

AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Ordinance (No. 2) 1986

No. 71 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 October 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Magistrates Court Ordinance 1930*

Short title

1. This Ordinance may be cited as the *Magistrates Court (Amendment) Ordinance (No. 2) 1986*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Magistrates Court Ordinance 1930*.²

Recording of proceedings

4. Section 54A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (5) “Subject to section 255B, the Clerk” and substituting “The Clerk”; and
- (b) by inserting after sub-section (5) the following sub-section:

“(5A) Notwithstanding sub-section (5), the sound recording of any part of proceedings—

- (i) under the *Maintenance Ordinance 1968*;
- (ii) in which a person charged with an indictable offence is committed to take his or her trial before the Supreme Court;
- (iii) in which evidence is taken in pursuance of a request referred to in section 23A;
- (iv) under the *Compensation (Commonwealth Government Employees) Act 1971*; or
- (v) under the *Workmen’s Compensation Ordinance 1951* (other than prosecutions for offences against that Ordinance),

shall not be erased unless a transcript of the record of that part of the proceedings has been prepared.”.

Clerk to give directions for preparation of transcript

5. Section 255B of the Principal Ordinance is amended by omitting all the words from the beginning of the sub-section to and including “the Clerk shall” and substituting “Where an application has been made for a copy of a transcript of depositions of which a record was made in accordance with sub-section 54A (2), the Clerk shall”.

Clerk to furnish transcript or copy of certain records

6. Section 255C is amended by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3) A copy of the record or a transcript or a copy of the transcript of the record shall be delivered to the applicant upon payment of such fees, if any, as are prescribed.

“(4) Where—

- (a) an application is made for a transcript which has not been prepared;
and
- (b) a fee is payable in respect of the preparation of the transcript for the applicant,

the Clerk may, before causing a transcript to be prepared, require the applicant to deposit with the Clerk on account of the fee an amount which, in the opinion of the Clerk, does not exceed the amount of the fee payable.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 October 1986.
2. No. 21, 1930 as amended to date. For previous amendments *see* Note 2 to No. 33, 1986 and *see also* No. 33, 1986.