

COURT OF PETTY SESSIONS (AMENDMENT) BILL 2011

EXPLANATORY MEMORANDUM

This Bill proposes to make provision for certain cases to be held in a place other than in Norfolk Island or the Australian Capital Territory.

The *Court of Petty Sessions Amendment Act 1991* made provision (new section 33B) for the Court, in the exercise of its criminal jurisdiction, to sit in the Australian Capital Territory, if in the circumstances the Chief Magistrate is satisfied that the nature of the proceedings is such that it would be contrary to the interests of justice for them to be conducted in Norfolk Island. The provision has no application in a matter where only a pecuniary penalty can be imposed, but otherwise may be implemented at any point in a criminal proceeding if the conditions of the provision are complied with.

At that time the Chief Magistrate was a Magistrate of the Australian Capital Territory and it was considered reasonable for any such proceedings to be conducted there. While the section has never been implemented, it is considered prudent with the appointment of the Chief Magistrate whose principal court is situated in Parramatta, in New South Wales, that the section be amended so that it would be possible to conduct proceedings meeting the criteria of the section to be held in New South Wales.

The Bill, therefore, amends section 33B of the principal Act to add New South Wales as a place outside of Norfolk Island in which criminal proceedings can be heard, thereby providing a degree of choice for the convenience of all parties should the appropriate circumstances arise.

Accordingly—

- Clause 1 gives the name of the amending Bill;
- Clause 2 provides for commencement upon assent and Gazettal;
- Clause 3 describes the principal Act; and
- Clause 4 amends section 33B of the principal Act to add New South Wales wherever reference is made to the Australian Capital Territory.

22 February 2011