



## CRIMINAL PROCEEDINGS (SPECIAL DEFENCE COSTS)

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 No. 75 of 1976  
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### ANALYSIS

Preamble.

1. Short title.
2. Meeting of defence costs from Consolidated Revenue.

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**AN ACT to provide for the payment of the costs of the defence in a certain criminal case.**

**[30 November 1976]**

**WHEREAS** on 16th June 1976 **ROBERT GEOFFREY FIELDING**, Preamble.  
**ANTHONY RAY HENLEY**, and **REGINALD JOHN WELLS** (in this Act referred to as "the defendants") were indicted in the Supreme Court of Tasmania in respect of certain crimes alleged to have been committed by them, either jointly or severally:

And whereas at the trial on the indictment the Court was adjourned on 10th and 11th August 1976 to enable counsel for the Crown and the defence to examine a certain tape recording in Melbourne:

And whereas an undertaking was given in Court on behalf of the Crown that the costs and expenses arising from the adjournment would in any event be met by the Crown:

And whereas on 12th August 1976, the trial judge, upon a Crown law officer informing the court that the Crown would not proceed further upon the indictment, directed the jury to return verdicts of not guilty on all counts in the indictment and the jury accordingly returned such verdicts:

And whereas in the circumstances it is proper that the reasonable costs of the defendants in the proceedings should be met from public funds:

**BE** it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

**1** This Act may be cited as the *Criminal Proceedings (Special Defence Costs) Act 1976*.

Meeting of  
defence costs  
from  
Consolidated  
Revenue.

**2—(1)** The Treasurer shall pay out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly) all such costs, charges, and expenses incurred by or on behalf of the defendants in the criminal proceedings referred to in the preamble to this Act as appear to the Registrar of the Supreme Court to have been necessary or proper for their defence in those proceedings.

(2) For the purposes of this section the costs and expenses, otherwise required to be met by the defendants, in relation to which the undertaking referred to in the preamble was given on behalf of the Crown in respect of the adjournment of the trial on 10th and 11th August 1976 shall be deemed to have been incurred by them in the conduct of their defence at the trial.