

No. 76 of 1970

## An Ordinance to amend the *Justices Ordinance 1928-1965*

[Assented to 18 December, 1970]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

- 1.—(1.) This Ordinance may be cited as the *Justices Ordinance 1970*. Short title and citation
- (2.) The *Justices Ordinance 1928-1965* is in this Ordinance referred to as the Principal Ordinance.
- (3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Justices Ordinance 1928-1970*.
2. This Ordinance shall come into operation on the date on which the *Records of Depositions Ordinance 1970* comes into operation.\* Commencement
3. Section 72 of the Principal Ordinance is amended by omitting the words “and depositions,”. Furnishing of copy of complaint and conviction or order to interested party
4. Section 108 of the Principal Ordinance is amended by omitting sub-sections (2.) and (3.). Evidence upon oath
5. Section 110 of the Principal Ordinance is amended— Evidence or statement by defendant
  - (a) by omitting from sub-section (1.) the words “taken down in writing” and inserting in their stead the word “recorded”; and
  - (b) by omitting sub-sections (2.), (2A.) and (3.) and inserting in their stead the following sub-section:—
 

“(2.) Upon the trial of the defendant, any evidence given or statement made in pursuance of this section may be given in evidence.”

Transmission of documents to Supreme Court upon committal for trial

6. Section 116 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "the depositions, the statement of the accused," and inserting in their stead the words "a copy, certified by writing under the hand of the clerk for the relevant Court to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses in the relevant proceeding".

Transmission of documents to Supreme Court and evidentiary value

7. Section 131 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "the depositions of the witnesses for the prosecution and for the defence, and the statement of the accused," and inserting in their stead the words "a copy, certified by writing under the hand of the clerk for the relevant Court to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses in the relevant proceeding".

Defendant's character witnesses

8. Section 137 of the Principal Ordinance is amended by omitting from sub-section (2.) the words "taken in the manner provided in section one hundred and eight of this Ordinance" and inserting in their stead the word "recorded".

Transmission of documents to Supreme Court

9. Section 139 of the Principal Ordinance is amended by omitting the words "and the depositions," and inserting in their stead the words "a copy, certified by writing under the hand of the clerk for the relevant Court to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses in the relevant proceeding,

Use of deposition of witness in certain cases

10. Section 152 of the Principal Ordinance is amended—

(a) by omitting the words "and purporting to be signed by the Justice before whom it purports to have been taken, may be read" and inserting in their stead the words "is admissible and

(b) by omitting all words after the word "proof" (second occurring).

Transmission of copy of depositions to Supreme Court on appeal

11. Section 175 of the Principal Ordinance is amended by omitting the words "the originals of the evidence given at the hearing, or true copies thereof certified by them as such, and inserting in their stead the words "a copy, certified by writing under the hand of the clerk for the relevant Court to be a true copy, of a transcript of the record or of the record, as the case requires, of the depositions of the witnesses in the relevant proceeding".

12. Section 176 of the Principal Ordinance is amended by omitting the words "such originals or copies as are mentioned in the last two preceding sections," and inserting in their stead the words "such documents as are mentioned in the last two preceding sections and a record, made by means of sound-recording apparatus or shorthand, of the depositions of a witness in the relevant proceeding produced out of the custody of the clerk for the relevant Court,".

Evidence on appeal

13. The Second Schedule to the Principal Ordinance is amended by omitting the words and figures—

Amendment of Second Schedule

"For a copy of any proceedings (except in cases of felony, in which no fee shall be chargeable) per folio of 72 words .. .. . 0.05".

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