

AUSTRALIAN CAPITAL TERRITORY

COURT OF PETTY SESSIONS ORDINANCE 1973

CORONERS ORDINANCE 1973

POLICE (DISCIPLINARY PROVISIONS) ORDINANCE 1973

EXPLANATORY MEMORANDUM

No. 49 of 1973

These Ordinances will amend the Court of Petty Sessions Ordinance 1930-1972, the Coroners Ordinance 1956-1967 and the Police (Disciplinary Provisions) Ordinance 1972 of the Australian Capital Territory so as to provide for the appointment of a Chief Magistrate.

2. The functions of the Chief Magistrate, in addition to carrying out the work of a stipendiary magistrate, will be to control the work of the Court of Petty Sessions, the Children's Court and the Coroner's Court, and the work of the Court office. This should make for greater efficiency in the running of the business of the Court.

Court of Petty Sessions Ordinance 1973

3. Clause 2 of the Ordinance amends the definition of 'Magistrate' in section 5 of the principal Ordinance so as to include the Chief Magistrate.

4. Clause 3 amends section 7 so as to provide that the Governor-General may appoint a Chief Magistrate.

5. Clause 4 inserts new sections 8A and 8B. Section 8A empowers the Chief Magistrate to make arrangements for the disposal of the business of the Court. These arrangements would include the determination of sitting times and the allocation of magistrates. Section 8B includes in the duties of the Clerk of the Court such duties as the Chief Magistrate directs. This would make the Clerk, and through him the Court office, responsible for the Chief Magistrate – in much the same way as the Registrar of the Supreme Court is responsible to the Senior Judge for the proper functioning of the Supreme Court office.

6. Clause 5 amends section 10 so as to avoid the need for a magistrate who is appointed Chief Magistrate to take the oaths of office and allegiance a second time.

Coroners Ordinance 1973

7. At present under section 5A of the Coroners Ordinance any person who is a stipendiary magistrate or a special magistrate is a coroner for the Territory. There is a doubt whether the Chief Magistrate would be a coroner by virtue of this section. Section 3 of the Ordinance repeals and remakes section 5A of the principal Ordinance so as to make it clear that any 'Magistrate' is a coroner for the Territory. This term will be defined, in the amended Court of Petty Sessions Ordinance, to include the Chief Magistrate.

8. The remaining provisions of the Ordinance – sections 2, 4, 5 and 6 – correct some minor errors in numbering and words that have become apparent in the Ordinance.

Police (Disciplinary Provisions) Ordinance 1973

9. At present under sub-section 5 (2) of the Police (Disciplinary Provisions) Ordinance any person who is a stipendiary magistrate or a special magistrate is eligible to be the chairman of the Police Appeal Board. There is a doubt whether the Chief Magistrate would be eligible to be the chairman by virtue of this sub-section. Section 2 of the Ordinance repeals and remakes sub-section 5(2) of the principal Ordinance so as to make it clear that any 'magistrate' is eligible to be the chairman of the Board. This term will be defined, in the amended Court of Petty Sessions Ordinance, to include the Chief Magistrate.