

1991

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT (AMENDMENT) BILL 1991**

**EXPLANATORY MEMORANDUM**

Circulated by the authority of the

Attorney-General

**BERNARD COLLAERY MLA**

## MAGISTRATES COURT (AMENDMENT) BILL 1991

The Magistrates Court Act 1930 (the Act) provides for matters relating to the administration of the Magistrates Court in the Territory, including the regulation of proceedings in the Court. Part VIIA of the Act provides for service and pleading by post with respect to certain offences. Section 116A is an interpretation section. Subsection 116A(1) provides for the definition of a "prescribed offence" for the purposes of Part VIIA.

Under Part VIIA, a summons may be issued in relation to a prescribed offence and pleading to that summons may be conducted by post. This avoids the need for a person to make a Court appearance to answer such a summons.

The Act defines a prescribed offence as one which is an offence against the Motor Traffic Act 1936 or the Traffic Act 1937, being an offence for which a penalty of a fine not exceeding \$500, whether with or without any other penalty, may be imposed. The offences prescribed are those of a minor criminal nature.

The Bill amends subsection 116A(1) to include in the definition of a prescribed offence an offence against the Motor Vehicles (Dimensions and Mass) Act 1990, being an offence for which a penalty of a fine not exceeding \$1,000, whether with or without any other penalty, may be imposed.

### Financial Considerations

Some cost savings are expected to accrue as a consequence of the reduced use of the time and facilities of the Magistrates Court in respect of proceedings in relation to the offences against the Motor Vehicles (Dimensions and Mass) Act 1990 which are prescribed by the Bill.

Details of the Bill are set out in the Attachment.

ATTACHMENT

Clause 1 cites the short title of the Bill, once enacted, to be the Magistrates Court (Amendment) Act 1991.

Clause 2 provides for commencement.

Clause 3 provides that, in the Bill, the "Principal Act" means the Magistrates Court Act 1930.

Clause 4 amends subsection 116A(1) by omitting the definition of "prescribed offence" and substituting a definition which includes an offence against the Motor Vehicles (Dimensions and Mass) Act 1990, being an offence for which a penalty of a fine not exceeding \$1,000, whether with or without any other penalty, may be imposed.

Clause 5 amends the First Schedule to the Principal Act to include a reference to an offence against the Motor Vehicles (Dimensions and Mass) Act 1990 in clause 1 of Form 84 which is a notice to a defendant advising the defendant that he or she may answer a summons by post.