

EXPLANATORY STATEMENT

No. 4 of 1980

Subject: Australian Capital Territory

Court of Petty Sessions (Amendment) Ordinance 1980

The purpose of this Ordinance is to amend the provisions, now in section 60, of the Court of Petty Sessions Ordinance 1930 of the Australian Capital Territory regarding recording of evidence. The amendments will permit the erasure of tape recordings of evidence after the expiration of seven years after the conclusion of the proceedings in which the evidence was taken. The opportunity has also been taken to remake section 60 by removing certain of its provisions to more appropriate places in the Ordinance (New sections 54A, 255B and 255C).

At present section 60 does not permit erasure of tape recordings, the most commonly used method of recording proceedings in the Court. Storage of recorded tapes is a problem because they occupy much space and their sound quality rapidly deteriorates with time. The capital cost involved is also considerable.

Accordingly new sub-section 54A(3) will permit erasure after seven years. New section 255B will, however, ensure that transcripts of the records of more important proceedings are made and new section 255C provides for other transcripts to be made on request.

Sections 1 to 3 of the amending Ordinance are formal provisions.

Section 4 ensures that a record of an accused's answer to a charge following committal proceedings is treated in the same way as a record of depositions of evidence.

Section 5 inserts a new section 54A in the Ordinance containing those provisions of existing section 60 that relate to the means of recording depositions and includes in sub-section (3) the erasure provision mentioned above.

Section 6 repeals and remakes section 60 which, as remade, is confined to those of its former provisions relating to the use of recordings of proceedings as evidence.

Section 7 amends section 67 so as to ensure that depositions of a witness about to leave the Territory that are consequently taken before the hearing proper are covered by section 54A.

Section 8 remakes sub-section 69(1). The changes are consequential upon the amendment of section 67 and deal with delivery of the depositions taken under it to the Clerk pending the hearing.

Section 9 makes a consequential amendment to section 129 regarding statements of defence in civil proceedings, which are covered in new sub-section 54A(1)(b) instead. The remainder of section 129 relating to exhibits is unaltered.

Section 10 inserts new sections 255B and 255C in the Ordinance ensuring the preparation of transcripts in more important proceedings (section 255B) and containing those provisions of existing section 60 that relate to the preparation and provision of transcripts (section 255C).

3.

Sections 11 and 12 are application and transitional provisions ensuring that records of proceedings and related matters made under the repealed provisions are caught by the new provisions.

Authorized by the Attorney-General

*AS*

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