

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

MAGISTRATES COURT AMENDMENT BILL 2001

EXPLANATORY MEMORANDUM

**Circulated by authority of
Dave Rugendyke MLA
Independent**

MAGISTRATES COURT AMENDMENT BILL 2001

Explanatory Memorandum

OUTLINE

This is an amending Bill to the *Magistrates Court Act 1930*.

This amending Bill inserts new provisions allowing police the discretion of issuing infringement notices for certain minor offences.

The Bill does not alter existing maximum penalties but rather provides police with an additional option when dealing with offences relating to minor theft, destroying or damaging property, defacing premises, offensive behaviour and indecent exposure.

It should be noted that this Bill amends provisions that the *Fair Trading Legislation Amendment Bill 2001* seeks to insert in the *Magistrates Court Act*.

FORMAL CLAUSES

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and the Act being amended.

INTERPRETATION

Clause 4 inserts that the offences nominated in new section 117A are included in the definition of infringement notice offences.

NEW SECTION

Clause 5 nominates the sections relating to minor theft, destroying or damaging property, defacing premises, offensive behaviour and indecent exposure from the *Crimes Act 1900* that infringement notice offences can be applied.

SUBSTITUTION

Clause 6 is a consequential amendment relating to information in infringement notices. The advice on the notice would be required to make it clear that if non-payment of the penalty were to result in prosecution, the court could impose more than just a monetary penalty.

Clause 7 is a consequential amendment relating to information in reminder notices. The advice on the notice would be required to make it clear that if non-payment of the penalty were to result in prosecution, the court could impose more than just a monetary penalty.