

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT RULES (AMENDMENT)

EXPLANATORY MEMORANDUM

No. 1 of 1987

These Rules, which are made under the Magistrates Court Ordinance 1930, change the basis under which fees are charged for copies of transcript of proceedings in the ACT Magistrates Court.

The Rules are made under new provisions inserted in the Magistrates Court Ordinance 1930 by the Magistrates Court (Amendment) Ordinance (No 2) 1986. These provisions, inter alia, enable a fee to be prescribed for the provision of transcript to parties. Previously the Principal Ordinance only provided for the payment of fees by non-parties. Parties are generally liable to pay for transcripts in other courts and tribunals in the Territory.

The amending Ordinance and the amending Rules represent the culmination of an examination of means to reduce the demand for transcripts of proceedings in the Court, thereby reducing the workload of the Commonwealth Reporting Service. The Service is responsible for the making of transcripts of sound recordings in the Court.

The fees charged before the making of these Rules were 55 cents for each application and 20¢ per page. The revised fees bring the charges into line with Commonwealth Reporting Service charges for the provision of transcript in other courts and tribunals in the Territory.

Rule 1(a) prescribes new fees for transcript. The new fees are \$2 on application for a copy of a transcript or a record for each day or part day of a hearing and 5 cents for each page included in the record or transcript.

Rule 1(b) provides that the following are entitled to one free copy of the record or transcript or transcript of the record:

- accused persons in committal proceedings.
- defendants in criminal proceedings in the Court.
- parties to proceedings in the Court under the Family Law Act 1975.
- relatives of a deceased person in a coronial inquest.
- the Commonwealth and those statutory authorities that are not listed in Appendix A to section 29 of the Finance Directions dated 1 March 1982 as authorities which should normally be charged for services.

These exemptions, generally accord with those granted by the Commonwealth Reporting Service.

Rule 2 provides that the new charges, and exemptions, only apply where application is made on or after the date of commencement of the Rules.

Authorised by the
Attorney-General