 1.5 commenced 9 August 2018 (s 2)

**Courts and Other Justice Legislation Amendment Act 2018 (No 2)  
A2018-39 pt 6**

notified LR 27 September 2018  
s 1, s 2 commenced 27 September 2018 (LA s 75 (1))  
pt 6 commenced 13 March 2019 (s 2 and [CN2019-5](#))

**Crimes Legislation Amendment Act 2018 (No 2) A2018-40 pt 9**

notified LR 7 November 2018  
s 1, s 2 commenced 7 November 2018 (LA s 75 (1))  
pt 9 commenced 8 November 2018 (s 2)

**Royal Commission Criminal Justice Legislation Amendment Act 2018  
A2018-46 sch 1 pt 1.5**

notified LR 4 December 2018  
s 1, s 2 commenced 4 December 2018 (LA s 75 (1))  
sch 1 pt 1.5 commenced 5 December 2018 (s 2)

**Sentencing (Drug and Alcohol Treatment Orders) Legislation  
Amendment Act 2019 A2019-31 pt 7**

notified LR 9 October 2019  
s 1, s 2 commenced 9 October 2019 (LA s 75 (1))  
pt 7 commenced 3 December 2019 (s 2 (1) and [CN2019-19](#))

## Endnotes

**COVID-19 Emergency Response Act 2020 A2020-11 sch 1 pt 1.19**

notified LR 7 April 2020  
s 1, s 2 commenced 7 April 2020 (LA s 75 (1))  
sch 1 pt 1.19 commenced 8 April 2020 (s 2)

**COVID-19 Emergency Response Legislation Amendment Act 2020 (No 2) A2020-27 pt 3**

notified LR 8 July 2020  
s 1, s 2 commenced 8 July 2020 (LA s 75 (1))  
pt 3 commenced 9 July 2020 (s 2 (1))

**Royal Commission Criminal Justice Legislation Amendment Act 2020 A2020-31 sch 1 pt 1.3**

notified LR 29 July 2020  
s 1, s 2 commenced 29 July 2020 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 September 2020 (s 2 and [CN2020-17](#))

**COVID-19 Emergency Response Legislation Amendment Act 2021 A2021-1 sch 1 pt 1.15**

notified LR 19 February 2021  
s 1, s 2 commenced 19 February 2021 (LA s 75 (1))  
sch 1 pt 1.15 commenced 20 February 2021 (s 2 (1))

**Courts and Other Justice Legislation Amendment Act 2021 A2021-13 pt 10**

notified LR 9 June 2021  
s 1, s 2 commenced 9 June 2021 (LA s 75 (1))  
pt 10 commenced 16 June 2021 (s 2 (3))

**Work Health and Safety Amendment Act 2021 A2021-19 sch 1 pt 1.4**

notified LR 11 August 2021  
s 1, s 2 commenced 11 August 2021 (LA s 75 (1))  
sch 1 pt 1.4 commenced 11 November 2021 (s 2)

**Family Violence Legislation Amendment Act 2022 A2022-13 sch 1 pt 1.5**

notified LR 10 August 2022  
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))  
sch 1 pt 5 commenced 17 August 2022 (s 2)



**Courts Legislation Amendment Act 2023 A2023-37 pt 4**

notified LR 29 September 2023

s 1, s 2 commenced 29 September 2023 (LA s 75 (1))

pt 4 commenced 30 September 2023 (s 2)

**Supreme Court Amendment Act 2023 A2023-48**

notified LR 15 November 2023

s 1, s 2 commenced 15 November 2023 (LA s 75 (1))

remainder commenced 15 May 2024 (s 2)

**Justice and Community Safety Legislation Amendment Act 2023 (No 3) A2023-57 pt 16**

notified LR 11 December 2023

s 1, s 2 commenced 11 December 2023 (LA s 75 (1))

pt 16 commenced 12 December 2023 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

In this table Acts and statutory rules for 1992 and earlier years are Commonwealth Acts and statutory rules, and Acts for 1993 and later years are ACT Acts.

#### Long title

long title am [Cwlth Act 1971 No 98](#)

#### Name of Act

s 1 am [Cwlth Act 1950 No 80](#); [Cwlth Act 1992 No 49](#)  
sub [A2001-54](#) amdt 1.1

#### Dictionary

s 2 orig s 2 sub [Cwlth Act 1959 No 51](#)  
am [Cwlth Act 1964 No 109](#)  
om [Cwlth Act 1973 No 216](#)  
(prev s 5) am [Cwlth Act 1935 No 27](#); [Cwlth Act 1945 No 57](#);  
[Cwlth Act 1957 No 34](#); [Cwlth Act 1958 No 43](#); [Cwlth Act 1964](#)  
[No 109](#); [Cwlth Act 1968 No 156](#); [Ord1971-13](#); [Cwlth Act 1971](#)  
[No 98](#); [Cwlth Act 1973 No 216](#); [Cwlth Act 1976 No 158](#);  
[Ord1982-26](#); [Cwlth Act 1988 No 38](#); [Cwlth Act 1988 No 109](#);  
[Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
defs reloc to dict [A2001-54](#) amdt 1.3  
om [A2001-54](#) amdt 1.4  
def **acting judge** ins [A1993-91](#) s 4  
om [A2001-54](#) amdt 1.2  
def **additional judge** am [A1993-91](#) sch 2  
om [A2001-54](#) amdt 1.2  
def **Chief Justice** om [A2001-54](#) amdt 1.2  
def **enactment** om [A1993-91](#) sch 2  
def **Ordinance** om [A1993-91](#) sch 2  
def **resident judge** ins [A1993-91](#) s 4  
om [A2001-54](#) amdt 1.2  
def **the court** om [A1993-91](#) sch 2  
def **the Judicature Act** om [A1993-91](#) sch 2  
def **the Registrar** om [A1993-91](#) sch 2  
def **the Sheriff** om [A1993-91](#) sch 2  
def **the Supreme Court** om [A1993-91](#) sch 2  
def **the Territory** or **the Australian Capital Territory** om  
[A1993-91](#) sch 2  
pres s 2 ins [A2001-54](#) amdt 1.5  
am [A2002-30](#) amdt 3.820

#### Notes

s 2A ins [A2001-54](#) amdt 1.5

**Establishment**

s 3 orig s 3 am [Cwlth Act 1973 No 216](#); [Cwlth Act 1976 No 158](#) ;  
[Cwlth Act 1981 No 61](#)  
om [Cwlth Act 1992 No 49](#)  
(prev s 6) am [Cwlth Act 1958 No 43](#); [Ord1971-13](#); [Cwlth Act 1971 No 98](#); [Cwlth Act 1976 No 158](#); [Ord1982-26](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 5

**Resident judges**

s 4 hdg sub [A2001-54](#) amdt 1.6  
s 4 orig s 4 om [Cwlth Act 1973 No 216](#)  
(prev s 7) sub [Cwlth Act 1958 No 43](#)  
am [Cwlth Act 1968 No 156](#); [Ord1971-13](#); [Cwlth Act 1971 No 98](#); [Cwlth Act 1973 No 216](#); [Cwlth Act 1976 No 158](#); [Ord1982-26](#); [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A1994-10](#) s 11 (1); [A1997-96](#) sch 1; [A2001-54](#) amdt 1.7, amdt 1.8

**Requirements of appointment—resident judges**

s 4AA ins [A2009-37](#) s 7

**Additional judges**

s 4A orig s 4A renum as s 4B  
ins [A2001-54](#) amdt 1.9

**Acting judges**

s 4B hdg sub [A2001-54](#) amdt 1.10  
s 4B (prev s 4A) ins [A1993-91](#) s 6  
am [A1997-96](#) sch 1  
renum [A2001-54](#) amdt 1.10  
am [A2001-54](#) amdt 1.11; [A2023-37](#) s 17

**Seniority of judges**

s 5 (prev s 7AA) ins [Cwlth Act 1988 No 109](#)  
sub [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 7; [A2001-54](#) s 4, s 5; R7 LA (see [A2001-54](#) s 6); [A2015-10](#) s 40, s 41; ss renum R45 LA; [A2018-39](#) s 12; ss renum R57 LA; [A2023-37](#) s 18; ss renum R69 LA

**Acting Chief Justice**

s 6 (prev s 7A) ins [Cwlth Act 1976 No 158](#)  
am [Ord1982-26](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A2001-54](#) amdt 1.12

## Endnotes

4 Amendment history

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### Arrangement of business of court

s 7 (prev s 7B) ins [Cwlth Act 1976 No 158](#)  
am [Ord1982-26](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A2001-54](#) s 7; [A2015-10](#) s 42

### Exercise of jurisdiction

s 8 am [Cwlth Act 1945 No 57](#); [Cwlth Act 1956 No 47](#)  
sub [Cwlth Act 1958 No 43](#)  
am [Cwlth Act 1968 No 156](#); [Ord1971-13](#)  
sub [Cwlth Act 1971 No 98](#)  
am [Cwlth Act 1976 No 158](#)  
sub [Cwlth Act 1988 No 38](#)  
mod [Cwlth SR 1989 No 3](#) (as am [Cwlth SR 1989 No 188](#)) (exp 1 July 1992)  
am [Cwlth Act 1992 No 49](#); [A1993-91](#) sch 2; [A2001-54](#) s 8; [A2004-60](#) amdt 1.634; [A2006-40](#) amdt 2.172; [A2015-10](#) s 43; [A2018-9](#) s 113, s 114; [A2023-37](#) s 19; pars renum R69 LA

### Exercise of jurisdiction by associate judge

s 9 (prev s 8AAA) ins [Cwlth Act 1988 No 38](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2001-54](#) s 9, s 10; [A2001-54](#) amdt 1.13; [A2002-30](#) amdt 3.821, amdt 3.822; [A2004-60](#) amdt 1.635, amdt 1.636; [A2006-40](#) amdts 2.173-2.175  
sub [A2015-10](#) s 44; [A2018-9](#) s 115  
am [A2018-46](#) amdt 1.5; [A2019-31](#) s 25  
om [A2023-37](#) s 20

### Exercise of jurisdiction by registrar

s 10 (prev s 8AAB) ins [Cwlth Act 1988 No 38](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2001-54](#) amdt 1.13; [A2002-30](#) amdts 3.823-3.826; [A2004-60](#) amdt 1.637, amdt 1.638; [A2005-60](#) amdt 1.132, amdt 1.133; [A2006-40](#) amdt 2.176, amdt 2.177

### Exercise of jurisdiction—legal practitioners

s 11 (prev s 8AA) ins [Cwlth Act 1968 No 156](#)  
am [Ord1971-13](#); [Cwlth Act 1971 No 98](#); [Cwlth Act 1976 No 158](#)  
mod [Cwlth SR 1989 No 3](#) (as am [SR Ord1989-52](#)) (exp 1 July 1992)  
sub [Cwlth Act 1990 No 115](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 8  
am [A1993-94](#) s 45; [A1997-96](#) sch 1; [A2006-25](#) amdt 2.20

**Exercise of jurisdiction under subsections 46 (4) and 48 (2) of the administrative appeals tribunal Act**

s 12 hdg am [A1993-91](#) note  
 s 12 (prev s 8AABA) mod [Cwlth SR 1989 No 3](#) (as am [Cwlth SR 1989 No 188](#)) (exp 1 July 1992)  
 ins [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) sch 2; [A1994-60](#) sch 1  
 om [A2000-1](#) sch

**Power of judge to order that jurisdiction in a matter be exercised by Full Court**

s 13 hdg am [A1993-91](#) note  
 s 13 orig s 13 am [Cwlth Act 1968 No 156](#); [Cwlth Act 1971 No 98](#)  
 om [Cwlth Act 1976 No 158](#)  
 (prev s 8AB) ins [Cwlth Act 1971 No 98](#)  
 am [Cwlth Act 1976 No 158](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) sch 2; [A2002-30](#) amdt 3.827; [A2004-60](#)  
 amdt 1.639

**Full Court decisions—equal division of opinion**

s 14 (prev s 8AC) ins [Cwlth Act 1971 No 98](#)  
 am [Cwlth Act 1976 No 158](#); [Cwlth Act 1988 No 38](#)  
 mod [Cwlth SR 1989 No 3](#) (as am [Cwlth SR 1989 No 188](#)) (exp 1 July 1992)  
 am [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) s 9, sch 2; [A2001-54](#) amdt 1.14; [A2006-40](#)  
 amdt 2.187, amdt 2.179; [A2015-10](#) s 45  
 sub [A2023-37](#) s 21

**Exercise by court of powers of master**

s 15 (prev s 8AD) ins [Cwlth Act 1988 No 38](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) sch 2; [A2001-54](#) amdt 1.15  
 om [A2006-40](#) amdt 2.180

**Holding other judicial offices**

s 16 (prev s 8A) ins [Cwlth Act 1945 No 57](#)  
 sub [Cwlth Act 1957 No 34](#); [Cwlth Act 1958 No 43](#); [Cwlth Act 1964 No 109](#)  
 am [Cwlth Act 1973 No 216](#); [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) s 10, sch 2

## Endnotes

4 Amendment history

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### Salaries and travelling expenses

s 17 (prev s 8B) ins [Cwlth Act 1945 No 57](#)  
am [Cwlth Act 1947 No 52](#); [Cwlth Act 1948 No 65](#); [Cwlth Act 1950 No 51](#); [Cwlth Act 1955 No 17](#); [Cwlth Act 1958 No 43](#); [Cwlth Act 1960 No 110](#); [Cwlth Act 1965 No 92](#); [Cwlth Act 1966 No 93](#); [Cwlth Act 1969 No 40](#); [Ord1971-13](#)  
sub [Cwlth Act 1976 No 158](#)  
am [Ord1982-26](#); [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 11, sch 2; [A1996-26](#) sch pt 34; [A1997-41](#) sch 1  
om [A1998-72](#) s 4

### Principal seat of court and sittings

s 18 (prev s 9) am [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2004-60](#) amdt 1.640

### Oath or affirmation of office—judges

s 19 (prev s 10) am [Cwlth Act 1958 No 43](#); [Cwlth Act 1976 No 158](#); [Cwlth Act 1981 No 176](#) (as am by [Ord1982-80](#)); [Ord1982-26](#); [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 12; [A2001-7](#) s 4  
am [A2002-30](#) amdts 3.828-3.830

### Jurisdiction and powers of Supreme Court

s 20 (prev s 11) sub [Cwlth Act 1957 No 34](#)  
am [Cwlth Act 1976 No 158](#); [Cwlth Act 1981 No 61](#); [Cwlth Act 1988 No 109](#)  
sub [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2

### Distinction between court and chambers

s 21 (prev s 12) am [Cwlth Act 1957 No 34](#); [Cwlth Act 1968 No 156](#); [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 13  
om [A2006-40](#) amdt 2.180

### No trial by jury in civil proceedings

s 22 hdg sub [A1993-59](#) note  
s 22 (prev s 14) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 14, sch 2; [A2001-88](#) s 43 (3)  
sub [A2002-40](#) amdt 3.39

**Costs**

s 23 (prev s 15) am [Cwlth Act 1957 No 34](#); [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2004-60](#) amdt 1.641; [A2005-60](#)  
amds 1.134-1.136  
reloc to [Court Procedures Act 2004](#), div 10.7 as s 134 by  
[A2005-60](#) amdt 1.137

**Service of writs out of the jurisdiction of the court**

s 24 (prev s 16) am [Cwlth Act 1950 No 80](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
om [A2004-60](#) amdt 1.642

**Law and equity to be concurrently administered**

s 25 (prev s 17) am [Cwlth Act 1976 No 158](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2010-13](#) amdt 1.30

**Equities of plaintiff**

s 26 (prev s 18) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

**Equities of defendant**

s 27 (prev s 19) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

**Counterclaims and third parties**

s 28 (prev s 20) am [Cwlth Act 1957 No 34](#); [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2  
om [A2006-40](#) amdt 2.180

**Incidental equities**

s 29 orig s 29 om [Cwlth Act 1959 No 51](#)  
(prev s 21) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

**Defence or stay of proceeding instead of prohibition order or injunction**

s 30 orig s 30 om [Cwlth Act 1959 No 51](#)  
(prev s 22) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2  
am [A2002-30](#) amdt 3.831; [A2004-60](#) amdt 1.643; ss renum  
R18 LA (see [A2004-60](#) amdt 1.644)  
sub [A2006-40](#) amdt 2.181

**Common law and statute**

s 31 orig s 31 om [Cwlth Act 1959 No 51](#)  
(prev s 23) am [Cwlth Act 1973 No 216](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

## Endnotes

### 4 Amendment history

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#### **Final determination of matters**

s 32 orig s 32 om [Cwlth Act 1959 No 51](#)  
(prev s 24) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

#### **Law and equity**

s 33 orig s 33 om [Cwlth Act 1959 No 51](#)  
(prev s 25) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

#### **Remuneration and allowances**

s 33B ins [Cwlth Act 1988 No 38](#)  
om [Cwlth Act 1992 No 49](#)

#### **Terms and conditions of appointment not provided by Act**

s 33E ins [Cwlth Act 1988 No 38](#)  
om [Cwlth Act 1992 No 49](#)

#### **Equitable damages**

s 34 (prev s 26) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 15  
am [A2001-54](#) amdt 1.16, amdt 1.17; [A2002-30](#) amdt 3.832  
om [A2006-40](#) amdt 2.182  
ins [A2010-13](#) amdt 1.31

#### **Receivers**

s 34A ins [A1993-91](#) s 15  
sub [A2002-30](#) amdt 3.833  
om [A2006-40](#) amdt 2.182

#### **Habeas corpus and prerogative orders**

s 34B ins [A1993-91](#) s 15  
am [A2002-30](#) amdt 3.834  
sub [A2006-40](#) amdt 2.183

#### **Rules of practice and procedure—judicial discretion**

s 35 (prev s 27) sub [Cwlth Act 1957 No 34](#)  
am [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 15; [A2002-30](#) amdt 3.835  
om [A2006-40](#) amdt 2.184



**Rules of court**

s 36 (prev s 28) am [Cwlth Act 1950 No 80](#); [Cwlth Act 1957 No 34](#); [Cwlth Act 1968 No 156](#); [Cwlth Act 1971 No 98](#); [Cwlth Act 1973 No 216](#); [Cwlth Act 1976 No 158](#); [Ord1978-3](#); [Cwlth Act 1981 No 92](#); [Ord1982-26](#); [Cwlth Act 1986 No 168](#); [Cwlth Act 1988 No 99](#); [Cwlth Act 1988 No 108](#)  
 mod [Cwlth SR 1989 No 3](#) (as am [SR Ord1989-52](#)) (exp 1 July 1992)  
 am [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) s 16, sch 2; [A1997-96](#) sch 1; [A1999-66](#) sch 3; [A2001-54](#) s 11, s 12; [A2002-30](#) amdt 3.836, amdt 3.837  
 om [A2009-44](#) amdt 1.35

**Fees and charges—determination**

s 37 (prev s 29) om [Cwlth Act 1959 No 51](#)  
 ins [Ord1978-3](#)  
 renum [Cwlth Act 1992 No 49](#)  
 sub [A1994-3](#) s 4  
 am [A1997-96](#) sch 1; [A1999-66](#) sch 3; [A2001-44](#) amdts 1.3957-1.3959  
 om [A2004-60](#) amdt 1.645

**Fees and charges—payment**

s 37A ins [A1994-3](#) s 4  
 am [A2001-44](#) amdt 1.3960; [A2002-30](#) amdt 3.838  
 om [A2004-60](#) amdt 1.645

**Fees and charges—remission, refund, deferral, waiver and exemption**

s 37B ins [A1994-3](#) s 4  
 am [A1994-45](#) sch; [A1995-46](#) sch; [A1997-58](#) sch 1; [A1997-83](#) s 34; [A1999-64](#) sch 2; [A1999-66](#) sch 3; [A1999-91](#) sch 2; [A2002-30](#) amdts 3.839-3.843  
 om [A2004-60](#) amdt 1.645

**Fees and charges—recovery if otherwise not payable**

s 37C ins [A1994-3](#) s 4  
 om [A2004-60](#) amdt 1.645

**Fees and charges—review of decisions**

s 37D ins [A1994-3](#) s 4  
 am [A1999-66](#) sch 3  
 om [A2004-60](#) amdt 1.645

**Court of Appeal**

pt 2A hdg orig pt 2A hdg renum as pt 2B hdg  
 ins [A2001-54](#) s 13

## Endnotes

4 Amendment history

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### **Appellate jurisdiction**

s 37E orig s 37E renum as s 37T  
ins [A2001-54](#) s 13  
am [A2001-63](#) s 72, s 73 (s 72, s 73 om [A2002-49](#) amdt 3.52  
before commencement); [A2006-40](#) amdts 2.185-2.188;  
[A2008-42](#) s 21; [A2015-10](#) s 46, s 47; [A2016-36](#) s 4;  
[A2023-37](#) s 22; [A2023-48](#) s 4

### **Appointment of President**

s 37F orig s 37F renum as s 37U  
ins [A2001-54](#) s 13  
om [A2015-10](#) s 48

### **Arrangement of business of Court of Appeal**

s 37G orig s 37G renum as s 37V  
ins [A2001-54](#) s 13  
om [A2015-10](#) s 48

### **Appeal bench**

s 37H orig s 37H renum as s 37W  
ins [A2001-54](#) s 13  
am [A2006-40](#) amdt 2.189, amdt 2.190; [A2015-10](#) s 49

### **Presiding judge**

s 37I orig s 37I renum as s 37X  
ins [A2001-54](#) s 13

### **Appeal court constituted by single judge**

s 37J ins [A2001-54](#) s 13  
am [A2005-43](#) amdt 1.35, amdt 1.36; [A2006-40](#) amdt 2.190,  
amdt 2.191

### **Decision-making**

s 37K ins [A2001-54](#) s 13

### **Appeal judge unable to continue sitting**

s 37L ins [A2001-54](#) s 13

### **Reserved judgments**

s 37M ins [A2001-54](#) s 13

### **Evidence on appeal**

s 37N ins [A2001-54](#) s 13  
am [A2003-48](#) amdt 2.19, amdt 2.20; [A2015-40](#) amdt 1.19

### **Orders on appeal**

s 37O hdg sub [A2006-40](#) amdt 2.192  
s 37O ins [A2001-54](#) s 13  
am [A2002-40](#) amdt 3.40; pars renum R13 LA (see [A2002-40](#)  
amdt 3.41); [A2006-40](#) amdts 2.193-2.201; [A2008-42](#) s 22;  
ss renum R29 LA

**New trials**

s 37P ins [A2001-54](#) s 13

**Bail time on appeal does not count towards sentence**

s 37Q hdg sub [A2006-23](#) amdt 1.290

s 37Q ins [A2001-54](#) s 13

**Reference appeal in relation to proceeding**

s 37S hdg sub [A2008-42](#) s 23

s 37S ins [A2001-54](#) s 13

am [A2008-42](#) ss 24-28; [A2011-30](#) amdt 1.12

**Drug and alcohol treatment order jurisdiction**

pt 2AA hdg ins [A2019-31](#) s 26

**Definitions—pt 2AA**

s 37SA ins [A2019-31](#) s 26

def **drug and alcohol treatment order** ins [A2019-31](#) s 26

def **member** ins [A2019-31](#) s 26

def **treatment and supervision team** ins [A2019-31](#) s 26

def **treatment order judge** ins [A2019-31](#) s 26

def **treatment order team** ins [A2019-31](#) s 26

**Drug and alcohol treatment order jurisdiction**

s 37SB ins [A2019-31](#) s 26

**Court not bound by rules of evidence**

s 37SC ins [A2019-31](#) s 26

**Treatment order judge may convene case conference**

s 37SD ins [A2019-31](#) s 26

**Remuneration, allowances and other entitlements of judges**

pt 2B hdg (prev pt 2A hdg) ins [A1998-72](#) s 5

renum [A2001-54](#) amdt 1.18

sub [A2002-30](#) amdt 3.844

**Meaning of entitlements**

s 37T (prev s 37E) ins [A1998-72](#) s 5

renum [A2001-54](#) amdt 1.23

**Resident judges**

s 37U (prev s 37F) ins [A1998-72](#) s 5

am [A2001-54](#) amdts 1.19-1.21

renum [A2001-54](#) amdt 1.23

am [A2002-30](#) amdt 3.845; [A2004-2](#) amdts 1.50-1.53;

[A2005-43](#) amdts 1.37-1.40

sub [A2006-43](#) s 4

am [A2008-37](#) amdt 1.448; [A2015-52](#) s 45, s 46

**Indemnity for superannuation surcharge levy**

s 37UA ins [A2006-43](#) s 4

## Endnotes

### 4 Amendment history

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#### **Salary of former President**

s 37UB ins [A2006-43](#) s 4  
om [A2015-10](#) s 50

#### **Acting judge—conditions of appointment**

s 37V (prev s 37G) ins [A1998-72](#) s 5  
am [A2001-54](#) amdt 1.22  
renum [A2001-54](#) amdt 1.23  
sub [A2005-43](#) amdt 1.41; [A2021-13](#) s 42

#### **Dual appointments**

s 37W (prev s 37H) ins [A1998-72](#) s 5  
renum [A2001-54](#) amdt 1.23

#### **Accrual and appropriation**

s 37X (prev s 37I) ins [A1998-72](#) s 5  
renum [A2001-54](#) amdt 1.23

#### **The master**

pt 3 hdg prev pt 3 hdg om [Cwlth Act 1959 No 51](#)  
ins [Cwlth Act 1988 No 38](#)  
om [A2023-37](#) s 23

#### **The master**

s 38 (prev s 30) om [Cwlth Act 1959 No 51](#)  
ins [Cwlth Act 1988 No 38](#)  
renum (Cwlth) [Cwlth Act 1992 No 49](#)  
om [A2023-37](#) s 23

#### **Functions of master**

s 39 (prev s 31) om [Cwlth Act 1959 No 51](#)  
ins [Cwlth Act 1988 No 38](#)  
am [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
sub [A2002-30](#) amdt 3.846  
om [A2023-37](#) s 23

#### **Appointment of master**

s 40 (prev s 32) om [Cwlth Act 1959 No 51](#)  
ins [Cwlth Act 1988 No 38](#)  
am [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 17; [A1997-96](#) sch 1; [A2002-30](#) amdt 3.847,  
amdt 3.848  
om [A2023-37](#) s 23

#### **Requirements of appointment—master**

s 40A ins [A2009-37](#) s 8  
om [A2023-37](#) s 23

**Term of appointment of master**

s 41 (prev s 33) om [Cwlth Act 1959 No 51](#)  
 ins [Cwlth Act 1988 No 38](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) s 18  
 sub [A2002-30](#) amdt 3.849; [A2018-39](#) s 13  
 om [A2023-37](#) s 23

**Extension of master's term of appointment**

s 41A ins [A1993-91](#) s 19  
 sub [A2002-30](#) amdt 3.850  
 om [A2018-39](#) s 14

**Master—conditions of appointment**

s 41B ins [A1993-91](#) s 19  
 sub [A2002-30](#) amdt 3.851; [A2021-13](#) s 43  
 om [A2023-37](#) s 23

**Holding other offices**

s 41C ins [A1993-91](#) s 19  
 om [A2023-37](#) s 23

**Oath or affirmation of office—master**

s 42 (prev s 33A) ins [Cwlth Act 1988 No 38](#)  
 renum [Cwlth Act 1992 No 49](#)  
 sub [A1993-91](#) s 19; [A2001-7](#) s 5  
 am [A2002-30](#) amdts 3.852-3.854  
 om [A2023-37](#) s 23

**Resignation**

s 43 (prev s 33C) ins [Cwlth Act 1988 No 38](#)  
 am [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 om [A2023-37](#) s 23

**Retirement**

s 44 (prev s 33D) ins [Cwlth Act 1988 No 38](#)  
 renum [Cwlth Act 1992 No 49](#)  
 sub [A1994-10](#) s 11 (2); [A2009-19](#) s 68  
 om [A2023-37](#) s 23

**Master to be known as associate judge**

s 45 (prev s 33F) ins [Cwlth Act 1988 No 38](#)  
 am [Cwlth Act 1992 No 49](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1994-10](#) s 11 (3); [A2001-44](#) amdt 1.3961, amdt 1.3962  
 om [A2002-30](#) amdt 3.855  
 ins [A2015-10](#) s 51  
 om [A2023-37](#) s 23

## Endnotes

### 4 Amendment history

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#### **Appointments**

s 46 (prev s 34) am [Cwlth Act 1957 No 34](#)  
sub [Cwlth Act 1964 No 109](#)  
am [Cwlth Act 1971 No 98](#); [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 20, sch 2; [A2002-30](#) amdt 3.856  
sub [A2016-37](#) amdt 1.40

#### **Acting appointments**

s 46A ins [A1993-91](#) s 21  
om [A2002-30](#) amdt 3.857

#### **Staff assisting registrar**

s 46B ins [A1994-38](#) sch 1 pt 75  
om [A2016-52](#) amdt 1.157

#### **Functions of registrar and deputy registrars**

s 47 (prev s 35) sub [Cwlth Act 1957 No 34](#)  
am [Cwlth Act 1968 No 156](#); [Cwlth Act 1983 No 91](#); [Cwlth Act 1988 No 38](#); [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2; [A2002-30](#) amdt 3.858  
am [A2004-60](#) amdt 1.646

#### **Oath or affirmation of office—registrar**

s 48 (prev s 35AA) ins [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2; [A2001-7](#) s 6  
am [A2002-30](#) amdts 3.859-3.861

#### **Proceedings before registrar in relation to winding-up of companies**

s 49 (prev s 35A) ins [Cwlth Act 1968 No 156](#)  
am [Cwlth Act 1988 No 38](#); [Cwlth Act 1991 No 136](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2002-30](#) amdts 3.862-3.864  
om [A2006-40](#) amdt 2.202

#### **Access to details of address**

s 49A ins [A2003-2](#) s 78  
am [A2007-8](#) amdt 1.20  
om [A2010-21](#) amdt 1.24

#### **Functions of sheriff**

s 50 (prev s 36) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

#### **Appeals**

pt 6 hdg om [Cwlth Act 1976 No 158](#)

**Deputy sheriffs**

s 51 orig s 51 am [Cwlth Act 1955 No 36](#); [Cwlth Act 1957 No 34](#);  
[Cwlth Act 1966 No 93](#); [Cwlth Act 1968 No 156](#)  
om [Cwlth Act 1976 No 158](#)  
(prev s 37) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2; [A2002-30](#) amdt 3.865  
am [A2004-60](#) amdt 1.646

**Process of court if sheriff or deputy sheriff is interested party**

s 52 orig s 52 sub [Cwlth Act 1964 No 109](#)  
om [Cwlth Act 1976 No 158](#)  
(prev s 37A) ins [Cwlth Act 1964 No 109](#)  
am [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2  
am [A2002-30](#) amdt 3.866

**Sheriff's assistants**

s 53 (prev 37B) ins [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) s 22, sch 2  
sub [A2002-30](#) amdt 3.867

**Entry, search and seizure—sheriff's powers**

s 53A ins [A1998-6](#) s 4  
am [A2001-54](#) amdt 1.24; [A2002-30](#) amdt 3.868  
om [A2006-40](#) amdt 2.202

**How evidence is to be given**

s 54 hdg sub [A2002-30](#) amdt 3.869  
s 54 (prev s 38) sub [Cwlth Act 1971 No 98](#)  
am [Cwlth Act 1988 No 109](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2002-30](#) amdt 3.870  
sub [A2004-60](#) amdt 1.647  
om [A2006-40](#) amdt 2.202

**Evidence by affidavit**

s 55 (prev s 39) am [Cwlth Act 1957 No 34](#)  
sub [Cwlth Act 1971 No 98](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A1997-96](#) sch 1; [A2002-30](#) amdt 3.871  
om [A2006-40](#) amdt 2.202

**Hearing of bail applications**

s 55A ins [A1999-22](#) s 38  
am [A2000-17](#) sch 1; [A2001-54](#) amdt 1.25; [A2002-30](#)  
amdt 3.872; [A2003-48](#) amdt 2.21

## Endnotes

4 Amendment history

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### Appearance by legal practitioner

s 56 (prev s 40) sub [Ord1966-8](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A1997-96](#) sch 1  
om [A2006-40](#) amdt 2.202

### Orders and commissions for examination of witnesses

s 57 (prev s 41) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2002-30](#) amdt 3.873, amdt 3.874  
om [A2006-40](#) amdt 2.202

### Non-appearance or absence of some defendants

s 58 (prev s 42) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2002-30](#) amdt 3.875, amdt 3.876;  
[A2004-60](#) amdt 1.648  
reloc to [Court Procedures Act 2004](#) s 66 [A2006-40](#) amdt 2.203

### Supreme Court trials—evidence of dead or absent persons

s 58A reloc from [Evidence Act 1971](#) s 73 by [A1999-66](#) sch 3  
am [A2002-30](#) amdt 3.877; [A2004-60](#) amdt 1.649; [A2005-20](#)  
amdt 3.404; [A2008-44](#) amdt 1.94, amdt 1.95

### Amendment of defects

s 59 (prev s 43) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2; [A2002-30](#) amdt 3.878  
reloc to [Court Procedures Act 2004](#) s 67 [A2006-40](#) amdt 2.204

### Formal defects to be amended

s 60 orig s 60 om [Cwlth Act 1973 No 216](#)  
(prev s 44) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
reloc to [Court Procedures Act 2004](#) s 68 [A2006-40](#) amdt 2.204

### Power to complete part-heard proceedings

s 60A ins [A1993-91](#) s 23  
am [A2001-54](#) s 14; [A2002-30](#) amdt 3.879; [A2006-40](#)  
amdt 2.205; [A2015-10](#) s 52  
sub [A2021-13](#) s 44  
am [A2023-37](#) s 24

### Reserved judgments

s 61 (prev s 44A) ins [Cwlth Act 1981 No 176](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
sub [A2001-54](#) amdt 1.26

### Matter heard in one place may be further dealt with at another place

s 62 (prev s 45) renum [Cwlth Act 1992 No 49](#)  
om [A1993-91](#) sch 2



**Change of venue**

s 63 (prev s 46) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2

**Seals**

s 64 (prev s 47) am [Cwlth Act 1971 No 98](#); [Cwlth Act 1976 No 158](#);  
[Ord1982-26](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
sub [A2005-60](#) amdt 1.138

**Use of seals**

s 65 (prev s 48) renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) sch 2  
am [A2004-60](#) amdt 1.650  
reloc to Supreme Court Rules o 1 r 5 by [A2004-60](#) amdt 1.651

**Date of process**

s 66 (prev s 49) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2005-60](#) amdt 1.139, amdt 1.140  
reloc to [Court Procedures Act 2004](#), div 10.7 as s 135 by  
[A2005-60](#) amdt 1.141

**Oaths and affirmations**

s 67 (prev s 50) am [Cwlth Act 1957 No 34](#); [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
sub [A1993-91](#) s 24  
om [A2004-60](#) amdt 1.652

**Vexatious litigants**

s 67A ins [A1998-72](#) s 6  
am [A2001-44](#) amdt 1.3963; [A2002-30](#) amdt 3.880,  
amdt 3.881; [A2023-57](#) s 46, s 47; ss renum R70 LA

**Trial on indictment**

pt 7 hdg sub [A1993-59](#) s 5

**Prosecution of indictable offences**

s 68 hdg sub [A1993-59](#) note  
s 68 (prev s 53) sub [Cwlth Act 1957 No 34](#)  
am [Cwlth Act 1981 No 176](#); [Cwlth Act 1983 No 114](#)  
mod [Cwlth SR 1989 No 3](#) (as am SR [Ord1989-52](#)) (exp 1 July  
1992)  
am [Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2; [A2001-44](#) amdt 1.3964

**Trial by jury in criminal proceedings**

s 68A ins [A1993-59](#) s 6

## Endnotes

4 Amendment history

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### **Trial by judge alone in certain criminal proceedings**

s 68B ins [A1993-59](#) s 6  
am [A1997-96](#) sch 1  
sub [A2011-20](#) s 10  
am [A2012-29](#) amdt 1.5; [A2020-11](#) amdts 1.65-1.67; [A2021-1](#)  
amdt 1.26, amdt 1.27  
(3A), (4), def **COVID-19 emergency period**, (5) exp  
30 June 2021 (s 68B (5))

### **Trial by judge alone in criminal proceedings—COVID-19 emergency period**

s 68BA ins [A2020-11](#) amdt 1.68  
om [A2020-27](#) s 36

### **Verdict of judge in criminal proceedings**

s 68C ins [A1993-59](#) s 6  
am [A2010-40](#) amdt 3.2; [A2011-48](#) amdt 1.53

### **Back-up and related offences**

pt 8 hdg ins [A1993-59](#) s 6  
am [A2014-1](#) s 30

### **Definitions—pt 8**

68CA ins [A2014-1](#) s 31  
def **back-up offence** ins [A2014-1](#) s 31  
def **related offence** ins [A2014-1](#) s 31

### **Back-up and related offences**

s 68D ins [A1993-59](#) s 6  
am [A2001-54](#) amdt 1.27  
sub [A2014-1](#) s 32  
am [A2018-40](#) s 20; pars renum R55 LA

### **Procedure**

s 68E ins [A1993-59](#) s 6  
am [A2014-1](#) s 33

### **Remission of back-up and related offences to Magistrates Court**

s 68F ins [A1993-59](#) s 6  
sub [A2014-1](#) s 34

### **Alternative verdict—summary offence**

s 68G ins [A2009-24](#) amdt 1.42

### **Acquittals**

pt 8AA hdg ins [A2016-36](#) s 5

### **Application—pt 8AA**

div 8AA.1 hdg ins [A2016-36](#) s 5

### **Application—pt 8AA**

s 68H ins [A2016-36](#) s 5

**Important concepts**div 8AA.2 hdg ins [A2016-36](#) s 5**Definitions—pt 8AA**

s 68I ins [A2016-36](#) s 5  
 def **acquittal** ins [A2016-36](#) s 5  
 def **administration of justice offence** ins [A2016-36](#) s 5  
 def **another jurisdiction** ins [A2016-36](#) s 5  
 def **category A offence** ins [A2016-36](#) s 5  
 def **category B offence** ins [A2016-36](#) s 5  
 def **compelling** ins [A2016-36](#) s 5  
 def **court** ins [A2016-36](#) s 5  
 def **fresh** ins [A2016-36](#) s 5  
 def **tainted** ins [A2016-36](#) s 5

**Meaning of *acquittal*—pt 8AA**s 68J ins [A2016-36](#) s 5**Meaning of *fresh* and *compelling* evidence—pt 8AA**s 68K ins [A2016-36](#) s 5**Meaning of *tainted* acquittal—pt 8AA**s 68L ins [A2016-36](#) s 5**Retrial etc of acquitted person**div 8AA.3 hdg ins [A2016-36](#) s 5**Court may order retrial—category A offence**s 68M ins [A2016-36](#) s 5**Court may order retrial—category B offence**

s 68N ins [A2016-36](#) s 5  
 am [A2016-53](#) s 11

**Court may order trial—administration of justice offence**

s 68O ins [A2016-36](#) s 5  
 am [A2016-53](#) s 12

**Interests of justice**s 68P ins [A2016-36](#) s 5**Procedure**div 8AA.4 hdg ins [A2016-36](#) s 5**Applications under pt 8AA**subdiv 8AA.4.1 hdg ins [A2016-36](#) s 5**Conditions for retrial application**s 68Q ins [A2016-36](#) s 5**Limitations on retrial application**s 68R ins [A2016-36](#) s 5

## Endnotes

4 Amendment history

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### **Conditions for justice offence trial application**

s 68S ins [A2016-36](#) s 5

### **Presentation of indictment**

subdiv 8AA.4.2 hdg ins [A2016-36](#) s 5

### **Limitations on indictment**

s 68T ins [A2016-36](#) s 5

### **Indictment for retrial of category A or category B offences**

s 68U ins [A2016-36](#) s 5

### **Indictment for trial of justice offence**

s 68V ins [A2016-36](#) s 5

### **Conduct of proceeding for retrial etc**

div 8AA.5 hdg ins [A2016-36](#) s 5

### **Prosecution must not refer to certain matters before jury**

s 68W ins [A2016-36](#) s 5

### **Miscellaneous**

div 8AA.6 hdg ins [A2016-36](#) s 5

### **Entitlement to bail**

s 68X ins [A2016-36](#) s 5

### **Single course of action for each proceeding**

s 68Y ins [A2016-36](#) s 5

### **Restrictions on publication**

s 68Z ins [A2016-36](#) s 5

### **Maximum penalty for retrial offence**

s 68ZA ins [A2016-36](#) s 5

### **Indemnification for costs**

s 68ZB ins [A2016-36](#) s 5

### **Appeals against conviction for fresh and compelling evidence**

pt 8AB hdg ins [A2023-48](#) s 5

### **Application—pt 8AB**

div 8AB.1 hdg ins [A2023-48](#) s 5

### **Application—pt 8AB**

s 68ZC ins [A2023-48](#) s 5

### **Important concepts**

div 8AB.2 hdg ins [A2023-48](#) s 5

**Definitions—pt 8AB**

s 68ZD ins [A2023-48](#) s 5  
 def **compelling** ins [A2023-48](#) s 5  
 def **convicted person** ins [A2023-48](#) s 5  
 def **court** ins [A2023-48](#) s 5  
 def **fresh** ins [A2023-48](#) s 5

**Meaning of *fresh* and *compelling* evidence—pt 8AB**

s 68ZE ins [A2023-48](#) s 5

**Application of pt 2A**

div 8AB.3 hdg ins [A2023-48](#) s 5

**Certain provisions of pt 2A taken to apply**

s 68ZF ins [A2023-48](#) s 5

**Appeal against conviction**

div 8AB.4 hdg ins [A2023-48](#) s 5

**Court may grant leave to appeal conviction**

s 68ZG ins [A2023-48](#) s 5

**Orders on appeal against conviction**

s 68ZH ins [A2023-48](#) s 5

**Interest up to judgment**

s 69 (prev s 53A) ins [Cwlth Act 1981 No 176](#)  
 renum [Cwlth Act 1992 No 49](#)  
 am [A1993-91](#) sch 2; [A2002-30](#) amdts 3.882-3.884  
 reloc to Supreme Court Rules o 42A r 1 by [A2004-60](#)  
 amdt 1.653

**Judicial officers exchange**

pt 8A hdg ins [A2010-13](#) amdt 1.32

**Definitions—pt 8A**

s 69A ins [A2010-13](#) amdt 1.32  
 def **ACT court** ins [A2010-13](#) amdt 1.32  
 am [A2011-20](#) s 11  
 def **corresponding court** ins [A2010-13](#) amdt 1.32  
 am [A2011-20](#) s 11  
 def **court** ins [A2010-13](#) amdt 1.32  
 def **judicial exchange arrangement** ins [A2010-13](#) amdt 1.32  
 def **judicial officer** ins [A2010-13](#) amdt 1.32  
 def **participating jurisdiction** ins [A2010-13](#) amdt 1.32  
 def **this jurisdiction** ins [A2010-13](#) amdt 1.32

**Establishment of judicial exchange arrangements**

s 69B ins [A2010-13](#) amdt 1.32

**Transfer of judicial officer of another jurisdiction to ACT court**

s 69C ins [A2010-13](#) amdt 1.32

## Endnotes

4 Amendment history

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### **Service in ACT court of judicial officer of another jurisdiction**

s 69D ins [A2010-13](#) amdt 1.32

### **Service of ACT judicial officer in corresponding court**

s 69E ins [A2010-13](#) amdt 1.32

### **Judicial office not affected by appointment to another judicial office**

s 69F ins [A2010-13](#) amdt 1.32

### **Other arrangements not affected**

s 69G ins [A2010-13](#) amdt 1.32

### **Amendment of sch 3**

s 69H ins [A2010-13](#) amdt 1.32  
sub [A2011-20](#) s 12

### **Miscellaneous**

pt 9 hdg ins [A1993-59](#) s 6

### **Interest on judgments**

s 70 (prev s 54) am [Cwlth Act 1966 No 93](#)  
sub [Cwlth Act 1976 No 158](#)  
renum [Cwlth Act 1992 No 49](#)  
om [A2004-60](#) amdt 1.654

### **Failure to attend Supreme Court as required**

s 70A reloc from [Evidence Act 1971](#) s 97 by [A1999-66](#) sch 3  
am [A2006-23](#) amdt 1.291

### **Security of the peace and for good behaviour**

s 71 (prev s 55) am [Cwlth Act 1971 No 98](#); [Cwlth Act 1973 No 216](#);  
[Cwlth Act 1992 No 49](#)  
renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2

### **Powers of judge**

s 72 (prev s 56) renum [Cwlth Act 1992 No 49](#)  
om [A1993-91](#) sch 2

### **Duty of receiver and manager**

s 73 (prev s 57) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
om [A2006-40](#) amdt 2.206

### **Liability and protection of receivers and managers**

s 74 (prev s 58) renum [Cwlth Act 1992 No 49](#)  
am [A1993-91](#) sch 2  
om [A2006-40](#) amdt 2.206

**Certified copies of transcript of Supreme Court proceedings**

s 74A                   reloc from [Evidence Act 1971](#) s 91 with amds by [A1999-66](#)  
                           sch 3  
                           am R11 LA (see [A2002-30](#) amdt 3.885)

**Approved forms**

s 75                   orig s 75 renum as s 76 [A2001-44](#) amdt 1.3965  
                           ins [A2001-44](#) amdt 1.3965  
                           (4)-(7) exp 12 September 2002 (s 75 (7))  
                           am [A2002-30](#) amdt 3.886  
                           om [A2004-60](#) amdt 1.655

**Regulation-making power**

s 76                   (prev s 59) om [Cwlth Act 1964 No 109](#)  
                           renum as s 75 [Cwlth Act 1992 No 49](#)  
                           sub [A1993-91](#) s 25  
                           sub as s 76 [A2001-44](#) amdt 1.3965

**Transitional—Crimes Legislation Amendment Act 2008**

pt 10 hdg           ins [A2008-44](#) amdt 1.96  
                           exp 30 May 2010 (s 102)

**Application of amendments**

s 100               ins [A2008-44](#) amdt 1.96  
                           exp 30 May 2010 (s 102)

**Transitional regulations**

s 101               ins [A2008-44](#) amdt 1.96  
                           exp 30 May 2010 (s 102)

**Expiry—pt 10**

s 102               ins [A2008-44](#) amdt 1.96  
                           exp 30 May 2010 (s 102)

**Transitional—Courts Legislation Amendment Act 2015**

pt 11 hdg           ins [A2015-10](#) s 53  
                           exp 21 April 2017 (s 112)

**Meaning of *commencement day*—pt 11**

s 110               ins [A2015-10](#) s 53  
                           exp 21 April 2017 (s 112)

**Transitional regulations**

s 111               ins [A2015-10](#) s 53  
                           exp 21 April 2017 (s 112)

**Expiry—pt 11**

s 112               ins [A2015-10](#) s 53  
                           exp 21 April 2017 (s 112)

## Endnotes

4 Amendment history

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### **Transitional—COVID-19 Emergency Response Legislation Amendment Act 2020 (No 2)**

pt 12 hdg ins [A2020-27](#) s 37  
exp 9 July 2022 (s 118)

### **Definitions—pt 12**

s 115 ins [A2020-27](#) s 37  
exp 9 July 2022 (s 118)

### **Trial by judge alone under repealed law—order proposed**

s 116 ins [A2020-27](#) s 37  
exp 9 July 2022 (s 118)

### **Trial by judge alone under repealed law—order made**

s 117 ins [A2020-27](#) s 37  
exp 9 July 2022 (s 118)

### **Expiry—pt 12**

s 118 ins [A2020-27](#) s 37  
exp 9 July 2022 (s 118)

### **Transitional—Courts Legislation Amendment Act 2023**

pt 13 hdg ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **Meaning of *associate judge*—pt 13**

s 119 ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **Equally divided opinion relating to order of associate judge**

s 120 ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **Appeals against interlocutory orders of associate judge**

s 121 ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **Power to complete part-heard proceedings of associate judge**

s 122 ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **Expiry—pt 13**

s 123 ins [A2023-37](#) s 25  
exp 30 September 2027 (s 123)

### **The schedules**

hdg to schs om [Ord1985-65](#)

### **Rules relating to service out of the jurisdiction**

first schedule om [Cwlth Act 1950 No 80](#)



**Oaths and affirmations of office**

sch 1 (prev sch) ins [A1993-91](#) s 26, sch 1  
sub [A2001-7](#) s 7  
sch 1 hdg (prev sch hdg) renum R7 LA

**Chief justice and judges**

sch 1 pt 1.1 hdg (prev sch 1 pt 1 hdg) renum R7 LA  
sub [A2023-37](#) s 26  
sch 1 pt 1.1 am R68 LA; [A2023-37](#) s 27

**Chief justice and judges**

sch 1 pt 1.2 hdg (prev sch 1 pt 2 hdg) renum R7 LA  
sub [A2023-37](#) s 28  
sch 1 pt 1.2 am [A2023-37](#) s 29

**Registrar**

sch 1 pt 1.3 hdg (prev sch 1 pt 3 hdg) renum R7 LA  
sch 1 pt 1.3 am R68 LA

**Registrar**

pt 1.4 hdg (prev sch 1 pt 4 hdg) renum R7 LA

**Form of certificate of judgment**

second schedule om [Cwlth Act 1959 No 51](#)

**Trial by judge alone—excluded offences**

sch 2 **orig sch 2**  
renum as sch 3  
**pres sch 2**  
ins [A2011-20](#) s 13  
sch 2 s 2.1 def **Prostitution Act** om [A2018-25](#) amdt 1.5  
def **Sex Work Act** ins [A2018-25](#) amdt 1.6  
def **Work Safety Act** ins [A2021-19](#) amdt 1.11  
sch 2 pt 2.2 am [A2013-12](#) s 45, s 46; items renum R43 LA; [A2015-35](#)  
amdt 1.24; [A2018-25](#) amdt 1.7; [A2020-31](#) amdt 1.3;  
[A2021-19](#) amdt 1.12, amdt 1.13; items renum R65 LA;  
[A2022-13](#) amdt 1.5

**ACT and corresponding courts**

sch 3 (prev sch 2) ins [A2010-13](#) amdt 1.33  
renum as sch 3 [A2011-20](#) s 14

**Dictionary**

dict ins [A2001-54](#) amdt 1.28  
am [A2002-30](#) amdt 3.887; [A2008-37](#) amdt 1.449; [A2008-42](#)  
s 29; [A2016-36](#) s 6; [A2016-52](#) amdt 1.158; [A2023-48](#) s 6  
def **acquittal** ins [A2016-36](#) s 7  
def **acting judge** ins [A2001-54](#) amdt 1.28  
def **additional judge** ins [A2001-54](#) amdt 1.28  
def **administration of justice offence** ins [A2016-36](#) s 7  
def **another jurisdiction** ins [A2016-36](#) s 7

## Endnotes

4 Amendment history

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def **associate judge** ins [A2015-10](#) s 54  
om [A2023-37](#) s 30  
def **back-up offence** ins [A2014-1](#) s 35  
def **category A offence** ins [A2016-36](#) s 7  
def **category B offence** ins [A2016-36](#) s 7  
def **clause** reloc from s 2 [A2001-54](#) amdt 1.3  
def **Chief Justice** ins [A2001-54](#) amdt 1.28  
def **compelling** ins [A2016-36](#) s 7  
sub [A2023-48](#) s 7  
def **convicted person** ins [A2023-48](#) s 8  
def **court** ins [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
sub [A2016-36](#) s 8  
am [A2023-48](#) s 9  
def **Court of Appeal** ins [A2001-54](#) amdt 1.28  
def **criminal proceedings** ins [A1993-59](#) s 4  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **defendant** reloc from s 2 [A2001-54](#) amdt 1.3  
def **deputy registrar** am [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **deputy sheriff** reloc from s 2 [A2001-54](#) amdt 1.3  
def **drug and alcohol treatment order** ins [A2019-31](#) s 27  
def **entitlements** ins [A2001-54](#) amdt 1.28  
sub [A2002-30](#) amdt 3.888  
def **fresh** ins [A2016-36](#) s 9  
sub [A2023-48](#) s 10  
def **Full Court** ins [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **judge** (prev **judge** or **judge of the Supreme Court**) sub  
[A1993-91](#) s 4  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **judgment** reloc from s 2 [A2001-54](#) amdt 1.3  
sub [A2006-40](#) amdt 2.207  
def **Judicature Act** ins [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **master** am [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
om [A2023-37](#) s 30  
def **matter** reloc from s 2 [A2001-54](#) amdt 1.3  
def **member** ins [A2019-31](#) s 27  
def **order** ins [A2006-40](#) amdt 2.208  
def **plaintiff** reloc from s 2 [A2001-54](#) amdt 1.3  
def **pre-Judicature Act proceedings** ins [A1993-91](#) sch 2  
reloc from s 2 [A2001-54](#) amdt 1.3  
def **President** ins [A2001-54](#) amdt 1.28  
om [A2015-10](#) s 55

def **president** am [A1993-91](#) sch 2; [A1994-60](#) sch 1  
 reloc from s 2 [A2001-54](#) amdt 1.3  
 om [A2002-30](#) amdt 3.889  
 def **process of the court** ins [A1993-91](#) sch 2  
 reloc from s 2 [A2001-54](#) amdt 1.3  
 def **registrar** ins [A1993-91](#) sch 2  
 reloc from s 2 [A2001-54](#) amdt 1.3  
 def **related offence** ins [A2014-1](#) s 35  
 def **related summary offence** ins [A1993-59](#) s 4  
 reloc from s 2 [A2001-54](#) amdt 1.3  
 om [A2014-1](#) s 36  
 def **resident judge** ins [A2001-54](#) amdt 1.28  
 def **rules** ins [A2004-60](#) amdt 1.656  
 sub [A2009-44](#) amdt 1.36  
 def **sheriff** ins [A1993-91](#) sch 2  
 reloc from s 2 [A2001-54](#) amdt 1.3  
 def **suit** reloc from s 2 [A2001-54](#) amdt 1.3  
 def **tainted** ins [A2016-36](#) s 9  
 def **treatment and supervision team** ins [A2019-31](#) s 27  
 def **treatment order** ins [A2019-31](#) s 27  
 def **treatment order judge** ins [A2019-31](#) s 27  
 def **treatment order team** ins [A2019-31](#) s 27

## Endnotes

5 Earlier republishing

### 5 Earlier republishing

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Since 12 September 2001 every authorised republishing has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishing have also been published in printed format. These republishing are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republishing are identical.

Republishing No and date	Effective	Last amendment made by	Republishing for
R1 (RI) 10 Feb 2017	1 July 1992– 11 Mar 1993	<a href="#">Cwlth Act 1992 No 49</a>	initial republishing since self- government Reissued electronic republishing of printed version
R1A 10 Feb 2017	12 Mar 1993– 5 Sept 1993	<a href="#">SL1993-10</a>	amendments by <a href="#">SL1990-1</a> as amended by <a href="#">SL1993-10</a>
R1B 10 Feb 2017	6 Sept 1993– 16 Dec 1993	<a href="#">A1993-59</a>	amendments by <a href="#">A1993-59</a>
R1C 10 Feb 2017	17 Dec 1993– 23 Dec 1993	<a href="#">A1993-91</a>	amendments by <a href="#">A1993-91</a>
R2 (RI) 10 Feb 2017	24 Dec 1993– 13 Mar 1994	<a href="#">A1993-94</a>	amendments by <a href="#">A1993-94</a> Reissued electronic republishing of printed version
R2A 10 Feb 2017	14 Mar 1994– 30 June 1994	<a href="#">A1994-10</a>	amendments by <a href="#">A1994-3</a> and <a href="#">A1994-10</a>
R2B 10 Feb 2017	1 July 1994– 13 Nov 1994	<a href="#">A1994-38</a>	amendments by <a href="#">A1994-38</a>

Republication No and date	Effective	Last amendment made by	Republication for
R3 (RI) 10 Feb 2017	6 Feb 1995– 17 Dec 1995	<a href="#">A1994-60</a>	amendments by <a href="#">A1994-45</a> and <a href="#">A1994-60</a> Reissued electronic republication of printed version
R3A 10 Feb 2017	18 Dec 1995– 30 June 1996	<a href="#">A1995-46</a>	amendments by <a href="#">A1995-46</a>
R4 (RI) 10 Feb 2017	30 Nov 1996– 22 Sept 1997	<a href="#">A1996-26</a>	amendments by <a href="#">A1996-26</a> Reissued electronic republication of printed version
R4A 10 Feb 2017	23 Sept 1997– 8 Oct 1997	<a href="#">A1997-41</a>	amendments by <a href="#">A1997-41</a>
R4B 10 Feb 2017	9 Oct 1997– 24 Nov 1997	<a href="#">A1997-58</a>	amendments by <a href="#">A1997-58</a>
R4C 10 Feb 2017	25 Nov 1997– 24 May 1998	<a href="#">A1997-83</a>	amendments by <a href="#">A1997-83</a>
R5 (RI) 10 Feb 2017	31 Mar 1999– 31 Aug 1999	<a href="#">A1998-72</a>	amendments by <a href="#">A1997-96</a> , <a href="#">A1998-6</a> and <a href="#">A1998-72</a> Reissued electronic republication of printed version
R5A 10 Feb 2017	1 Sept 1999– 9 Nov 1999	<a href="#">A1999-22</a>	amendments by <a href="#">A1999-22</a>
R5B 10 Feb 2017	24 Dec 1999– 8 Mar 2000	<a href="#">A1999-91</a>	amendments by <a href="#">A1999-66</a> and <a href="#">A1999-91</a>
R5C 10 Feb 2017	10 May 2000– 31 May 2000	<a href="#">A2000-1</a>	amendments by <a href="#">A1999-64</a> and <a href="#">A2000-1</a>

## Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R6 (RI) 10 Feb 2017	1 June 2000– 7 Mar 2001	<a href="#">A2000-17</a>	amendments by <a href="#">A2000-17</a> Reissued electronic republication of printed version
R6A 10 Feb 2017	8 Mar 2001– 10 Sept 2001	<a href="#">A2001-7</a>	amendments by <a href="#">A2001-7</a>
R7 12 Oct 2001	12 Sept 2001– 30 Sept 2001	<a href="#">A2001-88</a>	amendments by <a href="#">A2001-44</a> and <a href="#">A2001-54</a>
R8* 30 Apr 2002	1 Oct 2001– 30 June 2002	<a href="#">A2001-88</a>	amendments by <a href="#">A2001-54</a>
R9 1 July 2002	1 July 2002– 12 Sept 2002	<a href="#">A2001-88</a>	amendments by <a href="#">A2001-88</a>
R10 13 Sept 2002	13 Sept 2002– 16 Sept 2002	<a href="#">A2001-88</a>	expiry of provisions (s 75 (4)-(7))
R11 17 Sept 2002	17 Sept 2002– 13 Oct 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R12 14 Oct 2002	14 Oct 2002– 31 Oct 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2001-54</a>
R13 1 Nov 2002	1 Nov 2002– 16 Jan 2003	<a href="#">A2002-40</a>	amendments by <a href="#">A2002-40</a>
R14 17 Jan 2003	17 Jan 2003– 30 Mar 2003	<a href="#">A2002-49</a>	amendments by <a href="#">A2002-49</a>
R14 (RI) 19 Feb 2003	17 Jan 2003– 30 Mar 2003	<a href="#">A2002-49</a>	reissue for retrospective amendment by <a href="#">A2002-49</a>
R15 31 Mar 2003	31 Mar 2003– 21 Mar 2004	<a href="#">A2003-2</a>	amendments by <a href="#">A2003-2</a>
R16 22 Mar 2004	22 Mar 2004– 29 Apr 2004	<a href="#">A2004-2</a>	amendments by <a href="#">A2004-2</a>
R17 30 Apr 2004	30 Apr 2004– 9 Jan 2005	<a href="#">A2004-2</a>	amendments by <a href="#">A2003-48</a>

Republication No and date	Effective	Last amendment made by	Republication for
R18* 10 Jan 2005	10 Jan 2005– 1 June 2005	<a href="#">A2004-60</a>	amendments by <a href="#">A2004-60</a>
R19 2 June 2005	2 June 2005– 30 Sept 2005	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a>
R20 1 Oct 2005	1 Oct 2005– 21 Dec 2005	<a href="#">A2005-43</a>	amendments by <a href="#">A2005-43</a>
R21 22 Dec 2005	22 Dec 2005– 27 Feb 2006	<a href="#">A2005-60</a>	amendments by <a href="#">A2005-60</a>
R22 28 Feb 2006	28 Feb 2006– 1 June 2006	<a href="#">A2005-60</a>	amendments by <a href="#">A2005-43</a>
R23 2 June 2006	2 June 2006– 30 June 2006	<a href="#">A2006-23</a>	amendments by <a href="#">A2006-23</a>
R24 1 July 2006	1 July 2006– 28 Sept 2006	<a href="#">A2006-25</a>	amendments by <a href="#">A2006-25</a>
R25 29 Sept 2006	29 Sept 2006– 24 Oct 2006	<a href="#">A2006-40</a>	amendments by <a href="#">A2006-40</a>
R26* 25 Oct 2006	25 Oct 2006– 9 Nov 2007	<a href="#">A2006-43</a>	amendments by <a href="#">A2006-43</a>
R27 10 Nov 2007	10 Nov 2007– 1 Feb 2009	<a href="#">A2007-8</a>	amendments by <a href="#">A2007-8</a>
R28 2 Feb 2009	2 Feb 2009– 7 Mar 2009	<a href="#">A2008-44</a>	amendments by <a href="#">A2008-37</a>
R29 8 Mar 2009	8 Mar 2009– 29 May 2009	<a href="#">A2008-44</a>	amendments by <a href="#">A2008-42</a>
R30 30 May 2009	30 May 2009– 3 Sept 2009	<a href="#">A2008-44</a>	amendments by <a href="#">A2008-44</a>
R31 4 Sept 2009	4 Sept 2009– 28 Sept 2009	<a href="#">A2009-24</a>	amendments by <a href="#">A2009-24</a>
R32 29 Sept 2009	29 Sept 2009– 21 Oct 2009	<a href="#">A2009-24</a>	amendments by <a href="#">A2009-19</a>
R33 22 Oct 2009	22 Oct 2009– 21 Dec 2009	<a href="#">A2009-37</a>	amendments by <a href="#">A2009-37</a>

## Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R34* 22 Dec 2009	22 Dec 2009– 27 Apr 2010	<a href="#">A2009-44</a>	amendments by <a href="#">A2009-44</a>
R35 28 Apr 2010	28 Apr 2010– 30 May 2010	<a href="#">A2010-13</a>	amendments by <a href="#">A2010-13</a>
R36 31 May 2010	31 May 2010– 30 June 2010	<a href="#">A2010-13</a>	commenced expiry
R37 1 July 2010	1 July 2010– 1 Nov 2010	<a href="#">A2010-21</a>	amendments by <a href="#">A2010-21</a>
R38 2 Nov 2010	2 Nov 2010– 6 July 2011	<a href="#">A2010-40</a>	amendments by <a href="#">A2010-40</a>
R39 7 July 2011	7 July 2011– 30 Aug 2011	<a href="#">A2011-20</a>	amendments by <a href="#">A2011-20</a>
R40 31 Aug 2011	31 Aug 2011– 29 Feb 2012	<a href="#">A2011-30</a>	amendments by <a href="#">A2011-30</a>
R41 1 Mar 2012	1 Mar 2012– 12 Aug 2012	<a href="#">A2011-48</a>	amendments by <a href="#">A2011-48</a>
R42 13 Aug 2012	13 Aug 2012– 23 Apr 2013	<a href="#">A2012-29</a>	amendments by <a href="#">A2012-29</a>
R43 24 Apr 2013	24 Apr 2013– 1 Apr 2014	<a href="#">A2013-12</a>	amendments by <a href="#">A2013-12</a>
R44 2 Apr 2014	2 Apr 2014– 20 Apr 2015	<a href="#">A2014-1</a>	amendments by <a href="#">A2014-1</a>
R45 21 Apr 2015	21 Apr 2015– 1 Oct 2015	<a href="#">A2015-10</a>	amendments by <a href="#">A2015-10</a>
R46 2 Oct 2015	2 Oct 2015– 9 Dec 2015	<a href="#">A2015-35</a>	amendments by <a href="#">A2015-35</a>
R47 10 Dec 2015	10 Dec 2015– 3 May 2016	<a href="#">A2015-52</a>	amendments by <a href="#">A2015-52</a>
R48 4 May 2016	4 May 2016– 22 June 2016	<a href="#">A2015-52</a>	amendments by <a href="#">A2015-40</a>
R49 23 June 2016	23 June 2016– 28 June 2016	<a href="#">A2016-36</a>	amendments by <a href="#">A2016-36</a>



Republication No and date	Effective	Last amendment made by	Republication for
R49 (RI) 25 August 2016	23 June 2016– 28 June 2016	<a href="#">A2016-36</a>	reissued for retrospective amendments by <a href="#">A2016-53</a>
R50 29 June 2016	29 June 2016– 31 Aug 2016	<a href="#">A2016-37</a>	amendments by <a href="#">A2016-37</a>
R50 (RI) 25 Aug 2016	29 June 2016– 31 Aug 2016	<a href="#">A2016-37</a>	reissued for retrospective amendments by <a href="#">A2016-53</a>
R51 1 Sept 2016	1 Sept 2016– 21 Apr 2017	<a href="#">A2016-53</a>	amendments by <a href="#">A2016-52</a>
R52 22 Apr 2017	22 Apr 2017– 25 Apr 2018	<a href="#">A2016-53</a>	expiry of transitional provisions (pt 11)
R53 26 Apr 2018	26 Apr 2018– 8 Aug 2018	<a href="#">A2018-9</a>	amendments by <a href="#">A2018-9</a>
R54 9 Aug 2018	9 Aug 2018– 7 Nov 2018	<a href="#">A2018-25</a>	amendments by <a href="#">A2018-25</a>
R55 8 Nov 2018	8 Nov 2018– 4 Dec 2018	<a href="#">A2018-40</a>	amendments by <a href="#">A2018-40</a>
R56 5 Dec 2018	5 Dec 2018– 12 Mar 2019	<a href="#">A2018-46</a>	amendments by <a href="#">A2018-46</a>
R57 13 Mar 2019	13 Mar 2019– 2 Dec 2019	<a href="#">A2018-46</a>	amendments by <a href="#">A2018-39</a>
R58 3 Dec 2019	3 Dec 2019– 7 Apr 2020	<a href="#">A2019-31</a>	amendments by <a href="#">A2019-31</a>
R59 8 Apr 2020	8 Apr 2020– 8 July 2020	<a href="#">A2020-11</a>	amendments by <a href="#">A2020-11</a>
R60 9 July 2020	9 July 2020– 31 Aug 2020	<a href="#">A2020-27</a>	amendments by <a href="#">A2020-27</a>
R61 1 Sept 2020	1 Sept 2020– 19 Feb 2021	<a href="#">A2020-31</a>	amendments by <a href="#">A2020-31</a>
R62 20 Feb 2021	20 Feb 2021– 15 June 2021	<a href="#">A2021-1</a>	amendments by <a href="#">A2021-1</a>

## Endnotes

### 6 Expired transitional or validating provisions

Republication No and date	Effective	Last amendment made by	Republication for
R63 16 June 2021	16 June 2021– 30 June 2021	<a href="#">A2021-13</a>	amendments by <a href="#">A2021-13</a>
R64 1 July 2021	1 July 2021– 10 Nov 2021	<a href="#">A2021-13</a>	expiry of provisions (s 68B (3A), (4), def <b>COVID-19 emergency period</b> , (5))
R65 11 Nov 2021	11 Nov 2021– 9 July 2022	<a href="#">A2021-19</a>	amendments by <a href="#">A2021-19</a>
R66 10 July 2022	10 July 2022– 16 Aug 2022	<a href="#">A2021-19</a>	expiry of transitional provisions (pt 12)
R67 17 Aug 2022	17 Aug 2022– 25 Sept 2022	<a href="#">A2022-13</a>	amendments by <a href="#">A2022-13</a>
R68 26 Sept 2022	26 Sept 2022– 29 Sept 2023	<a href="#">A2022-13</a>	includes editorial amendments under Legislation Act
R69 30 Sept 2023	30 Sept 2023– 11 Dec 2023	<a href="#">A2023-37</a>	amendments by <a href="#">A2023-37</a>
R70 12 Dec 2023	12 Dec 2023– 14 May 2024	<a href="#">A2023-57</a>	amendments by <a href="#">A2023-57</a>

## 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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