



Australian Capital Territory

# **Magistrates Court Act 1930**

**A1930-21**

**Republication No 79**

**Effective: 1 September 2016 – 13 October 2016**

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Last amendment made by [A2016-52](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 September 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 September 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

## Magistrates Court Act 1930

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An Act to establish a Magistrates Court, to provide for the appointment of magistrates, and for other purposes

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## Chapter 1 Preliminary

### 1 Name of Act

This Act is the *Magistrates Court Act 1930*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*vehicle*, for part 3.8 (Infringement notices for certain offences)—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.’ means that the term ‘vehicle’ is defined in that dictionary and the definition applies to part 3.8.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## Chapter 2            Magistrates Court and                                  magistrates

### Part 2.1            The court

#### 4            Constitution of court

- (1) The Magistrates Court is continued in existence.
- (2) The jurisdiction of the court may be exercised by a magistrate (other than a special magistrate) or by 1 or more special magistrates.
- (3) If 2 or more special magistrates are divided in opinion on a case, the case must be—
  - (a) if there is a majority—decided according to the decision of the majority; or
  - (b) if the court is equally divided in opinion—adjourned for hearing and decision by a magistrate (other than a special magistrate).
- (4) The rules may provide for the jurisdiction of the court otherwise exercisable by a magistrate to be exercised by the registrar, in the cases and subject to the conditions prescribed under the rules.
- (5) For the purposes of the exercise of jurisdiction given to the registrar under the rules, this Act has effect, subject to this section, as if the court consisted of the magistrates and the registrar.
- (6) In this section:  
*registrar* includes deputy registrar.

## 5 Arrangement of court business

- (1) The Chief Magistrate is responsible for ensuring the orderly and prompt discharge of the Magistrates Court's business.
- (2) The Chief Magistrate may, subject to consultation with the magistrates that is appropriate and practicable, make arrangements about a magistrate who is to constitute the court in particular matters or classes of matters.
- (3) In this section:  
*magistrate* includes special magistrate.

### 5A Magistrate for matter not available

- (1) This section applies if a person who is a magistrate constituting the court in a particular civil matter, ceases to hold office as a magistrate, or ceases to be available, before the magistrate finishes dealing with the matter.
- (2) The Chief Magistrate must arrange for another magistrate to constitute the court in the matter.
- (3) The other magistrate may deal with the matter as the other magistrate considers appropriate.

#### Example

deal with the matter afresh

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (4) In this section:  
*ceases to be available*—a person *ceases to be available* for a matter if the person is unable to act as a magistrate in relation to the matter because of illness, absence or an inability or unwillingness to deal with the matter.

*matter* includes a class of matters.

## **Part 2.2**                      **Appointment and jurisdiction of magistrates**

### **Division 2.2.1**              **Magistrates other than special magistrates**

#### **6**                      **Meaning of *magistrate* in div 2.2.1**

In this division:

*magistrate* means—

- (a) the Chief Magistrate; or
- (b) a person who is appointed under section 7 as a magistrate.

#### **7**                      **Appointment of Chief Magistrate and other magistrates**

- (1) There is to be a Chief Magistrate and other magistrates.
- (2) The Chief Magistrate and other magistrates are appointed by the Executive.

*Note*      For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

- (3) If a magistrate is appointed as the Chief Magistrate, the person stops holding the position of magistrate.

#### **7AA**                  **Requirements of appointment—magistrates**

- (1) The Executive must, in relation to the appointment of magistrates, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note*      A notifiable instrument must be notified under the [Legislation Act](#).

**7A Eligibility for appointment as magistrate**

A person is not eligible for appointment as a magistrate unless the person is a lawyer and has been a lawyer for at least 5 years.

**7B Seniority of magistrates**

Magistrates other than the Chief Magistrate have seniority according to—

- (a) the dates their appointments took effect; or
- (b) if the appointments of 2 or more of them took effect on the same date—the precedence given to them by the instruments of their appointment.

**7C Conditions of appointment of magistrates**

A magistrate holds the position on the conditions (if any) about matters not provided for under this Act or another territory law that are decided by the Executive.

**7D Term of appointment of magistrates**

- (1) A magistrate is appointed for the term ending when the magistrate turns 65 years old.

*Note 1* The [Judicial Commissions Act 1994](#), s 4 provides that a magistrate may only be removed from office in accordance with that Act.

*Note 2* A magistrate's appointment also ends if the magistrate resigns (see [Legislation Act](#), s 210).

- (2) A person who is at least 65 years old must not be appointed as a magistrate.

**7E Acting Chief Magistrate**

- (1) The Executive may appoint a magistrate to act as Chief Magistrate.

*Note* See the [Legislation Act](#), s 209, div 19.3.2 and div 19.3.2A about acting appointments.

- (2) If no appointment is made under subsection (1), the senior magistrate who is in the ACT and is able and willing to act must act as Chief Magistrate.

## **7F Retirement**

- (1) This section applies if a magistrate is—
- (a) an eligible employee for the *Superannuation Act 1976* (Cwlth); or
  - (b) a member of the superannuation scheme for the *Superannuation Act 1990* (Cwlth); or
  - (c) a member of any other superannuation scheme determined by the Attorney-General.
- (2) The Executive may retire the magistrate on the ground of invalidity with the magistrate's consent.
- (3) A determination under subsection (1) (c) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## **7G Magistrates not to do other work**

- (1) A magistrate must not practise as a lawyer.
- (2) A magistrate must not, without the Attorney-General's written consent—
- (a) engage in remunerative employment otherwise than in connection with duties as a magistrate; or
  - (b) accept appointment to another position under a law of the Territory, the Commonwealth, a State or another Territory.
- (3) The Attorney-General must consult with the Chief Magistrate before giving consent.

## **7H Rights of public servants**

- (1) A magistrate who was a public servant or APS employee immediately before his or her appointment keeps his or her existing and accruing rights.
- (2) In this section:  
*APS employee*—see the *Public Service Act 1999* (Cwlth), section 7.

## **Division 2.2.2 Special magistrates**

### **8 Appointment of special magistrates**

The Executive may appoint special magistrates.

*Note* For the making of appointments (including acting appointments), see the *Legislation Act*, pt 19.3.

### **8AA Requirements of appointment—special magistrates**

- (1) The Executive must, in relation to the appointment of special magistrates, determine—
  - (a) the criteria that apply to the selection of a person for appointment; and
  - (b) the process for selecting the person.
- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act*.

### **8A Term of appointment of special magistrates**

- (1) A special magistrate is appointed—
  - (a) for the term mentioned in the instrument of appointment; or



(b) if a term is not mentioned—for the term ending when the special magistrate turns 70 years old.

*Note 1* The *Judicial Commissions Act 1994*, s 4 provides that a magistrate may only be removed from office in accordance with that Act.

*Note 2* A special magistrate's appointment also ends if the special magistrate resigns (see *Legislation Act*, s 210).

- (2) A person who is at least 70 years old must not be appointed as a special magistrate.
- (3) A person must not be appointed as a special magistrate for a term that extends beyond the person's 70th birthday.

## **8B Conditions of appointment of special magistrates**

A special magistrate holds the position on the conditions (if any) about matters not provided for under this Act or another territory law that are decided by the Executive.

## Division 2.2.3 Registrar and other court officers

### 9 Appointment of registrar etc

- (1) The Minister may appoint a registrar of the Magistrates Court.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) The registrar may appoint the deputy registrars of the court, bailiffs and other officers that are required.

- (3) In subsection (2):

*registrar* does not include a deputy registrar.

### 9B Functions of registrar and deputy registrars

- (1) The registrar has power to administer oaths and may exercise the other functions given to the registrar under this Act, another territory law or an order of the court.

- (2) Subject to this Act and to any directions of the registrar, a deputy registrar may exercise the functions of the registrar under this Act or another territory law.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see [Legislation Act](#), s 104).

- (3) The exercise of a function by a deputy registrar does not affect the power of the registrar to exercise the function.

## Division 2.2.3A Judicial officers exchange

### 9C Definitions—div 2.2.3A

In this division:

*ACT court* means a court of this jurisdiction mentioned in an item in schedule 2, column 2.

*corresponding court*, in relation to an ACT court mentioned in an item in schedule 2, column 2, means a court of another jurisdiction mentioned in the item, column 3.

*court* includes tribunal.

*judicial exchange arrangement* means an arrangement under section 9D.

*judicial officer* means a magistrate or other person who, whether alone or together with others, constitutes a court, but does not include a lay member of a court.

*participating jurisdiction* means the Commonwealth, a State or another country if under the law of that jurisdiction a judicial exchange arrangement may be entered into with the Attorney-General of this jurisdiction.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

*this jurisdiction* means the ACT.

### 9D Establishment of judicial exchange arrangements

- (1) The Attorney-General of this jurisdiction may enter into an arrangement with the Attorney-General of a participating jurisdiction for the temporary transfer of judicial officers between ACT courts and corresponding courts.
- (2) An arrangement under this section cannot provide for the transfer of judicial officers to a federal court of the Commonwealth.

- (3) Without limiting subsection (1), an arrangement under this section—
- (a) may require transfers to a court to be subject to the prior approval of either or both of the following:
    - (i) the Attorney-General of this jurisdiction;
    - (ii) the Attorney-General of the participating jurisdiction; and
  - (b) may establish the manner and form in which a transfer to a court is to be made; and
  - (c) may determine the rank, title, status and precedence of a transferred judicial officer.

**9E Transfer of judicial officer of another jurisdiction to ACT court**

- (1) This section applies if a judicial exchange arrangement provides for the transfer to an ACT court of a judicial officer of a corresponding court.
- (2) The chief magistrate may, in accordance with the judicial exchange arrangement and with the agreement of the senior judicial officer of the corresponding court, appoint a judicial officer of the corresponding court to act as a judicial officer of the ACT court.
- (3) The judicial officer of the corresponding court is qualified for appointment despite any law of this jurisdiction to the contrary.
- (4) The maximum term for which an appointment under this section may be made on any one occasion is 6 months.
- (5) However, an appointment under this section may not extend beyond the retirement age for judicial officers of the ACT court.
- (6) A judicial officer of a corresponding court may be appointed under this section to more than one ACT court.

- (7) A judicial officer whose appointment under this section has ceased may complete or otherwise continue to deal with any matters relating to proceedings in the ACT court that have been heard, or partly heard, by the judicial officer before the appointment under this section ceased.

**9F Service in ACT court of judicial officer of another jurisdiction**

- (1) This section applies to a judicial officer of a corresponding court who is appointed to act as a judicial officer of an ACT court in accordance with a judicial exchange arrangement.
- (2) While acting as a judicial officer of the ACT court, the judicial officer of the corresponding court has all the powers, authorities, privileges and immunities of, and is taken to be for all purposes, a judicial officer of the ACT court.
- (3) Despite subsection (2), territory laws concerning the following matters do not apply to the judicial officer of the corresponding court while acting as a judicial officer of the ACT court:
- (a) the remuneration, allowances and other conditions of service of judicial officers;
  - (b) the pension or other superannuation entitlements of judicial officers and related provisions;
  - (c) the removal or suspension of judicial officers from office.

**9G Service of ACT judicial officer in corresponding court**

- (1) This section applies to a judicial officer of an ACT court who is appointed to act as a judicial officer of a corresponding court in accordance with a judicial exchange arrangement.

- (2) The judicial officer's service as a judicial officer of the corresponding court is taken to be service as a judicial officer of the ACT court for the purposes of territory laws about—
- (a) the remuneration, allowances and other conditions of service of judicial officers; and
  - (b) the pension or other superannuation entitlements of judicial officers and related provisions; and
  - (c) the removal or suspension of judicial officers from office.

**9H Judicial office not affected by appointment to another judicial office**

- (1) In this section:
- court* includes a tribunal (however described) that exercises functions of a judicial nature or functions of a similar nature (such as conciliation functions, arbitration functions, disciplinary functions or administrative review functions).
- judicial office* extends to the office of any member of a court, but only if the holder of the office is required to be a judicial officer or have legal qualifications.
- (2) The doctrine of incompatibility of office—
- (a) does not operate to prevent the holder of a judicial office (the *original office*) from being appointed to another judicial office (the *additional office*); and
  - (b) does not operate to effect or require the surrender or vacation of the original office as a result of the appointment to the additional office.
- (3) This section applies—
- (a) even if the original office or the additional office is held on an acting or temporary basis; and

- (b) even if the original office or the additional office is a judicial office of another jurisdiction (including, but not limited to, judicial offices to which appointments are made under section 9E); and
- (c) even if an appeal lies from a decision of the court of one of the judicial offices to the court of the other judicial office; and
- (d) even if the courts of the judicial offices are not of the same status.

**9I Other arrangements not affected**

This division does not limit or affect any other arrangements under which—

- (a) a judicial officer of another jurisdiction may be appointed or act as a judicial officer of this jurisdiction; or
- (b) a judicial officer of this jurisdiction may be appointed or act as a judicial officer of another jurisdiction.

**9J Amendment of sch 2**

A regulation may amend schedule 2.

**Division 2.2.4 Jurisdiction of magistrates**

**10P Oath etc of office**

- (1) A person appointed as the Chief Magistrate, a magistrate or special magistrate must not exercise the functions given to a magistrate under any territory law unless the person has sworn an oath or made an affirmation in accordance with the form in schedule 1.
- (2) The oath must be sworn or affirmation made before the Chief Justice.

## **11 Acts done beyond ACT**

- (1) An act done by a magistrate, because of his or her office, outside the ACT for the purpose of authenticating the signature of a person to an instrument intended to take effect in the ACT is, unless the act is required by law to be done in the ACT, effective for any territory law.
- (2) An oath or affirmation administered by a magistrate, because of his or her office, outside the ACT in any case in which an oath or affirmation may be administered by a magistrate is, unless the oath or affirmation is required by law to be administered in the ACT, effective for any territory law.

## **12 Acts by magistrate out of court etc**

- (1) Any magistrate out of court or the registrar may do all or any of the following:
  - (a) receive an information;
  - (b) issue a summons or warrant on an information;
  - (c) issue a summons or warrant to compel the attendance of a witness;
  - (d) do anything else that is necessary and preliminary to a hearing.
- (2) Without limiting subsection (1), if a law in force in the ACT provides that an information or complaint may be laid or made before, or a summons or warrant issued by, a court or justice of the peace, the information or complaint may be laid or made, and the summons or warrant may be issued, by a magistrate or the registrar.

## **13 Making of enforcement order after case decided**

After a case has been heard and decided, any magistrate or the registrar may make an enforcement order for the purposes of the case.



**15 Process not invalid only because of death of magistrate etc**

A summons or warrant issued, or order made, by a magistrate or registrar is not invalid only because of the magistrate or registrar dying or otherwise ceasing to hold the position.

**16 Order instead of mandamus order**

- (1) If a magistrate or registrar refuses to do any act relating to the duties of his or her office as a magistrate or registrar, the party requiring the act to be done may apply to the Supreme Court for an order calling on the magistrate or registrar and also the party to be affected by the act to show cause why the act should not be done, and if good cause is not shown against it, the Supreme Court may make the order absolute, with or without payment of costs.
- (2) A magistrate or registrar on being served with an order absolute must obey the order, and do the act required by it to be done.

**17 Magistrates may exercise functions of justices of peace**

If under any law in force in the ACT, anything is required or permitted to be done before, to or by a justice of the peace, it may be done before, to or by a magistrate.

## **Part 2.3**

### **Protection of magistrates in execution of their office**

#### **17A Magistrate sued for act not within jurisdiction**

- (1) Any person injured by an act done by a magistrate in a matter in which by law the magistrate has no jurisdiction or in which the magistrate has exceeded his or her jurisdiction, or by an act done under any conviction or order made or warrant or writ issued by a magistrate in any such matter, may maintain in the Supreme Court an action against the magistrate without alleging in his or her statement of claim that the act complained of was done maliciously and without reasonable and probable cause.
- (2) No such action is maintainable for anything done under any such conviction or order until after the conviction or order has been quashed or set aside on appeal.
- (3) No such action is maintainable for anything done under any such warrant that was issued by the magistrate to procure the appearance of the person charged, and that has been followed by a conviction or order in the same matter, until after the conviction or order has been so quashed or set aside.
- (4) If the lastmentioned warrant has not been followed by a conviction or order, or if it is a warrant on an information of an alleged indictable offence, and if a summons was issued previously to the warrant being issued, and the summons was served on the person charged either personally or by leaving it for the person with someone at the person's last-known or usual home or business address, and the person did not appear according to the exigency of the summons, in that case no action is maintainable against the magistrate for anything done under the warrant.

**17C Committal or enforcement order by magistrate on order of court**

If a conviction or order is made by the court and a committal order or enforcement order is made for the conviction or order by a magistrate bona fide and without collusion, an action in relation to any defect in the conviction or order or any want of jurisdiction in the court making the conviction or order is maintainable only against the magistrate constituting the court that made the conviction or order.

**17D No action for acts done under Supreme Court order**

An action is not maintainable against a magistrate for doing an act if the magistrate does the act in accordance with a Supreme Court order.

**17E No action if proceeding confirmed on appeal**

If a committal order or enforcement order is made by a magistrate on a conviction or order that, either before or after the making of the committal order or enforcement order, is confirmed on appeal, an action is not maintainable against the magistrate who made the committal order or enforcement order for anything done under it because of any defect in the conviction or order.

**17F Actions in cases prohibited**

If any action, which by this Act is declared to be not maintainable, is brought against a magistrate, the Supreme Court, on application of the defendant, and on affidavit of the facts, may set aside or stay the proceeding with or without costs.

**17G Payment into court**

- (1) After an action under this part has been started but before the case has been heard, a defendant may pay into court the amount the defendant considers appropriate.

- (2) Judgment must be given for the defendant if the Supreme Court at the trial considers that the plaintiff is not entitled to damages beyond the amount paid into court, and the amount paid into court, or the part of it that is enough to meet the defendant's costs, must be paid out of court to the defendant, and the rest (if any) must be paid to the plaintiff.
- (3) If the plaintiff accepts the amount paid into court in satisfaction of the plaintiff's damages in the action, the plaintiff may apply to the Supreme Court for an order for the payment of the amount out of court to the plaintiff, with or without costs.
- (4) If the Supreme Court makes the order, the action is decided and the order is a bar to any other action for the same cause.

**17H No action against magistrate for judicial acts in Magistrates Court**

An action must not be brought in the Magistrates Court against a magistrate in relation to anything done by the magistrate in the execution of the magistrate's office.

**17I Magistrate sued for acts within magistrate's jurisdiction only liable in case of malice and absence of reasonable and probable cause**

In an action against a magistrate for any act done by the magistrate in the execution of the magistrate's duty as a magistrate in relation to any matter within the magistrate's jurisdiction as a magistrate, it must be expressly alleged in the statement of claim that the act was done maliciously and without reasonable and probable cause, and if the allegations are denied, and at the trial of the action the plaintiff fails to prove them, judgment must be given for the defendant.

**17J Verdict for defendant**

If the plaintiff in an action against a magistrate does not prove the cause of action at the trial, judgment must be given for the defendant.

**17K Damages**

If—

- (a) the plaintiff in an action against a magistrate is entitled to recover, and seeks to recover a penalty or other amount paid or raised as a result of a conviction, judgment or order or to recover damages for imprisonment; and
- (b) it is proved that the plaintiff was guilty of the offence or liable to pay the amount or, for imprisonment, did not undergo any greater punishment than could have been imposed for the offence of which the plaintiff was convicted;

the plaintiff is not entitled to recover the penalty or other amount paid or raised or, for imprisonment, damages greater than 1 cent, or any costs in the action.

## Chapter 3 Criminal proceedings

### Part 3.1 Preliminary

#### 18A Definitions for ch 3

In this chapter:

*Crimes Act* means the *Crimes Act 1900*.

*decision* includes a committal for trial, admission to bail, and a conviction, order or other decision.

*defendant* means a person against whom an information is laid.

## **Part 3.2 Criminal jurisdiction**

### **19 Jurisdiction of court**

If, by any law in force in the ACT, any offence is punishable on summary conviction or any person is made liable to a penalty or punishment or to pay an amount for any offence, act or omission, and no other provision is made for the trial of the person committing the offence, the matter may be heard and decided by the court in a summary way under the provisions of this Act.

### **21 Jurisdiction of court if defendant absent from ACT**

The court has jurisdiction even though the defendant is not in the ACT.

### **22 Proceeding of court if it considers offence should be dealt with on indictment**

If, for an information in relation to an offence that is punishable either summarily or on indictment it appears to the court, on the close of the case for the prosecution, that the offence ought to be dealt with on indictment, the court must abstain from adjudication on the information and must deal with the case for the purpose of committal for trial only.

## **Part 3.3 Beginning criminal proceedings**

### **Division 3.3.1 Beginning criminal proceedings— general**

#### **25 Informations**

A proceeding may be started in the court by information laid by the informant or by a lawyer or anyone else representing the informant.

### **Division 3.3.2 Informations**

#### **26 Laying of informations**

An information may be laid before a magistrate in any case where a person has committed or is suspected of having committed, in the ACT, an indictable offence or an offence that may be dealt with summarily as provided in section 19.

#### **27 Description of people and property and of offences**

- (1) Such description of people or things as would be sufficient in an indictment is sufficient in informations.
- (2) The description of any offence in the words of the Act, ordinance, law, order, by-law, regulation, or other instrument creating the offence, or in similar words, is sufficient in law.

#### **28 Power of court to amend information**

- (1) If at the hearing of any information or summons any objection is taken to an alleged defect in it in substance or form or if objection is taken to any variance between the information or summons and the evidence adduced at the hearing of it, the court may make any amendment in the information or summons that appears to it to be desirable or to be necessary to enable the real question in dispute to be decided.



- (2) The court must not make an amendment under subsection (1) if it considers that the amendment cannot be made without injustice to the defendant.

### **29 Court may adjourn hearing if amendment made**

If in any case where an amendment in an information or summons has been made under section 28 the court considers that the defendant has been misled by the form in which the information or summons has been made out, it may adjourn the hearing of the case for the period it considers appropriate and may make any order about the costs of the adjournment it considers appropriate.

### **30 Form of information**

- (1) If a warrant is intended to be issued in the first instance against the person charged, the information must be in writing and on oath.
- (2) The oath may be made by the informant or someone else.
- (3) If a summons instead of a warrant is intended to be issued in the first instance against the person charged, the information may be made orally and without oath.
- (4) Subsection (3) applies whether or not the law under which the information is laid requires it to be in writing.

## **Division 3.3.3 Summonses**

### **37 When magistrate may issue summons**

If an information is laid before a magistrate, the magistrate may issue a summons.

### **38 Form of summons**

A summons issued in the case of an information must be directed to the defendant, and must state shortly the matter of the information and require the defendant to appear at a certain time and place

before the court, to answer to the information and to be further dealt with according to law.

#### **41 Service of summons**

- (1) A summons issued in relation to an information may be served on the person to whom it is directed by—
  - (a) giving a copy of the summons to the person; or
  - (b) leaving a copy of the summons at the last-known or usual home or business address of the person with someone who appears to be at least 16 years old and to live or be employed at the address.
- (2) Service of a summons under subsection (1) must be effected at least 72 hours before the time appointed in the summons for the hearing of the information.
- (3) If it appears to the court or a magistrate or the registrar, by statement on oath or by affidavit, that from any cause service in accordance with subsections (1) and (2) cannot be effected, the court or magistrate or the registrar may extend the time for hearing.
- (4) Service of a summons in accordance with this section may be proved by the oath of the person who served it or by affidavit or otherwise.

### **Division 3.3.3A Court attendance notices**

#### **41A Definitions—div 3.3.3A**

In this division:

*authorised person* means—

- (a) a police officer; or
- (b) a person prescribed by regulation.

*court attendance notice*—see section 41B.

**41B Commencing criminal proceeding by court attendance notice**

- (1) A proceeding for an alleged offence may be commenced by serving and filing a notice (a *court attendance notice*) under this division.
  - (2) A court attendance notice served on a person must—
    - (a) state the name of the person; and
    - (b) describe the offence to which it relates; and
    - (c) briefly state the particulars of the offence; and
    - (d) state the name of the authorised person serving the notice; and
    - (e) unless a warrant is issued for the arrest of the person or the person is refused bail—
      - (i) require the person to appear before a magistrate at a stated date, time and place; and
      - (ii) state that failure to appear may result in the person's arrest or in the proceeding being dealt with in the person's absence; and
    - (f) if the person consents to appear before a magistrate at the stated date and time—include a statement, signed by the person, that the person consents to appear at the stated date and time.
- Note* If a form is approved under the *Court Procedures Act 2004* for this provision, the form must be used.
- (3) It is sufficient to describe an offence in the notice in the way the offence is described in the law that creates the offence.
  - (4) The date stated for the person to appear before a magistrate must be—
    - (a) at least 14 days after the day the notice is served; or

- (b) if the notice contains a consent signed by the person to appear before a magistrate at an earlier date available to a Magistrate—the date as stated in the notice.
- (5) The rules may prescribe additional matters that must be included in a court attendance notice.

#### **41C Court attendance notice—service**

- (1) If an authorised person suspects, on reasonable grounds, that a person has committed an offence, the authorised person may serve a court attendance notice on the person.
- (2) The notice must be served personally by the authorised person.
- (3) The *Court Procedures Rules 2006*, part 6.8 (Service) apply to the service of a court attendance notice as if—
  - (a) the notice were a document in the proceeding for the offence to which it relates; and
  - (b) the copy of the notice served were a stamped copy.
- (4) However, the *Court Procedures Rules 2006*, division 6.8.3 (Service—Magistrates Court) does not apply to service of a court attendance notice.

#### **41D Court attendance notice—filing**

- (1) A copy of a court attendance notice served on a person must be filed—
  - (a) not less than 14 days before the day stated in the notice for the person to appear before a magistrate; or
  - (b) if the notice contains a consent signed by the person to appear before a magistrate at a date earlier than 14 days after service of the notice—as soon as practicable.

- (2) If a warrant is intended to be issued in the first instance against the person, the notice must be filed with a sworn statement about the particulars of the offence stated in the notice.

**41E Court attendance notice—relationship to information and summons**

- (1) This division is additional to, and does not limit, any other provision of a Territory law about an information or summons in relation to a criminal proceeding.
- (2) A court attendance notice served under this division is taken, for all purposes, to be a summons served under division 3.3.3.
- (3) A court attendance notice filed under this division is taken, for all purposes, to be an information laid under division 3.3.2.
- (4) For subsections (2) and (3), a provision mentioned in subsection (1) applies, with any necessary changes and any changes prescribed by regulation—
- (a) in relation to a court attendance notice served under this division—as if it were a summons issued under division 3.3.3; and
  - (b) in relation to a court attendance notice filed under this division—as if it were an information laid under division 3.3.2.

**Division 3.3.4 Warrants**

**42 Issue of warrant and summons**

- (1) This section applies if—
- (a) an information is laid before a magistrate under division 3.3.2 against a person for an offence; and
  - (b) the information is substantiated by the oath of the informant or a witness; and

- (c) the person is not in custody.
- (2) The magistrate may issue a warrant for the person's arrest, and for bringing the person before the court to answer to the information and to be further dealt with according to law.
- (3) However, the magistrate may issue a summons instead of the warrant if the magistrate considers it appropriate.
- (4) The issue of the summons does not prevent a magistrate from issuing a warrant at any time before or after the time mentioned in the summons for the person's appearance.
- (5) However, subsection (4) does not authorise the issue of a warrant to bring the person before the court to answer to the information if a summons has been served on the person for the offence in accordance with section 116B (Service of summons for prescribed offence).

#### **43 Procedure on filing indictment**

- (1) If an indictment in relation to an offence committed in the ACT has been filed in the Supreme Court by the Attorney-General, Attorney-General of the Commonwealth or other officer, authority or person duly appointed in that behalf against any person then at large, whether on bail or not, the registrar of the Supreme Court must at any time after the end of the then sittings of the court if the person so indicted has not already appeared and pleaded to the indictment, on application by or on behalf of the prosecutor, grant to the prosecutor or person applying on the prosecutor's behalf a certificate that the indictment has been filed.
- (2) On production of the certificate to a magistrate, the magistrate must—
  - (a) if the person indicted is, at the time of both the application for and the production of the certificate, detained at a correctional centre (including a NSW correctional centre) for any other offence—on proof on oath that the person is the person

charged in the indictment, issue a warrant directing the person in charge of the correctional centre to detain the person until, by a habeas corpus order or another order, the person is removed from custody for the purpose of being tried on the indictment, or until the person is otherwise removed or discharged out of custody by due course of law; and

- (b) in any other case—issue a warrant to apprehend the person so indicted and to cause the person to be brought before the court to be dealt with according to law and the court when any person apprehended under any such warrant is brought before it must on proof on oath that the person is the person charged and named in the indictment, and without further inquiry commit the person for trial or admit the person to bail in accordance with the *Bail Act 1992*.

**44 Direction of warrant**

A warrant to apprehend a defendant that the defendant may answer to an information may be directed either to any police officer by name or generally to all police officers within the ACT, without naming them, or to both.

**45 Any police officer may execute warrant**

If a warrant is directed to all police officers, any police officer may execute the warrant as if it were directed specially to the police officer by name.

**47 Form of arrest warrant**

A warrant issued on an information must—

- (a) briefly state the offence or matter of the information; and
- (b) name or otherwise describe the person against whom it is issued; and
- (c) order the police officers to whom it is directed to—

- (i) arrest the person; and
- (ii) bring the person before the court to answer the information and to be further dealt with according to law.

**48 Warrant to be in force till executed**

A warrant need not be returnable at any particular time, but may remain in force until executed.

**49 Sunday warrants**

A magistrate may issue a warrant on an information of an indictable offence, or a search warrant, on a Sunday as on any other day.



## **Part 3.4                   Hearing of criminal proceedings**

### **Division 3.4.1           Hearing of criminal proceedings—                                   general**

#### **53                   Conduct of case generally**

- (1) The informant may—
  - (a) conduct his or her case personally or by a lawyer; and
  - (b) examine and cross-examine the witnesses giving evidence for or against the informant; and
  - (c) if the defendant gives any evidence or examines any witness about anything other than general character—call and examine witnesses in reply.
- (2) The defendant may—
  - (a) fully answer and defend personally or by a lawyer; and
  - (b) give evidence; and
  - (c) examine and cross-examine the witnesses giving evidence for or against the defendant.

#### **54                   If both parties present in court to hear case**

The court must hear and decide an information if both parties to the information appear personally or by lawyers or anyone else appearing for them.

## Division 3.4.2 Warrants for witnesses

### 62 Definitions—div 3.4.2

In this division:

*prescribed period* means 18 hours from the time a person is arrested under a warrant.

*reporting officer* means the police officer mentioned in section 67 (2) (b).

*warrant* means a warrant under this division.

### 63 Warrant to bring witness to court

- (1) The court may issue a warrant for the arrest of a person who is a witness in a hearing if the person—
  - (a) was informed of the time and place of the hearing; and
  - (b) was required to attend to give evidence at the hearing in accordance with—
    - (i) a subpoena served on the person; or
    - (ii) an order of the court; or
    - (iii) an undertaking given to the court by the person; and
  - (c) failed to attend the hearing as required; and
  - (d) did not provide the court with a reasonable explanation for not attending.
- (2) A warrant must not be issued under subsection (1) unless—
  - (a) the court is satisfied that the party calling the person as a witness in the proceeding has taken reasonably practicable steps to contact the person; and
  - (b) it is in the interests of justice to issue the warrant.

- (3) In deciding whether it is in the interests of justice to issue a warrant, the court must consider the following:
- (a) the importance of the evidence the person is expected to give;
  - (b) whether the evidence could be obtained by other means;
  - (c) the nature of the matter being heard;
  - (d) the degree of urgency to resolve the matter;
  - (e) the likelihood that the issue of a warrant would secure the person's attendance at the hearing;
  - (f) if the court has been contacted by the person, or the party calling the person as a witness in the proceeding has contacted the person—
    - (i) the reason (if any) given by the person for not attending as required; and
    - (ii) the impact of using a warrant for the arrest of the person.

**64 First instance warrant**

- (1) The court may, instead of issuing a subpoena for the attendance of a witness in a hearing, issue a warrant in the first instance for the arrest of the person if it is—
- (a) unlikely that the person will attend the hearing to give evidence unless the person is compelled to do so; and
  - (b) in the interests of justice to do so.
- (2) In deciding whether it is in the interests of justice to issue a warrant, the court must consider the following:
- (a) the importance of the evidence the person is expected to give;
  - (b) whether the evidence could be obtained by other means;
  - (c) the nature of the matter being heard;

- (d) the degree of urgency to resolve the matter;
- (e) the likelihood that the issue of a warrant would secure the person's attendance at the hearing;
- (f) the impact of using a warrant for the arrest of the person.

**65 Warrant remains in force until executed**

A warrant remains in force until whichever of the following happens first:

- (a) the warrant is executed;
- (b) the court revokes the warrant.

**66 Executing a warrant**

- (1) A warrant authorises a police officer (an *executing officer*) to—
  - (a) arrest the person named in the warrant; and
  - (b) bring the person before the court.
- (2) If an executing officer believes on reasonable grounds that the person named in the warrant is on any premises, the officer is authorised to enter the premises, using not more than necessary and reasonable force in the circumstances, to execute the warrant.
- (3) However, an executing officer is not authorised to enter a dwelling house to execute the warrant before 6 am or after 9 pm on any day, unless the officer believes on reasonable grounds that it would not be practicable to arrest the person at the dwelling house, or another location, at any other time.
- (4) An executing officer—
  - (a) must use not more force than is necessary to arrest the person and remove the person to the place stated in the warrant; and
  - (b) must, before removing the person, explain to the person the purpose of the warrant; and

- (c) must tell the person of his or her right to contact a lawyer, and allow the person to contact a lawyer if the person wishes to do so; and
  - (d) if a person is under a legal disability—must inform a parent or guardian of the person of the arrest.
- (5) In this section:
- dwelling house* includes a conveyance, and a room in a hotel, motel, boarding house or club, where people ordinarily sleep at night.

## **67 Procedure after arrest**

- (1) A person who is arrested under a warrant must be brought before the court—
  - (a) as soon as practicable after the person is arrested; and
  - (b) within the prescribed period; and
  - (c) in accordance with this section.
- (2) A person must be brought before the court by a police officer—
  - (a) if the court is sitting at the time the officer is able to bring the person before the court—in person; or
  - (b) if the court is not sitting at the time the officer is able to bring the person before the court—by telephone call made by the officer to a magistrate to report the execution of the warrant to the court.
- (3) A person brought before the court must be dealt with in accordance with section 68.
- (4) A person arrested under a warrant—
  - (a) may be detained by a police officer for not longer than the prescribed period for the officer to comply with subsection (2); and

- (b) must be released if the officer cannot comply with that subsection within the prescribed period.

## **68 Orders following executed warrant**

- (1) The court may order that the person—
  - (a) be remanded in custody until the date, time and place specified in the order; or
  - (b) be released on a recognisance, signed by the person, in which the person agrees to appear before the court on a day and at a time and place specified by the court—
    - (i) in the recognisance; and
    - (ii) in any subsequent notice given or sent to the person by the court; or
  - (c) be released unconditionally.
- (2) If the court makes any orders in relation to a person under this section, the person must be given written notice of the orders by—
  - (a) if the court is sitting when the order is made—the court; or
  - (b) if the court is not sitting when the order is made—the reporting officer.
- (3) Any single period of remand ordered under this section must not be longer than—
  - (a) 28 days; or
  - (b) if the person chooses to be remanded for a longer period without review—a longer period that the court considers reasonable.
- (4) Division 3.4.4 applies to a recognisance under this section.

## **Division 3.4.3      Remand**

### **70      Remand of defendant**

- (1) This section applies if the court considers it is necessary or desirable to adjourn the hearing of a proceeding for an indictable offence—
    - (a) because of the absence of witnesses; or
    - (b) for any other reasonable cause.
  - (2) The court may—
    - (a) adjourn the hearing; and
    - (b) order the remand of the defendant into custody for a stated period; and
    - (c) order the director-general to arrange for the defendant to be brought before the court at a stated time and place for the hearing.
- Note 1* The court must issue a warrant for the remand of the defendant in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 17).
- Note 2* The *Crimes (Sentence Administration) Act 2005*, pt 3.2 provides for the director-general to have custody of the defendant during the remand.
- (3) If the period of remand is not longer than 3 days, the order may be made orally.
  - (4) Any single period of remand under this section must be no longer than—
    - (a) 28 days; or
    - (b) if the defendant chooses to be remanded for a longer period without review—a longer period that the court considers reasonable.

## 72 Bringing remanded defendant before court

The court may order that a defendant remanded under section 70 be brought before the court at any time during the period for which the defendant was remanded.

*Note* The *Crimes (Sentence Administration) Act 2005*, pt 3.2 and pt 3.3 provide for the director-general to have custody of the defendant during the remand and to bring the defendant before the court as ordered by the court.

## 72A Bail application hearings—audiovisual links

- (1) This section applies if—
  - (a) a person in custody is entitled to appear, or is required to appear or be brought, before the court for the hearing of an application for bail; and
  - (b) the hearing could be conducted using an audiovisual link between the court and the place of custody.
- (2) Unless the court directs otherwise, the hearing must be conducted using the audiovisual link.
- (3) The court may amend or revoke a direction under subsection (2)—
  - (a) at any time; and
  - (b) on its own initiative or on application by a party to the bail proceeding.
- (4) In this section:

*audiovisual link*—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.



**72B Defendant's appearance in non-bail proceedings—  
audiovisual links**

- (1) This section applies if the court gives a direction under the *Evidence (Miscellaneous Provisions) Act 1991*, section 20 (1) (Territory courts may take evidence and submissions from participating States) or section 32 (1) (Territory courts may take evidence and submissions from place other than participating State) in relation to any part of a proceeding in relation to a defendant remanded under—
  - (a) section 70 (Remand of defendant); or
  - (b) section 72 (Bringing remanded defendant before court).
- (2) The director-general must make arrangements to ensure that the evidence can be taken, or the submission made, in accordance with the court's direction.

**Division 3.4.4 Committal and recognisance**

**73A Extended application of div 3.4.4**

- (1) This division applies in relation to a person for whom a warrant prescribed under the rules has been issued under the rules as if all necessary changes, and any changes prescribed under the rules, were made.
- (2) This section does not limit any other application of this division.

**74 Remand of defendant before decision**

The court may, at any time before the court gives its decision in a case, order that the defendant be remanded in custody.

*Note 1* If the court remands the defendant in custody, it must issue a warrant for the defendant's remand in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 17).

*Note 2* The *Crimes (Sentence Administration) Act 2005*, pt 3.2 provides for the director-general to have custody of the defendant during the remand.

**75 Remand of witness or defendant after decision**

- (1) If the court commits a witness or a person sought to be made a witness, it must order that the witness or person be remanded in custody.
- (2) If the court commits a defendant, it must order that the defendant be remanded in custody.

**76 Witnesses may be discharged on recognisance**

A witness, other than a witness committed under section 312 (Failure to give evidence—committal), or person sought to be made a witness may be discharged on recognisance.

**77 Recognisances**

If the court is authorised to discharge the witness, or person sought to be made a witness, on recognisance, it may order his or her discharge on his or her entering into a recognisance, with or without a surety or sureties at its discretion, conditioned for his or her appearance at the time and place to which the hearing is adjourned, or that is named in the recognisance.

**78 Issue of warrant for non-appearance**

If the witness, or person sought to be made a witness, does not appear at the time and place mentioned in the recognisance, the court may adjourn the hearing, and may issue a warrant for his or her apprehension in accordance with division 3.3.4 (Warrants).

**79 Recognisances taken out of court**

- (1) A recognisance under this Act need not be entered into before the court, but may be entered into by the parties before—
  - (a) a magistrate; or
  - (b) the registrar; or
  - (c) a police officer in charge of a police station; or
  - (d) if a party is at a correctional centre—the person in charge of the centre.
- (2) The provisions of this Act in relation to recognisances taken before the court apply in relation to the recognisance as if it had been entered into before the court.

**80 Forfeited recognisances—how enforced**

If the conditions, or any of them, in a recognisance entered by a witness or a person sought to be made a witness are not complied with, any magistrate may certify on the back of the recognisance in what respect the conditions have not been observed, and give it to the proper officer, to be proceeded on in a similar way as other recognisances, and that certificate is taken to be deemed sufficient prima facie evidence of the recognisance having been forfeited.

**Division 3.4.5 Adjournment of criminal proceedings**

**83 Magistrate may adjourn court generally**

If all the cases have not been heard and decided at any sitting of the court, the magistrate may adjourn the cases remaining unheard or undecided, either to the next day appointed for the holding of the court or to the other time the magistrate considers appropriate.

#### **84 Particular cases may be adjourned**

- (1) Before or during the hearing or further hearing of an information, the magistrate may adjourn the hearing or further hearing.
- (2) The magistrate may, by order, release the defendant (whether or not on bail) or remand the defendant in custody.

*Note 1* The court must issue a warrant for the defendant's remand in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 17).

*Note 2* The *Crimes (Sentence Administration) Act 2005*, pt 3.2 provides for the director-general to have custody of the defendant during the remand.

#### **85 Proceeding if either party not present at adjourned hearing**

- (1) This section applies if either or both of the parties do not appear personally or by lawyers or anyone else appearing for them at the time and place to which the hearing or further hearing is adjourned.
- (2) The court may—
  - (a) go ahead with the hearing or further hearing as if the party or parties were present; or
  - (b) if the informant does not appear—dismiss the information, with or without costs as the court considers just.

#### **86 Proceeding if both parties present at adjourned hearing**

- (1) This section applies if the parties appear personally or by lawyers or anyone else appearing for them at the time and place to which the hearing or further hearing is adjourned.
- (2) The court may go ahead with the hearing or further hearing.

**87      Witness to attend adjourned etc hearing**

- (1) This section applies to a person who is required by summons to attend a hearing to give evidence or produce a document if the hearing is adjourned or postponed.
- (2) The person must attend at the time and place to which the hearing is adjourned or postponed without the issue or service of a further summons.
- (3) However, the person is entitled to additional expenses for attending.

**88      Postponement of hearing**

If, on the return of any summons or at any adjournment of the hearing or at the time to which the hearing is postponed, a magistrate is not present, the registrar may, and after the lapse of an hour, at the request of the informant, must, postpone the hearing until the next day when a court will be held at the place mentioned in the summons or to which the case has been so adjourned.

## Part 3.5 Proceedings for indictable offences

### Division 3.5.1 Dispensing with application of part

#### 88A Dispensing with application of part in interests of justice

The court may dispense with the application of 1 or more provisions of this part to a proceeding if it considers it necessary or expedient to do so in the interests of justice.

### Division 3.5.1A Waiver of committal proceedings

#### 88B Court may waive committal proceedings

- (1) The court may commit an accused person for trial—
  - (a) on application by the person; and
  - (b) with the prosecutor's consent.

*Note* If a form is approved under the [Court Procedures Act 2004](#), s 8 for this provision, the form must be used.

- (2) In this section:

*accused person* means a person charged with an indictable offence.

### Division 3.5.2 Indictable offences—beginning of proceedings

#### 89 Indictable offences—issue of warrant for non-appearance

- (1) This section applies if—
  - (a) a person is alleged by an information to have committed an indictable offence; and

- (b) a summons is issued against the person; and
  - (c) the person does not appear before the court at the time and place mentioned in the summons; and
  - (d) the court is satisfied, on oath, that the summons was properly served on the person a reasonable time before the time mentioned in the summons for the appearance; and
  - (e) the information is substantiated by the oath of the informant or a witness.
- (2) This section also applies if—
- (a) subsection (1) (a), (b) and (e) apply in relation to a person; and
  - (b) the person appears before the court for the hearing of the information for the offence; and
  - (c) the court adjourns or postpones the hearing or further hearing; and
  - (d) the person is told of the time and place of the adjourned or postponed hearing or further hearing; and
  - (e) the person does not appear before the court at the adjourned or postponed hearing or further hearing.
- (3) The court may issue a warrant for the person's arrest and for bringing the person before the court to answer to the information and to be further dealt with according to law.
- (4) This section does not apply if an order has been made under section 89A (1) excusing the person from attending before the court.

**89A Accused person may be excused from attendance before court**

- (1) If—
- (a) an information for an indictable offence has been laid; and
  - (b) a summons has been issued against the person named in the information;

the court may, on an application made by or on behalf of the person, by order excuse the person from attendance before the court to answer the information or for any other purpose in connection with the proceeding begun by the information.

- (2) An order under subsection (1) may be made—
- (a) at any time after the issue of the summons and before the completion of the taking of evidence for the prosecution; and
  - (b) whether or not any evidence has been taken in the proceeding; and
  - (c) whether or not the applicant for the order is before the court or has attended before the court in relation to the proceeding.
- (3) The court must not make an order under subsection (1) unless the court has been informed, by or on behalf of the applicant, that the applicant is represented by a lawyer for the purposes of the proceeding.
- (4) The court may, at any time during a proceeding begun by an information for an indictable offence, direct the informant to give to a person in relation to whom an order has been made under subsection (1) written notice requiring the person to attend before the court, for the purposes of the proceeding, at the time and place specified by the court.



- (5) If—
- (a) a person has been excused, under subsection (1), from attendance before the court; and
  - (b) all the evidence for the prosecution has been taken;
- the court must direct the informant to give to the person a written notice requiring the person to attend, at the time and place specified by the court, to be dealt with in accordance with section 91.
- (6) A notice under subsection (4) or (5) may be given to a person by—
- (a) giving a copy of the notice to the person; or
  - (b) leaving a copy of the notice at the last-known or usual home or business address of the person with someone who appears to be at least 16 years old and to live or be employed at the address.
- (7) The giving of a notice under subsection (4) or (5) may be proved in the same way as the service of a summons.
- (8) If an accused person does not attend before the court in accordance with a notice under subsection (4) or (5), the court may issue a warrant for the arrest of the person and for bringing the person before the court at the time and place specified in the warrant.

**90 Committal proceedings—prosecution evidence to be given to accused person**

- (1) This section applies if a person (the *accused person*) is charged with an indictable offence and a committal hearing is to be held in relation to the charge.

- (2) Within the period, prescribed under the rules, before the date set for the committal hearing, the informant must serve the following documents on the accused person:
  - (a) a copy of the written statements that the informant proposes to tender at the hearing;
  - (b) for each exhibit identified in the statements—a copy of the exhibit or a notice relating to inspection of it.
- (3) A copy of the documents served must be filed in the court within the period prescribed under the rules.
- (4) Before the committal hearing, the accused person or the person's lawyer may ask the informant to allow the accused person or the person's lawyer to—
  - (a) inspect the exhibits mentioned in the notice (if any) served on the accused person under subsection (2) (b); and
  - (b) if a statement is in the form of a transcript of a recording as mentioned in section 90AA (4)—listen to or view the recording.
- (5) The informant must comply with a request under subsection (4).
- (6) Subsection (4) (b) does not entitle the accused person or the person's lawyer to be given or make a copy of the recording.

**90AA Written statements may be admitted in evidence**

- (1) If the informant has served a copy of a written statement on the accused person in accordance with section 90, the court at the committal hearing must (subject to subsection (3)) admit the statement (and any exhibit identified in it) as evidence of the matters in it.
- (2) The statement is the deposition of the person who made it if admitted into evidence.

- (3) Subject to subsection (4), a written statement must not be admitted in evidence by the court unless—
- (a) it contains the following endorsement by the person who made it:  

‘This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.’;

and
  - (b) it contains a statement that, before the person signed it, the person who made it read the statement or had it read to the person.
- (4) A written statement that is in the form of a transcript of a recording made by a police officer may be admitted in evidence by the court if—
- (a) the transcript is of a recording of an interview with a person during which the person was questioned by the police officer in connection with the investigation of an offence the subject of the proceeding; and
  - (b) a police officer certifies that the statement is an accurate transcript of the recording.
- (5) If it appears to the court that any part of a written statement tendered in evidence under this section is inadmissible according to the rules of evidence, the court may, if the statement is otherwise admissible under this section, admit that statement, but, if it does so, must identify the part that is inadmissible and must, with reference to that part, write on the statement the words ‘ruled inadmissible’ or words to that effect.

- (6) A prosecution witness may give evidence-in-chief in person at a committal hearing only with the court's leave.
- (7) The court may give leave only—
  - (a) on application by the prosecution; and
  - (b) if it considers that the interests of justice cannot adequately be satisfied if the witness's evidence-in-chief is not given in person at the hearing.
- (8) However, a person must not be required to attend and give evidence at a committal hearing in relation to a sexual offence (whether or not the hearing also relates to another offence) if the person is a complainant in relation to the sexual offence.
- (9) In this section:  
*sexual offence* means an offence against the *Crimes Act 1900*, part 3 (Sexual Offences), part 4 (Female genital mutilation) or part 5 (Sexual servitude).

**90AB Witnesses generally not to be cross-examined at committal hearing**

- (1) A witness must not be cross-examined at a committal hearing if—
  - (a) the hearing relates to a sexual offence (whether or not it relates also to another offence); and
  - (b) the witness is a complainant in relation to the sexual offence.

- (2) A witness (other than a witness mentioned in subsection (1)) must not be cross-examined at a committal hearing unless, on application by the party seeking to cross-examine the witness, the court is satisfied that—
- (a) the party has—
    - (i) identified an issue to which the proposed questioning relates; and
    - (ii) provided a reason why the evidence of the witness is relevant to the issue; and
    - (iii) explained why the evidence disclosed by the prosecution does not address the issue; and
    - (iv) identified to the court the purpose and general nature of the questions to be put to the witness to address the issue; and
  - (b) the interests of justice cannot adequately be satisfied by leaving cross-examination of the witness about the issue to the trial.
- (3) In this section:

*sexual offence* means an offence against the *Crimes Act 1900*, part 3 (Sexual offences), part 4 (Female genital mutilation) or part 5 (Sexual servitude).

**90ABA Attendance of accused not required if order made under s 89A**

The accused person is not required to be present at the committal hearing if the person is excused from attending the hearing under section 89A.

## 90A Plea of guilty at committal hearing

- (1) This section does not apply in relation to a person charged with an indictable offence punishable by imprisonment for life.
- (2) Subsections (3), (4), (5) and (6) do not apply in relation to a person charged with an offence in relation to which the [Crimes Act](#), section 374 or section 375 applies.
- (3) A person (the *accused person*) who is before the court charged with an indictable offence may at any stage of the proceeding plead guilty to the charge.
- (4) The court may accept or reject the plea but the rejection of the plea at any stage of the proceeding does not prevent the accused person from pleading guilty under this section at a later stage of the proceeding and the court may accept or reject the plea at that later stage.
- (5) If the court rejects the plea, the proceeding before the court must continue as if the plea had not been made.
- (6) If—
  - (a) the court accepts the plea; and
  - (b) any of the following subparagraphs applies to the offence:
    - (i) the offence is under a law in force in the ACT punishable either on indictment or summary conviction;
    - (ii) the offence may be dealt with summarily without the accused person's consent;
    - (iii) the offence may be dealt with summarily if the accused person consents and the accused person consents to it being dealt with summarily;

- (iv) the offence may be dealt with summarily if the prosecutor requests and the prosecutor requests that it be dealt with summarily; and
- (c) it appears to the court that it is proper to deal with the case summarily;

the court may, without hearing further evidence, sentence or otherwise deal with the accused person and finally dispose of the charge and all incidental matters.

(7) If—

- (a) the court accepts the plea; and
- (b) any of the following subparagraphs applies to the offence:
  - (i) it does not appear to the court that it is proper to deal with the case summarily;
  - (ii) the offence is punishable only on indictment;
  - (iii) the offence may be dealt with summarily if the accused person consents, but the accused person does not consent to it being dealt with summarily;
  - (iv) the offence may be dealt with summarily if the prosecutor requests, but the prosecutor does not request that it be dealt with summarily;
  - (v) this subsection applies to the accused person under the [Crimes Act](#), section 374 or section 375;

the Magistrates Court must commit the accused person to the sittings of the Supreme Court that the Supreme Court directs and the Supreme Court must deal with the accused person in accordance with subsections (8) to (13).

- (8) A committal under subsection (7) is taken, for all purposes relating to the venue or change of venue of a proceeding consequent on the committal, to be a committal for trial.
- (9) The Supreme Court may order that the proceeding before the Magistrates Court where the accused person pleaded guilty be continued at a time and place stated in the order.
- (10) The Supreme Court must make an order under subsection (9) if—
  - (a) it appears to the Supreme Court from the information or evidence given to or before it that the facts in relation to which the accused person was charged before the Magistrates Court do not support the charge to which the accused person pleaded guilty; or
  - (b) the accused person or a lawyer representing the accused person or informant asks that the order be made.
- (11) Except if an order is made under subsection (9), the Supreme Court has the same powers of sentencing or otherwise dealing with the accused person and of finally disposing of the charge and of all incidental matters as it would have had if the accused person, on arraignment at any sittings of the court, had pleaded guilty to the offence charged on an indictment filed by the Attorney-General or the Attorney-General of the Commonwealth.
- (12) The procedure relating to committal for trial applies, as nearly as may be, to a committal under subsection (7) and bail may be granted as on a committal for trial, but a person must not be bound over to give evidence on a committal under that subsection unless the court otherwise orders.



- (13) If an order is made by the Supreme Court under subsection (9) that the proceeding before a court where an accused person pleaded guilty be continued at a time and place stated in the order—
- (a) the proceeding must be continued in all respects as if the accused person had not pleaded guilty and as if the proceeding had been adjourned by the court to the time and place so stated; and
  - (b) the Supreme Court may exercise any power that the Magistrates Court might have exercised under division 3.4.3 (Remand) if the order had been an order made by the Magistrates Court adjourning the proceeding to the stated time and place, and that division applies in relation to the accused person.

#### **90B Back-up and related offences—transfer to Supreme Court**

- (1) This section applies if a person (the *accused person*)—
- (a) is committed for trial under section 90A (7); and
  - (b) has been charged with a back-up or related offence.
- Note* **Back-up offence** and **related offence**—see the dictionary.
- (2) The prosecutor must tell the court about the back-up or related offence.
- (3) The court must transfer the proceeding for the back-up or related offence to the Supreme Court, to be dealt with under the [Supreme Court Act 1933](#), part 8 (Back-up and related offences).
- (4) Subsection (3) does not prevent the accused person being charged with an offence after committal under section 90A (7).
- (5) However, if the accused person is charged with a back-up or related offence after committal under section 90A (7), the court must transfer the proceeding for the offence to the Supreme Court, to be dealt with under the [Supreme Court Act 1933](#), part 8.

## **91 Proceeding following prosecution evidence**

- (1) When all the evidence offered by the prosecution in relation to the indictable offence with which the accused person is charged has been taken, the court must charge the accused person with the offence and must say to the accused person these words, or words to the like effect:

‘Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say may be given in evidence against you on your trial. You are clearly to understand that you have nothing to hope from any promise or favour, and nothing to fear from any threat that may have been held out to you to induce you to make any admission or confession of your guilt; but whatever you now say may be given in evidence against you on your trial, notwithstanding any such promise or threat.’

- (2) Subsection (1) does not apply in relation to a person charged with an indictable offence if the court has decided to dispose of the case summarily under a law in force in the ACT.
- (3) If the court commits the accused person for trial before the Supreme Court, any statement made by the person in reply to the question mentioned in subsection (1) is, on the trial of the accused person, admissible as evidence.
- (4) Whether or not the accused person makes a statement in reply to the question mentioned in subsection (1), the magistrate must ask the person if the person wishes to give evidence himself or herself or to call any witnesses on his or her behalf and, if the accused person or any other person then gives evidence, the prosecutor is at liberty to cross-examine the witness and to adduce evidence in reply.

**92A Committal for sentence for indictable offence tried summarily**

- (1) On the summary conviction of a person charged with an indictable offence, the court may, if it appears to it that because of the character and antecedents of the person it is desirable that sentence be passed on the person by the Supreme Court, commit the person for sentence to the sittings of the Supreme Court that the court directs.
- (2) If the court commits a person for sentence under subsection (1), the court must—
  - (a) deal with the person in the same way as a person who is committed for trial under section 94 (1) (b) (Discharge or committal for trial); and
  - (b) if the person has been charged with a back-up or related offence—deal with the back-up or related offence in accordance with section 94 (2).
- (3) The Supreme Court has the same powers of sentencing or otherwise dealing with a person committed for sentence under this section as it would have had if the person had been convicted in that court.
- (4) This section does not apply to the summary conviction of a person charged with an indictable offence if the case was dealt with summarily under the [Crimes Act](#), section 374 (Summary disposal of certain cases at prosecutor's election).

**92B Depositions as evidence**

If—

- (a) a person is charged with an indictable offence; and
- (b) the person has not admitted the truth of the charge; and

- (c) the court has decided to dispose of the case summarily under a law in force in the ACT;

the depositions of the witnesses who gave evidence for the prosecution at the preliminary hearing are taken to be evidence given on the hearing of the charge and the witnesses, or any of them, must, if so required by the prosecutor or the defendant, be called or recalled for examination or cross-examination.

**93 Admissions and confessions**

This Act does not prevent the prosecutor in any case from giving in evidence any admission or confession or other statement of the defendant made at any time if it is admissible as evidence against the defendant.

**Division 3.5.3 Indictable offences—proceedings after hearing of evidence**

**94 Discharge or committal for trial**

- (1) When all the evidence for the prosecution and the defence have been taken in relation to the indictable offence with which the accused person is charged, the court must—
- (a) if the court is satisfied, having regard to all the evidence before it, that there is no reasonable prospect that the person would be found guilty of an indictable offence—if the person is in custody in relation to the offence, immediately order that the person be released from custody in relation to the offence; or
  - (b) if the court is not satisfied as mentioned in paragraph (a)—commit the person for trial.

- (2) If the accused person is committed for trial under subsection (1) and has been charged with a back-up or related offence—
- (a) the prosecutor must tell the court about the back-up or related offence; and
  - (b) the court must transfer the proceeding for the back-up or related offence to the Supreme Court, to be dealt with under the *Supreme Court Act 1933*, part 8 (Back-up and related offences).
- (3) Subsection (2) does not prevent the accused person being charged with an offence after committal under subsection (1) (b).
- (4) However, if the accused person is charged with a back-up or related offence after committal under subsection (1) (b), the court must transfer the proceeding for the offence to the Supreme Court, to be dealt with under the *Supreme Court Act 1933*, part 8.

*Note 1* For the meaning of *commit* a person for trial, see the *Legislation Act*, dict, pt 1.

*Note 2* The court must issue a warrant for the remand of the defendant in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 17).

## **95 Depositions of dead or absent people**

If, on the trial of a person who has previously been charged before the court with an indictable offence and committed for trial, it is proved—

- (a) that a witness whose depositions were taken at the hearing of the charge before the magistrate is dead or so ill as not to be able to travel or to give evidence, or is absent from Australia; and
- (b) that the depositions of the witness were taken in the presence of the accused person; and

- (c) that the accused person or a lawyer representing the accused person had a full opportunity of cross-examining the witness;  
the depositions are admissible as evidence—
- (d) if taken in the way specified in section 316 (3)—be read as evidence at the trial of the accused person without further proof unless it is proved that the magistrate by whom the depositions purport to have been signed did not in fact sign them; or
- (e) if recorded by 1 of the ways specified in section 316 (2)—be read as evidence at the trial of the accused person if it is proved that the record is a correct record of the depositions and that the transcript is a correct transcript of that record.

## **96 Evidence for defence**

If a person is charged with an indictable offence as such, the court is bound to hear any evidence tendered on the person's behalf tending to show that the defendant is not guilty of the offence with which the defendant is charged.

## **Division 3.5.4 Indictable offences—costs**

### **97 Discontinued proceeding**

If—

- (a) in a proceeding under this part, the court is of the opinion, having regard to all the evidence before it, that there is no reasonable prospect that the person would be convicted of an indictable offence; or
- (b) a proceeding under this part is discontinued for any other reason;

the court may order that the informant pay to the defendant the costs the court considers just.

## **Division 3.5.5 Indictable offences—witness recognisances**

### **103 Recognisance of witnesses etc**

- (1) The court may bind by recognisance every person whose written statement was admitted in evidence under section 90AA, or who was examined before it, to appear at the court at which the defendant is to be tried, and then and there to give evidence against the defendant.
- (2) The recognisance must particularly specify the profession, trade, or calling of every person who enters into it, together with the person's full name and place of residence.

### **104 Signature of magistrate—notice to witnesses**

Every such recognisance must be duly acknowledged by every person who enters into it, and must be subscribed by the magistrate before whom it is acknowledged, and a notice of it signed by the magistrate must at the same time be given to every person bound by it.

### **105 Court may remand noncompliant witness**

- (1) If a witness fails to enter into a recognisance, the court may order the remand of the witness in custody until after the defendant's trial, unless the witness enters into the recognisance before a magistrate.

*Note* The *Crimes (Sentence Administration) Act 2005*, pt 3.2 provides for the director-general to have custody of the defendant during the remand.

- (2) If the witness is remanded under this section, a magistrate may order the director-general to release the witness from custody in accordance with the order if—
  - (a) the defendant is not committed for trial for the offence with which the defendant is charged; or

- (b) the relevant officer declines to file an information against the defendant for the offence; or
- (c) the witness enters into the recognisance before a magistrate.

## Division 3.5.6 Indictable offences—other provisions

### 105A Meaning of *certified copy* of depositions in div 3.5.6

In this division:

*certified copy*, of depositions, means—

- (a) if a record of the deposition was made in accordance with section 316 (2)—a transcript of the record certified in accordance with section 314 (2); or
- (b) if the depositions were taken down in writing and signed in accordance with section 316 (3)—the depositions as taken down and signed.

### 106 Giving depositions etc to director of public prosecutions

- (1) If a defendant is committed for trial or for sentence, the court must as soon as possible after the conclusion of the case before it, give to the director of public prosecutions or a person authorised by the director of public prosecutions all informations, examinations, depositions, statements, bail undertakings and other documents sworn taken or acknowledged in the case.

- (2) In this section:

*depositions* means a certified copy of depositions.

*statement* includes a certified copy of the statement (if any) made by a defendant in reply to the question mentioned in section 91 (1).



**107 Giving documents to proper officer of court**

- (1) After being given the documents and before the day of trial, the director of public prosecutions or a person authorised by the director of public prosecutions has and is subject to the same duties and liabilities in relation to the documents on a certiorari order directed to him or her as the court would have had and been subject to on a certiorari order to it if the documents had not been given.
- (2) The director of public prosecutions, a person authorised by the director of public prosecutions, the person representing the director of public prosecutions or the person representing the informant, must, at any time after the opening of the Supreme Court at the sitting at which the trial is to be had, give the documents or any of them to the proper officer of the Supreme Court, if the presiding judge so directs.

**108 Accused person may obtain copies of depositions etc**

- (1) This section applies if—
  - (a) a person is charged with an indictable offence; and
  - (b) the Magistrates Court commits the person for trial before the Supreme Court.
- (2) At any time before the person's trial before the Supreme Court starts, the person may apply to the registrar—
  - (a) for certified copies of depositions in the case; and
  - (b) for the evidence given on the cross-examination or the examination of any witnesses in the case.
- (3) The registrar must give the person the certified copies of depositions and the evidence applied for under subsection (2).
- (4) If the person is in custody, the person having the custody of the person must give any application under subsection (2) to the registrar.

## Part 3.6 Proceedings for offences punishable summarily

### 108A Indictable offences dealt with summarily

If—

- (a) a person is charged with an indictable offence; and
- (b) the court has decided to dispose of the case summarily under a law in force in the ACT;

this part applies, so far as it is applicable, to the summary disposal of the case.

### 109 Dismissal or adjournment in absence of informant

(1) If—

- (a) the defendant appears (whether voluntarily, in accordance with a summons or under a warrant) at the time and place for the hearing of an information in relation to an offence punishable summarily; and
- (b) the informant, having been notified of the time and place for the hearing, does not appear either personally or by a lawyer appearing for the informant;

the court must, subject to subsection (2), dismiss the information.

- (2) The court may, if it considers it is appropriate to do so, adjourn to another day the hearing of an information that would otherwise be dismissed under subsection (1).

**110 Hearing in absence of defendant**

- (1) If a summons has been served in accordance with section 41 and the defendant does not appear when called, the court may either—
  - (a) proceed to hear and decide the case in the absence of the defendant; or
  - (b) on oath being made before it, substantiating the matter of the information to its satisfaction, issue a warrant for the arrest of the defendant and to bring the defendant before the court to answer to the information and be further dealt with according to law.
- (2) If the court proceeds under subsection (1) (a)—
  - (a) the evidence of the informant or another person may be given orally; or
  - (b) a written statement made by the informant or another person may be admitted as evidence of the matters contained in it.
- (3) A written statement admitted in evidence constitutes the depositions of the person who made the statement.
- (4) A written statement must not be admitted in evidence unless it is sworn before—
  - (a) a lawyer; or
  - (b) a justice of the peace; or
  - (c) the registrar; or
  - (d) a person prescribed by regulation or rule.
- (5) If the court admits a written statement in evidence it may, on its own initiative, adjourn the hearing of the information and require the person who made the statement to attend before the court to give evidence.

- (6) Although a part of a written statement tendered in evidence under this section is inadmissible according to the rules of evidence, the statement is nevertheless admissible under this section as evidence of the matters contained in the remainder of that statement, but, if the court admits such a statement, the court must identify the part that is inadmissible and must, with reference to that part, write on the statement 'ruled inadmissible' or words to that effect.
- (7) The court must not sentence a defendant to imprisonment for an offence if the court has heard and decided the case under subsection (1) (a) in the absence of the defendant.
- (8) The court must set aside an order made in hearing and deciding a case under subsection (1) (a) if—
  - (a) the defendant applies under the rules to have the order set aside; and
  - (b) the court is satisfied on reasonable grounds that the defendant—
    - (i) did not know the hearing date; or
    - (ii) did not understand that the court could proceed to hear and decide the case in the defendant's absence if the defendant failed to appear; or
    - (iii) otherwise had a reasonable excuse for failing to appear.

### **111 Adjourment if defendant does not appear**

- (1) This section applies if—
  - (a) the defendant does not appear before the court for the hearing of the information; and
  - (b) the court has issued a warrant for the defendant's arrest.
- (2) The court must adjourn the hearing until the defendant is arrested.

- (3) If the defendant is arrested under the warrant, the defendant must be detained in custody until the defendant can be brought before the court at a time and place fixed by the court.
- (4) The court must give the informant notice of the time and place fixed.

**112 Summary proceedings—issue of warrant for non-appearance at adjourned or postponed hearing**

- (1) This section applies if—
  - (a) a defendant appears before the court for the hearing of an information for an offence; and
  - (b) the information is substantiated by the oath of the informant or a witness; and
  - (c) the court adjourns or postpones the hearing or further hearing; and
  - (d) the defendant is told of the time and place of the adjourned or postponed hearing or further hearing; and
  - (e) the defendant does not appear before the court at the adjourned or postponed hearing or further hearing.
- (2) The court may issue a warrant for the arrest of the defendant and to bring the defendant before the court at the adjourned or postponed hearing or further hearing.

**112A Court may direct defendant to appear**

- (1) This section applies if—
  - (a) a summons is served on a defendant in relation to an information for an offence; and
  - (b) in accordance with the summons—the defendant appears before the court represented by a lawyer; and

- (c) the defendant does not appear personally for the hearing; and
  - (d) the information is substantiated by the oath of the informant or a witness.
- (2) The court may at any time during the hearing—
- (a) adjourn the hearing; and
  - (b) direct the defendant by written notice to attend personally before the court for any matter related to the hearing, at the time and place specified by the court.
- (3) A notice under subsection (2) must be served in the same way as the service of a summons under section 41.
- (4) If the defendant does not appear before the court in accordance with a notice under subsection (2), the court may issue a warrant for the arrest of the defendant and to bring the defendant before the court.

**113 Proceeding at hearing on defendant's confession**

If the defendant is present at the hearing, the substance of the information must be stated to the defendant, and the defendant must be asked if the defendant has any cause to show why the defendant should not be convicted or why an order should not be made against the defendant, and if the defendant has no cause to show, the court may convict the defendant, or make an order against the defendant accordingly.

**114 If defendant does not admit the case**

- (1) This section applies if the defendant does not admit the truth of the information.
- (2) The court must hear—
- (a) the informant and the informant's witnesses (if any); and
  - (b) if the defendant wants to give evidence—the defendant; and

- (c) the defendant's witnesses (if any); and
  - (d) if the defendant has given evidence other than about the defendant's general character—the informant's witnesses in reply (if any).
- (3) Having heard each party and the evidence, the court must decide the information and do 1 of the following as justice requires:
- (a) convict the defendant;
  - (b) make an order on the defendant;
  - (c) dismiss the information.

**115 Conduct of summary proceeding**

- (1) The defendant or a lawyer representing the defendant may address the court after all the evidence for the informant and the evidence (if any) for the defendant and for the informant in reply has been given.
- (2) The informant or a lawyer representing the informant may make a closing address.

## Part 3.7                      Service and pleading by post for certain offences

### 116A      Definitions for pt 3.7

- (1) In this part:

*defendant* means a person who has been properly served with a summons in accordance with section 116B.

*law in force in the ACT* includes a statute of the Australian National University about parking or traffic.

- (2) For this part (other than section 116B (2)), a *notice to defendant form*, *notice of intention to defend form* and *plea of guilty form* includes a copy of the form printed on the back of a copy of a summons.

### 116AA    Meaning of *prescribed offence* for pt 3.7

- (1) For this part, an offence against a law in force in the ACT is a *prescribed offence* in relation to a person if—
- (a) for an offence against the road transport legislation—the maximum fine that can be imposed on the person for the offence is 30 penalty units; or
  - (b) for an offence against the *Heavy Vehicle National Law (ACT)*—the maximum fine that can be imposed on the person for the offence is \$3 000 or another amount prescribed by regulation; or
  - (c) for any other offence—the maximum fine that can be imposed on the person for the offence is 10 penalty units.



(2) In this section:

**road transport legislation** means the following:

- (a) the *Road Transport (Driver Licensing) Act 1999*;
- (b) the *Road Transport (General) Act 1999*;
- (c) the *Road Transport (Public Passenger Services) Act 2001*;
- (d) the *Road Transport (Safety and Traffic Management) Act 1999*;
- (e) the *Road Transport (Vehicle Registration) Act 1999*;
- (f) any other Act or any regulation prescribed by regulation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

### **116B Service of summons for prescribed offence**

- (1) A summons for a person in relation to a prescribed offence may be served on the person—
  - (a) by giving 2 copies of the summons to the person; or
  - (b) by sending 2 copies of the summons by prepaid post, addressed to the person, at the person's last-known home or business address; or
  - (c) by leaving 2 copies of the summons at the person's last-known home or business address with someone who appears to be at least 16 years old and to live or be employed at the address.
- (2) One copy of a summons in relation to a prescribed offence served in accordance with this section must have the notice to defendant form printed on the back of it, and the other copy of that summons so served must have the notice of intention to defend form and the plea of guilty form printed on the back of it.

- (3) Service of a summons on a person in relation to a prescribed offence in a way mentioned in subsection (1) (a) or (c) must be made not less than 14 days before the day the person is required by the summons to appear before the court.
- (4) If a summons in relation to a prescribed offence is served in accordance with this section in the way mentioned in subsection (1) (b), the 2 copies of the summons must be sent by post not less than 21 days before the day when the person to whom it is directed is required by the summons to appear before the court.

*Note* If a form is approved under the [Court Procedures Act 2004](#) for this provision, the form must be used.

### **116BA Giving of notice by registrar**

If the registrar is required to give notice to a person under this part, the notice may be given by sending the notice by prepaid post, addressed to the person, at the person's last-known home or business address.

### **116C Proof of service**

- (1) Service of a summons or notice for this part may be proved by the oath of the person who served it, by affidavit or otherwise.
- (2) For this part, if—
  - (a) a summons has been served in accordance with section 116B; and
  - (b) a copy of the summons is returned to the registrar with the notice of intention to defend form or the plea of guilty form completed;

the defendant is taken, unless the contrary is proved, to have completed and signed the form so completed and to have returned the form to the registrar.

- (3) The plea of guilty form must be signed in the presence of 1 of the following people:
- (a) the registrar;
  - (b) a lawyer;
  - (c) a justice of the peace;
  - (d) a person prescribed by regulation or rule.

**116D Pleas to prescribed offence**

A defendant may—

- (a) without prejudice to any other means of pleading guilty, enter a plea of guilty by completing the plea of guilty form and returning the form, whether by post or otherwise, to the registrar; or
- (b) give notice of his or her intention to defend by completing the notice of intention to defend form and returning the form, whether by post or otherwise, to the registrar.

**116E Procedure if plea of guilty entered**

- (1) If—
- (a) a defendant enters a plea of guilty in accordance with section 116D; and
  - (b) the defendant—
    - (i) does not appear at the hearing; or
    - (ii) appears but does not withdraw his or her plea of guilty; and
  - (c) the court accepts the plea of guilty;

the court must record a plea of guilty and decide the proceeding accordingly.

- (2) The court, in deciding a proceeding under subsection (1), must have regard to any matter drawn to its attention in the plea of guilty and give the matter the weight it considers appropriate.
- (3) If the court declines to accept a plea of guilty entered in accordance with section 116D—
  - (a) the court must adjourn the hearing and fix a time and place for the hearing of the proceeding; and
  - (b) if the defendant is not before the court—the registrar must give to the defendant notice of the time and place fixed.
- (4) If a defendant does not appear at the time and place fixed under subsection (3), the court may hear and decide the proceeding in the absence of the defendant.

**116F Procedure if notice of intention to defend given**

If a defendant returns the notice of intention to defend form to the registrar before the day when the defendant is required by the summons to appear before the court—

- (a) the court must fix a time and place for the hearing of the proceeding; and
- (b) the registrar must give to the defendant notice of the time and place fixed.

**116FA Procedure if defendant pleads not guilty**

If the defendant appears before the court at the time and place at which the defendant is required by the summons to appear and pleads not guilty, the court must adjourn the hearing, fix a time and place for the hearing of the proceeding and inform the defendant of the time and place fixed.

**116G Procedure if defendant does not plead**

If—

- (a) a summons has been served in accordance with section 116B;  
and
- (b) either—
  - (i) the defendant does not enter a plea of guilty in accordance with section 116D or return the notice of intention to defend form to the registrar before the day when the defendant is required by the summons to appear before the court, and does not appear before the court at the time and place specified in the summons; or
  - (ii) the defendant does not appear before the court at the time and place specified in the notice given to the defendant in accordance with section 116F or fixed by the court in accordance with section 116FA; and
- (c) the court is satisfied—
  - (i) that the matters alleged in the summons are reasonably sufficient to inform the defendant of the offence alleged against the defendant; and
  - (ii) that the matters alleged in the summons constitute the offence charged in the summons;

the court may convict the defendant of the offence charged in the summons.

**116H Restricted penalties under pt 3.7**

- (1) Subject to subsection (3), if—
- (a) a defendant is convicted under this part of an offence against a law mentioned in a paragraph of section 116AA (1); and
  - (b) at the time that the defendant is sentenced, the defendant is not before the court or is not represented before the court by a lawyer;

the only penalty that the court may impose is a fine of an amount not exceeding the amount mentioned in that paragraph.

- (2) If—
- (a) the court convicts a defendant of an offence against a law mentioned in a paragraph of section 116AA (1); and
  - (b) the law provides in effect that a penalty other than a fine may be imposed on the defendant; and
  - (c) when the defendant is sentenced, the defendant is not before the court or is not represented before the court by a lawyer; and
  - (d) the court considers that a penalty other than a fine may be appropriate;

the court must adjourn the hearing and fix a time and place for sentence.

- (3) The registrar must give the defendant notice of the time and place fixed.
- (4) If a defendant convicted of an offence against a law mentioned in a paragraph of section 116AA (1) does not appear at the time and place fixed under subsection (2), the court, in the absence of the defendant, may impose on the defendant any penalty that is applicable under that law.

**116I Consequences of conviction in absence of defendant**

If a defendant is, in his or her absence, convicted of an offence, the registrar must give to the defendant written notice of—

- (a) the conviction and order of the court; and
- (b) the penalty (if any) imposed by the court, and the way in which and the time by which the penalty is required to be discharged; and
- (c) unless the proceeding is decided in accordance with section 116E (1), the defendant's right to apply for the setting aside of the conviction or order in accordance with the rules.

*Note* If the defendant is liable to pay a fine, the notice must contain a penalty notice for the fine (see *Crimes (Sentence Administration) Act 2005*, s 116C (Registrar to send penalty notice)).

## Part 3.8 Infringement notices for certain offences

### Division 3.8.1 Preliminary

#### 117 Definitions for pt 3.8

In this part:

*administering authority*, for an infringement notice offence, means the entity that, under the regulations, is the administering authority for the offence.

*another jurisdiction* means a jurisdiction other than the ACT.

*authorised person*—see section 134A (3).

*date of service*, of an infringement notice or reminder notice that has been, or is to be, served on a person, means the date the notice is served on the person.

*driver*, of a vehicle, means the person who is driving the vehicle.

*illegal user declaration*—see section 131D.

*infringement notice* means a notice under section 120 (Service of infringement notices).

*infringement notice offence* means an offence declared under the regulations to be an offence to which this part applies.

*infringement notice penalty*, for a person for an infringement notice offence, means—

- (a) the amount prescribed by regulation as the penalty payable by the person for the offence under an infringement notice for the offence; or



- (b) if a reminder notice has also been served on the person for the offence—the total of the amount mentioned in paragraph (a) and the amount prescribed by regulation as the amount payable by the person for the cost of serving the reminder notice.

*known offender declaration*—see section 131E.

*registered*, for a vehicle, means registered under the *Road Transport (Vehicle Registration) Act 1999*.

*reminder notice* means a notice under section 129 (Reminder notices).

*responsible person*, for a vehicle—see the *Road Transport (General) Act 1999*, section 10 and section 11.

*sold vehicle declaration*—see section 131F.

*unknown offender declaration*—see section 131G.

*vehicle*—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

*vehicle-related offence* means an infringement notice offence that—

- (a) involves a vehicle; and  
(b) is declared by regulation to be an offence to which division 3.8.3 applies.

## **118 Purpose and effect of pt 3.8**

- (1) The purpose of this part is to create a system of infringement notices for certain offences as an alternative to prosecution.
- (2) This part does not—
- (a) require an infringement or reminder notice to be served on a person; or

- (b) affect the liability of a person to be prosecuted for an offence if—
  - (i) an infringement or reminder notice is not served on the person for the offence; or
  - (ii) the person does not comply with an infringement or reminder notice served on the person for the offence; or
  - (iii) an infringement notice served on the person for the offence is withdrawn; or
- (c) prevent the service of 2 or more infringement notices on a person for an offence; or
- (d) limit or otherwise affect the penalty that may be imposed by a court on a person for an offence.

## **119 Regulations about infringement notice offences**

- (1) A regulation may prescribe an offence for the definition of *infringement notice offence* in section 117 by—
  - (a) stating the offence; or
  - (b) referring to the provision creating the offence; or
  - (c) providing that all offences, or all offences except for stated offences, against an Act or subordinate law are infringement notice offences.
- (2) Subsection (1) does not limit the way that a regulation may prescribe an offence for that definition.
- (3) A regulation may, for the definition of infringement notice penalty in section 117, prescribe—
  - (a) an amount as the penalty payable by anyone for an offence if it is dealt with under this part; or
  - (b) different amounts as the penalties payable for different offences if they are dealt with under this part; or

- (c) different amounts as the penalties payable for the same kind of offence committed by different people or in different circumstances if the offence is dealt with under this part.
- (4) However, an infringement notice penalty prescribed for a person for an offence must not exceed the maximum fine that could be imposed by a court on the person for the offence.
- (5) Subsection (3) does not limit the way that a regulation may prescribe an amount for that definition.

## **Division 3.8.2      Infringement and reminder notices**

### **120      Service of infringement notices**

- (1) If an authorised person believes, on reasonable grounds, that a person has committed an infringement notice offence, the authorised person may serve a notice (an ***infringement notice***) on the person for the offence.
- (2) A regulation may make provision in relation to when an authorised person is, or is not, taken to have reasonable grounds for a belief mentioned in subsection (1).
- (3) To remove any doubt, an authorised person may not serve an infringement notice on a person under this section for an offence after the end of the time within which a prosecution may be brought for the offence.
- (4) This section does not prevent an infringement notice for a vehicle-related offence being served on a person under section 131B (Service of infringement notice on responsible person for vehicle).

## **121 Contents of infringement notices**

- (1) An infringement notice served on a person by an authorised person for an infringement notice offence must—
- (a) be identified by a unique number; and
  - (b) state the date of service of the notice; and
  - (c) state—
    - (i) the full name, or surname and initials, and address of the person on whom the notice is served; or
    - (ii) the particulars that are, under the regulations, identifying particulars for the person; and
  - (d) give brief details of the offence, including the Act or subordinate law, and the provision of it, contravened by the person, and—
    - (i) if the offence took place over a period—the period, or approximate period, when the offence was committed; or
    - (ii) in any other case—the place where the offence was committed and the date and approximate time of the offence; and
  - (e) state the infringement notice penalty payable by the person for the offence; and
  - (f) contain the information required by section 122 (Additional information in infringement notices); and
  - (g) identify the authorised person in accordance with the regulations; and
  - (h) include any other information required by regulation and any additional information that the administering authority considers appropriate.

- (2) A regulation may provide that subsection (1) (c) does not apply to an infringement notice.

## **122 Additional information in infringement notices**

- (1) The infringement notice must also tell the person on whom it is served that—
- (a) the person may pay the infringement notice penalty for the offence or dispute liability for the offence within 28 days after the day when the notice is served on the person (the *date of service* of the notice); and
  - (b) the person may apply to the administering authority for additional time in which to pay the penalty or dispute liability for the offence; and
  - (c) the notice may be withdrawn before or after the penalty is paid; and
  - (d) if the person pays the penalty within the 28 days (or any additional time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
    - (i) any liability of the person for the offence is discharged; and
    - (ii) the person will not be prosecuted in court for the offence; and
    - (iii) the person will not be taken to have been convicted of the offence; and
  - (e) if the person wishes to dispute liability for the offence, the issue may be referred to the Magistrates Court; and

- (f) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
  - (g) if the person does not pay the infringement notice penalty, or disputes liability for the offence, within the 28 days (or any additional time allowed by the administering authority), a reminder notice may be served on the person for the offence or the person may be prosecuted in court for the offence; and
  - (h) if a reminder notice is served on the person, the infringement notice penalty is increased by the amount payable by the person for the cost of serving the reminder notice.
- (2) In addition, the infringement notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
  - (b) explain how the person may apply for additional time to pay the infringement notice penalty or dispute liability for the offence.

### **123 Time for payment of infringement notice penalty**

The infringement notice penalty payable by a person under an infringement notice or reminder notice is payable—

- (a) within 28 days after the date of service of the notice; or
- (b) if the person applies to the administering authority within the 28 days for additional time to pay and the additional time is allowed—within the additional time allowed by the administering authority; or

- (c) if the person applies to the administering authority within the 28 days for additional time to pay and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service of the notice, whichever is later.

## **124 Extension of time to pay penalty**

- (1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the date of service of the notice, for a stated additional time (of not longer than 6 months) in which to pay the infringement notice penalty.
- (2) The administering authority must—
- (a) allow or refuse to allow the additional time; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

## **125 Effect of payment of infringement notice penalty**

- (1) This section applies if—
- (a) an infringement notice has been served on a person for an infringement notice offence; and
  - (b) the person pays the infringement notice penalty for the offence in accordance with this part; and
  - (c) when the payment is made, the infringement notice had not been withdrawn and an information had not been laid in the Magistrates Court against the person for the offence.

*Note* Section 127 (Withdrawal of infringement notice) provides for the withdrawal at any time of an infringement notice that has been served on a person. If s 125 applied to the infringement notice offence, it ceases to apply, and is taken never to have applied, on the withdrawal of the notice (see s 127 (4)).

- (2) If this section applies—
  - (a) any liability of the person for the offence is discharged; and
  - (b) the person must not be prosecuted in a court for the offence; and
  - (c) the person is not taken to have been convicted of the offence.
- (3) If 2 or more infringement notices were served on the person for the offence, then, unless all the infringement notices have been withdrawn, subsection (2) applies to the person in relation to the offence if the person pays, in accordance with this part, the infringement notice penalty in relation to any of the notices (together with any costs and disbursements payable under this part in relation to the notice).

## **126 Application for withdrawal of infringement notice**

- (1) The person on whom an infringement notice for an infringement notice offence is served may apply to the administering authority, in writing, for the withdrawal of the notice within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) The administering authority must—
  - (a) withdraw the notice or refuse to withdraw the notice; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.



**127      Withdrawal of infringement notice**

- (1) This section applies to an infringement notice that has been served on a person for an infringement notice offence.
- (2) The administering authority may, by notice served on the person, withdraw the infringement notice, whether or not—
  - (a) the person has made an application for the withdrawal of the infringement notice; or
  - (b) the infringement notice penalty (or part of it) has been paid for the offence; or
  - (c) the person has disputed liability for the infringement notice offence.
- (3) The notice must—
  - (a) include the number of the infringement notice and the date of service of the infringement notice; and
  - (b) tell the person that the infringement notice is withdrawn and, in general terms, about subsection (4).
- (4) On service of the notice—
  - (a) this part ceases to apply to the infringement notice; and
  - (b) if the infringement notice penalty (or part of it) has been paid—the amount paid must be repaid by the administering authority; and
  - (c) if section 125 (Effect of payment of infringement notice penalty) applies to the offence—the section ceases to apply, and is taken never to have applied, to the offence; and
  - (d) a proceeding for the offence may be taken in a court against anyone (including the person) as if the infringement notice had not been served on the person.

## 128 Guidelines about withdrawal of infringement notices

- (1) The Minister may issue guidelines about the exercise of an administering authority's functions under section 126 (Application for withdrawal of infringement notice), section 127 (Withdrawal of infringement notice) or section 133 (Extension of time to dispute liability).
- (2) The administering authority for an infringement notice offence must comply with any guidelines applying to the offence.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 129 Reminder notices

An authorised person may serve a notice (a *reminder notice*) on a person if—

- (a) an infringement notice has been served on the person for an infringement notice offence; and
- (b) the infringement notice has not been withdrawn; and
- (c) the infringement notice penalty has not been paid to the administering authority within the time for payment under this part; and
- (d) written notice disputing liability has not been given to the administering authority in accordance with this part; and
- (e) a reminder notice has not previously been served on the person for the offence.

### **130 Contents of reminder notices**

A reminder notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- (b) include the following information:
  - (i) the Act or subordinate law, and the provision of it, contravened by the person;
  - (ii) the number of the infringement notice served on the person for the offence;
  - (iii) the date of service of the infringement notice; and
- (c) state the date of service of the reminder notice; and
- (d) state the infringement notice penalty that is now payable by the person for the offence; and
- (e) contain the information required by section 131 (Additional information in reminder notices); and
- (f) identify the authorised person in accordance with the regulations; and
- (g) include any other information required by regulation and any additional information that the administering authority considers appropriate.

### **131 Additional information in reminder notices**

- (1) The reminder notice must also tell the person on whom it is served that—
  - (a) the infringement notice penalty for the offence has not been paid; and
  - (b) the infringement notice has not been withdrawn; and

- (c) written notice disputing liability has not been received by the administering authority from the person for the offence; and
- (d) the infringement notice penalty for the offence has been increased by the amount payable by the person for the cost of serving the reminder notice; and
- (e) the person may pay the infringement notice penalty that is now payable by the person for the offence or dispute liability for the offence within 28 days after the day when the reminder notice is served on the person (the *date of service* of the notice); and
- (f) the person may apply to the administering authority for additional time in which to pay the penalty or dispute liability for the offence; and
- (g) the infringement notice may be withdrawn before or after the penalty is paid; and
- (h) if the person pays the penalty within the 28 days (or any additional time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
  - (i) any liability of the person for the offence is discharged; and
  - (ii) the person will not be prosecuted in court for the offence; and
  - (iii) the person will not be taken to have been convicted of the offence; and
- (i) if the person wishes to dispute liability for the offence, the issue may be referred to the Magistrates Court; and
- (j) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and

- (k) if the person does not pay the infringement notice penalty, or dispute liability for the offence, within the 28 days (or any additional time allowed by the administering authority), the person may be prosecuted in court for the offence.
- (2) In addition, the reminder notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
  - (b) explain how the person may apply for additional time to pay the infringement notice penalty or dispute liability for the offence.

### **Division 3.8.3      Additional provisions for vehicle-related offences**

#### **131A      Meaning of *infringement notice***

In this division:

*infringement notice* means an infringement notice for a vehicle-related offence.

#### **131B      Service of infringement notice on responsible person for vehicles**

- (1) This section applies if an authorised person believes, on reasonable grounds, that a vehicle-related offence has been committed.
- (2) The authorised person may serve an infringement notice for the offence on—
  - (a) the responsible person for the vehicle at the time of the offence; or

- (b) if there is more than 1 responsible person for the vehicle at that time—each or any of them.

*Note 1* For how documents may be served, see the [Legislation Act](#), pt 19.5

*Note 2* Subsections (3) and (4) provide additional ways for serving infringement notices (see [Legislation Act](#), s 251 (1)).

- (3) If the infringement notice is to be served on a person under this section by post and the vehicle is registered under a law of another jurisdiction corresponding to the [Road Transport \(Vehicle Registration\) Act 1999](#), the notice may be served by sending it by prepaid post, addressed to the person, to the latest address of the person in the registration records kept under that law.
- (4) An infringement notice for a vehicle-related offence may be served by securely placing or attaching the notice, addressed to the responsible person (without further description), on or to the vehicle in a conspicuous position.
- (5) If an infringement notice is served in the way mentioned in subsection (4), it is taken to have been served, on the day that it is placed on or attached to the vehicle, on—
- (a) the responsible person for the vehicle; or
- (b) if there is more than 1 responsible person for the vehicle at that time—each of them.
- (6) A person must not remove, deface or interfere with an infringement notice placed on, or attached to, a vehicle unless the person is the driver of the vehicle or the responsible person (or a responsible person) for the vehicle.

Maximum penalty: 20 penalty units.

- (7) A regulation may provide that an infringement notice for a vehicle-related offence may only be served on a person under this section within the prescribed period after the day the offence was committed.

- (8) To remove any doubt, an authorised person may not serve an infringement notice on a person under this section for an offence after—
- (a) if a regulation under subsection (7) prescribes a period for the offence—the end of the prescribed period; or
  - (b) in any other case—the end of the time within which a prosecution may be brought against the person for the offence.
- (9) This section does not prevent an infringement notice for a vehicle-related offence being served on a person under section 120 (Service of infringement notices).

### **131C Liability for vehicle-related offences**

- (1) If an infringement notice for a vehicle-related offence is served on a person under section 131B, the person is liable for the offence, and may be convicted of and punished for the offence, even though the person who actually committed the offence (the *actual offender*) may have been someone else.
- (2) If the actual offender is not the responsible person (or a responsible person) for the vehicle at the time of the offence, subsection (1) does not affect the liability of the actual offender, but—
- (a) an additional penalty for the offence may not be recovered from or imposed on the actual offender if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the responsible person (or a responsible person) for the vehicle at that time; and
  - (b) an additional penalty for the offence may not be recovered from or imposed on the responsible person (or a responsible person) for the vehicle at that time if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the actual offender.

- (3) However, in a prosecution against a responsible person for a vehicle-related offence, it is a defence if the responsible person establishes—
- (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
  - (b) that the person made and gave to the administering authority a known offender declaration in accordance with section 131E (Known offender declaration) for the offence; or
  - (c) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
  - (d) that the person—
    - (i) was not the driver of the vehicle at the time of the offence; and
    - (ii) does not know, and could not with reasonable diligence have found out, the name and address of the driver of the vehicle at that time.

### **131D Illegal user declarations**

- (1) This section applies if—
- (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and
  - (b) the person makes a declaration (an *illegal user declaration*) stating that the vehicle was stolen, or illegally taken or used, at the time of the offence and providing all relevant facts supporting that statement, including details of where and when the matter was reported to the police; and



- (c) the person gives the illegal user declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the person (if any) stated in the illegal user declaration as the person (the *named offender*) who was illegally in charge of the vehicle at the time of the offence.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the illegal user declaration.
- (4) Section 131C (Liability for vehicle-related offences) and section 131E (Known offender declarations) apply as if the named offender were the responsible person for the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 131B.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the illegal user declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the illegal user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

## 131E Known offender declarations

- (1) This section applies if—
- (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and
  - (b) the person makes a declaration (a *known offender declaration*) stating—
    - (i) if the person is an individual—
      - (A) that the person was not the driver of the vehicle at the time of the offence and did not commit the offence; and
      - (B) the name and home or business address of the person (the *named offender*) who was the driver of the vehicle at that time; and
      - (C) all relevant facts supporting those statements; or
    - (ii) if the person is a corporation—the name and home or business address of the person (also the *named offender*) who was the driver of the vehicle at the time of the offence and all relevant facts supporting that statement; or
    - (iii) for a vehicle-related offence under an Act declared by regulation to be an Act to which this subparagraph applies—the person saw another named person (also the *named offender*) do the act the subject of the offence and stating—
      - (A) the address of the named offender; and
      - (B) if the person does not know the other person's address—the reasons why the person does not know the address; and

- (c) the person gives the known offender declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the named offender.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the known offender declaration.
- (4) Section 131C (Liability for vehicle-related offences), this section and section 131F apply as if the named offender were the responsible person for the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 131B.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the known offender declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the known offender declaration is evidence that the named offender was the offender at the time of the offence.

### **131F Sold vehicle declarations**

- (1) This section applies if—
- (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and

- (b) the person makes a declaration (a ***sold vehicle declaration***) stating that the vehicle (or all of the person's interest in the vehicle) had been sold or otherwise disposed of by the person before the time of the offence and providing all relevant facts supporting that statement, including—
    - (i) the name and home or business address of the person (the ***buyer***) to whom the vehicle (or the person's interest in the vehicle) was sold or disposed of by the person; and
    - (ii) the date and, if relevant to the offence, time of the sale or disposal; and
    - (iii) if an agent made the sale or disposal for the person—the name and home or business address of the agent; and
    - (iv) whether the person had any interest in the vehicle at the time of the offence; and
  - (c) the person gives the sold vehicle declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the buyer.
  - (3) If a document (including an infringement notice or reminder notice) is to be served on the buyer under this part by post in relation to the offence, the document may be addressed to the buyer at his or her home or business address stated in the sold vehicle declaration.
  - (4) Section 131C (Liability for vehicle-related offences), section 131E and this section apply as if the buyer were a responsible person for the vehicle at the time of the offence and the infringement notice had been served on the buyer under section 131B.

- (5) However, a proceeding for the offence may be brought in a court against the buyer only if a copy of the sold vehicle declaration has been served on the buyer by an authorised person.
- (6) In a proceeding against the buyer for the offence, the sold vehicle declaration is evidence that the buyer was the responsible person for the vehicle at the time of the offence.

### **131G Unknown offender declarations**

If an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles), the person may—

- (a) make a declaration (an *unknown offender declaration*) stating—
  - (i) that—
    - (A) if the person is an individual—the person was not the driver of the vehicle at the time of the offence and did not commit the offence; or
    - (B) if the person is a corporation—the vehicle was not being used for the corporation’s purposes at the time of the offence; and
  - (ii) that the person has made inquiries to find out who was—
    - (A) the driver of the vehicle at that time; or
    - (B) for a vehicle-related offence under an Act declared by regulation to be an Act to which this subparagraph applies—the offender was at that time; and

- (iii) that the person does not know, and has not been able to find out, who was the driver of the vehicle, or the offender, at that time; and
  - (iv) the nature and extent of the inquiries made by the person; and
- (b) give the unknown offender declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).

### **Division 3.8.4 Disputing liability for infringement notices**

#### **132 Disputing liability for infringement notice offence**

- (1) A person on whom an infringement notice or reminder notice has been served for an infringement notice offence may dispute liability for the offence by written notice given to the administering authority.
- (2) The notice must set out the grounds on which the person relies.
- (3) The notice must be given to the administering authority—
  - (a) within 28 days after the date of service of the infringement notice or reminder notice; or
  - (b) if the person applies to the administering authority within the 28 days for additional time to dispute liability for the offence and the additional time is allowed—within the additional time allowed by the administering authority; or

- (c) if the person applies to the administering authority within the 28 days for additional time to dispute liability for the offence and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service of the infringement notice or reminder notice, whichever is later.

### **133 Extension of time to dispute liability**

- (1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the date of service of the notice, for a stated additional time in which to dispute liability for the offence.
- (2) The administering authority must—
  - (a) allow or refuse to allow the additional time; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

### **134 Procedure if liability disputed**

- (1) This section applies if a person disputes liability for an infringement notice offence by giving the administering authority a notice in accordance with section 132 (Disputing liability for infringement notice offence).
- (2) The administering authority may lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice.

- (3) The administering authority must discontinue a proceeding brought against the person for the offence if, before the hearing of the proceeding, the person pays the total of—
  - (a) the infringement notice penalty; and
  - (b) the costs (if any) prescribed by regulation for beginning the proceeding; and
  - (c) the disbursements (if any) incurred by the administering authority up to the day payment is made.
- (4) If subsection (3) applies, section 125 (Effect of payment of infringement notice penalty) also applies to the person in relation to the offence, even though the person paid the infringement notice penalty for the offence after an information had been laid in the Magistrates Court against the person for the offence.
- (5) If the administering authority does not lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice, the administering authority must—
  - (a) tell the person, in writing, that no further action will be taken against the person for the offence; and
  - (b) take no further action against the person for the offence.
- (6) To remove any doubt, subsection (2) does not permit the administering authority to lay an information against a person for an offence after the end of the time within which, apart from this section, a prosecution may be brought against the person for the offence.

*Note* For the time within which a prosecution must be begun, see the [Legislation Act](#), s 192.



## Division 3.8.5      Infringement notices—other provisions

### 134A      **Authorised people for infringement notice offences**

- (1) The administering authority for an infringement notice offence may appoint a person to be an authorised person to serve infringement notices or reminder notices.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A regulation may prescribe a person to be an authorised person for the service of infringement notices or reminder notices.

- (3) In this part:

***authorised person*** means—

- (a) for an infringement notice for an infringement notice offence—
- (i) the administering authority; or
  - (ii) a person who is appointed under this section by the administering authority to serve an infringement notice for the offence; or
  - (iii) anyone else who, under the regulations, may serve an infringement notice for the offence; or
- (b) for a reminder notice for an infringement notice offence—
- (i) the administering authority; or
  - (ii) a person who is appointed under this section by the administering authority to serve a reminder notice for the offence; or

- (iii) anyone else who, under the regulations, may serve a reminder notice for the offence.

### **135 Delegation of administering authority's functions**

- (1) The administering authority for an infringement notice offence may delegate the administering authority's functions under this part to an authorised person or a person prescribed by regulation.
- (2) A person prescribed by regulation for subsection (1) may delegate the functions delegated to the person under that subsection to anyone else.

*Note* For the making of delegations and the exercise of delegated functions, see [Legislation Act](#), pt 19.4.

### **136 Evidentiary certificates**

- (1) This section applies to a proceeding for an infringement notice offence.
- (2) A certificate that appears to be signed by or on behalf of the administering authority, and states any matter relevant to anything done or not done under this part in relation to the offence, is evidence of the matter.
- (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:
  - (a) a stated infringement notice or reminder notice was served by a stated authorised person in a stated way on a stated person on a stated date for a stated infringement notice offence;
  - (b) the administering authority did not allow additional time, or allowed stated additional time, for payment of the infringement notice penalty or to dispute liability for the offence;
  - (c) the infringement notice penalty was not paid within the time in which it was required to be paid under this part;

- (d) the infringement notice has not been withdrawn or was withdrawn on a stated date;
  - (e) a stated address was, on a stated date, the latest business, home or email address, or fax number, of a stated person recorded in a register or other record kept by the administering authority;
  - (f) an infringement notice penalty has not been paid by, or a penalty has not been imposed on, a stated person or anyone for the offence.
- (4) A court must accept a certificate given under this section as proof of the matters stated in it if there is no evidence to the contrary.

## Part 3.9 Enforcement of criminal decisions

### Division 3.9.1 Enforcement of criminal decisions—general

#### 141 Minute of decision and notice to defendant

- (1) If the court convicts or makes an order against a defendant—
  - (a) a minute or memorandum of the conviction or order must be made and signed by the magistrate exercising the jurisdiction of the court; and
  - (b) the defendant must be notified in writing of the conviction or order.

*Note 1* If the defendant is sentenced to imprisonment, the court must issue a warrant for the imprisonment of the defendant in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 12).

*Note 2* If the defendant is liable to pay a fine, the notice must contain a penalty notice for the fine (see *Crimes (Sentence Administration) Act 2005*, s 116C (Registrar to send penalty notice)).

- (2) A minute or memorandum under subsection (1) (a) must specify the amount of any victims financial assistance levy imposed under the *Victims of Crime (Financial Assistance) Act 2016*, part 7.

*Note* The *Victims of Crime Act 1994*, s 25 (1) requires the amount of the victims services levy payable by a person (in relation to an offence to which that Act, pt 5 applies), to be stated on a fine order under the *Crimes (Sentencing) Act 2005* and on any notice or copy of the fine order given to the person.

- (3) Failure to comply with subsection (1) does not invalidate a conviction or order or the enforcement of a conviction or order.

- (4) The minute must not form part of—
- (a) a warrant under the *Crimes (Sentence Administration) Act 2005*, section 12 (Warrant for imprisonment); or
  - (b) an enforcement order.

**142 Formal convictions and orders**

- (1) The conviction or order must, if required, be drawn up by the court in proper form and be filed by the registrar in the court's records.
- (2) It is not necessary for a court formally to draw up a conviction or order or any other record of a decision, unless it is demanded by a party to the proceeding for the purpose of an appeal against the decision, or is required for the purpose of a habeas corpus order or another order from the Supreme Court.

**143 Consequences if information dismissed**

- (1) The court must make an order of dismissal if the court dismisses an information.
- (2) The court must give the defendant a certificate of dismissal signed by the adjudicating magistrate or the registrar if the defendant applies for it.
- (3) If a certificate of dismissal is produced to a court—
  - (a) the court must accept it as proof of the matters stated in it if there is no evidence to the contrary; and
  - (b) it is a bar to any other information or proceeding in any court (other than an appeal) for the same matter against the same party.

## 144 Copies of informations and other documents

- (1) On application, the registrar must give an applicant a copy of—
  - (a) an information; or
  - (b) a minute or memorandum of a conviction or order; or
  - (c) a formal conviction or order; or
  - (d) a committal order.
- (2) The registrar may refuse an application under subsection (1) if—
  - (a) the applicant is not a party to the relevant proceeding; and
  - (b) the registrar or a magistrate is not satisfied that the applicant has a good reason for being given that copy.

## Division 3.9.3 Reciprocal enforcement of fines against bodies corporate

### 166A Definitions for div 3.9.3

In this division:

**conviction** means a conviction or order entered or made by a court in the exercise of summary jurisdiction in a proceeding for an offence.

**fine** includes—

- (a) a financial penalty, financial forfeiture and financial compensation; and
- (b) fees, charges and costs payable by a body corporate under an order made in a proceeding in which a conviction was entered in relation to the body corporate.

**reciprocating court** means a court declared under section 166B to be a reciprocating court.

*relevant officer*, in relation to a reciprocating court, means the registrar or other corresponding officer of the court.

*State* includes a Territory other than the Australian Capital Territory.

*territory fine* means a fine payable under a conviction of the court.

### **166B Declarations relating to reciprocating courts**

- (1) If a State has laws providing for the enforcement in the State of a territory fine against a body corporate, the Attorney-General may declare a court of summary jurisdiction in the State to be a reciprocating court.
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

### **166C Enforcement of fine**

- (1) If—
  - (a) a fine is payable by a body corporate under a conviction of a reciprocating court; and
  - (b) the registrar receives a written request from the relevant officer of the reciprocating court for the enforcement of the conviction accompanied by—
    - (i) a copy, certified by the relevant officer to be correct, of the conviction; and
    - (ii) a certificate signed by the relevant officer stating the amount of the fine that remains unpaid;

the registrar must register the conviction by filing in the court the certified copy of the conviction and noting the date of the registration on the copy.

- (2) On the registration of a conviction under subsection (1)—
- (a) the conviction is taken, for this part, to be a conviction of the court adjudging payment of a fine by the body corporate in the amount stated as unpaid in the certificate mentioned in subsection (1) (b); and
  - (b) the registrar must make an enforcement order for the purpose of recovering the amount mentioned in paragraph (a); and
  - (c) subject to this section, this Act and the rules applying to civil proceedings in the Magistrates Court apply in relation to an enforcement order made under paragraph (b) as if the order had been made in a civil proceeding in the court.
- (3) If a request is made under this section in relation to a fine payable under a conviction of a reciprocating court and the registrar later receives a notification from the relevant officer of the reciprocating court of payment of an amount in satisfaction in whole or part of the amount of the fine, the registrar must note the particulars of the payment on the certified copy of the conviction filed in the court.
- (4) If—
- (a) an enforcement order is made under subsection (2) in relation to a fine; and
  - (b) before enforcement, the registrar receives a notification mentioned in subsection (3) in relation to the fine;
- the registrar must stay the order.
- (5) On the stay of the order, the registrar must—
- (a) if the amount of the fine has been paid in full—set aside the order; or
  - (b) if part of the amount of the fine remains unpaid—amend the order to show the amount still unpaid.



- (6) If an enforcement order is amended under subsection (5) (b), the order must be enforced in relation to the amount of the fine shown in the order as unpaid.
- (7) If an amount of money is paid to the registrar in satisfaction in whole or in part of a fine payable under a conviction registered under subsection (1), the registrar must remit the amount to the relevant officer of the reciprocating court by which the conviction was entered.
- (8) For this section, a document that purports to have been signed by the relevant officer of a reciprocating court is taken to have been so signed unless the contrary is proved.

**166D Effect of enforcement by reciprocating court**

An amount received by the registrar from a reciprocating court in satisfaction in whole or in part of a territory fine must be applied by the registrar as if the amount had been paid to the registrar by the body corporate by which the fine was payable in satisfaction in whole or in part of the fine.

**166E Registrar to notify payment of territory fine**

If—

- (a) a conviction of the court under which a fine is payable is registered by the relevant officer of a reciprocating court; and
- (b) an amount is received by the registrar in satisfaction in whole or in part of the fine;

the registrar must, as soon as practicable, notify the relevant officer of the amount of that payment.

## **Division 3.9.4 Enforcement of criminal decisions— other provisions**

### **184 Enforcement of costs against informant**

If a court orders an informant in a criminal proceeding to pay costs to a defendant, the order operates as a judgment given or entered in relation to a claim for the payment of money and is enforceable accordingly.

### **191 Accounts to be kept of amounts received**

Every registrar and person in charge of a correctional centre must keep a true and exact account of all amounts received by him or her under or because of any conviction or order, showing the people from whom and the time when the amounts were received and to whom and when the amounts were paid.

Maximum penalty: 1 penalty unit.

### **193 Forfeited goods may be sold**

Except where otherwise provided, all forfeitures, not financial, that are incurred in relation to an offence triable by the court or that may be enforced by the court, may be sold or disposed of or dealt with in the way that the court directs, and the proceeds of the sale must be applied in a similar way as if the proceeds were a fine imposed under the Act, ordinance or law on which the proceeding for forfeiture is founded.

### **194 Enforcement order not void for form only**

An enforcement order is not void only because of a defect or error in it if there is a conviction or order that is valid, or that may be amended and made valid, under this Act to support it.

**195 Convictions etc to be given to Supreme Court registrar**

- (1) This section applies if a person is convicted of an indictable offence by the court or an information in relation to an indictable offence is dismissed by the court.
- (2) The court must immediately give the registrar of the Supreme Court a copy of the conviction and recognisances or a copy of the certificate of dismissal (if any).
- (3) The court must keep a conviction and dismissal book and record each conviction or dismissal in it.

## **Part 3.10 Criminal appeals**

### **Division 3.10.1 Criminal appeals—jurisdiction of Supreme Court**

#### **207 Jurisdiction of Supreme Court**

- (1) The appellate jurisdiction of the Supreme Court in relation to decisions of the Magistrates Court under this Act (other than chapter 4 (Civil proceedings)) extends to the hearing and deciding of the following appeals and to no others:
  - (a) appeals to which division 3.10.2 (Appeals in criminal matters) applies;
  - (b) reference appeals under division 3.10.2A (Reference appeals in criminal matters);
  - (c) review appeals under division 3.10.3 (Review appeals in criminal matters).
- (2) This part does not limit the operation of any other Act that makes provisions in relation to the appellate jurisdiction of the Supreme Court.

### **Division 3.10.2 Appeals in criminal matters**

#### **208 Appeals to which div 3.10.2 applies**

- (1) Each of the following appeals is an appeal to which this division applies:
  - (a) an appeal by any of the following from a decision of the Magistrates Court under the [Crimes Act](#), section 315A (2) or (3) (Investigation into fitness to plead) or section 315D (7) (Person found temporarily unfit to plead):
    - (i) the person whose fitness to plead was decided;

- (ii) anyone who appeared at the proceeding in which the decision was made;
- (iii) anyone else with the leave of the court;
- (b) an appeal, by the person convicted, from a conviction for an offence dealt with by the Magistrates Court under this Act, part 3.6 (Proceedings for offences punishable summarily) or part 3.7 (Service and pleading by post for certain offences) or under the [Crimes Act](#), section 374 or section 375;
- (c) an appeal, by the person against whom the order is made, from an order made under this Act, section 113 or section 114 in a proceeding dealt with by the Magistrates Court under this Act, part 3.6 or under the [Crimes Act](#), section 374 or section 375;
- (d) an appeal from a sentence or penalty imposed by the Magistrates Court by a person convicted of an offence dealt with by that court under this Act, section 90A, part 3.6 or part 3.7, or under the [Crimes Act](#), section 374 or section 375, whether or not the person appeals against the conviction in relation to which the sentence or penalty was imposed;
- (e) an appeal from an order of the court under any of the following provisions of the [Crimes \(Sentencing\) Act 2005](#):
  - (i) part 3.2 (Sentences of imprisonment);
  - (ii) part 3.3 (Non-custodial sentences);
  - (iii) part 3.4 (Non-association and place restriction orders);
  - (iv) part 3.5 (Deferred sentence orders);
  - (v) part 3.6 (Combination sentences);

*Note* Orders under the [Crimes Act 1900](#), pt 18 (Conditional release of offenders) are taken to be orders under the [Crimes \(Sentencing\) Act 2005](#) (see [Crimes \(Sentence Administration\) Act 2005](#), ch 16).

- (f) an appeal from an order of the court under the *Crimes (Sentence Administration) Act 2005*, part 6.6 (Good behaviour orders—amendment and discharge);
- (g) an appeal from an order of the court to disqualify a person from holding or obtaining a driver licence under an automatic disqualification provision under the *Road Transport (General) Act 1999*, division 4.2 (Licence suspension, disqualification and related matters), if the order is for a longer period than the minimum.

*Note* **Automatic disqualification provision**—see the *Road Transport (General) Act 1999*, s 61A.

- (2) Subsection (1) does not affect any power that the Supreme Court has, apart from this Act, to grant bail or to vary the conditions of bail.

## **209 Institution of appeal**

- (1) An appeal must be instituted by the appellant filing a notice of appeal in the office of the registrar of the Supreme Court within the period of 28 days after the conviction was entered, the order or decision was made or the sentence or penalty imposed, or within any further time the Supreme Court allows.
- (2) As soon as practicable after instituting the appeal, the appellant must—
  - (a) file a copy of the notice of appeal with the Magistrates Court; and
  - (b) serve a copy of the notice of appeal on—
    - (i) for an appeal mentioned in section 208 (1) (a)—each other person mentioned in that paragraph; and
    - (ii) for any other appeal—the director of public prosecutions.

**210 Substituted service of notice of appeal**

- (1) If it appears to the Supreme Court, on an application made for an order under this section, that personal service of a notice of appeal under section 209 on a person on whom it is required to be served cannot be effected, the Supreme Court may make the order for substituted or other service the Supreme Court considers just.
- (2) The Supreme Court may, on an application made for an order under this subsection, dispense with service of a notice of appeal if the court considers it necessary or expedient to do so.
- (3) An order under subsection (2) may be made subject to the conditions (if any) the Supreme Court considers appropriate.

**214 Appeals in cases other than civil cases**

- (1) This section applies to an appeal mentioned in section 208 (Appeals to which div 3.10.2 applies).
- (2) In an appeal to which this section applies, the Supreme Court must have regard to the evidence given in the proceeding out of which the appeal arose, and has power to draw inferences of fact.
- (3) In an appeal to which this section applies, the Supreme Court must—
  - (a) if it considers it necessary or expedient to do so in the interests of justice—
    - (i) order the production of a document or anything else that was an exhibit in, or was otherwise connected with, the proceeding out of which the appeal arose and that appears to it to be necessary to produce for deciding the appeal; and

- (ii) order any person who was, or would have been if the person had been called, a compellable witness in the proceeding to attend for examination before the Supreme Court; and
  - (iii) receive the evidence, if tendered, of any witness; and
- (b) receive evidence with the consent of the parties to the appeal.
- (4) If evidence is tendered in an appeal to which this section applies, the Supreme Court must, unless satisfied that the evidence would not afford any ground for allowing the appeal, receive the evidence if—
  - (a) it appears to the Supreme Court that the evidence is likely to be credible and would have been admissible in the proceeding out of the which the appeal arose on an issue relevant to the appeal; and
  - (b) the Supreme Court is satisfied that the evidence was not adduced in the proceeding and there is a reasonable explanation for the failure to adduce it.

## **216 Stay of execution pending appeal in certain cases**

- (1) If a person (the *appellant*) appeals under this division—
  - (a) the enforcement or execution of the decision, conviction, order, sentence or penalty that is the subject of the appeal is stayed until the appeal is decided or is abandoned or discontinued; and
  - (b) if the appellant is in custody—the appellant may, if not detained for another reason, apply for bail under the [Bail Act 1992](#).



- (2) Unless the appellant is detained for another reason, the appellant remains in the custody of the person who had custody of the appellant immediately before the enforcement or execution of the conviction or sentence was stayed until—
- (a) the appellant is granted bail under the *Bail Act 1992*; or
  - (b) the appellant is remanded in custody.

## **218 Orders by Supreme Court on appeals**

- (1) On an appeal to which this division applies, the Supreme Court may—
- (a) confirm, reverse or vary the conviction, order, sentence, penalty or decision appealed from; or
  - (b) give the judgment, or make the order, that, in all the circumstances, it considers appropriate, or refuse to make an order; or
  - (c) set aside the conviction, order, sentence, penalty or decision appealed from, in whole or in part, and remit the proceeding to the Magistrates Court for further hearing and decision, subject to the directions the Supreme Court considers appropriate.
- (2) A judgment or order of the Supreme Court under subsection (1) (a) or (b) has effect as if it were a decision of the Magistrates Court and may be enforced by the Magistrates Court accordingly.

## **219 No right of appeal under div 3.10.2 if review appeal**

- (1) A person is not entitled to appeal to the Supreme Court under this division against a decision of the Magistrates Court if the person has instituted an appeal against the decision under division 3.10.3 (Review appeals in criminal matters).
- (2) If a person institutes an appeal under division 3.10.3 in relation to a decision of the Magistrates Court, any appeal against the decision that has been instituted under this division is taken to be withdrawn.

## Division 3.10.2A Reference appeals in criminal matters

### 219A What is a *reference appeal*?

In this division:

*reference appeal*—see section 219AB (2).

### 219AB Reference appeal in relation to proceeding

- (1) This section applies if a person has been charged on indictment in the Magistrates Court and the proceeding in relation to all or part of the indictment has concluded.
- (2) The Supreme Court may, on application by the Attorney-General, solicitor-general or director of public prosecutions (the *applicant*), hear and decide (by a *reference appeal*) any question of law arising at or in relation to the proceeding.

### 219AC Who may be heard at reference appeal

- (1) Each of the following people (each *interested party*) may be heard in a reference appeal:
  - (a) a person charged in the proceeding;
  - (b) a person who seeks to be heard, if the court is satisfied that the person has a sufficient interest in the appeal to be heard.
- (2) If an interested party is not represented in the appeal, the applicant must instruct counsel to argue the reference appeal on the party's behalf.
- (3) The reasonable costs of legal representation of an interested party are payable by the Territory.

### 219AD Reference appeal decision does not affect verdict

The decision on a reference appeal does not invalidate or affect any verdict or decision given in the proceeding.

## **Division 3.10.3      Review appeals in criminal matters**

### **219B      Decisions subject to review appeal**

- (1) Each of the following is a decision of the Magistrates Court from which an appeal by way of review (a *review appeal*) may be made in accordance with this division:
  - (a) an order of the Magistrates Court dismissing an information dealt with by that court under this Act, part 3.6 (Proceedings for offences punishable summarily) or part 3.7 (Service and pleading by post for certain offences) or under the [Crimes Act](#), section 374 or section 375;
  - (b) a conviction by the Magistrates Court for an offence dealt with by that court under this Act, part 3.6 or part 3.7 or under the [Crimes Act](#), section 374 or section 375;
  - (c) an order made under this Act, section 113 or section 114 in a proceeding dealt with by the Magistrates Court under this Act, part 3.6 or under the [Crimes Act](#), section 374 or section 375;
  - (d) a decision of the Magistrates Court not to commit a person to the Supreme Court for sentence under section 92A;
  - (e) a decision of the Magistrates Court to dispose of a case summarily under the [Crimes Act](#), section 374 or section 375 (7) or (8);
  - (f) a sentence or penalty imposed by the Magistrates Court for an offence dealt with by that court under this Act, section 90A, part 3.6 or part 3.7 or under the [Crimes Act](#), section 374 or section 375.

(2) In subsection (1) (f):

*sentence or penalty* includes a sentence or penalty imposed by an order of the Magistrates Court under—

(a) any of the following provisions of the *Crimes (Sentencing) Act 2005*:

- (i) part 3.2 (Sentences of imprisonment);
- (ii) part 3.3 (Non-custodial sentences);
- (iii) part 3.4 (Non-association and place restriction orders);
- (iv) part 3.5 (Deferred sentence orders);
- (v) part 3.6 (Combination sentences); or

*Note* Orders under the *Crimes Act 1900*, pt 18 (Conditional release of offenders) are taken to be orders under the *Crimes (Sentencing) Act 2005* (see *Crimes (Sentence Administration) Act 2005*, ch 16).

(b) the *Crimes (Sentence Administration) Act 2005*, part 6.6 (Good behaviour orders—amendment and discharge).

## **219C How review appeal is instituted**

- (1) A review appeal must be instituted by the appellant filing a notice of appeal in the Supreme Court within 28 days after the day the conviction was entered, the order or decision was made or the sentence or penalty imposed, or within any further time the Supreme Court allows.
- (2) As soon as practicable after instituting the appeal, the appellant must—
  - (a) file a copy of the notice of appeal in the Magistrates Court; and

- (b) serve a copy of the notice of appeal on—
  - (i) for an appeal mentioned in section 219B (1) (b) or (c)—the director of public prosecutions; and
  - (ii) for any other appeal—the person who was the defendant in the proceeding in the Magistrates Court.

## **219D Grounds for review**

The Supreme Court may review a decision of the Magistrates Court under this division on any 1 or more of the following grounds:

- (a) that there was a prima facie case of error or mistake on the part of the Magistrates Court;
- (b) that the Magistrates Court did not have jurisdiction or authority to make the decision;
- (c) that the decision of the Magistrates Court should not in law have been made;
- (d) for a decision mentioned in section 219B (1) (d) or (e)—that, in the circumstances of the case, the decision should not have been made;
- (e) for a decision mentioned in section 219B (1) (f)—that the sentence or penalty was manifestly inadequate or otherwise in error.

## **219E Report by Magistrate**

On a review appeal, the Supreme Court may, if it considers appropriate, make an order requiring the magistrate by whom the Magistrates Court was constituted to give to the Supreme Court a report setting out the reasons for the decision of the Magistrates Court and any facts or matters that in the view of the magistrate were relevant to the decision of the Magistrates Court.

## **219F Powers of Supreme Court**

- (1) On a review appeal, the Supreme Court may, after considering the evidence before the Magistrates Court and any further evidence called by leave of the Supreme Court—
  - (a) dismiss the appeal if satisfied that the decision of the Magistrates Court should be confirmed; or
  - (b) set aside or quash, in whole or part, or otherwise vary or amend, the decision of the Magistrates Court.
- (2) If, under subsection (1) (b), the Supreme Court sets aside, quashes or otherwise varies or amends a decision of the Magistrates Court, the Supreme Court may—
  - (a) for a decision mentioned in section 219B (1) (d)—order that the Magistrates Court commit the person to whom the decision relates to the Supreme Court for sentence under section 92A; or
  - (b) for a decision mentioned in section 219B (1) (e)—order that the Magistrates Court continue the committal hearing of the person to whom the decision relates in accordance with part 3.5; or
  - (c) for a decision mentioned in section 219B (1) (f)—
    - (i) impose the sentence or penalty the Supreme Court considers appropriate; or
    - (ii) by order, exercise any power that the Magistrates Court might have exercised; or

- (d) in any other case—
  - (i) remit the matter to the Magistrates Court for rehearing or for further hearing with or without directions of law; or
  - (ii) make any other order the Supreme Court considers necessary to decide the matter finally, including a prohibition order or habeas corpus order.
- (3) For the purpose of—
  - (a) correcting any defect or error in the proceeding before the Magistrates Court; or
  - (b) enabling the matter to be decided on the merits;the Supreme Court may make the amendments of the proceeding in the Magistrates Court it considers appropriate.
- (4) For subsections (1) (b) and (2) (c), the Supreme Court must not—
  - (a) vary a sentence or penalty such that the sentence or penalty as varied could not have been imposed by the Magistrates Court; or
  - (b) impose a sentence or penalty that could not have been imposed by the Magistrates Court.
- (5) The Supreme Court may, despite the ground or any of the grounds for review mentioned in section 219D being established, dismiss the appeal if the court considers that no substantial miscarriage of justice has happened.
- (6) On the dismissal of an appeal, the decision of the Magistrates Court appealed from may be enforced, executed or given effect to as if the appeal had not been instituted.

- (7) If, in relation to a sentence or penalty mentioned in section 219B (1) (f), the Supreme Court—
- (a) varies a sentence or penalty under subsection (1) (b); or
  - (b) imposes a sentence or penalty or makes an order under subsection (2) (b);
- the sentence or penalty as varied or imposed or the order made has effect as if it were a decision of the Magistrates Court and may be enforced by the Magistrates Court accordingly.
- (8) On an appeal under this division from an order, decision, sentence or penalty mentioned in section 219B (1) (a), (d), (e) or (f), the Supreme Court must order that the costs of and incidental to the appeal are payable by the appellant.
- (9) Subsection (8) applies whether the Supreme Court dismisses the appeal or exercises any of the other powers given to it by this section.

## **Division 3.10.4 Criminal appeals—other provisions**

### **222 Control of Supreme Court over summary convictions**

- (1) A person brought before the Supreme Court, under a habeas corpus order or another order, must not be discharged from custody because any defect or error in a committal order of the Magistrates Court, unless the court, or the magistrate constituting the court, and the prosecutor or other party interested in supporting the committal order have received reasonable and sufficient notice of the intention to apply for the discharge.
- (2) The notice must require them to give to the Supreme Court the conviction, judgment or order (if any) on which the committal was founded, together with the depositions and information intended to be relied on in support of the conviction, judgment or order, or certified copies of them.



## **223 Amendment of documents**

- (1) This section applies if—
  - (a) a document mentioned in section 222 (2) is given to the Supreme Court; and
  - (b) the offence charged or intended to be charged by the document appears to have been established; and
  - (c) the Magistrates Court’s judgment appears to be in substance justified; and
  - (d) the defects or errors appear to be defects of form only or mistakes not affecting the substance of the proceeding before the Magistrates Court.
- (2) The Supreme Court must allow the committal order, and may allow the conviction or judgment, to be immediately amended as necessary in accordance with the facts.
- (3) The person committed must then be remanded to the person’s former custody.

## **224 In cases of certiorari order**

The like proceedings as mentioned in section 222 and section 223 must be had, and the like amendments may and must be allowed to be made, in relation to every order brought before the Supreme Court by certiorari order, and after amendment in any such case the order may be enforced in the proper way, and must in all respects and for all purposes be regarded and dealt with as if it had been drawn up originally as amended.

**225 Notice dispensed with**

- (1) The notice required by section 222 may be given either before or after the habeas corpus order, certiorari order or other order is made.
- (2) When at the time of applying for the order—
  - (a) copies of the conviction or order and depositions are produced;  
or
  - (b) in cases of committal for trial or for sentence all informations, depositions, and statements have been given, as provided in section 106, to the director of public prosecutions or a person authorised by the director of public prosecutions;

the Supreme Court may dispense with the notice.

**226 Power of court to admit to bail**

- (1) If any person imprisoned or detained under a summary conviction or order is brought up by a habeas corpus order, and the Supreme Court postpones the final decision of the case, the Supreme Court may admit the person to bail in accordance with the *Bail Act 1992*.
- (2) If the judgment of the Supreme Court is against any person so brought up, the Supreme Court may remand the person to his or her former custody, there to serve the rest of the term for which the person was committed.

**227 Respecting the amendment of convictions etc**

- (1) Whenever the facts or evidence appearing by the depositions in substance support the decision of the Magistrates Court, if the decision does not extend beyond the information, and if the facts or evidence would have justified the court in making any necessary allegation or finding omitted in the decision, or in the formal conviction or order, or any warrant issued under the adjudication, the powers of amendment given by section 223 may be exercised, and if in a conviction there is some excess that may (consistently with the merits of the case) be corrected, the conviction must be amended accordingly and must stand good for the remainder.
- (2) All amendments are subject to the order about costs and otherwise the Supreme Court considers appropriate.

**228 No summons or information**

- (1) This section applies to a conviction or order in a case if—
  - (a) a relevant person is present at the hearing of the case; and
  - (b) there is no summons or information (or an amendment of a summons or information) in relation to the person; and
  - (c) the person does not object at the hearing about the matter mentioned in paragraph (b).
- (2) The conviction or order stands.
- (3) In this section:  
*relevant person* means—
  - (a) a convicted person; or
  - (b) a person against whom an order has been made; or
  - (c) a person whose goods have been condemned or ordered to be sold as forfeited.

**229 Distribution of penalty**

A conviction or an order is not defeated for the want of any distribution, or for a wrong distribution of the penalty or forfeiture.

## **Part 3.11**                      **Costs in criminal matters**

### **244**                      **Costs in criminal matters**

- (1) The power of the court to award costs is subject to the following:
  - (a) if the court makes a conviction or order in favour of the informant—it may order that the defendant must pay to the informant the informant's costs;
  - (b) if the court dismisses the information, or makes an order in favour of the defendant—it may order that the informant must pay to the defendant the defendant's costs;
  - (c) if a matter is adjourned—the court may order that the costs of and caused by the adjournment be paid by any party to any other party;
  - (d) costs ordered to be paid—
    - (i) must be awarded in the way prescribed by regulation; and
    - (ii) may be recovered under the rules about the enforcement of judgments of the court in civil proceedings.
- (2) Subject to any order of the court, the expenses of a person who attends at court to give evidence or to produce documents must be allowed to the person (whether or not they have been examined or produced documents and whether or not they were subpoenaed to attend).

## Part 3.12                      Securities in criminal matters

### 248                      Meaning of *security*—pt 3.12

In this part:

*security* means a security under the *Crimes (Sentencing) Act 2005*, section 15A (Fines—security for payment).

### 249                      Securities taken under Act

- (1) A person must give security, whether as principal or surety, either by the deposit of an amount with the registrar, or by an oral or written acknowledgment of the undertaking or condition by which, and of the amount for which, the person is bound.

*Note*      If a form is approved under the *Court Procedures Act 2004* for this provision, the form must be used.

- (2) Record of the security having been made may be provided by entry of it in the court's records.

### 250                      Recovery of amount due under security

Any amount becoming due under a security is recoverable on a claim by a police officer or by the registrar or by some other person authorised by the court.

### 252                      Sums paid by surety may be recovered from principal

Any amount paid by a surety on behalf of his or her principal in relation to a security, together with all costs, charges and expenses incurred by the surety in relation to the security, is taken to be a debt due to the surety from the principal, and may be recovered on a claim by the surety.

**253 Payment enforced by security**

If security is given for payment of an amount, the payment must be enforced by means of the security in substitution for other means of enforcing the payment.

**254 Enforcement of recognisance**

(1) If—

- (a) a witness or a person sought to be made a witness has entered into a recognisance for this Act; and
- (b) the court is satisfied that the witness or person sought to be made a witness has failed to comply with a condition of the recognisance;

the court may declare the recognisance to be forfeited and may make an order that the witness or person sought to be made a witness pay the whole or a part of the amount in which the witness or person is bound under the recognisance.

(2) If—

- (a) the court has declared a recognisance to be forfeited under subsection (1); and
- (b) a person is bound by the recognisance as surety for the performance of that condition;

the court may make an order that the person mentioned in paragraph (b) pay the whole or a part of the amount in which the person is bound under the recognisance.

(3) An order made under subsection (1) or (2) may be enforced as if it were a judgment entered on a claim by the registrar.

- (4) Subject to subsection (5), the court may, on application by a person against whom an order has been made under subsection (1) or (2)—
- (a) vary the order by reducing the amount payable under the order;  
or
  - (b) revoke the order and, if the order was made under subsection (1), revoke the declaration that the recognisance is forfeited.
- (5) If—
- (a) the court has made an order under subsection (1) or (2); and
  - (b) an enforcement order has been made; and
  - (c) property has been sold under the enforcement order;
- the court must not make an order under subsection (4).
- (6) It is not necessary that, for the purpose of hearing an application under subsection (4), the court be constituted by the magistrate who made the order to which the application relates.



## **Chapter 4            Civil proceedings**

### **Part 4.1            Preliminary**

#### **256            Application of ch 4**

This chapter does not apply in relation to—

- (a) a proceeding under the *Domestic Violence and Protection Orders Act 2008*; or
- (b) a proceeding under the *Workers Compensation Act 1951*; or
- (c) a proceeding on an information for an offence.

## Part 4.2 Civil jurisdiction

### 257 Personal actions at law—amount or value

- (1) The Magistrates Court has jurisdiction to hear and decide any personal action at law if the amount claimed is not more than \$250 000, including a personal action at law if—
  - (a) the amount claimed is the amount owing on a balance of account, after an admitted set-off or otherwise; or
  - (b) any amount in excess of \$250 000 to which the plaintiff may be entitled in relation to the cause of action is abandoned in accordance with the rules.
- (2) If the amount claimed in a personal action includes interest up to judgment, or a lump sum instead of interest, in accordance with the rules, the interest is disregarded in working out whether or not the court has jurisdiction.
- (3) For this section, a *personal action at law* includes an action relating to the detention of goods, and the amount claimed in the action is the value of the goods plus any amount claimed for damages for the detention of the goods.
- (4) Subsection (1) does not limit the court's jurisdiction if, under another law in force in the ACT, an amount may be recovered by action in the court (even if the amount is more than \$250 000).
- (5) The court's jurisdiction under subsection (1) is additional to any jurisdiction that the court has under any other law in force in the ACT.

**258 Power of court to grant relief**

- (1) In any proceeding that the Magistrates Court has jurisdiction to hear and decide—
  - (a) the court may grant any relief, redress or remedy that the Supreme Court may grant in a similar action in that court, and for that purpose the Magistrates Court may make any order that the Supreme Court may make; and
  - (b) the court must give effect to any ground of defence, counterclaim or set-off, whether equitable or legal, in the same way and to the same extent that the Supreme Court would do.
- (2) For the exercise by the Magistrates Court of its powers under subsection (1) in any proceeding—
  - (a) a magistrate constituting the court has, as well as any other powers under this Act, all the powers of a judge in a similar action in the Supreme Court; and
  - (b) the registrar, bailiff or other appropriate officer of the Magistrates Court must exercise any function that a corresponding officer of the Supreme Court would exercise in a similar action in that court in accordance with the practice and procedure of that court.
- (3) In exercising a function mentioned in subsection (2), the registrar, a bailiff or other officer of the court must comply with this Act, the rules and any order of the Magistrates Court.

**259 Rules of equity to prevail**

In any proceeding in the Magistrates Court, if there is a conflict between the rules of equity and the rules of common law, the rules of equity prevail.

**260 Nuisance**

- (1) The Magistrates Court has the same jurisdiction as the Supreme Court to hear and decide a civil action for nuisance.
- (2) In a civil action for nuisance, the Magistrates Court may grant the same relief as the Supreme Court may grant in a similar action in that court.

**261 Disputed debts**

- (1) The Magistrates Court may, in a proceeding in the court, declare that—
  - (a) a person is or is not indebted to someone else; or
  - (b) a person is or is not indebted to someone else in a stated amount; or
  - (c) a person is or is not indebted to someone else in an amount that is more than a stated amount.
- (2) This section applies only in relation to a debt that is not more than \$250 000.

**262 Cause of action arising, or defendant resident, outside ACT**

The Magistrates Court has jurisdiction to hear and decide a proceeding if—

- (a) the defendant was resident in the ACT when the claim was served on the defendant, even though all of the cause of action in the proceeding arose outside the ACT; or

- (b) both of the following apply, even though the defendant is not in the ACT:
- (i) a material part of the cause of action in the proceeding arose in the ACT, even though part of the cause of action arose outside the ACT;
  - (ii) the claim is served on the defendant in Australia or an external territory.

**263 Requests under conventions relating to legal proceedings in civil and commercial matters**

- (1) The Magistrates Court has jurisdiction to make any order or take any action necessary to comply with a request received from the consular or other authority of a relevant foreign country for serving documents in the ACT or taking evidence in the ACT.
- (2) In this section:
- relevant foreign country*—a foreign country is a *relevant foreign country* if a convention relating to legal proceedings in civil and commercial matters is in force between the country and Australia.

**264 Proceedings affecting title to land**

- (1) The Magistrates Court does not have jurisdiction to hear and decide a proceeding in which the title to land is genuinely in question.
- (2) However, the jurisdiction of the Magistrates Court to hear and decide a proceeding is not affected only because the title to land incidentally comes in question in the proceeding.
- (3) In a proceeding mentioned in subsection (2), a judgment is not evidence of title to land.

**265 Disputes under Residential Tenancies Act**

The Magistrates Court does not have jurisdiction in relation to a dispute to which the *Residential Tenancies Act 1997* applies if the amount in dispute is not more than \$10 000.

**266 Complaints under Utilities Act, pt 12**

The Magistrates Court does not have jurisdiction in relation to a matter to the extent to which it is the subject of—

- (a) a complaint under the *Utilities Act 2000*, part 12 (Complaints);  
or
- (b) a direction or declaration of the ACAT under that part.

**266A Civil disputes under ACT Civil and Administrative Tribunal Act**

- (1) A proceeding may not be started in the Magistrates Court in relation to—
  - (a) a common boundaries determination; or
  - (b) another civil dispute if an amount of not more than \$10 000 is claimed, or sought to be declared as a debt, whether or not any other relief is also sought.
- (2) To remove any doubt, this section does not apply in relation to the enforcement of an order made by the ACAT.

*Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 71 provides that a money order or non-money order made by the ACAT is taken to have been filed in the Magistrates Court for enforcement under the *Court Procedures Rules 2006*, pt 2.18 (Enforcement).

- (3) In this section:

*civil dispute*—see the *ACT Civil and Administrative Tribunal Act 2008*, section 16.

*common boundaries determination*—see the *ACT Civil and Administrative Tribunal Act 2008*, section 15.

*Note* An application may be made to the ACAT for civil disputes (see the *ACT Civil and Administrative Tribunal Act 2008*, pt 4). The ACAT has, in relation to civil disputes, the same jurisdiction and powers as the Magistrates Court (see the *ACT Civil and Administrative Tribunal Act 2008*, s 22).

## **266B Enforcement of ACT Civil and Administrative Tribunal order—representation**

- (1) This section applies if a person (the *first person*)—
- (a) was represented in an application in the ACAT by someone else (the *second person*) under the *ACT Civil and Administrative Tribunal Act 2008*, section 30; and
  - (b) the ACAT made a money order or non-money order in favour of the first person; and
  - (c) the first person enforces the order in the Magistrates Court under the *Court Procedures Rules 2006*, part 2.18 (Enforcement).
- (2) The second person may represent the first person in the enforcement proceeding in the Magistrates Court.

## **Part 4.3 Case stated for Supreme Court**

### **267 Case stated**

- (1) On the application of a party to a proceeding in the Magistrates Court, the court may state, in the form of a special case, any question of law that arises in the proceeding for the opinion of the Supreme Court.
- (2) The Supreme Court has jurisdiction to hear and decide a case stated under this section.



## Part 4.4                      Transfer of proceedings from or to Supreme Court

### 268                      Transfer of action from Supreme Court

- (1) This section applies if a proceeding in the Supreme Court relates to a cause of action that is a prescribed action.
- (2) The Supreme Court may, on the application of a party to the action or its own initiative, order that the action be transferred to the Magistrates Court if it considers it just to do so.
- (3) In subsection (1):

*prescribed action* means an action in which the amount claimed (whether initially or as reduced by payment, admitted set-off or otherwise) is not more than the amount for which the Magistrates Court has jurisdiction under this chapter.

### 269                      Procedure on transfer of action from Supreme Court

- (1) This section applies if the Supreme Court has made an order under section 268 that an action pending in the Supreme Court be transferred to the Magistrates Court.
- (2) A party to the action may file in the Magistrates Court a copy of the order, a copy of each of the pleadings (if any) in the action and any other relevant documents filed in the Supreme Court.
- (3) When the copies have been filed, the action—
  - (a) stops being an action in the Supreme Court; and
  - (b) becomes a proceeding in the Magistrates Court.
- (4) The proceeding is taken to have been begun in the Magistrates Court on the day the action was begun in the Supreme Court.

- (5) Costs in the proceeding are to be allowed—
- (a) for costs incurred before the order under section 268 was made (including the costs of getting the order) and the costs of getting the copies mentioned in subsection (2)—in accordance with the rules under the *Court Procedures Act 2004* applying to the Supreme Court, but subject to any Supreme Court order; and
  - (b) for costs incurred after the order was made (not including the costs of getting the copies)—in accordance with the rules applying to the Magistrates Court.
- (6) If costs mentioned in subsection (5) (a) are to be assessed, the costs must be assessed by the registrar in accordance with the rules applying to the Supreme Court.

## **270 Removal of proceedings into Supreme Court**

On the application of a party to a proceeding in the Magistrates Court, the Supreme Court may order that the proceeding be removed into the Supreme Court on the conditions about costs, security for the amount claimed or costs, or otherwise, that the Supreme Court considers just.

## **271 Stay of proceedings**

- (1) This section applies if an application under section 270 to have a proceeding in the Magistrates Court removed into the Supreme Court is pending.
- (2) On the application of a party to the proceeding, the Supreme Court may order that the proceeding be stayed until the application under section 270 is decided or until the Supreme Court orders otherwise.
- (3) An order that a proceeding be stayed takes effect immediately on a copy of the order being filed in the Magistrates Court.

## Part 4.5 Civil appeals

### 272 Meaning of *appeal*—pt 4.5

In this part:

*appeal* means an appeal to the Supreme Court from a judgment or order of the Magistrates Court, whether final or interlocutory, in a proceeding that the Magistrates Court has jurisdiction to hear and decide under this chapter.

### 273 Jurisdiction

- (1) The jurisdiction of the Supreme Court to hear and decide appeals is subject to the exceptions and conditions in this part.
- (2) Subsection (1) does not affect the operation of any other law that provides for the appellate jurisdiction of the Supreme Court.

### 274 Cases in which appeal may be brought

- (1) An appeal may be brought only with the leave of the Supreme Court.
- (2) However, an appeal may be brought as of right from a judgment or order—
  - (a) for, or for the payment of, an amount of \$2 000 or more; or
  - (b) in a proceeding in the Magistrates Court—
    - (i) in which the matter in issue amounts to, or is of the value of, \$2 000 or more; or
    - (ii) that involves directly or indirectly a claim, demand or question to or in relation to any property or any civil right amounting to, or of the value of, \$2 000 or more.

**276 Evidence on appeal**

In an appeal, the Supreme Court must have regard to the evidence given in the proceeding in the Magistrates Court out of which the appeal arose, and has power to draw inferences of fact and, in its discretion, to receive further evidence.

## **Chapter 4A      The Childrens Court**

### **Part 4A.1      The Childrens Court**

#### **287      Childrens Court**

- (1) The Magistrates Court is known as the Childrens Court when it is constituted by the Childrens Court Magistrate exercising the jurisdiction given under section 288.
- (2) The Magistrates Court is also known as the Childrens Court when it is constituted by—
  - (a) a magistrate assigned under section 291C (Assignment of other magistrates for Childrens Court matters) who is exercising the jurisdiction given under section 288; or
  - (b) a magistrate acting under section 291D (2) (Completion of part-heard matters).
- (3) The Childrens Court may use the Magistrates Court seal.

#### **288      Jurisdiction of Childrens Court**

- (1) The Childrens Court has jurisdiction to hear and decide—
  - (a) any criminal proceeding against a person in relation to a summary offence if the person was under 18 years old at the time of the alleged offence; and
  - (b) any criminal proceeding against a person in relation to an indictable offence (other than an offence punishable by imprisonment for life) if the person was under 18 years old at the time of the alleged offence; and
  - (c) a proceeding in relation to bail for a child; and

- (d) any application or other proceeding under the *Children and Young People Act 2008*, including a proceeding transferred to the court under the *Children and Young People Act 2008*, chapter 17 (Care and protection—interstate transfer of orders and proceedings); and
  - (e) if a child and an adult are jointly charged with an offence—the proceeding against the child and the proceeding against the adult that arise out of the charge.
- (2) Subsection (1) (b) is subject to the *Crimes Act 1900*, section 374 (Summary disposal of certain cases at prosecutor’s election) and section 375 (Summary disposal of certain cases).
  - (3) Subsection (1) (c) is subject to the *Bail Act 1992*.

**289 Procedure for proceedings where children jointly charged with adults**

- (1) If section 288 (1) (e) applies, a magistrate may, considering the nature of the alleged offence and the time and expense involved in carrying out hearings for the offence separately, order that the hearing for the offence against the child and the adult be heard together.

*Note* Section 288 (1) (e) applies if a child and an adult are jointly charged with an offence.

- (2) Subsection (1) does not affect the operation of the *Court Procedures Act 2004*, part 7A (Procedural provisions—proceedings involving children or young people) in relation to the child.
- (3) To remove any doubt, the *Court Procedures Act 2004*, part 7A (Procedural provisions—proceedings involving children or young people) applies to a proceeding against a child even if the proceeding arises out of an offence for which the child and an adult were jointly charged.

**290 Chief Magistrate to arrange business of Childrens Court**

- (1) The Chief Magistrate is responsible for ensuring the orderly and prompt discharge of the business of the Childrens Court.
- (2) The Chief Magistrate may, subject to appropriate and practicable consultation with the magistrates, make arrangements about—
  - (a) the magistrate who is to be the Childrens Court Magistrate; and
  - (b) the assignment of a magistrate under—
    - (i) section 291B (Acting Childrens Court Magistrate); or
    - (ii) section 291C (Assignment of other magistrates for Childrens Court matters).

**291 Childrens Court Magistrate to hear all matters**

- (1) The Childrens Court Magistrate is responsible for dealing with all matters within the jurisdiction of the Childrens Court.
- (2) Subsection (1) is subject to—
  - (a) section 291C (Assignment of other magistrates for Childrens Court matters); and
  - (b) section 291D (Completion of part-heard matters).
- (2) Also, subsection (1) does not prevent a magistrate other than the Childrens Court Magistrate from exercising—
  - (a) a function or power given to a magistrate under a provision of the *Children and Young People Act 2008*; or
  - (b) a power given to a magistrate under a territory law to admit a child or young person to bail under the *Bail Act 1992* or to remand a child or young person in custody.

## Part 4A.2      Childrens Court Magistrate

### 291A      Childrens Court Magistrate

- (1) The Chief Magistrate must declare 1 magistrate to be the Childrens Court Magistrate for a stated term of not longer than 2 years.
- (2) The Chief Magistrate may declare himself or herself to be the Childrens Court Magistrate.
- (3) The Chief Magistrate must not declare a magistrate to be the Childrens Court Magistrate unless satisfied the magistrate is suitably qualified to be the Childrens Court Magistrate.
- (4) The Chief Magistrate must revoke a declaration under this section if asked by the Childrens Court Magistrate.
- (5) A declaration, or revocation, under this section is a notifiable instrument.

*Note*      A notifiable instrument must be notified under the [Legislation Act](#).

### 291B      Acting Childrens Court Magistrate

- (1) The Chief Magistrate may assign a magistrate to act as Childrens Court Magistrate only if—
  - (a) there is no Childrens Court Magistrate; or
  - (b) the Childrens Court Magistrate—
    - (i) is absent from duty or from the ACT; or
    - (ii) cannot exercise the functions of the Childrens Court Magistrate for another reason.
- (2) A magistrate assigned to act as Childrens Court Magistrate is the Childrens Court Magistrate for this Act and any other Act.



**291C Assignment of other magistrates for Childrens Court matters**

- (1) The Chief Magistrate may assign another magistrate to deal with a matter if the Childrens Court Magistrate is unable to deal with the matter—
  - (a) without delay that is likely to prejudice the wellbeing of a child or young person; or
  - (b) because of a conflict of interest, or a perceived conflict of interest.
- (2) A magistrate may be assigned under subsection (1) (a) only if the Chief Magistrate is satisfied the assignment is necessary having regard to—
  - (a) how the delay is likely to prejudice the child's or young person's wellbeing; and
  - (b) the principle in the *Children and Young People Act 2008*, section 8 that in making a decision under that Act in relation to a particular child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration; and
  - (c) the degree of urgency of the matter to be dealt with by the assigned magistrate; and
  - (d) the views and wishes (if any) of the Childrens Court Magistrate on the proposed assignment.
- (3) This section is in addition to, and does not limit, section 291B (Acting Childrens Court Magistrate).

**291D      Completion of part-heard matters**

- (1) This section applies if—
  - (a) a magistrate begins to deal with a Childrens Court matter under this chapter; and
  - (b) before the matter is finally decided, the magistrate ceases to—
    - (i) be the Childrens Court Magistrate; or
    - (ii) hold an assignment under section 291B or section 291C.
- (2) The magistrate may continue to deal with the matter until it is finally decided.

## **Part 4A.3 Criminal proceedings**

### **291E Procedures for hearing indictable offences**

- (1) This section applies if—
  - (a) a child charged with an indictable offence is brought before the Childrens Court; and
  - (b) the court—
    - (i) has no power to hear and decide the charge summarily; or
    - (ii) has the power to hear and decide the charge summarily, but decides not to.
- (2) The Childrens Court must deal with the charge as if—
  - (a) the charge were a charge for an indictable offence to which this Act applied; and
  - (b) the Childrens Court were the Magistrates Court; and
  - (c) any necessary changes were made.

### **291F Childrens Court may adjourn hearings to allow access to legal advice**

- (1) This section applies to a charge for an indictable offence against a child that the Childrens Court is hearing summarily.
- (2) The court may, at any time, adjourn the hearing to allow any of the following people to get legal advice:
  - (a) the child;
  - (b) a parent of the child;
  - (c) someone else who has daily care responsibility, or long-term care responsibility, for the child.

- (3) In this section:

*daily care responsibility*—see the *Children and Young People Act 2008*, section 19.

*long-term care responsibility*—see the *Children and Young People Act 2008*, section 20.

**291G      Childrens Court may send cases to Supreme Court for sentencing**

- (1) This section applies if the Childrens Court convicts a person of an indictable offence.
- (2) The Childrens Court may, by order, commit the person to the Supreme Court for sentence if satisfied that—
- (a) sentence should be passed on the person by the Supreme Court because of the character and history of the person; or
  - (b) the sentence that is likely to be appropriate is a sentence the Childrens Court does not have power to impose.
- (3) In deciding whether to make an order under subsection (2) (a), the Childrens Court must consider any report provided under the *Court Procedures Act 2004*, section 74D (Court may order report about young person).
- (4) If the Childrens Court makes an order under subsection (2), the Supreme Court may deal with the person as if the person had been convicted of the offence in the Supreme Court.
- (5) Also, if the Childrens Court makes an order under subsection (2), the Childrens Court must, if the person has been charged with a back-up or related offence, deal with the back-up or related offence in accordance with section 94 (2) (Discharge or committal for trial) in the same way as a person who is committed for trial under that section.

## Chapter 4B The Family Violence Court

### Part 4B.1 Preliminary

#### 291H Meaning of *domestic violence offence*

In this Act:

*domestic violence offence* means an offence—

- (a) that is a domestic violence offence under the *Domestic Violence and Protection Orders Act 2008*; and
- (b) for which a victim of the offence is a relevant person, under that Act, in relation to the person who committed the offence.

*Note 1* *Domestic violence offence*—see the *Domestic Violence and Protection Orders Act 2008*, s 13 (2).

*Note 2* *Relevant person*—see the *Domestic Violence and Protection Orders Act 2008*, s 15.

#### 291I Purpose—ch 4B

The purpose of this chapter is to establish a specialised court to deal with domestic violence offences, recognising that—

- (a) the nature of domestic violence and the particular needs involved in protecting victims is complex; and
- (b) great social harm results from domestic violence; and
- (c) domestic violence offences take place in the context of a special relationship between people.

## Part 4B.2                      The Family Violence Court

### 291J      Family Violence Court

- (1) The Magistrates Court is known as the Family Violence Court when it is exercising the jurisdiction of the Magistrates Court in relation to a proceeding mentioned in section 291K.
- (2) The Family Violence Court may use the Magistrates Court seal.
- (3) When a magistrate sits as the Family Violence Court, the magistrate may be referred to as the Family Violence Court Magistrate.
- (4) The Chief Magistrate is responsible for ensuring the orderly and prompt discharge of the business of the Family Violence Court.

### 291K      Jurisdiction of Family Violence Court

- (1) The Family Violence Court may exercise the jurisdiction of the Magistrates Court in relation to the following:
  - (a) any criminal proceeding against a person in relation to a summary domestic violence offence if the person was 18 years old or over at the time of the alleged offence;
  - (b) any criminal proceeding against a person in relation to an indictable domestic violence offence if the person was 18 years old or over at the time of the alleged offence;
  - (c) a proceeding in relation to bail for an adult charged with a domestic violence offence;
  - (d) a proceeding in relation to a breach of a sentence imposed by the Magistrates Court or the Family Violence Court on a person for a domestic violence offence.
- (2) Subsection (1) (b) is subject to the *Crimes Act 1900*, section 374 (Summary disposal of certain cases at prosecutor's election) and section 375 (Summary disposal of certain cases).
- (3) Subsection (1) (c) is subject to the *Bail Act 1992*.

## Chapter 4C Galambany Court

### 291L Definitions—ch 4C

In this chapter:

*Aboriginal or Torres Strait Islander offender* means an offender who—

- (a) is a descendant of an Aboriginal or Torres Strait Islander person; and
- (b) identifies as an Aboriginal or Torres Strait Islander person; and
- (c) is accepted as an Aboriginal or Torres Strait Islander person by an Aboriginal or Torres Strait Islander community.

*circle sentencing* means the step in a sentencing proceeding for an Aboriginal or Torres Strait Islander offender that includes members of the Aboriginal or Torres Strait Islander community.

### 291M Galambany Court

The Magistrates Court is known as the Galambany Court when it is sitting to provide circle sentencing.

### 291N Directions about procedure for Galambany Court

- (1) The Magistrates Court may give a direction in relation to the procedure to be followed in relation to circle sentencing for certain Aboriginal or Torres Strait Islander offenders, and any other relevant matter in relation to circle sentencing.
- (2) To remove any doubt, a direction mentioned in subsection (1) is not taken to limit the Magistrates Court's discretion in sentencing an offender.
- (3) Nothing in this section limits the Magistrates Court's power to give a direction under section 309 (Directions about procedure).

## Chapter 4D      The Industrial Court

### Part 4D.1      Preliminary

#### 291O      Definitions—ch 4D

In this chapter:

*industrial or work safety matter*—see section 291Q (1).

*industrial or work safety offence* means an offence under an Act mentioned in section 291Q (1) (a).



## Part 4D.2 The Industrial Court

### 291P Industrial Court

- (1) The Magistrates Court is known as the Industrial Court when it is constituted by the Industrial Court Magistrate exercising the jurisdiction given under section 291Q.
- (2) The Magistrates Court is also known as the Industrial Court when it is constituted by—
  - (a) a magistrate assigned under section 291W (Assignment of other magistrates for Industrial Court matters) who is exercising the jurisdiction given under section 291Q; or
  - (b) a magistrate acting under section 291X (2) (Industrial Court—completion of part-heard matters).
- (3) The Industrial Court may use the Magistrates Court seal.

### 291Q Jurisdiction of Industrial Court

- (1) The Industrial Court has jurisdiction to hear and decide the following (an *industrial or work safety matter*):
  - (a) a proceeding under the following Acts:
    - (i) the *Dangerous Substances Act 2004*;
    - (ii) the *Machinery Act 1949*;
    - (iii) the *Scaffolding and Lifts Act 1912*;
    - (iv) the *Workers Compensation Act 1951*;
    - (v) the *Work Health and Safety Act 2011*;
  - (b) a proceeding that an Act states must be heard and decided by the Industrial Court;

- (c) a personal action at law arising from substantially the same facts that form the basis of a proceeding mentioned in paragraph (a) or (b) before the court.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The Industrial Court may exercise the jurisdiction of the Magistrates Court in relation to the following:
- (a) any criminal proceeding in relation to an industrial or work safety offence that is a summary offence against a person, if the person was an adult at the time of the alleged offence;
  - (b) any criminal proceeding in relation to an industrial or work safety offence that is an indictable offence against a person, if the person was an adult at the time of the alleged offence;
  - (c) a proceeding in relation to bail for an adult charged with an industrial or work safety offence;
  - (d) a proceeding in relation to a breach of a sentence imposed by the Magistrates Court for an industrial or work safety offence.
- (3) Subsection (2) (b) is subject to the [Crimes Act 1900](#), section 374 (Summary disposal of certain cases at prosecutor's election) and section 375 (Summary disposal of certain cases).
- (4) Subsection (2) (c) is subject to the [Bail Act 1992](#).
- (5) The Industrial Court may exercise the jurisdiction of the Magistrates Court in relation to any industrial or work safety matter.
- (6) This section applies—
- (a) for a civil proceeding—to an industrial or work safety matter commenced after the commencement of the *Magistrates Court (Industrial Proceedings) Amendment Act 2013*; and

- (b) for a criminal proceeding—to a prosecution for an industrial or work safety offence commenced after the commencement of the *Magistrates Court (Industrial Proceedings) Amendment Act 2013*.
- (7) In this section:
- proceeding*, under an Act mentioned in subsection (1) (a)—
  - (a) includes arbitration; but
  - (b) does not include a matter that may be brought before the ACAT under the Act.

**291R Chief Magistrate to arrange business of Industrial Court**

- (1) The Chief Magistrate is responsible for allocating, and ensuring the orderly and prompt discharge of, the business of the Industrial Court.
- (2) The Chief Magistrate may, subject to appropriate and practicable consultation with the magistrates, make arrangements about—
  - (a) the magistrate who is to be the Industrial Court Magistrate; and
  - (b) the assignment of a magistrate under—
    - (i) section 291V (Acting Industrial Court Magistrate); or
    - (ii) section 291W (Assignment of other magistrates for Industrial Court matters).

**291S Industrial Court Magistrate to hear all matters**

- (1) The Industrial Court Magistrate is responsible for dealing with all matters before the Industrial Court.
- (2) Subsection (1) is subject to—
  - (a) section 291W (Assignment of other magistrates for Industrial Court matters); and
  - (b) section 291X (Industrial Court—completion of part-heard matters).

**291T Transfer of industrial or work safety matter to Supreme Court**

- (1) If a party to an industrial or work safety matter (a *matter*) applies to have the matter transferred to the Supreme Court, the Industrial Court may, if it considers it appropriate, order that the matter be transferred to the Supreme Court.
- (2) If the parties to a matter jointly apply to have the matter transferred to the Supreme Court, the Industrial Court must order that the matter be transferred to the Supreme Court.
- (3) If the Industrial Court considers that a matter would be more appropriately dealt with by the Supreme Court, the Industrial Court may order that the matter be transferred to the Supreme Court.
- (4) This section does not apply to a proceeding mentioned in section 291Q (2).

## Part 4D.3 Industrial Court Magistrate

### 291U Industrial Court Magistrate

- (1) The Chief Magistrate must declare 1 magistrate to be the Industrial Court Magistrate for a stated term of not longer than 4 years.
- (2) The Chief Magistrate may declare himself or herself to be the Industrial Court Magistrate.
- (3) The Chief Magistrate must not declare a magistrate to be the Industrial Court Magistrate unless satisfied the magistrate is suitably qualified to be the Industrial Court Magistrate.
- (4) The Chief Magistrate must revoke a declaration under this section if asked by the Industrial Court Magistrate.
- (5) A declaration, or revocation, under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

### 291V Acting Industrial Court Magistrate

- (1) The Chief Magistrate may assign a magistrate to act as Industrial Court Magistrate only if—
  - (a) there is no Industrial Court Magistrate; or
  - (b) the Industrial Court Magistrate—
    - (i) is absent from duty or from the ACT; or
    - (ii) cannot exercise the functions of the Industrial Court Magistrate for another reason.
- (2) A magistrate assigned to act as Industrial Court Magistrate is the Industrial Court Magistrate for this Act and any other Act.

**291W Assignment of other magistrates for Industrial Court matters**

- (1) The Chief Magistrate may assign another magistrate to deal with an industrial or work safety matter if—
  - (a) the Chief Magistrate is satisfied that—
    - (i) a perception of bias may arise if the Industrial Court Magistrate were to deal with the matter; or
    - (ii) it is in the interests of justice to do so; or
  - (b) a magistrate begins to deal with the matter under this chapter but before the matter is finally decided, the magistrate—
    - (i) dies; or
    - (ii) becomes mentally or physically incapacitated, if the incapacity substantially affects the exercise of the magistrate's functions; or
    - (iii) resigns; or
    - (iv) is otherwise unable to continue to deal with the matter.
- (2) This section is in addition to, and does not limit, section 291V (Acting Industrial Court Magistrate).

**291X Industrial Court—completion of part-heard matters**

- (1) This section applies if—
  - (a) a magistrate begins to deal with an Industrial Court matter under this chapter; and

- (b) before the matter is finally decided, the magistrate ceases to—
  - (i) be the Industrial Court Magistrate; or
  - (ii) hold an assignment under section 291V or section 291W.
- (2) The magistrate may continue to deal with the matter until it is finally decided.

## Chapter 5            Miscellaneous

### Part 5.1            Offences

#### 292            Failure to comply with order in nuisance action

A person must not contravene an order made by the court in a civil action for nuisance.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

#### 298            Prejudice to employee

- (1) An employer must not dismiss an employee, or otherwise prejudice an employee in his or her employment, because a garnishee order attaching the earnings of the employee has been made by the court.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If—
- (a) an employee is dismissed or prejudiced within 6 months after a garnishee order is made; and
  - (b) all the elements of the offence other than the reason for the employer's action are proved;

the onus of proving that the dismissal or prejudice was not because of the garnishee order is on the employer.

- (3) A conviction under subsection (1) does not limit, restrict or otherwise effect any obligation that the garnishee may have in relation to the judgment debtor or any right or remedy that the judgment debtor may have against the garnishee under any other law in force in the ACT.



## Part 5.2 Other

### 307 Contempt of court

- (1) A person is in contempt of the Magistrates Court if the person—
- (a) contravenes an order of the court or an undertaking given to the court; or
  - (b) commits a contempt in the face or in the hearing of the court; or
  - (c) commits any other contempt of court.

#### Examples—par (b)

- 1 insulting a magistrate, the registrar, deputy registrar, bailiff or other court officer during the officer's sitting or attendance in court
- 2 interrupting a proceeding of the court or misbehaving in court
- 3 obstructing or assaulting someone in attendance in court
- 4 disobeying a direction of the court at the hearing of a proceeding

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The Magistrates Court has the same power to deal with contempt of the Magistrates Court as the Supreme Court has to deal with contempt of the Supreme Court.
- (3) However, a contempt mentioned in subsection (1) (a) may be dealt with as a contempt of court only if there is no other effective way to enforce the order or undertaking.
- (4) To remove any doubt, this section does not limit the Supreme Court's power to deal with contempt of the Magistrates Court.

### 308 Magistrates Court's seal

The Magistrates Court must have a seal.

### **309 Directions about procedure**

If the procedure for taking a step in a proceeding is not set out in this Act or the law under which the step is to be taken, the court may give a direction in relation to—

- (a) the procedure to be followed in relation to the step; and
- (b) any other relevant matter in relation to the step.

*Note* The Magistrates Court may make procedures to be followed in relation to circle sentencing for certain Aboriginal or Torres Strait Islander offenders (see s 291N).

### **310 Hearings generally to be in public**

- (1) The hearing of a proceeding before the Magistrates Court must be in public.
- (2) However, if the magistrate presiding at a hearing is of the opinion that it is desirable in the public interest or in the interests of justice to do so, the magistrate may, by order—
  - (a) direct that the hearing or part of the hearing take place in private and give directions about the people who may be present; and
  - (b) give directions prohibiting or restricting the publication of evidence given at the hearing, whether in public or in private, or of matters contained in documents lodged with the court or received in evidence by the court for the purposes of the proceeding; and
  - (c) give directions prohibiting or restricting the disclosure to some or all of the parties to the proceeding of evidence given at the hearing, or of a matter contained in a document lodged with the court or received in evidence by the court for the purposes of the proceeding.

- (3) A person who, without reasonable excuse, contravenes an order under subsection (2) commits an offence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) Subsection (1)—
- (a) does not apply in relation to a civil matter that, under another territory law, may be dealt with otherwise than in open court; and
  - (b) is subject to any other territory law that restricts who may be present at a hearing.

### **311 Appearance by audiovisual or audio links etc**

- (1) This section applies if, in relation to a proceeding or a part of a proceeding (the *relevant proceeding*), the court has—
- (a) given a direction under the *Evidence (Miscellaneous Provisions) Act 1991*, section 20 (1) (Territory courts may take evidence and submissions from participating States) or section 32 (1) (Territory courts may take evidence and submissions from place other than participating State); or
  - (b) made an order under the *Court Procedures Rules 2006*, rule 6703 (Evidence by telephone etc) about receiving evidence or submissions by telephone, video link or another form of communication in the proceeding.
- (2) If this section applies, a person who, in a relevant proceeding—
- (a) is required or entitled to appear personally, whether as a party or as a witness; or
  - (b) is entitled to appear for another person;
- may appear in the relevant proceeding and participate or give evidence in accordance with the direction or order.

- (3) A person who appears in a relevant proceeding in accordance with this section is taken to be before the court.
- (4) In this Act:  
*appearance*, in relation to a proceeding and whether by a party or anyone else, includes appearance in accordance with this section if this section applies.
- (5) In this section:  
*proceeding* does not include a proceeding about bail.

### **312 Failure to give evidence—committal**

- (1) This section applies if the court is satisfied—
  - (a) that a witness before the court has contravened any of the following provisions of the [Criminal Code](#) (the *relevant Code provisions*):
    - (i) section 720 (Failing to produce document or other thing);
    - (ii) section 721 (Failing to take oath);
    - (iii) section 722 (Failing to answer question or give information); or
  - (b) a person has contravened any of the relevant Code provisions in relation to an examination before the registrar under the rules.
- (2) The court may—
  - (a) adjourn the proceeding for not longer than 8 days; and
  - (b) order that the person be remanded in custody until the earlier of the following:
    - (i) the date to which the proceeding is adjourned;

- (ii) the person agrees to comply with the relevant Code provisions.

*Note* The court must issue a warrant for the remand of the person in the director-general's custody (see *Crimes (Sentence Administration) Act 2005*, s 17).

- (3) If—
  - (a) the court has adjourned the proceeding, and ordered the person's remand, under subsection (2) or this subsection; and
  - (b) the person is later brought before the court; and
  - (c) the person does not consent to comply with the relevant Code provisions;

the court may exercise the powers mentioned in subsection (2) in relation to the person.

- (4) The periods for which a person is remanded under this section must not total more than 28 days.
- (5) However, the court must not commit a person under subsection (2) or (3) if the person is punished for an offence against any or the relevant Code provisions in relation to the contravention mentioned in subsection (1).

### **314 Registrar to give directions for preparation of transcript**

- (1) If an application has been made for a copy of a transcript of depositions of which a record was made in accordance with section 316 (2), the registrar must give the directions the registrar considers necessary for ensuring that a transcript of the record is prepared and, for the purpose of enabling the transcript to be prepared, the record must be produced out of the custody of the registrar.

- (2) If a transcript of a record is prepared in accordance with directions given under subsection (1), the person who prepared the transcript, or under whose supervision the transcript was prepared, must certify on the transcript, by signed writing, that the transcript is a true transcript of a record produced out of the custody of the registrar.

### **315 Applications for transcripts**

- (1) Subject to this section, if a record of any proceeding is constituted by—
- (a) an audiovisual or a sound recording made in accordance with section 316 (2); or
  - (b) a shorthand or similar record made in accordance with section 316 (2); or
  - (c) writing taken down in accordance with section 316 (3); or
  - (d) a written statement or statements in accordance with section 90AA or section 110 (2);

a person may make application to the registrar for a copy or a transcript of all or part of the record.

- (2) The registrar must give the applicant a copy of the record or a transcript or a copy of the transcript of the record if—
- (a) the applicant is a party to the proceeding; or
  - (b) for an applicant who is not a party to the proceeding—the registrar or a magistrate is satisfied that the applicant has good reason for applying.
- (3) If a person applies for a transcript that has not been prepared, the registrar may require the applicant to deposit with the registrar in advance an amount that the registrar considers will not exceed the amount of the fee determined under the *Court Procedures Act 2004*, part 3 for the preparation of the transcript.

- (4) Subject to subsections (5) and (6), if the registrar receives an application in accordance with this section—
- (a) the registrar must, for an application relating to depositions; and
  - (b) the registrar may, in any other case;
- give to the applicant a copy of the record or a copy of a transcript of the record relating to the depositions or other matter.
- (5) The registrar must not give a copy of the record or a copy of a transcript under subsection (4) (a) unless there is written on the copy a certificate signed by the registrar stating that the copy is a true copy of the record or a true copy of a transcript of the record produced out of the custody of the registrar.
- (6) This section does not require the registrar to give a copy of a transcript of any proceeding if—
- (a) the proceeding was recorded by means of an audiovisual or a sound recording made in accordance with section 316 (2); and
  - (b) the application for the copy was made after the end of 7 years after the date of completion of the proceeding to which the record relates; and
  - (c) the registrar does not have the record or a transcript of the record in his or her custody.
- (7) If an amount deposited by a person under subsection (3) exceeds the fee determined under the *Court Procedures Act 2004*, part 3 for the preparation of the transcript, there is payable to the person the amount of the excess.

### 316 Record of proceedings

- (1) In this section:

*deposition* includes a statement made by an accused person in reply to the question mentioned in section 91 (1), but does not include a written statement admitted under section 90AA or section 110 (2).
- (2) Subject to subsection (3), a record of the depositions of a witness in any proceeding must be made—
  - (a) in a proceeding in relation to bail and if, in relation to proceeding or a part of the proceeding, the court has given a direction under the *Evidence (Miscellaneous Provisions) Act 1991*, section 20 (1) (Territory courts may take evidence and submissions from participating States) or section 32 (1) (Territory courts may take evidence and submissions from place other than participating State) that evidence be taken or a submission be made by audiovisual link—by means of audiovisual recording apparatus or sound-recording apparatus; and
  - (b) in any other case—
    - (i) by means of sound-recording apparatus; or
    - (ii) if the court so directs, by means of shorthand or any similar means.
- (3) If the court so directs, the depositions of a witness in any proceeding must not be recorded in accordance with subsection (2), but must be taken down in writing, and, after being read over to the witness or given to the witness to read, signed by the witness and the magistrate constituting the court.
- (4) The registrar has the custody of any record of depositions made in accordance with subsection (2).



- (5) The registrar may erase the record of the depositions of a witness recorded by means of recording apparatus and the record of any other part of a proceeding made by means of recording apparatus after the end of 7 years after the date of completion of the proceeding in which the record was made.
- (6) However, the sound recording of any part of the following proceedings must not be erased unless a transcript of the record of that part of the proceeding has been prepared:
  - (a) a proceeding in which a person charged with an indictable offence is committed to trial before the Supreme Court;
  - (b) a proceeding in which evidence is taken under a request mentioned in section 263 (Requests under conventions relating to legal proceedings in civil and commercial matters).
- (7) This section applies in relation to a proceeding before a magistrate as if a reference to the court were a reference to a magistrate.

### **317 Record of proceedings and transcript**

- (1) If a record made by means of recording apparatus, shorthand or similar means is produced out of the custody of the registrar and the record purports to be a record made in accordance with section 316 (2) of the depositions of a witness in any proceeding, the record is evidence that the person made the depositions in the proceeding.
- (2) If—
  - (a) a recording is produced out of the custody of the registrar; and
  - (b) the recording contains a record of comments that purport—
    - (i) to have been made at the same time as a recording made in accordance with section 316 (2) of the depositions of a person in any proceeding; and

- (ii) to have been made for the purpose of identifying the proceeding, voices recorded on the lastmentioned recording or anything else so recorded;

the firstmentioned recording is evidence of the identity of the proceeding, of the voices or of the thing.

- (3) If—

- (a) a document purports to be a transcript, or a copy of a transcript, of a record made in accordance with section 316 (2) of depositions made by a person in any proceeding; and
- (b) the document bears a certificate that purports to be a certificate given in accordance with section 314 (2) or section 315 (5);

the document is evidence that the person made the depositions in the proceeding.

- (4) If a document—

- (a) purports to be the depositions of a witness in any proceeding as taken down in writing and signed in accordance with section 316 (3); or
- (b) purports to be a copy of the depositions of a witness in any proceeding as so taken down in writing and signed and bears a certificate that purports to be a certificate given in accordance with section 315 (5);

the document is evidence that the witness made the depositions in the proceeding.

- (5) In this section:

**recording apparatus** means the recording apparatus, whether audiovisual or sound, by means of which a record of depositions of witnesses has been made under section 316 (2).

**318 Person about to leave ACT may be ordered to be examined or produce documents**

- (1) If, by evidence on oath, a magistrate is satisfied that any person is able to give material evidence or to produce relevant or material documents relating to any information or claim pending before a court, and that the person is likely to be absent from the ACT when the case comes on for hearing, the magistrate may, on the application of any party, order that the evidence of the person be taken or the documents be produced before the magistrate, at any time before the hearing, in the same way as the evidence would be taken or the documents be produced at the hearing and after reasonable notice of the intended examination or production is given to the other party.
- (2) If an order under subsection (1) is served on a person, it must be accompanied by a form to be completed by the person to claim his or her reasonable costs and expenses of attending the examination or production.
- (3) A person is not entitled to refuse to comply with an order under subsection (1) because the person was not given the form mentioned in subsection (2) when the order was served on the person.
- (4) The taking of depositions before a magistrate under subsection (1) is a proceeding for section 316 (Recordings of proceedings).

**319 Witnesses' rights and liabilities**

On service on any person of an order made under section 318, the person must attend at the time and place appointed by the order, and has all the rights and liabilities that the person would have if the person was duly required by subpoena to appear to give evidence or to produce documents on the hearing.

### **320 Depositions to be given to registrar**

- (1) If depositions are taken before a magistrate under section 318, there must be given to the registrar—
  - (a) the record of the depositions made in accordance with section 316 (2) or the document containing the depositions as taken down in writing and signed in accordance with section 316 (3); and
  - (b) any documents produced to the magistrate.
- (2) If documents are produced by a person not giving evidence, the documents, must, when given to the registrar, be accompanied by a certificate signed by the magistrate stating the name of the person producing them.
- (3) If the court is satisfied that the person who made the depositions is not in the ACT, his or her depositions may be read by any party.
- (4) Any documents so given to the registrar may, subject to all just exceptions, be put in at the hearing as if produced at the hearing by the person producing them.

### **320A Domestic violence offence information**

- (1) The Minister may determine what statistical information in relation to domestic violence offences (the *domestic violence offence information*) must be collected by the registrar.
- (2) The registrar must give the domestic violence offence information for a financial year to the domestic violence project coordinator by 31 July in the following financial year.
- (3) The registrar must also give the coordinator domestic violence offence information otherwise requested, in writing, by the coordinator.
- (4) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

(5) In this section:

*domestic violence project coordinator* means the Domestic Violence Project Coordinator appointed under the [Domestic Violence Agencies Act 1986](#), section 11.

### **321 Regulation-making power**

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Schedule 1 Oath and affirmation of office

(see s 10P)

### Oath

I, [*name*], do swear that I will well and truly serve in the office of  
and that I will do right to all manner of people according to law, without fear or  
favour, affection or ill will. So help me God!

### Affirmation

I, [*name*], do solemnly and sincerely affirm and declare that I will well and  
truly serve in the office of \_\_\_\_\_ and that I will do right to all  
manner of people, according to law, without fear or favour, affection or ill will.

## Schedule 2 ACT and corresponding courts

(see s 9C, defs *ACT court* and *corresponding court*)

column 1 item	column 2 ACT court	column 3 corresponding court
1	Childrens Court Coroner's Court Industrial Court Magistrates Court	Children's Court of Western Australia Coroners Court of South Australia Local Court of New South Wales Local Court of the Northern Territory Magistrates Courts of South Australia, Tasmania, Victoria and Western Australia Warden's Courts of South Australia and the Northern Territory Work Health Court of the Northern Territory Youth Court of South Australia (constituted by a Magistrate) Youth Justice Court of the Northern Territory

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), pt 1 defines the following terms:

- ACAT
- ACT
- adult
- Attorney-General
- child
- correctional centre
- Commonwealth
- Criminal Code
- director-general (see s 163)
- director of public prosecutions
- disallowable instrument (see s 9)
- document
- Executive
- exercise, a function
- external territory
- fail
- file
- function
- home address
- individual
- in relation to
- instrument (see s 14)
- judge
- lawyer
- may (see s 146)
- month
- must



- notifiable instrument (see s 10)
- NSW correctional centre
- oath
- parent
- penalty unit (see s 133)
- police officer
- prescribed
- proceeding
- sign
- summary offence (see s 190)
- territory law
- under.

***Aboriginal or Torres Strait Islander offender***, for chapter 4C (Galambany Court)—see section 291L.

***ACT court***, for division 2.2.3A (Judicial officers exchange)—see section 9C.

***administering authority***, for an infringement notice offence, for part 3.8 (Infringement notices for certain offences)—see section 117.

***another jurisdiction***, for part 3.8 (Infringement notices for certain offences)—see section 117.

***appeal***, for part 4.5 (Civil appeals)—see section 272.

***appearance***—see section 311 (4).

***authorised person***—

- (a) for division 3.3.3A (Court attendance notices)—see section 41A; and
- (b) for part 3.8 (Infringement notices for certain offences)—see section 134A (3).

**back-up offence**, in relation to an indictable offence—see the [Supreme Court Act 1933](#), section 68CA.

**bailiff** means a bailiff under this Act.

**certified copy**, of depositions, for division 3.5.6 (Indictable offences—other provisions)—see section 105A.

**circle sentencing**, for chapter 4C (Galambany Court)—see section 291L.

**claim** means a claim under the rules.

**committal order**—see the [Crimes \(Sentence Administration\) Act 2005](#), section 10.

**conviction**—

- (a) means conviction by a magistrate for an offence; and
- (b) for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

**corresponding court**, for division 2.2.3A (Judicial officers exchange)—see section 9C.

**court** means the Magistrates Court.

**court**, for division 2.2.3A (Judicial officers exchange)—see section 9C.

**court attendance notice**, for division 3.3.3A (Court attendance notices)—see section 41B.

**Crimes Act**, for chapter 3 (Criminal proceedings)—see section 18A.

**date of service**, of an infringement notice or reminder notice that has been, or is to be, served on a person, for part 3.8 (Infringement notices for certain offences)—see section 117.

**decision**, for chapter 3 (Criminal proceedings)—see section 18A.

***defendant***—

- (a) for chapter 3 (Criminal proceedings)—see section 18A; and
- (b) for part 3.7 (Service and pleading by post for certain offences)—see section 116A (1).

***domestic violence offence***—see section 291H.

***driver***, of a vehicle, for part 3.8 (Infringement notices for certain offences)—see section 117.

***fine***, for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

***hearing*** includes the examination of a person charged with an indictable offence.

***illegal user declaration***, for part 3.8 (Infringement notices for certain offences)—see section 131D.

***indictable offence*** means an offence that may be prosecuted before the Supreme Court by charge or indictment.

***indictment*** means an information for an indictable offence presented by an authorised officer to a court with jurisdiction to try the accused person.

***industrial or work safety matter***, for chapter 4D (The Industrial Court)—see section 291Q (1).

***industrial or work safety offence***, for chapter 4D (The Industrial Court)—see section 291O.

***information*** includes a complaint brought to enforce a criminal penalty or forfeiture under a territory law.

***infringement notice***—

- (a) for part 3.8 (Infringement notices for certain offences)—see section 117; and
- (b) for division 3.8.3 (Additional provisions for vehicle-related offences)—see section 131A.

***infringement notice offence***, for part 3.8 (Infringement notices for certain offences)—see section 117.

***infringement notice penalty***, for a person for an infringement notice offence, for part 3.8 (Infringement notices for certain offences)—see section 117.

***judicial exchange arrangement***, for division 2.2.3A (Judicial officers exchange)—see section 9C.

***judicial officer***, for division 2.2.3A (Judicial officers exchange)—see section 9C.

***known offender declaration***, for part 3.8 (Infringement notices for certain offences)—see section 131E.

***law in force in the ACT***, for part 3.7 (Service and pleading by post for certain offences)—see section 116A (1).

***magistrate***—

- (a) means the Chief Magistrate, a magistrate, or a special magistrate and, if a function of a magistrate is exercisable by a registrar, includes a registrar exercising the function; and
- (b) for division 2.2.1 (Magistrates other than special magistrates)—see section 6.

***notice of intention to defend form***, for part 3.7 (Service and pleading by post for certain offences) (other than section 116B (2))—see section 116A (2).

***notice to defendant form***, for part 3.7 (Service and pleading by post for certain offences) (other than section 116B (2))—see section 116A (2).

***participating jurisdiction***, for division 2.2.3A (Judicial officers exchange)—see section 9C.

***plea of guilty form***, for part 3.7 (Service and pleading by post for certain offences) (other than section 116B (2))—see section 116A (2).

**prescribed offence**, for part 3.7 (Service and pleading by post for certain offences)—see section 116AA.

**prescribed period**, for division 3.4.2 (Warrants for witnesses)—see section 62.

**reciprocating court**, for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

**reference appeal**, for division 3.10.2A (Reference appeals in criminal matters)—see section 219AB (2).

**registered**, for a vehicle, for part 3.8 (Infringement notices for certain offences)—see section 117.

**registrar** means the registrar of the Magistrates Court, and includes a deputy registrar of the court.

**related offence**, in relation to an indictable offence—see the [Supreme Court Act 1933](#), section 68CA.

**relevant officer**, in relation to a reciprocating court, for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

**reminder notice**, for part 3.8 (Infringement notices for certain offences)—see section 117.

**reporting officer**, for division 3.4.2 (Warrants for witnesses)—see section 62.

**responsible person**, for a vehicle, for part 3.8 (Infringement notices for certain offences)—see the [Road Transport \(General\) Act 1999](#), section 10 and section 11.

**review appeal**, for division 3.10.3 (Review appeals in criminal matters)—see section 219B (1).

**rules** means rules under the [Court Procedures Act 2004](#) applying in relation to the Magistrates Court.

**security**—for part 3.12 (Securities in criminal matters)—see section 248.

***sold vehicle declaration***, for part 3.8 (Infringement notices for certain offences)—see section 131F.

***State***, for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

***summary conviction*** means conviction by a magistrate for an offence.

***territory fine***, for division 3.9.3 (Reciprocal enforcement of fines against bodies corporate)—see section 166A.

***this jurisdiction***, for division 2.2.3A (Judicial officers exchange)—see section 9C.

***unknown offender declaration***, for part 3.8 (Infringement notices for certain offences)—see section 131G.

***vehicle***, for part 3.8 (Infringement notices for certain offences)—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

***vehicle-related offence***, for part 3.8 (Infringement notices for certain offences)—see section 117.

***warrant***, for division 3.4.2 (Warrants for witnesses)—see section 62.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Court of Petty Sessions Ordinance (No 2) 1930* No 21 (Cwlth). It was renamed as the *Magistrates Court Ordinance 1930* by the *Magistrates Court Ordinance 1985* No 67 (s 3).

The *ACT Self-Government (Consequential Provisions) Act 1988* No 109 (Cwlth), s 12 converted some former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1990.

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on its conversion to an ACT enactment on 1 July 1990.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Magistrates Court Act 1930 A1930-21**

notified 21 November 1930

commenced 21 November 1930

as amended by

##### **Court of Petty Sessions Ordinance 1932 Ord1932-21**

notified 17 November 1932

commenced 17 November 1932

##### **Court of Petty Sessions Ordinance 1934 Ord1934-17**

notified 19 July 1934

commenced 19 July 1934

##### **Money Lenders Ordinance 1936 Ord1936-13**

notified 9 April 1936

commenced 1 May 1936

##### **Court of Petty Sessions Ordinance 1937 Ord1937-5**

notified 27 May 1937

commenced 27 May 1937



**Court of Petty Sessions Ordinance (No 2) 1937 Ord1937-28**

notified 23 December 1937  
commenced 23 December 1937

**Seat of Government (Designation) Ordinance 1938 Ord1938-25 (as am by Ord1938-35)**

notified 8 September 1938  
commenced 8 September 1938

**Ordinances Revision Ordinance 1938 Ord1938-35**

notified 15 December 1938  
commenced 15 December 1938

**Court of Petty Sessions Ordinance 1940 Ord1940-20**

notified 7 November 1940  
commenced 7 November 1940

**Court of Petty Sessions Ordinance (No 2) 1940 Ord1940-22**

notified 12 December 1940  
commenced 12 December 1940

**Court of Petty Sessions Ordinance 1949 Ord1949-13**

notified 1 December 1949  
commenced 1 December 1949

**Court of Petty Sessions Ordinance 1951 Ord1951-7**

notified 26 July 1951  
commenced 26 July 1951

**Court of Petty Sessions Ordinance (No 2) 1951 Ord1951-12**

notified 14 December 1951  
commenced 14 December 1951

**Court of Petty Sessions Ordinance 1953 Ord1953-14**

notified 12 November 1953  
commenced 3 December 1953

**Court of Petty Sessions Ordinance 1958 Ord1958-12**

notified 24 July 1958  
commenced 24 July 1958

## Endnotes

3 Legislation history

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**Court of Petty Sessions Ordinance 1961 Ord1961-2**

notified 29 March 1961  
commenced 29 March 1961

**Court of Petty Sessions Ordinance 1966 Ord1966-2**

notified 10 February 1966  
commenced 14 February 1966

**Court of Petty Sessions Ordinance 1967 Ord1967-1**

notified 9 February 1967  
commenced 9 February 1967

**Court of Petty Sessions Ordinance 1968 Ord1968-25**

notified 19 December 1968  
commenced 1 January 1969 (Cwlth Gaz 1968 p 7565)

**Court of Petty Sessions Ordinance 1969 Ord1969-12**

notified 20 June 1969  
commenced 20 June 1969

**Court of Petty Sessions Ordinance 1970 Ord1970-15**

notified 19 March 1970  
commenced 19 March 1970

**Court of Petty Sessions Ordinance 1972 Ord1972-37**

notified 16 November 1972  
s 1, s 2, s 6, s 14, commenced 16 November 1972  
remainder commenced 1 February 1973 (Cwlth Gaz 1972 No 118)

**Court of Petty Sessions Ordinance 1973 Ord1973-48**

notified 17 December 1973  
commenced 17 December 1973

**Court of Petty Sessions Ordinance 1974 Ord1974-14**

notified 17 April 1974  
commenced 17 April 1974

**Ordinances Revision (Age of Majority) Ordinance 1974 Ord1974-47**

notified 24 October 1974  
commenced 1 November 1974

**Court of Petty Sessions (Amendment) Ordinance 1976 Ord1976-42**

notified 13 September 1976  
commenced 13 September 1976

**Court of Petty Sessions (Amendment) Ordinance 1977 Ord1977-4**

notified 24 March 1977  
ss 1-3, 10 commenced 24 March 1977  
remainder commenced 28 March 1977 (Cwlth Gaz 1977 No S52)

**Court of Petty Sessions (Amendment) Ordinance (No 2) 1977  
Ord1977-34**

notified 28 July 1977  
commenced 28 July 1977

**Court of Petty Sessions (Amendment) Ordinance (No 3) 1977  
Ord1977-56**

notified 6 October 1977  
ceased to have effect because not tabled

**Court of Petty Sessions (Amendment) Ordinance (No 4) 1977  
Ord1977-61**

notified 21 November 1977  
commenced 21 November 1977

**Ordinances Revision Ordinance 1978 Ord1978-46**

notified 28 December 1978  
commenced 28 December 1978

**Court of Petty Sessions (Amendment) Ordinance 1979 Ord1979-33**

notified 14 November 1979  
commenced 14 November 1979

**Court of Petty Sessions (Amendment) Ordinance (No 2) 1979  
Ord1979-41**

notified 18 December 1979  
commenced 18 December 1979

**Court of Petty Sessions (Amendment) Ordinance 1980 Ord1980-4**

notified 20 March 1980  
commenced 1 April 1980 (Cwlth Gaz 1980 No S66)

## Endnotes

3 Legislation history

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**Court of Petty Sessions (Amendment) Ordinance (No 2) 1980**

**Ord1980-10**

notified 26 March 1980  
commenced 26 March 1980

**Court of Petty Sessions (Amendment) Ordinance 1982 Ord1982-2**

notified 26 February 1982  
commenced 1 September 1982 (Cwlth Gaz 1982 No S178)

**Court of Petty Sessions (Amendment) Ordinance (No 2) 1982**

**Ord1982-3**

notified 26 February 1982  
commenced 26 February 1982

**Court of Petty Sessions (Amendment) Ordinance 1984 Ord1984-9**

notified 11 April 1984  
commenced 11 April 1984

**Court of Petty Sessions (Amendment) Ordinance (No 2) 1984**

**Ord1984-10**

notified 11 April 1984  
commenced 11 April 1984

**Court of Petty Sessions (Amendment) Ordinance (No 3) 1984**

**Ord1984-16**

notified 1 June 1984  
commenced 1 June 1984

**Court of Petty Sessions (Amendment) Ordinance (No 4) 1984**

**Ord1984-61**

notified 2 November 1984  
commenced 2 November 1984

**Court of Petty Sessions (Amendment) Ordinance (No 5) 1984**

**Ord1984-62**

notified 2 November 1984  
commenced 2 November 1984

**Court of Petty Sessions (Amendment) Ordinance 1985 Ord1985-17**

notified 17 April 1985  
commenced 17 April 1985

**Court of Petty Sessions (Amendment) Ordinance (No 2) 1985  
Ord1985-18**

notified 17 April 1985  
commenced 17 April 1985

**Court of Petty Sessions (Amendment) Ordinance (No 3) 1985  
Ord1985-41**

notified 5 September 1985  
commenced 5 September 1985

**Limitation Ordinance 1985 Ord1985-66**

notified 19 December 1985  
commenced 19 December 1985

**Magistrates Court Ordinance 1985 Ord1985-67**

notified 19 December 1985  
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

**Magistrates Court (Amendment) Ordinance 1986 Ord1986-33**

notified 7 August 1986  
commenced 7 August 1986

**Domestic Violence (Miscellaneous Amendments) Ordinance 1986  
Ord1986-53**

notified 4 September 1986  
commenced 1 October 1986 (Cwlth Gaz 1986 No S484)

**Crimes (Amendment) Ordinance (No 4) 1986 Ord1986-57**

notified 3 October 1986  
commenced 3 October 1986

**Magistrates Court (Amendment) Ordinance (No 2) 1986 Ord1986-71**

notified 30 October 1986  
commenced 1 April 1987 (Cwlth Gaz 1987 No S52)

**Magistrates Court (Amendment) Ordinance (No 3) 1986 Ord1986-74**

notified 14 November 1986  
commenced 14 November 1986

**Magistrates Court (Amendment) Ordinance (No 4) 1986 Ord1986-83**

notified 22 December 1986  
commenced 22 December 1986

## Endnotes

3 Legislation history

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**Magistrates Court (Amendment) Ordinance 1987 Ord1987-56**

notified 21 October 1987  
commenced 21 October 1987

**Magistrates Court (Amendment) Ordinance 1988 Ord1988-45**

notified 27 July 1988  
commenced 27 July 1988

**Magistrates Court (Amendment) Ordinance 1989 Ord1989-55**

notified 30 June 1989  
commenced 1 July 1989

**Magistrates Court (Amendment) Ordinance (No 2) 1989 Ord1989-59**

notified 25 October 1989  
s 11, s 12, s 14 commenced 27 June 1990 (Cwlth Gaz 1990 No GN25)  
remainder commenced 25 October 1989

**Magistrates Court (Amendment) Ordinance (No 3) 1989 Ord1989-60**

notified 20 December 1989  
commenced 14 February 1990 (Cwlth Gaz 1990 No GN5)

**Crimes (Amendment) Ordinance 1990 Ord1990-1**

notified 23 May 1990  
commenced 23 May 1990

**Self-Government (Consequential Amendments) Ordinance 1990  
Ord1990-5**

notified 27 June 1990  
s 1, s 2 commenced 27 June 1990  
remainder commenced 1 July 1990

**Magistrates Court (Appeals Against Sentence) Ordinance 1990  
Ord1990-9**

notified 29 June 1990  
commenced 29 June 1990

### Legislation after becoming Territory enactment

**Magistrates Court (Amendment) Act 1990 A1990-65**

notified 24 December 1990  
commenced 24 December 1990

**Weapons (Consequential Amendments) Act 1991 A1991-9 sch**

notified 3 April 1991 ([Gaz 1991 No S19](#))  
s 1, s 2 commenced 3 April 1991 (s 2 (1))  
sch commenced 3 October 1991 (s 2 (2))

**Magistrates Court (Amendment) Act 1991 A1991-38**

notified 20 September 1991  
ss 1-3 commenced 20 September 1991  
remainder commenced 25 September 1991 ([Gaz 1991 No S103](#))

**Magistrates and Coroner's Courts (Registrar) Act 1991 A1991-44**

notified 20 September 1991 ([Gaz 1991 No S95](#))  
s 1, s 2 commenced 20 September 1991 (s 2 (1))  
remainder commenced 25 September 1991 (s 2 (2) and [Gaz 1991 No S103](#))

**Magistrates Court (Amendment) Act (No 2) 1991 A1991-79**

notified 11 December 1991  
ss 1-3 commenced 11 December 1991  
remainder commenced 11 June 1992

**Workers' Compensation (Consequential Amendments) Act 1991 A1991-106 sch**

notified 15 January 1991 ([Gaz 1992 No S3](#))  
s 1, s 2 commenced 15 January 1992 (s 2 (1))  
remainder commenced 22 January 1992 (s 2 (2) and [Gaz 1992 No S9](#))

**Magistrates Court (Amendment) Act (No 3) 1991 A1991-112**

notified 10 January 1992  
s 1, s 2 commenced 10 January 1992  
remainder commenced 18 May 1992 ([Gaz 1992 No S57](#))

**Bail (Consequential Amendments) Act 1992 A1992-9**

notified 28 May 1992 ([Gaz 1992 No S59](#))  
s 1, s 2 commenced 28 May 1992 (s 2 (1))  
remainder commenced 28 November 1992 (s 2 (3))

**Statute Law Revision (Miscellaneous Provisions) Act 1992 A1992-23 sch 1**

notified 4 June 1992 ([Gaz 1992 No S71](#))  
commenced 4 June 1992

## Endnotes

3 Legislation history

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### **Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Act 1992 A1992-37 pt 3**

notified 8 July 1992 ([Gaz 1992 No S103](#))  
ss 1-6 and 8-11 commenced 8 July 1992 (s 2 (1))  
s 7, s 12 commenced 3 August 1992 (s 2 (2) and [Gaz 1992 No S130](#))

### **Evidence (Amendment) Act 1993 A1993-2**

notified 1 March 1993  
commenced 1 March 1993

### **Magistrates Court (Amendment) Act 1993 A1993-4**

notified 1 March 1993  
ss 1-3 commenced 1 March 1993  
ss 4-19, 21-24, 26-32 commenced 8 March 1993 ([Gaz 1993 No 32](#))  
remainder commenced 1 September 1993

### **Magistrates Court (Amendment) Act (No 2) 1993 A1993-48**

notified 27 August 1993  
ss 1-3 commenced 27 August 1993  
remainder commenced 27 September 1993 (s 2 (2) and [Gaz 1993 No S201](#))

### **Supreme Court (Amendment) Act (No 2) 1993 A1993-91**

notified 17 December 1993  
commenced 17 December 1993

### **Magistrates Court (Amendment) Act 1994 A1994-4**

notified 14 March 1994  
ss 1-4, s 10, s 12, s 13 commenced 14 March 1994  
remainder commenced 1 July 1994 (s 2 (2))

### **Judicial Commissions (Consequential Amendments) Act 1994 A1994-10**

notified 14 March 1994 ([Gaz 1994 No S44](#))  
commenced 14 March 1994 (s 2)

### **Public Sector Management (Consequential and Transitional Provisions) Act 1994 A1994-38**

notified 30 June 1994 ([Gaz 1994 No S121](#))  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
remainder commenced 1 July 1994 (s 2 (2) and [Gaz 1994 No S142](#))



**Mental Health (Consequential Provisions) Act 1994 A1994-45**

notified 7 September 1994 ([Gaz 1994 No S177](#))  
s 1, s 2 commenced 7 September 1994 (s 2 (1))  
remainder commenced 6 February 1995 (s 2 (2) and [Gaz 1995 No S33](#))

**Magistrates Court (Enforcement of Judgments) Act 1994 A1994-61**

notified 11 October 1994  
s 1, s 2 commenced 11 October 1994  
remainder commenced 10 April 1995 ([Gaz 1995 No S75](#))

**Coroners (Amendment) Act (No 2) 1994 A1994-66**

notified 11 October 1994  
commenced 11 October 1994

**Statute Law Revision (Penalties) Act 1994 A1994-81 sch**

notified 29 November 1994 ([Gaz 1994 No S253](#))  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
remainder commenced 29 November 1994 (s 2 (2) and [Gaz 1994 No S269](#))

**Magistrates Court (Amendment) Act 1995 A1995-41**

notified 7 November 1995  
s 1, s 2 commenced 7 November 1995  
remainder commenced 7 May 1996

**Statute Law Revision Act 1995 A1995-46 sch**

notified 18 December 1995 ([Gaz 1995 No S306](#))  
amds commenced 18 December 1995 (s 2)

**Magistrates Court (Amendment) Act 1996 A1996-6**

notified 12 March 1996  
ss 1-3 commenced 12 March 1996  
s 7 commenced 25 September 1991  
remainder commenced 12 September 1996

**Criminal Injuries Compensation (Amendment) Act 1996 A1996-68**

notified 20 December 1996  
ss 1-3 commenced 20 December 1996  
remainder commenced 1 January 1997 ([Gaz 1996 No S352](#))

## Endnotes

3 Legislation history

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### **Firearms Act 1996 A1996-74**

notified 20 December 1996  
s 1, s 2 commenced 20 December 1996  
remainder commenced 17 May 1997 ([Gaz 1997 No S135](#))

### **Magistrates Court (Amendment) Act (No 2) 1996 A1996-82**

notified 20 December 1996  
ss 1-3 commenced 20 December 1996  
remainder commenced 1 January 1997 ([Gaz 1996 No S353](#))

### **Magistrates Court (Amendment) Act 1997 A1997-25**

notified 29 May 1997  
ss 1-3 commenced 29 May 1997  
remainder commenced 30 May 1997 (s 2 (2) and [Gaz 1997 No S149](#))

### **Remuneration Tribunal (Consequential Amendments) Act 1997 A1997-41 sch 1 (as am by A2002-49 amdt 3.222)**

notified 19 September 1997 ([Gaz 1997 No S264](#))  
commenced 24 September 1997 (s 2 as am by [A2002-49 amdt 3.222](#))

### **Magistrates Court (Civil Jurisdiction) (Amendment) Act 1997 A1997-94**

notified 1 December 1997  
ss 1-3 commenced 1 December 1997  
remainder commenced 25 May 1998 ([Gaz 1998 No S140](#))

### **Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1**

notified 1 December 1997 ([Gaz 1997 No S380](#))  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

### **Magistrates Court (Amendment) Act 1998 A1998-25**

notified 10 July 1998  
s 1, s 2 commenced 10 July 1998  
remainder commenced 1 January 1999 ([Gaz 1998 No 50](#))

### **Magistrates Court (Amendment) Act (No 2) 1998 A1998-38**

notified 14 October 1998  
ss 1-3 commenced 14 October 1998  
remainder commenced 19 October 1998 ([Gaz 1998 No 41](#))

**Statute Law Revision (Penalties) Act 1998 A1998-54 sch**

notified 27 November 1998 ([Gaz 1998 No S207](#))  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
remainder commenced 9 December 1998 (s 2 (2) and [Gaz 1998 No 49](#))

**Custodial Escorts (Consequential Provisions) Act 1998 A1998-67**

notified 23 December 1998 ([Gaz 1998 No S212](#))  
s 1, s 2 commenced 23 December 1998 (s 2 (1))  
remainder commenced 23 December 1998 (s 2 (2) and [Gaz 1998 No 51](#))

**Children's Services (Amendment) Act 1999 A1999-12**

notified 23 March 1999  
commenced 1 May 1999

**Courts and Tribunals (Audio Visual and Audio Linking) Act 1999 A1999-22**

notified 14 April 1999 ([Gaz 1999 No S16](#))  
s 1, s 2 commenced 14 April 1999 (s 2 (1))  
remainder commenced 1 September 1999 (s 2 (2) and [Gaz 1999 No 35](#))

**Magistrates Court (Amendment) Act 1999 A1999-34**

notified 2 July 1999  
commenced 2 July 1999

**Magistrates Court Amendment Act (No 2) 1999 A1999-59**

notified 10 November 1999 ([Gaz 1999 No 45](#) and [1999 No 47](#))  
commenced 10 November 1999

**Children's Services Amendment Act (No 2) 1999 A1999-61**

notified 10 November 1999  
s 1, s 2 commenced 10 November 1999  
remainder commenced 1 December 1999

**Children and Young People (Consequential Amendments) Act 1999 A1999-64 sch 2**

notified 10 November 1999 ([Gaz 1999 No 45](#))  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
remainder commenced 10 May 2000 (s 2 (2))

## Endnotes

3 Legislation history

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**Law Reform (Miscellaneous Provisions) Act 1999 A1999-66 sch 3**

notified 10 November 1999 ([Gaz 1999 No 45](#))  
commenced 10 November 1999 (s 2)

**Road Transport Legislation Amendment Act 1999 A1999-79 sch 3**

notified 23 December 1999 ([Gaz 1999 No S65](#))  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
remainder commenced 1 March 2000 (s 2 (2) and [Gaz 2000 No S5](#))

**Victims of Crime (Financial Assistance) (Amendment) Act 1999  
A1999-91 sch 2**

notified 23 December 1999 ([Gaz 1999 No S65](#))  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
remainder commenced 24 December (s 2 (2) and [Gaz 1999 No S69](#))

**Justice and Community Safety Legislation Amendment Act 2000  
A2000-1 sch**

notified 9 March 2000 ([Gaz 2000 No 10](#))  
s 1, s 2 commenced 9 March 2000 (s 2 (1))  
amnds commenced 9 September 2000 (s 2 (3))

**Justice and Community Safety Legislation Amendment Act  
2000 (No 3) A2000-17 sch 1**

notified 1 June 2000 ([Gaz 2000 No 22](#))  
commenced 1 June 2000 (s 2)

**Magistrates Court Amendment Act 2000 A2000-60**

notified 5 October 2000 ([Gaz 2000 No 40](#))  
commenced 5 October 2000 (s 2)

**Leases (Commercial and Retail) Act 2001 A2001-18 s 174**

notified 19 April 2001 ([Gaz 2001 No 16](#))  
s 1, s 2 commenced 19 April 2001 (IA s 10B)  
s 174 commenced 1 July 2002 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 237**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 237 commenced 12 September 2001 (s 2 and see [Gaz 2001  
No S65](#))

**Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.37**

notified 5 September 2001 ([Gaz 2001 No S65](#))  
commenced 5 September 2001 (s 2 (1))

**Road Transport (Public Passenger Services) Act 2001 A2001-62  
pt 1.1**

notified 10 September 2001 ([Gaz 2001 No S66](#))  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
pt 1.1 commences 1 December 2001 (s 2 and CN 2001 No 2)

**Crimes Legislation Amendment Act 2001 A2001-63 pt 8**

notified 10 September 2001 ([Gaz 2001 No S66](#))  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
pt 8 commenced 27 September 2001 (s 2 (2) and CN 2001 No 3)

**Criminal Code 2001 Act No 64 sch 1 (as am by Criminal Code  
Amendment Act 2002 A2002-2 )**

notified 10 September 2001 ([Gaz 2001 No S66](#))  
repealed before commencement by [Criminal Code 2002](#) No 51 s 126

**Justice and Community Safety Legislation Amendment Act 2001  
A2001-70 sch 1**

notified LR 14 September 2001  
amdt commenced 14 September 2001 (s 2 (5))

**Fair Trading Legislation Amendment Act 2001 A2001-77 pt 4**

notified LR 14 September 2001  
s 1, s 2 commenced 14 September 2001 (LA s 75)  
pt 4 commenced 14 March 2002 (LA s 79)

**Protection Orders (Consequential Amendments) Act 2001 A2001-90  
sch 1 pt 8**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75)  
sch 1 pt 8 commenced 27 March 2002 (s 2 and LA s 79)

## Endnotes

3 Legislation history

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### **Criminal Code Amendment Act 2002 A2002-2 s 4**

notified LR 7 March 2002

s 1, s 2 commenced 7 March 2002 (LA s 75)

remainder commenced 9 March 2002 (s 2)

*Note* This Act only amends the [Criminal Code 2001](#) Act No 64. The [Criminal Code](#) 2001 was repealed before it commenced (see [A2002-51](#) s 126)

### **Statute Law Amendment Act 2002 A2002-30 pt 3.46**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.46 commenced 17 September 2002 (s 2 (1))

### **Magistrates Court (Refund of Fees) Amendment Act 2002 A2002-36**

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

remainder commenced 11 October 2002 (s 2)

### **Statute Law Amendment Act 2002 (No 2) A2002-49 amdt 3.222**

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

amdt 3.222 taken to have commenced 24 September 1997 (s 2 (3))

*Note* This Act only amends the [Remuneration Tribunal \(Consequential Amendments\) Act 1997](#) A1997-41 .

### **Justice and Community Safety Legislation Amendment Act 2003 A2003-2 pt 14**

notified LR 3 March 2003

s 1, s 2 commenced 3 March 2003 (LA s 75 (1))

pt 14 commenced 31 March 2003 (s 2 (2))

### **Evidence (Miscellaneous Provisions) Amendment Act 2003 A2003-48 sch 2 pt 2.8**

notified LR 31 October 2003

s 1, s 2 commenced 31 October 2003 (LA s 75 (1))

sch 2 pt 2.8 commenced 30 April 2004 (s 2 and LA s 79)

### **Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.14**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.14 commenced 19 December 2003 (s 2)

**Sexuality Discrimination Legislation Amendment Act 2004 A2004-2 sch 2 pt 2.6**

notified LR 18 February 2004  
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
sch 2 pt 2.6 commenced 22 March 2004 (s 2 and [CN2004-4](#))

**Bail Amendment Act 2004 A2004-14 sch 2 pt 2.2**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.2 commenced 26 June 2004 (s 2 (1))

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 3 pt 3.4**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 3 pt 3.4 commenced 9 April 2004 (s 2 (1))

**Statute Law Amendment Act 2004 A2004-42 sch 1 pt 1.4**

notified LR 11 August 2004  
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))  
amdt 1.10, amdt 1.11 commenced 30 September 2004 (s 2 (2) and see [Litter Act 2004 A2004-47](#), s 2 and [CN2004-22](#))  
sch 1 pt 1.4 remainder commenced 25 August 2004 (s 2 (1))

**Litter Act 2004 A2004-47 sch 1**

notified LR 16 August 2004  
s 1, s 2 commenced 16 August 2004 (LA s 75 (1))  
sch 1 commenced 30 September 2004 (s 2 and [CN2004-22](#))

**Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.40, pt 1.51 (in part)**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.40, pt 1.51 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

**Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 8**

notified LR 23 February 2005  
s 1, s 2 commenced 23 February 2005 (LA s 75 (1))  
pt 8 commenced 24 February 2005 (s 2 (2))

## Endnotes

3 Legislation history

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### **Crimes Amendment Act 2005 A2005-7 pt 4**

notified LR 23 February 2005

s 1, s 2 commenced 23 February 2005 (LA s 75 (1))

pt 4 commenced 24 February 2005 (s 2)

### **Domestic Violence and Protection Orders Amendment Act 2005 A2005-13 sch 1 pt 1.12**

notified LR 24 March 2005

s 1, s 2 commenced 24 March 2005 (LA s 75 (1))

sch 1 pt 1.12 commenced 25 March 2005 (s 2)

### **Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.35**

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 1 pt 3.35 commenced 2 June 2005 (s 2 (1))

### **Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.20**

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.20 commenced 23 November 2005 (s 2)

### **Justice and Community Safety Legislation Amendment Act 2005 (No 4) A2005-60 sch 1 pt 1.19**

notified LR 1 December 2005

s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))

sch 1 pt 1.19 commenced 22 December 2005 (s 2 (4))

### **Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.27**

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.27 commenced 2 June 2006 (s 2 (1)) and see [Crimes \(Sentence Administration\) Act 2005 A2005-59 s 2](#), [Crimes \(Sentencing\) Act 2005 A2005-58, s 2](#) and LA s 79)



**Justice and Community Safety Legislation Amendment Act 2006  
A2006-40 sch 2 pt 2.23 (as am by A2006-55 pt 4)**

notified LR 28 September 2006  
s 1, s 2 commenced 28 September 2006 (LA s 75 (1))  
sch 2 pt 2.23 commenced 1 January 2007 (s 2 (4))

**Court Legislation Amendment Act 2006 A2006-55 pt 4, pt 5**

notified LR 18 December 2006  
s 1, s 2 commenced 18 December 2006 (LA s 75 (1))  
pt 4 commenced 1 January 2007 (LA s 79A and [A2006-40](#))  
pt 5 commenced 19 December 2006 (s 2)

**Housing Assistance Act 2007 A2007-8 sch 1 pt 1.7**

notified LR 10 May 2007  
s 1, s 2 commenced 10 May 2007 (LA s 75 (1))  
sch 1 pt 1.7 commenced 10 November 2007 (s 2 and LA s 79)

**Corrections Management Act 2007 A2007-15 sch 1 pt 1.6**

notified LR 18 June 2007  
s 1, s 2 commenced 18 June 2007 (LA s 75 (1))  
sch 1 pt 1.6 commenced 18 December 2007 (s 2 and LA s 79)

**Victims of Crime Amendment Act 2007 A2007-44 sch 1 pt 1.2**

notified LR 13 December 2007  
s 1, s 2 commenced 13 December 2007 (LA s 75 (1))  
sch 1 pt 1.2 commenced 20 December 2007 (s 2)

**Crimes Amendment Act 2008 A2008-6 pt 5**

notified LR 15 April 2008  
s 1, s 2 commenced 15 April 2008 (LA s 75 (1))  
pt 5 commenced 16 April 2008 (s 2)

**Children and Young People Act 2008 A2008-19 sch 1 pt 1.8**

notified LR 17 July 2008  
s 1, s 2 commenced 17 July 2008 (LA s 75 (1))  
sch 1 pt 1.8 commenced 27 February 2009 (s 2 and [CN2008-17](#) (and see [CN2008-13](#)))

## Endnotes

3 Legislation history

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### **Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 1 pt 1.5**

notified LR 17 July 2008  
s 1, s 2 commenced 17 July 2008 (LA s 75 (1))  
s 3 commenced 18 July 2008 (s 2 (1))  
sch 1 pt 1.5 commenced 27 February 2009 (s 2 (5) and see [Children and Young People Act 2008](#) A2008-19, s 2 and [CN2008-17](#) (and see [CN2008-13](#)))

### **Justice and Community Safety Legislation Amendment Act 2008 (No 2) A2008-22 sch 1 pt 1.6**

notified LR 8 July 2008  
s 1, s 2 commenced 8 July 2008 (LA s 75 (1))  
sch 1 pt 1.6 commenced 29 July 2008 (s 2)

### **Justice and Community Safety Legislation Amendment Act 2008 (No 3) A2008-29 sch 1 pt 1.10**

notified LR 13 August 2008  
s 1, s 2 commenced 13 August 2008 (LA s 75 (1))  
sch 1 pt 1.10 commenced 27 August 2008 (s 2)

### **ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.36**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.36 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

### **ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.74**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.74 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

### **Sexual and Violent Offences Legislation Amendment Act 2008 A2008-41 pt 3**

notified LR 8 September 2008  
s 1, s 2 commenced 8 September 2008 (LA s 75 (1))  
pt 3 commenced 30 May 2009 (s 2 and [CN2009-3](#))

**Court Legislation Amendment Act 2008 A2008-42 pt 4**

notified LR notified LR 8 September 2008  
s 1, s 2 commenced 8 September 2008 (LA s 75 (1))  
pt 4 commenced 8 March 2009 (s 2 and LA s 79)

**Crimes Legislation Amendment Act 2008 A2008-44 sch 1 pt 1.11**

notified LR 9 September 2008  
s 1, s 2 commenced 9 September 2008 (LA s 75 (1))  
sch 1 pt 1.11 commenced 30 May 2009 (s 2 and [CN2009-4](#))

**Domestic Violence and Protection Orders Act 2008 A2008-46 sch 3 pt 3.12**

notified LR 10 September 2008  
s 1, s 2 commenced 10 September 2008 (LA s 75 (1))  
sch 3 pt 3.12 commenced 30 March 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2009 A2009-7 sch 1 pt 1.8**

notified LR 5 March 2009  
s 1, s 2 commenced 5 March 2009 (LA s 75 (1))  
sch 1 pt 1.8 commenced 30 May 2009 (s 2 (4) and see [Crimes Legislation Amendment Act 2008 A2008-44](#), s 2 and [CN2009-4](#))

as modified by

**Magistrates Court (Transitional Provisions) Regulation 2009 SL2009-20**

notified LR 18 May 2009  
s 1, s 2 commenced 18 May 2009 (LA s 75 (1))  
remainder commenced 30 May 2009 (s 2 and see [Crimes Legislation Amendment Act 2008 A2008-44](#), s 2 and [CN2009-4](#))

as amended by

**Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 11**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
pt 11 commenced 29 September 2009 (s 2)

## Endnotes

3 Legislation history

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**Road Transport (Mass, Dimensions and Loading) Act 2009 A2009-22 sch 1 pt 1.1**

notified LR 3 September 2009  
s 1, s 2 commenced 3 September 2009 (LA s 75 (1))  
sch 1 pt 1.1 commenced 3 March 2010 (s 2 and LA s 79)

**Crimes Legislation Amendment Act 2009 A2009-24 sch 1 pt 1.9**

notified LR 3 September 2009  
s 1, s 2 commenced 3 September 2009 (LA s 75 (1))  
sch 1 pt 1.9 commenced 4 September 2009 (s 2)

**Courts (Appointments) Amendment Act 2009 A2009-37 pt 2**

notified LR 21 October 2009  
s 1, s 2 commenced 21 October 2009 (LA s 75 (1))  
pt 2 commenced 22 October 2009 (s 2)

as modified by

**ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009 SL2009-2 s 67 (as am by SL2009-51 s 6, s 8, A2009-54 amdt 1.3)**

notified LR 29 January 2009  
s 1, s 2 commenced 29 January 2009 (LA s 75 (1))  
s 67 commenced 2 February 2009 (s 2 and see [ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 \(1\)](#) and [CN2009-2](#))

**ACT Civil and Administrative Tribunal (Transitional Provisions) Amendment Regulation 2009 (No 1) SL2009-51 s 6, s 8**

notified LR 30 October 2009  
s 1, s 2 commenced 30 October 2009 (LA s 75 (1))  
s 6, s 8 commenced 31 October 2009 (s 2)

*Note* This regulation only amends the [ACT Civil and Administrative Tribunal \(Transitional Provisions\) Regulation 2009 SL2009-2](#).

as amended by

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.48**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.48 commenced 17 December 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2009  
(No 4) A2009-54 sch 1 pt 1.2, sch 1 pt 1.4**

notified LR 18 December 2009

s 1, s 2 commenced 18 December 2009 (LA s 75 (1))

sch 1 pt 1.2, sch 1 pt 1.4 commenced 22 December 2009 (s 2 (2) (a))

and see [Justice and Community Safety Legislation Amendment Act 2009 \(No 3\) A2009-44 s 2 \(3\)](#))

*Note* This Act also amends the [ACT Civil and Administrative Tribunal \(Transitional Provisions\) Regulation 2009 SL2009-2](#).

**Justice and Community Safety Legislation Amendment Act 2010  
A2010-13 sch 1 pt 1.4**

notified LR 31 March 2010

s 1, s 2 commenced 31 March 2010 (LA s 75 (1))

s 3 commenced 1 April 2010 (LA s 75AA)

sch 1 pt 1.4 commenced 28 April 2010 (s 2 (4))

**Crimes (Sentence Administration) Amendment Act 2010 A2010-21  
sch 1 pt 1.6**

notified LR 30 June 2010

s 1, s 2 commenced 30 June 2010 (LA s 75 (1))

sch 1 pt 1.6 commenced 1 July 2010 (s 2)

**Justice and Community Safety Legislation Amendment Act 2010  
(No 2) A2010-30 sch 1 pt 1.15**

notified LR 31 August 2010

s 1, s 2 commenced 31 August 2010 (LA s 75 (1))

s 3 commenced 1 September 2010 (s 2 (1))

sch 1 pt 1.15 commenced 28 September 2010 (s 2 (2))

**Justice and Community Safety Legislation Amendment Act 2010  
(No 3) A2010-40 sch 2 pt 2.10**

notified LR 5 October 2010

s 1, s 2 commenced 5 October 2010 (LA s 75 (1))

s 3 commenced 6 October 2010 (s 2 (1))

sch 2 pt 2.10 commenced 2 November 2010 (s 2 (2))

**Courts Legislation Amendment Act 2011 A2011-13 sch 1 pt 1.5**

notified LR 11 May 2011

s 1, s 2 commenced 11 May 2011 (LA s 75 (1))

sch 1 pt 1.5 commenced 25 July 2011 (s 2 and [CN2011-8](#))

## Endnotes

3 Legislation history

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**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.99**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.99 commenced 1 July 2011 (s 2 (1))

**Statute Law Amendment Act 2011 (No 2) A2011-28 sch 3 pt 3.26**

notified LR 31 August 2011  
s 1, s 2 commenced 31 August 2011 (LA s 75 (1))  
sch 3 pt 3.26 commenced 21 September 2011 (s 2 (1))

**Law Officers Act 2011 A2011-30 sch 1 pt 1.5**

notified LR 29 August 2011  
s 1, s 2 commenced 29 August 2011 (LA s 75 (1))  
sch 1 pt 1.5 commenced 31 August 2011 (s 2 and [CN2011-9](#))

**Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.23**

notified LR 22 November 2011  
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))  
sch 1 pt 1.23 commenced 1 March 2012 (s 2 (1) and see [Evidence Act 2011 A2011-12](#), s 2 and [CN2012-4](#))

**Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.37**

notified LR 28 November 2011  
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))  
sch 3 pt 3.37 commenced 12 December 2011 (s 2)

**Justice and Community Safety Legislation Amendment Act 2012 A2012-13 sch 1 pt 1.8**

notified LR 11 April 2012  
s 1, s 2 commenced 11 April 2012 (LA s 75 (1))  
sch 1 pt 1.8 commenced 12 April 2012 (s 2 (1))

**Crimes Legislation Amendment Act 2013 A2013-12 pt 9**

notified LR 17 April 2013  
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))  
pt 9 commenced 24 April 2013 (s 2)

**Magistrates Court (Industrial Proceedings) Amendment Act 2013  
A2013-43**

notified LR 7 November 2013  
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))  
remainder commenced 8 November 2013 (s 2)

**Justice and Community Safety Legislation Amendment Act 2013  
(No 4) A2013-45 sch 1 pt 1.2**

notified LR 11 November 2013  
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))  
sch 1 pt 1.2 commenced 12 November 2013 (s 2)

**Heavy Vehicle National Law (Consequential Amendments) Act 2013  
A2013-52 pt 4**

notified LR 9 December 2013  
s 1, s 2 commenced 9 December 2013 (LA s 75 (1))  
pt 4 commenced 10 February 2014 (s 2 and see [Heavy Vehicle National Law \(ACT\) Act 2013](#) A2013-51, s 2 (1) and [CN2014-2](#))

**Courts Legislation Amendment Act 2014 A2014-1 pt 5**

notified LR 5 March 2014  
s 1, s 2 commenced 5 March 2014 (LA s 75 (1))  
pt 5 commenced 2 April 2014 (s 2)

**Courts Legislation Amendment Act 2015 A2015-10 pt 12**

notified LR 7 April 2015  
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))  
pt 12 commenced 21 April 2015 (s 2 (2))

**Courts Legislation Amendment Act 2015 (No 2) A2015-52 pt 13**

notified LR 26 November 2015  
s 1, s 2 commenced 26 November 2015 (LA s 75 (1))  
pt 13 commenced 10 December 2015 (s 2 (2))

**Victims of Crime (Financial Assistance) Act 2016 A2016-12 sch 3  
pt 3.4**

notified LR 16 March 2016  
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))  
sch 3 pt 3.4 commenced 1 July 2016 (s 2 (1) (a))

## Endnotes

3 Legislation history

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### **Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.29**

notified LR 13 April 2016  
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))  
sch 3 pt 3.29 commenced 27 April 2016 (s 2)

### **Workplace Privacy Amendment Act 2016 A2016-22 s 21**

notified LR 14 April 2016  
s 1, s 2 commenced 14 April 2016 (LA s 75 (1))  
s 21 awaiting commencement (s 2 (1) (as am by [A2016-37](#) amdt 1.44))  
*Note* default commencement under LA s 79: 14 October 2016

### **ACT Civil and Administrative Tribunal Amendment Act 2016 (No 2) A2016-28 sch 1 pt 1.5**

notified LR 15 June 2016  
s 1, s 2 commenced 15 June 2016 (LA s 75 (1))  
sch 1 pt 1.5 commences 15 December 2016 (s 2 (2))

### **Justice and Community Safety Legislation Amendment Act 2016 A2016-37 sch 1 pt 1.14, amdt 1.44**

notified LR 22 June 2016  
s 1, s 2 commenced 22 June 2016 (LA s 75 (1))  
sch 1 pt 1.14, amdt 1.44 commenced 29 June 2016 (s 2)  
*Note* amdt 1.44 only amends the [Workplace Privacy Amendment Act 2016 A2016-22](#)

### **Family Violence Act 2016 A2016-42 sch 3 pt 3.15**

notified LR 18 August 2016  
s 1, s 2 commenced 18 August 2016 (LA s 75 (1))  
sch 3 pt 3.15 commences 1 May 2017 (s 2)

### **Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.50**

notified LR 25 August 2016  
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))  
sch 1 pt 1.50 commenced 1 September 2016 (s 2)



## 4 Amendment history

The *Magistrates Court (Enforcement of Judgments) Act 1994* A1994-61 s 28 amended the Act by reversing the order of masculine and feminine pronouns. The amendments have been incorporated in the republication but have not been noted in the amendment history.

### Title

title am [Ord1985-67](#)

### Preliminary

ch 1 hdg ins [A2004-60](#) amdt 1.181

### Preliminary

pt 1 hdg om [A2004-60](#) amdt 1.181

### Name of Act

s 1 sub [A2003-56](#) amdt 3.161

### Dictionary

s 2 om [Ord1978-46](#)  
ins [A2004-60](#) amdt 1.182  
am [A2005-20](#) amdt 3.193

### Notes

s 3 om [A1994-61](#)  
ins [A2004-60](#) amdt 1.182  
(2), (3) exp 10 January 2006 (s 3 (3))

### Offences against Act—application of Criminal Code etc

s 3A ins [A2005-53](#) amdt 1.107  
om [A2006-55](#) s 12

### Magistrates Court and magistrates

ch 2 hdg ins [A2004-60](#) amdt 1.184

### Appointment and jurisdiction of magistrates

pt 2 hdg renum as pt 2.2 hdg

### The court

pt 2.1 hdg ins [A2004-60](#) amdt 1.184

### Constitution of court

s 4 orig s 4 am [Ord1937-28](#); [Ord1953-14](#)  
sub [Ord1958-12](#)  
am [Ord1968-25](#); [Ord1972-37](#)  
om [Ord1974-14](#)  
(prev s 18) am [Ord1940-20](#); [Ord1985-67](#); [Ord1990-5](#);  
[A2001-44](#) amdt 1.2750; [A2004-60](#) amdt 1.195, amdt 1.196  
reloc by [A2004-60](#) amdt 1.197  
am [A2005-20](#) amdt 3.194; [A2006-55](#) s 13

## Endnotes

4 Amendment history

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### Arrangement of court business

s 5 am [Ord1937-28](#); [Ord1938-35](#); [Ord1951-7](#); [Ord1951-12](#);  
[Ord1953-14](#); [Ord1958-12](#); [Ord1967-1](#); [Ord1968-25](#);  
[Ord1973-48](#); [Ord1976-42](#); [Ord1980-4](#); [Ord1984-62](#);  
[Ord1985-17](#); [Ord1985-41](#); [Ord1985-67](#); [Ord1986-74](#);  
[Ord1989-59](#); [Ord1989-60](#); [Ord1990-5](#); [A1991-38](#); [A1991-44](#);  
[A1992-9](#); [A1993-4](#); [A1993-91](#); [A1994-4](#); [A1996-6](#); [A1996-82](#);  
[A1997-96](#); [A1998-67](#); [A1999-22](#) s 18; [A1999-66](#) sch 3;  
[A1999-79](#) s 5 sch 3; [A2001-44](#) amdt 1.2748  
om [A2004-60](#) amdt 1.183  
ins [A2005-20](#) amdt 3.195

### Magistrate for matter not available

s 5A ins [A2013-45](#) amdt 1.9

### Appointment and jurisdiction of magistrates

pt 2.2 hdg (prev pt 2 hdg) renum [A2004-60](#) amdt 1.184

### Magistrates other than special magistrates

div 2.2.1 hdg (prev pt 2 div 1 hdg) ins [Ord1977-4](#)  
am [Ord1985-67](#)  
renum as div 2.1 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.186  
sub [A2005-20](#) amdt 3.196

### Meaning of *magistrate* in div 2.2.1

s 6 sub [Ord1951-12](#)  
am [Ord1990-5](#)  
om [A2004-60](#) amdt 1.183  
ins [A2005-20](#) amdt 3.196

### Meaning of *magistrate* in div 2.2.1

s 6A hdg sub [A2004-60](#) amdt 1.187  
s 6A ins [Ord1977-4](#)  
am [Ord1985-67](#)  
om [A2005-20](#) amdt 3.196

### Appointment of Chief Magistrate and other magistrates

s 7 sub [Ord1949-13](#)  
am [Ord1951-7](#); [Ord1951-12](#); [Ord1973-48](#)  
sub [Ord1977-4](#); [Ord1985-67](#)  
am [Ord1990-5](#)  
sub [A2005-20](#) amdt 3.196

### Requirements of appointment—magistrates

s 7AA ins [A2009-37](#) s 4

### Eligibility for appointment as magistrate

s 7A ins [A2005-20](#) amdt 3.196

**Seniority of magistrates**

s 7B ins [A2005-20](#) amdt 3.196

**Conditions of appointment of magistrates**

s 7C ins [A2005-20](#) amdt 3.196

**Term of appointment of magistrates**

s 7D ins [A2005-20](#) amdt 3.196

**Acting Chief Magistrate**

s 7E ins [A2005-20](#) amdt 3.196

**Retirement**

s 7F ins [A2005-20](#) amdt 3.196  
sub [A2009-19](#) s 57

**Magistrates not to do other work**

s 7G ins [A2005-20](#) amdt 3.196

**Rights of public servants**

s 7H ins [A2005-20](#) amdt 3.196

**Special magistrates**

div 2.2.2 hdg (prev pt 2 div 2 hdg) ins [Ord1977-4](#)  
renum as div 2.2 hdg R8 LA  
renum [A2004-60](#) amdt 1.189  
sub [A2005-20](#) amdt 3.197

**Appointment of special magistrates**

s 8 am [Ord1949-13](#)  
sub [Ord1977-4](#)  
am [A1997-96](#)  
sub [A2005-20](#) amdt 3.197

**Requirements of appointment—special magistrates**

s 8AA ins [A2009-37](#) s 5

**Term of appointment of special magistrates**

s 8A ins [Ord1973-48](#)  
om [Ord1977-4](#)  
ins [A2005-20](#) amdt 3.197

**Conditions of appointment of special magistrates**

s 8B ins [Ord1973-48](#)  
om [Ord1977-4](#)  
ins [A2005-20](#) amdt 3.197

## Endnotes

4 Amendment history

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### **Registrar and other court officers**

div 2.2.3 hdg (prev pt 2 div 3 hdg) ins [Ord1977-4](#)  
am [Ord1985-67](#); [A1991-44](#)  
renum as div 2.3 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.190  
sub [A2005-20](#) amdt 3.198

### **Appointment of registrar etc**

s 9 sub [Ord1977-4](#)  
am [Ord1985-67](#)  
om [A2005-20](#) amdt 3.196  
ins [A2005-20](#) amdt 3.198

### **Staff assisting registrar**

s 9A ins [A2005-20](#) amdt 3.198  
om [A2016-52](#) amdt 1.135

### **Functions of registrar and deputy registrars**

s 9B ins [A2005-20](#) amdt 3.198  
sub [A2006-40](#) amdt 2.129 (as am [A2006-55](#) s 10)

### **Judicial officers exchange**

div 2.2.3A hdg ins [A2010-13](#) amdt 1.25

### **Definitions—div 2.2.3A**

s 9C ins [A2010-13](#) amdt 1.25  
def **ACT court** ins [A2010-13](#) amdt 1.25  
def **corresponding court** ins [A2010-13](#) amdt 1.25  
def **court** ins [A2010-13](#) amdt 1.25  
def **judicial exchange arrangement** ins [A2010-13](#) amdt 1.25  
def **judicial officer** ins [A2010-13](#) amdt 1.25  
def **participating jurisdiction** ins [A2010-13](#) amdt 1.25  
def **this jurisdiction** ins [A2010-13](#) amdt 1.25

### **Establishment of judicial exchange arrangements**

s 9D ins [A2010-13](#) amdt 1.25

### **Transfer of judicial officer of another jurisdiction to ACT court**

s 9E ins [A2010-13](#) amdt 1.25

### **Service in ACT court of judicial officer of another jurisdiction**

s 9F ins [A2010-13](#) amdt 1.25

### **Service of ACT judicial officer in corresponding court**

s 9G ins [A2010-13](#) amdt 1.25

### **Judicial office not affected by appointment to another judicial office**

s 9H ins [A2010-13](#) amdt 1.25

### **Other arrangements not affected**

s 9I ins [A2010-13](#) amdt 1.25

**Amendment of sch 2**

s 9J ins [A2010-13](#) amdt 1.25

**Terms and conditions of appointment**

s 10 am [Ord1938-35](#); [Ord1973-48](#)  
sub [Ord1977-4](#)  
am [Ord1990-5](#)  
sub [A1997-41](#)  
om [A2005-20](#) amdt 3.196

**Tenure of office**

s 10A ins [Ord1977-4](#)  
om [A2005-20](#) amdt 3.196

**Resignation**

s 10B ins [Ord1977-4](#)  
am [Ord1990-5](#)  
om [A2005-20](#) amdt 3.196

**Acting Chief Magistrate**

s 10C ins [Ord1977-4](#)  
am [Ord1985-67](#); [Ord1990-5](#)  
om [A2005-20](#) amdt 3.196

**Retirement**

s 10D ins [Ord1977-4](#)  
sub [A1994-10](#)  
om [A2005-20](#) amdt 3.196

**Magistrates not to undertake other work**

s 10E ins [Ord1977-4](#)  
am [A1993-4](#); [A1996-6](#)  
om [A2005-20](#) amdt 3.196

**Rights of public servants**

s 10F ins [Ord1977-4](#)  
sub [A1994-38](#)  
om [A2005-20](#) amdt 3.196

**Arrangement of business of courts**

s 10G ins [Ord1977-4](#)  
am [Ord1985-67](#); [Ord1986-74](#); [A1994-66](#)  
sub [A1999-12](#)  
am [A1999-61](#) s 6; [A1999-64](#) s 4 sch 2; [A2004-60](#) amdt 1.188  
om [A2005-20](#) amdt 3.196

**Appointment of special magistrates**

s 10H ins [Ord1977-4](#)  
am [Ord1990-5](#)  
om [A2005-20](#) amdt 3.197

## Endnotes

### 4 Amendment history

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#### Tenure of office

s 10J ins [Ord1977-4](#)  
sub [A1994-10](#)  
am [A1996-6](#)  
om [A2005-20](#) amdt 3.197

#### Resignation

s 10K ins [Ord1977-4](#)  
am [Ord1990-5](#)  
om [A2005-20](#) amdt 3.197

#### Terms and conditions of appointment

s 10L ins [Ord1977-4](#)  
am [Ord1990-5](#)  
sub [A1997-41](#)  
om [A2005-20](#) amdt 3.197

#### Appointment of registrar etc

s 10M hdg am [A1991-44](#)  
s 10M ins [Ord1977-4](#)  
am [Ord1985-67](#); [A1991-44](#)  
sub [A1993-4](#)  
om [A2005-20](#) amdt 3.198

#### Staff assisting registrar

s 10MA ins [A1994-38](#)  
om [A2005-20](#) amdt 3.198

#### Duties of registrar

s 10N hdg am [A1991-44](#)  
s 10N ins [Ord1977-4](#)  
am [A1991-44](#)  
om [A2005-20](#) amdt 3.198

#### Jurisdiction of magistrates

div 2.2.4 hdg (prev pt 2 div 4 hdg) ins [Ord1977-4](#)  
renum as div 2.4 hdg R8 LA  
renum [A2004-60](#) amdt 1.191

#### Oath etc of office

s 10P ins [Ord1977-4](#)  
am [Ord1990-5](#); [A2001-44](#) amdt 1.2749  
sub [A2005-20](#) amdt 3.199

#### Acts done beyond ACT

s 10Q renum as s 11

**Acts done beyond ACT**

s 11 hdg am [A1991-44](#)  
s 11 orig s 11 am [A1991-44](#); [A1994-61](#); [A1996-6](#)  
reloc to [Magistrates Court Rules 1932](#), pt 19 as rule 99 by  
[A2005-20](#) amdt 3.202  
(prev s 10Q) ins [Ord1977-4](#)  
am [A2005-20](#) amdt 3.200  
renum [A2005-20](#) amdt 3.201

**Acts by magistrate out of court etc**

s 12 hdg am [A1991-44](#)  
s 12 am [Ord1937-28](#); [Ord1986-74](#); [A1991-44](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.203

**Making of enforcement order after case decided**

s 13 hdg sub [A2006-40](#) amdt 2.130  
s 13 am [A1991-44](#); [A1994-61](#)  
sub [A2005-20](#) amdt 3.203; [A2006-23](#) amdt 1.220  
am [A2006-40](#) amdt 2.131

**Warrants of execution after appeal**

s 14 om [Ord1972-37](#)

**Process not invalid only because of death of magistrate etc**

s 15 hdg am [A1991-44](#)  
s 15 am [A1991-44](#); [A1994-61](#)  
sub [A2005-20](#) amdt 3.204  
am [A2006-40](#) amdt 2.132

**Order instead of mandamus order**

s 16 hdg sub [A2006-40](#) amdt 2.133  
s 16 am [Ord1937-28](#); [Ord1977-4](#); [A1991-44](#); [A1996-6](#);  
[A2004-60](#) amdt 1.192; [A2006-40](#) amdt 2.134, amdt 2.135

**Magistrates may exercise functions of justices of peace**

s 17 hdg sub [A2005-20](#) amdt 3.205  
s 17 am [Ord1937-28](#); [Ord1990-5](#)

**Protection of magistrates in execution of their office**

pt 2.3 hdg ins [A2004-60](#) amdt 1.193

**Magistrate sued for act not within jurisdiction**

s 17A (prev s 231) am [Ord1937-28](#); [Ord1953-14](#); [A1994-61](#)  
reloc by [A2004-60](#) amdt 1.370  
am [A2005-20](#) amdt 3.206, amdt 3.207

**Magistrate sued for act not within jurisdiction**

s 17B (prev s 232) reloc by [A2004-60](#) amdt 1.370  
om [A2008-44](#) amdt 1.63

## Endnotes

4 Amendment history

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### **Committal or enforcement order by magistrate on order of court**

s 17C hdg sub [A2006-40](#) amdt 2.136  
s 17C (prev s 233) am [A1994-61](#)  
reloc by [A2004-60](#) amdt 1.370  
am [A2006-23](#) amdt 1.221; [A2006-40](#) amdt 2.137

### **No action for acts done under Supreme Court order**

s 17D (prev s 234) am [Ord1937-28](#)  
reloc by [A2004-60](#) amdt 1.370  
sub [A2005-20](#) amdt 3.208

### **No action if proceeding confirmed on appeal**

s 17E (prev s 235) am [A1994-61](#)  
reloc by [A2004-60](#) amdt 1.370  
am [A2006-23](#) amdt 1.222, amdt 1.223; [A2006-40](#)  
amds 2.137-2.139

### **Actions in cases prohibited**

s 17F (prev s 236) am [Ord1937-28](#)  
reloc by [A2004-60](#) amdt 1.370  
am [A2005-20](#) amdt 3.209

### **Payment into court**

s 17G (prev s 239) am [Ord1937-28](#); [Ord1986-74](#)  
reloc by [A2004-60](#) amdt 1.370  
sub [A2005-20](#) amdt 3.210

### **No action against magistrate for judicial acts in Magistrates Court**

s 17H (prev s 240) am [Ord1985-67](#)  
reloc by [A2004-60](#) amdt 1.370

### **Magistrate sued for acts within magistrate's jurisdiction only liable in case of malice and absence of reasonable and probable cause**

s 17I (prev s 241) reloc by [A2004-60](#) amdt 1.370  
am [A2005-20](#) amdt 3.211

### **Verdict for defendant**

s 17J (prev s 242) am [Ord1937-28](#); [Ord1986-74](#)  
sub [A1996-6](#)  
reloc by [A2004-60](#) amdt 1.370

### **Damages**

s 17K (prev s 243) am [Ord1966-2](#)  
sub [A1994-61](#)  
reloc by [A2004-60](#) amdt 1.370

### **Criminal proceedings**

ch 3 hdg ins [A2004-60](#) amdt 1.198

### **Magistrates Court**

pt 3 hdg sub [Ord1985-67](#)  
om [A2004-60](#) amdt 1.194



**Preliminary**

pt 3.1 hdg ins [A2004-60](#) amdt 1.198

**Establishment of Magistrates Court**

div 3.1 hdg (prev pt 3 div 1 hdg) am [Ord1985-67](#)  
renum R8 LA  
om [A2004-60](#) amdt 1.194

**Constitution of court**

s 18 reloc as s 4

**Jurisdiction of Magistrates Court**

div 3.2 hdg (prev pt 3 div 2 hdg) am [Ord1985-67](#)  
renum R8 LA  
om [A2004-60](#) amdt 1.199

**Definitions for ch 3**

s 18A ins [A2004-60](#) amdt 1.198  
def **administrator** ins [A2004-60](#) amdt 1.198  
om [A2006-23](#) amdt 1.224  
def **Crimes Act** ins [A2004-60](#) amdt 1.198  
def **decision** ins [A2004-60](#) amdt 1.198  
def **defendant** ins [A2004-60](#) amdt 1.198  
def **escort** ins [A2004-60](#) amdt 1.198  
om [A2006-23](#) amdt 1.224  
def **superintendent** ins [A2004-60](#) amdt 1.198  
om [A2006-23](#) amdt 1.224

**Criminal jurisdiction**

pt 3.2 hdg ins [A2004-60](#) amdt 1.199

**Jurisdiction of court**

s 19 am [Ord1937-28](#); [Ord1985-67](#); [Ord1986-74](#); [Ord1990-5](#);  
[A1999-66](#) sch 3; [A2001-44](#) amdt 1.2751; [A2001-56](#)  
amdt 3.447, amdt 3.448; [A2004-60](#) amdt 1.200; [A2005-20](#)  
amdt 3.212

**Civil jurisdiction of the court**

s 20 am [Ord1936-13](#); [Ord1967-1](#); [Ord1969-12](#); [Ord1977-4](#)  
om [Ord1986-74](#)

**Civil jurisdiction of court in action for nuisance**

s 20A ins [Ord1961-2](#)  
am [Ord1967-1](#)  
om [Ord1986-74](#)

**Jurisdiction of court if defendant absent from ACT**

s 21 am [Ord1937-28](#); [Ord1958-12](#); [Ord1986-74](#); [A1996-6](#)

## Endnotes

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### **Ex parte order may be set aside**

s 23 am [Ord1970-15](#)  
sub [Ord1974-14](#)  
am [Ord1979-33](#); [Ord1986-74](#); [Ord1989-60](#); [A1991-44](#);  
[A1991-112](#); [A1993-4](#); [A1993-48](#); [A1998-25](#); [A2004-60](#)  
amds 1.201-1.209  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 10 by  
[A2004-60](#) amdt 1.210

### **Ex parte conviction may be set aside on application by informant**

s 23AA ins [Ord1982-3](#)  
am [A2004-60](#) amds 1.211-1.215  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 11 by  
[A2004-60](#) amdt 1.216

### **Requests under conventions regarding legal proceedings in civil and commercial matters**

s 23A ins [Ord1932-21](#)  
om [A2004-60](#) amdt 1.217

### **Rectification of certain orders etc**

s 23B ins [Ord1985-18](#)  
am [A1991-44](#); [A2004-60](#) amdt 1.218; [A2005-20](#) amdt 3.213,  
amdt 3.214  
om [A2006-23](#) amdt 1.225

### **Beginning criminal proceedings**

pt 3.3 hdg (prev pt 4 hdg) sub and renum [A2004-60](#) amdt 1.219

### **Beginning criminal proceedings—general**

div 3.3.1 hdg (prev pt 4 div 1 hdg) renum as div 4.1 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.220

### **Cases excepted from court's jurisdiction**

s 24 om [Ord1986-74](#)

### **Removal of civil cases to the Supreme Court**

s 24A ins [Ord1937-28](#)  
om [Ord1986-74](#)

### **Procedure after removal of cases**

s 24B ins [Ord1937-28](#)  
am [Ord1953-14](#); [Ord1980-10](#); [Ord1985-67](#)  
om [Ord1986-74](#)

### **Informations**

s 25 sub [Ord1974-14](#)  
am [Ord1986-74](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.215

**Informations**

div 3.3.2 hdg (prev pt 4 div 2 hdg) renum as div 4.2 hdg R8 LA  
renum [A2004-60](#) amdt 1.221

**Laying of informations**

s 26 am [A1991-38](#); [A1993-4](#); [A1994-4](#)

**Description of people and property and of offences**

s 27 am [Ord1990-5](#)

**Authority to appear etc in place of informant**

s 27A ins [Ord1974-14](#)  
om [Ord1985-17](#)

**Form of information**

s 30 sub [A2005-20](#) amdt 3.216

**Limitation of proceedings**

s 31 am [Ord1989-59](#); [Ord1990-5](#); [A1996-6](#); [A1999-59](#) s 3  
om [A2001-63](#) s 58

**Commencement of action by entry of complaint**

s 32 am [Ord1961-2](#)  
om [Ord1986-74](#)

**Complaint may be for 1 or more matters**

s 33 am [Ord1967-1](#); [Ord1969-12](#); [Ord1977-4](#)  
om [Ord1986-74](#)

**Demands not to be divided into 2 suits or complaints**

s 34 om [Ord1986-74](#)

**Infant may sue**

s 35 am [Ord1974-47](#)  
om [Ord1986-74](#)

**Copy of information or complaint**

s 36 om [Ord1986-74](#)

**Summonses**

div 3.3.3 hdg (prev pt 4 div 4 hdg) renum as div 4.4 hdg R8 LA  
renum [A2004-60](#) amdt 1.221

**When magistrate may issue summons**

s 37 am [Ord1986-74](#); [Ord1989-55](#); [Ord1990-5](#); [A1991-38](#); [A1993-4](#);  
[A1996-6](#)

**Form of summons**

s 38 am [Ord1937-28](#); [Ord1979-33](#); [Ord1986-74](#); [A1996-6](#)

**Ex parte proceedings**

s 39 om [Ord1986-74](#)

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### Signature and contents of summons

s 40 am [Ord1979-33](#)  
om [A1996-6](#)

### Service of summons

s 41 sub [Ord1937-28](#)  
am [Ord1953-14](#); [Ord1986-74](#); [A1991-44](#); ss renum R10 LA;  
[A2005-20](#) amdt 3.217

### Court attendance notices

div 3.3.3A hdg ins [A2008-42](#) s 10

### Definitions—div 3.3.3A

s 41A ins [A2008-42](#) s 10  
def *authorised person* ins [A2008-42](#) s 10  
def *court attendance notice* ins [A2008-42](#) s 10

### Commencing criminal proceeding by court attendance notice

s 41B ins [A2008-42](#) s 10

### Court attendance notice—service

s 41C ins [A2008-42](#) s 10

### Court attendance notice—filing

s 41D ins [A2008-42](#) s 10

### Court attendance notice—relationship to information and summons

s 41E ins [A2008-42](#) s 10

### Warrants

div 3.3.4 hdg (prev pt 4 div 5 hdg) renum as div 4.5 hdg R8 LA  
renum [A2004-60](#) amdt 1.221  
sub [A2005-20](#) amdt 3.218

### Issue of warrant and summons

s 42 am [Ord1974-14](#), [Ord1979-33](#); ss renum R10 LA  
sub [A2005-20](#) amdt 3.219

### Procedure on filing indictment

s 43 am [Ord1937-28](#); [Ord1990-5](#); [A1992-9](#); [A1996-6](#); [A2006-23](#)  
amdt 1.226; [A2006-40](#) amdt 2.140

### Warrants to be signed and, where so required, sealed

s 46 om [A1996-6](#)

### Form of arrest warrant

s 47 am [A1998-67](#)  
sub [A2005-20](#) amdt 3.220

### Sunday warrants

s 49 am [A2005-20](#) amdt 3.221

**Bail of persons arrested without a warrant**

s 50 am [A1991-44](#)  
om [A1992-9](#)

**Hearings generally to be in public**

s 51 reloc as s 310

**Exclusion of strangers**

s 52 om [A1996-6](#)

**Hearing of criminal proceedings**

pt 3.4 hdg (prev pt 5 hdg) sub and renum [A2004-60](#) amdt 1.222

**Hearing of criminal proceedings—general**

div 3.4.1 hdg (prev pt 5 div 1 hdg) renum as div 5.1 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.223

**Conduct of case generally**

s 53 am [Ord1986-74](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.222

**If both parties present in court to hear case**

s 54 am [Ord1986-74](#); [A1991-79](#); [A1993-2](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.222

**Interpreter**

s 54AA ins [A1991-79](#)  
om [A1993-2](#)

**Record of proceedings**

s 54A reloc as s 316

**Warrants for witnesses**

div 3.4.2 hdg (prev pt 5 div 2 hdg) renum as div 5.2 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.232  
sub [A2005-20](#) amdt 3.223

**Examination to be on oath**

s 55 om [A2005-20](#) amdt 3.224

**Power to order witnesses out of Court**

s 56 am [Ord1986-74](#)  
om [A1996-6](#)

**Husband or wife of complainant or defendant to be competent witness**

s 57 om [Ord1986-74](#)

**Defendant and husband or wife, when competent in criminal proceedings**

s 58 om [A2004-2](#) amdt 2.14

**Proof of negative etc**

s 59 am [Ord1990-5](#)  
om [A2004-15](#) amdt 3.20

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### Record of proceedings and transcript

s 60 relc as s 317

### Informant may request witnesses to attend

s 60A ins [A1996-6](#)  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 12 by  
[A2004-60](#) amdt 1.239

### Power of magistrate to summon witnesses

s 61 hdg sub [A2004-60](#) amdt 1.240  
s 61 am [Ord1986-74](#)  
sub [A1996-6](#)  
am [A2004-60](#) amdt 1.241  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 13 by  
[A2004-60](#) amdt 1.242

### Warrants for witnesses

div 3.4.2 hdg sub [A2009-19](#) s 58

### Definitions—div 3.4.2

s 62 hdg am [A2004-60](#) amdt 1.243  
s 62 sub [Ord1937-28](#); [A1996-6](#)  
am [A2004-60](#) amdt 1.243, amdt 1.244  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 14 by  
[A2004-60](#) amdt 1.245  
ins [A2009-19](#) s 58  
def **prescribed period** ins [A2009-19](#) s 58  
def **reporting officer** ins [A2009-19](#) s 58  
def **warrant** ins [A2009-19](#) s 58

### Witnesses entitled to claim expenses

s 62A ins [A1996-6](#)  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 15 by  
[A2004-60](#) amdt 1.246

### Warrant to bring witness to court

s 63 am [Ord1967-1](#)  
sub [A1996-6](#)  
am [A2004-60](#) amdts 1.247-1.249  
(2), (3) exp 1 July 2006 (s 63 (3))  
ss renum R34 LA  
sub [A2009-19](#) s 58

### First instance warrant

s 64 am [A2004-60](#) amdt 1.250  
sub [A2009-19](#) s 58

### Warrant remains in force until executed

s 65 am [Ord1976-42](#); [Ord1986-74](#)  
om [A1994-61](#)  
ins [A2009-19](#) s 58

**Executing a warrant**

s 66 am [Ord1937-28](#); [A2004-60](#) amds 1.251-1.253  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 16 by  
[A2004-60](#) amdt 1.254  
ins [A2009-19](#) s 58

**Setting aside summons**

s 66A ins [Ord1987-56](#)  
am [A2004-60](#) amdt 1.255, amdt 1.256  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 17 by  
[A2004-60](#) amdt 1.257

**Procedure after arrest**

s 67 reloc as s 318  
ins [A2009-19](#) s 58

**Examination of witnesses—application of Magistrates Court (Civil Jurisdiction) Act**

s 67A ins [Ord1986-74](#)  
am [Ord1990-5](#); [A1995-46](#)  
om [A2004-60](#) amdt 1.262

**Affidavits—application of Magistrates Court (Civil Jurisdiction) Act**

s 67B ins [Ord1986-74](#)  
am [Ord1990-5](#); [A1995-46](#)  
om [A2004-60](#) amdt 1.262

**Orders following executed warrant**

s 68 reloc as s 319  
ins [A2009-19](#) s 58

**Depositions to be delivered to registrar**

s 69 reloc as s 320

**Remand**

div 3.4.3 hdg (prev pt 5 div 3 hdg) renum as div 5.3 hdg R8 LA  
renum [A2004-60](#) amdt 1.270  
sub [A2006-23](#) amdt 1.227

**Remand of defendant**

s 70 am [Ord1977-61](#); [A1996-6](#)  
sub [A1996-82](#)  
am [A1998-67](#)  
sub [A2004-14](#) amdt 2.4; [A2006-23](#) amdt 1.227  
am [A2011-22](#) amdt 1.305, amdt 1.306, amdt 1.310

**Verbal remand**

s 71 am [A1996-6](#)  
om [A1996-82](#)

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### **Bringing remanded defendant before court**

s 72 sub [A2006-23](#) amdt 1.227  
am [A2011-22](#) amdt 1.310

### **Bail application hearings—audiovisual links**

s 72A ins [A1999-22](#) s 21  
am [A2000-17](#) s 3 sch 1; [A2003-48](#) amdt 2.10  
sub [A2006-23](#) amdt 1.227

### **Defendant's appearance in non-bail proceedings—audiovisual links**

s 72B ins [A1999-22](#) s 21  
am [A2004-60](#) amdt 1.271  
sub [A2006-23](#) amdt 1.227  
am [A2010-40](#) amdt 2.16; [A2011-22](#) amdt 1.310

### **Bail of defendant during examination**

s 73 am [A1992-9](#)

### **Committal and recognisance**

div 3.4.4 hdg (prev pt 5 div 4 hdg) renum as div 5.4 hdg R8 LA  
renum [A2004-60](#) amdt 1.272

### **Extended application of div 3.4.4**

s 73A ins [Ord1986-74](#)  
am [A1995-46](#)  
sub [A2004-60](#) amdt 1.273

### **Remand of defendant before decision**

s 74 am [A1996-6](#); [A1996-82](#)  
sub [A2006-23](#) amdt 1.228  
am [A2011-22](#) amdt 1.307

### **Remand of witness or defendant after decision**

s 75 sub [Ord1976-42](#)  
am [A1996-82](#)  
sub [A2006-23](#) amdt 1.228

### **Witnesses may be discharged on recognisance**

s 76 am [Ord1986-74](#); [A1994-61](#); [A2004-60](#) amdt 1.274

### **Recognisances**

s 77 am [Ord1970-15](#); [A1992-9](#)

### **Issue of warrant for non-appearance**

s 78 am [A1992-9](#); [A2004-60](#) amdt 1.275; [A2005-20](#) amdt 3.225

### **Recognisances taken out of court**

s 79 am [Ord1974-14](#); [Ord1976-42](#); [A1991-44](#); [A1992-9](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.226  
am [A2006-23](#) amdt 1.229



**Forfeited recognisances—how enforced**

s 80 am [Ord1974-14](#); [Ord1984-62](#); [Ord1986-53](#); [Ord1990-5](#);  
[A1992-9](#); [A1996-6](#)

**Arrest of principal by sureties**

s 81 am [Ord1937-28](#); [Ord1976-42](#)  
om [A1992-9](#)

**Conveying people to custody**

s 82 am [Ord1976-42](#); [A1996-82](#)  
om [A2006-23](#) amdt 1.230

**Adjournment of criminal proceedings**

div 3.4.5 hdg (prev pt 5 div 5 hdg) renum as div 5.5 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.276

**Particular cases may be adjourned**

s 84 am [Ord1986-74](#); [A1992-9](#); [A1996-6](#); [A2005-20](#) amdt 3.227  
sub [A2006-23](#) amdt 1.231  
am [A2011-22](#) amdt 1.308

**Proceeding if either party not present at adjourned hearing**

s 85 am [Ord1986-74](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.228

**Proceeding if both parties present at adjourned hearing**

s 86 am [A1996-6](#)  
sub [A2005-20](#) amdt 3.228

**Witness to attend adjourned etc hearing**

s 87 am [Ord1977-61](#)  
sub [A2005-20](#) amdt 3.228

**Postponement of hearing**

s 88 am [Ord1986-74](#); [A1991-44](#)

**Proceedings for indictable offences**

pt 3.5 hdg (prev pt 6 hdg) sub and renum [A2004-60](#) amdt 1.277

**Dispensing with application of part**

div 3.5.1 hdg (prev pt 6 div 1A hdg) ins [Ord1987-56](#)  
renum as div 6.1A hdg R8 LA  
renum [A2004-60](#) amdt 1.278  
om [A2011-28](#) amdt 3.176  
ins [A2014-1](#) s 22

**Dispensing with application of part in interests of justice**

s 88A hdg sub [A2004-60](#) amdt 1.279  
s 88A ins [Ord1987-56](#)  
om [A2011-28](#) amdt 3.176  
ins [A2014-1](#) s 22

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### **Waiver of committal proceedings**

div 3.5.1A hdg ins [A2015-52](#) s 42

### **Court may waive committal proceedings**

s 88B ins [A2015-52](#) s 42

### **Indictable offences—beginning of proceedings**

div 3.5.2 hdg (prev pt 6 div 1 hdg) renum as div 6.1 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.280

### **Indictable offences—issue of warrant for non-appearance**

s 89 hdg sub [A2010-30](#) amdt 1.40  
s 89 am [Ord1977-61](#)  
sub [A2005-20](#) amdt 3.229  
am [A2010-30](#) amdt 1.41; ss renum R58 LA

### **Accused person may be excused from attendance before court**

s 89A ins [Ord1977-61](#)  
am [Ord1987-56](#); [A1992-9](#); [A1996-6](#); [A2005-20](#) amdt 3.230,  
amdt 3.231; [A2008-44](#) amdt 1.64

### **Committal proceedings—prosecution evidence to be given to accused person**

s 90 sub [Ord1958-12](#)  
am [Ord1967-1](#)  
sub [Ord1974-14](#)  
am [Ord1977-61](#); [A1991-44](#); [A1996-6](#); [A2005-20](#) amdt 3.232;  
[A2008-41](#) s 31  
sub [A2008-44](#) amdt 1.65

### **Written statements may be admitted in evidence**

s 90AA ins [Ord1974-14](#)  
am [A1991-44](#); [A1996-6](#); [A2005-20](#) amdt 3.233, amdt 3.234; ss  
renum R29 LA (see [A2005-20](#) amdt 3.235); [A2008-42](#) s 11;  
[A2008-41](#) ss 32-34; [A2008-44](#) amdts 1.66-1.69; [A2009-7](#)  
amdts 1.32-1.35; ss renum R47 LA; [A2009-24](#) amdt 1.34,  
amdt 1.35; pars renum R48 LA

### **Witnesses generally not to be cross-examined at committal hearing**

s 90AB ins [Ord1974-14](#)  
am [Ord1977-61](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.236; [A2008-44](#) amdt 1.71

### **Attendance of accused not required if order made under s 89A**

s 90ABA hdg sub [A2005-20](#) amdt 3.237  
s 90ABA ins [Ord1977-61](#)  
sub [A2008-44](#) amdt 1.72

**Plea of guilty at committal hearing**

s 90A hdg sub [A2008-44](#) amdt 1.70  
s 90A ins [Ord1958-12](#)  
am [Ord1985-41](#); [Ord1990-5](#); [A1996-6](#); ss renum R10 LA;  
[A2004-60](#) amdt 1.281; [A2005-20](#) amdts 3.238-3.240;  
ss renum R29 LA (see [A2005-20](#) amdt 3.241); [A2011-13](#)  
amdt 1.10

**Back-up and related offences—transfer to Supreme Court**

s 90B ins [A2014-1](#) s 23

**Proceeding following prosecution evidence**

s 91 **orig s 91**  
am [Ord1974-14](#); [Ord1987-56](#)  
sub [A2005-20](#) amdt 3.242  
om [A2008-44](#) amdt 1.73  
**pres s 91**  
(prev s 92) am [Ord1951-12](#); [Ord1958-12](#); [Ord1967-1](#);  
[Ord1974-14](#); [Ord1977-61](#); [Ord1985-41](#); [Ord1986-74](#);  
[Ord1987-56](#); [A2008-44](#) amdt 1.75  
renum as s 91 [A2008-44](#) amdt 1.74

**Proceeding if evidence sufficient to put accused on trial**

s 92 renum as s 91

**Committal for sentence for indictable offence tried summarily**

s 92A ins [Ord1974-14](#)  
am [A2011-13](#) amdt 1.11; [A2014-1](#) s 24

**Depositions as evidence**

s 92B ins [Ord1985-41](#)

**Admissions and confessions**

s 93 am [Ord1958-12](#); [Ord1967-1](#); [A1996-6](#); [A2005-20](#) amdt 3.243

**Indictable offences—proceedings after hearing of evidence**

div 3.5.3 hdg (prev pt 6 div 2 hdg) renum as div 6.2 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.282

**Discharge or committal for trial**

s 94 am [Ord1937-28](#); [Ord1976-42](#); [Ord1987-56](#); [A1996-6](#)  
sub [A2005-20](#) amdt 3.244  
am [A2006-23](#) amdt 1.232; [A2008-44](#) amdt 1.76; [A2009-24](#)  
amdt 1.36; [A2011-22](#) amdt 1.311; [A2014-1](#) s 25

**Depositions of dead or absent people**

s 95 sub [Ord1958-12](#)  
am [Ord1967-1](#); [Ord1989-59](#); [A1996-6](#); [A2004-60](#) amdt 1.283,  
amdt 1.284; [A2005-20](#) amdt 3.245

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#### **Indictable offences—costs**

div 3.5.4 hdg (prev pt 6 div 2A hdg) ins [Ord1984-9](#)  
renum as div 6.2A hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.285

#### **Discontinued proceeding**

s 97 am [Ord1937-28](#)  
om [Ord1958-12](#)  
ins [Ord1984-9](#)  
am [Ord1987-56](#); [A2008-44](#) amdt 1.77; [A2009-24](#) amdt 1.37

#### **Indictable offences—witness recognisances**

div 3.5.5 hdg (prev pt 6 div 3 hdg) am [A1992-9](#)  
renum as div 6.3 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.286

#### **Bail in capital offences**

s 98 am [Ord1937-28](#)  
om [Ord1989-59](#)

#### **Admission of persons committed for trial to bail**

s 99 am [Ord1937-28](#); [Ord1976-42](#); [Ord1989-59](#)  
om [A1992-9](#)

#### **Admission of persons committed for trial and are in prison awaiting trial to bail**

s 100 am [Ord1937-28](#); [Ord1976-42](#); [Ord1989-59](#)  
om [A1992-9](#)

#### **Recognisances to be transmitted to Crown Solicitor**

s 101 am [Ord1967-1](#); [Ord1976-42](#); [Ord1985-17](#)  
om [A1992-9](#)

#### **Warrant of deliverance**

s 102 am [Ord1976-42](#)  
om [A1992-9](#)

#### **Recognisance of witnesses etc**

s 103 am [Ord1974-14](#); [A1996-6](#)

#### **Court may remand noncompliant witness**

s 105 am [Ord1976-42](#)  
sub [A2005-20](#) amdt 3.246; [A2006-23](#) amdt 1.233  
am [A2011-22](#) amdt 1.310

#### **Indictable offences—other provisions**

div 3.5.6 hdg (prev pt 6 div 4 hdg) renum as div 6.4 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.287

#### **Meaning of *certified copy* of depositions in div 3.5.6**

s 105A ins [A2004-60](#) amdt 1.288  
sub [A2005-20](#) amdt 3.247

**Giving depositions etc to director of public prosecutions**

s 106 am [Ord1967-1](#); [Ord1985-17](#); [Ord1985-41](#); [A1992-9](#); [A2005-20](#)  
amdt 3.248

**Giving documents to proper officer of court**

s 107 am [Ord1967-1](#); [Ord1985-17](#); [A1996-6](#); [A1999-66](#) sch 3;  
[A2005-20](#) amdt 3.249; [A2006-40](#) amdt 2.141, amdt 2.142

**Accused person may obtain copies of depositions etc**

s 108 am [Ord1967-1](#); [A1999-66](#) sch 3  
sub [A2005-20](#) amdt 3.250

**Proceedings for offences punishable summarily**

pt 3.6 hdg (prev pt 7 hdg) renum [A2004-60](#) amdt 1.289

**Indictable offences dealt with summarily**

s 108A ins [Ord1985-41](#)  
am [A2004-60](#) amdt 1.290

**Dismissal or adjournment in absence of informant**

s 109 sub [A1996-6](#)  
am [A2005-20](#) amdt 3.251

**Hearing in absence of defendant**

s 110 hdg sub [A2005-20](#) amdt 3.252  
s 110 am [Ord1974-14](#); [Ord1986-83](#); [Ord1989-59](#); [A1996-6](#);  
[A2005-20](#) amdts 3.253-3.256; [A2008-44](#) amdt 1.78; ss renum  
R47 LA; [A2009-24](#) amdt 1.38, amdt 1.39; ss renum R48 LA

**Adjournment if defendant does not appear**

s 111 sub [A2005-20](#) amdt 3.257  
am [A2006-23](#) amdt 1.234

**Summary proceedings—issue of warrant for non-appearance at adjourned or postponed hearing**

s 112 am [A1996-6](#)  
om [A2005-20](#) amdt 3.258  
ins [A2010-30](#) amdt 1.42

**Court may direct defendant to appear**

s 112A ins [A2010-30](#) amdt 1.42

**If defendant does not admit the case**

s 114 am [Ord1937-28](#)  
sub [A2005-20](#) amdt 3.259

**Conduct of summary proceeding**

s 115 am [A1996-6](#)  
sub [A2005-20](#) amdt 3.259

## Endnotes

### 4 Amendment history

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#### **Conduct of summary proceedings regulated**

s 116 am [A1996-6](#)  
om [A2005-20](#) amdt 3.259

#### **Service and pleading by post for certain offences**

pt 3.7 hdg (prev pt 7A hdg) ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
renum [A2004-60](#) amdt 1.291

#### **Definitions for pt 3.7**

s 116A hdg sub [A2004-60](#) amdt 1.292  
s 116A ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [Ord1990-5](#); [A1993-4](#); [A1996-6](#); [A1998-54](#); [A1999-79](#) sch  
3; [A2004-60](#) amdt 1.294  
sub [A2005-20](#) amdt 3.260  
def **defendant** ins [A2005-20](#) amdt 3.260  
def **law in force in the ACT** ins [A2004-60](#) amdt 1.293  
sub [A2005-20](#) amdt 3.260  
def **prescribed offence** am [A1984-10](#) s 2; [Ord1990-5](#) sch 1  
sub [A1993-4](#) s 10  
om [A1999-79](#) sch 3

#### **Meaning of prescribed offence for pt 3.7**

s 116AA hdg sub [A2004-60](#) amdt 1.295  
s 116AA ins [A1999-79](#) s 5 sch 3  
am [A2001-62](#) amdts 1.1-1.3; [A2004-60](#) amdt 1.296; [A2005-20](#)  
amdt 3.261; [A2009-22](#) amdt 1.1; [A2013-52](#) s 7, s 8; pars  
renum R71 LA

#### **Service of summons for prescribed offence**

s 116B hdg sub [A2004-60](#) amdt 1.297  
s 116B ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1993-4](#); [A2004-60](#) amdt 1.298; [A2005-20](#) amdt 3.262,  
amdt 3.263

#### **Giving of notice by registrar**

s 116BA ins [A1993-4](#)  
sub [A2005-20](#) amdt 3.264

#### **Proof of service**

s 116C ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1991-44](#); [A1993-4](#); [A1996-6](#); [A2005-20](#) amdt 3.265, amdt  
3.266

**Pleas to prescribed offence**

s 116D hdg sub [A2004-60](#) amdt 1.299  
s 116D ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1991-44](#); [A1993-4](#)

**Procedure if plea of guilty entered**

s 116E ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1991-44](#); [A1993-4](#); [A2011-28](#) amdt 3.177

**Procedure if notice of intention to defend given**

s 116F ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1991-44](#); [A1993-4](#)

**Procedure if defendant pleads not guilty**

s 116FA ins [Ord1989-59](#)

**Procedure if defendant does not plead**

s 116G ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [Ord1989-59](#); [A1991-44](#); [A1993-4](#)

**Restricted penalties under pt 3.7**

s 116H hdg sub [A2004-60](#) amdt 1.300  
s 116H ins [Ord1974-14](#)  
sub [Ord1979-33](#); [A1993-4](#)  
am [A1996-6](#); [A1998-25](#); [A2003-56](#) amdt 3.162; [A2005-20](#)  
amdt 3.267, amdt 3.268; ss renum R29 LA (see [A2005-20](#)  
amdt 3.269)

**Consequences of conviction in absence of defendant**

s 116I hdg sub [A2005-20](#) amdt 3.270  
s 116I ins [Ord1974-14](#)  
sub [Ord1979-33](#)  
am [A1991-44](#); [A1993-4](#); [A1996-6](#); [A2004-60](#) amdt 1.301;  
[A2010-21](#) amdt 1.9

**Date of conviction**

s 116J ins [Ord1974-14](#)  
om [Ord1979-33](#)

**Infringement notices for certain offences**

pt 3.8 hdg (prev pt 8 hdg) om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
renum [A2004-60](#) amdt 1.302

**Preliminary**

div 3.8.1 hdg ins [A2001-77](#) s 21  
renum [A2004-60](#) amdt 1.303

## Endnotes

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#### Definitions for pt 3.8

s 117 hdg sub [A2004-60](#) amdt 1.304  
s 117 om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
def **another jurisdiction** ins [A2004-47](#) amdt 1.1  
def **authorised person** sub [A2002-30](#) amdt 3.587;  
[A2004-60](#) amdt 1.305  
def **driver** ins [A2004-47](#) amdt 1.1  
def **home address** ins [A2004-47](#) amdt 1.1  
om [A2009-49](#) amdt 3.113  
def **illegal user declaration** ins [A2004-47](#) amdt 1.1  
def **known offender declaration** ins [A2004-47](#) amdt 1.1  
def **registered** ins [A2004-47](#) amdt 1.1  
def **registered operator** ins [A2004-47](#) amdt 1.1  
om [A2005-20](#) amdt 3.271  
def **responsible person** ins [A2004-47](#) amdt 1.1  
def **sold vehicle declaration** ins [A2004-47](#) amdt 1.1  
def **trader's plate** ins [A2004-47](#) amdt 1.1  
om [A2005-20](#) amdt 3.271  
def **unknown offender declaration** ins [A2004-47](#) amdt 1.1  
def **vehicle** ins [A2004-47](#) amdt 1.1  
def **vehicle related offence** ins [A2004-47](#) amdt 1.1

#### Purpose and effect of pt 3.8

s 118 hdg sub [A2004-60](#) amdt 1.306  
s 118 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

#### Regulations about infringement notice offences

s 119 om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
am [A2003-2](#) s 70

#### Infringement and reminder notices

div 3.8.2 hdg (prev div 8.2 hdg) ins [A2001-77](#) s 21  
renum [A2004-60](#) amdt 1.307

#### Service of infringement notices

s 120 om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
am [A2004-42](#) amdt 1.8, amdt 1.9  
sub [A2004-47](#) amdt 1.2  
am [A2008-6](#) s 18; ss renum R40 LA

#### Contents of infringement notices

s 121 om [Ord1986-74](#)  
ins [A2001-77](#) s 21



**Additional information in infringement notices**

s 122 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Time for payment of infringement notice penalty**

s 123 sub [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Extension of time to pay penalty**

s 124 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Effect of payment of infringement notice penalty**

s 125 am [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Application for withdrawal of infringement notice**

s 126 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Withdrawal of infringement notice**

s 127 sub [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Guidelines about withdrawal of infringement notices**

s 128 am [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
am [A2011-28](#) amdt 3.178

**Reminder notices**

s 129 sub [Ord1967-1](#)  
am [Ord1980-4](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Contents of reminder notices**

s 130 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Additional information in reminder notices**

s 131 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Additional provisions for vehicle-related offences**

div 3.8.3 hdg (prev div 8.2A hdg) ins [A2004-47](#) amdt 1.3  
renum R26 LA

## Endnotes

4 Amendment history

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### **Meaning of *infringement notice***

s 131A ins [A2004-47](#) amdt 1.3

### **Service of infringement notice on responsible person for vehicles**

s 131B ins [A2004-47](#) amdt 1.3  
am [A2004-42](#) amdt 1.10; ss renum R25 LA (see [A2004-60](#)  
amdt 1.11)

### **Liability for vehicle-related offences**

s 131C ins [A2004-47](#) amdt 1.3

### **Illegal user declarations**

s 131D ins [A2004-47](#) amdt 1.3  
am [A2016-18](#) amdt 3.139

### **Known offender declarations**

s 131E ins [A2004-47](#) amdt 1.3  
am [A2016-18](#) amdt 3.140

### **Sold vehicle declarations**

s 131F ins [A2004-47](#) amdt 1.3  
am [A2016-18](#) amdt 3.141

### **Unknown offender declarations**

s 131G ins [A2004-47](#) amdt 1.3  
am [A2016-18](#) amdt 3.142

### **Disputing liability for infringement notices**

div 3.8.4 hdg (prev div 8.3 hdg) ins [A2001-77](#) s 21  
sub and renum [A2004-60](#) amdt 1.308 and R26 LA

### **Disputing liability for infringement notice offence**

s 132 am [Ord1967-1](#); [Ord1969-12](#); [Ord1977-4](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

### **Extension of time to dispute liability**

s 133 am [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21

### **Procedure if liability disputed**

s 134 ins [A2001-77](#) s 21  
am [A2004-42](#) amdt 1.12

### **Infringement notices—other provisions**

div 3.8.5 hdg (prev div 8.4 hdg) ins [A2001-77](#) s 21  
sub and renum [A2004-60](#) amdt 1.309 and R26 LA

**Authorised people for infringement notice offences**

s 134A ins [Ord1968-25](#)  
om [Ord1986-74](#)  
ins [A2002-30](#) amdt 3.588

**Money recovered by infant or person of unsound mind**

s 134B ins [Ord1968-25](#)  
am [Ord1978-46](#)  
om [Ord1986-74](#)

**Delegation of administering authority's functions**

s 135 am [Ord1937-28](#)  
om [Ord1986-74](#)  
ins [A2001-77](#) s 21  
sub [A2002-30](#) amdt 3.589

**Evidentiary certificates**

s 136 om [Ord1986-74](#)  
ins [A2001-77](#) s 21

**Default summons**

s 137 om [Ord1986-74](#)

**Service of default summons**

s 138 om [Ord1986-74](#)

**Ground of defence to be in writing lodged with the clerk**

s 139 am [Ord1937-28](#); [Ord1958-12](#); [Ord1970-15](#)  
om [Ord1986-74](#)

**Trial**

s 140 am [Ord1958-12](#); [Ord1970-15](#)  
om [Ord1986-74](#)

**Enforcement of criminal decisions**

pt 3.9 hdg (prev pt 9 hdg) sub and renum [A2004-60](#) amdt 1.310

**Enforcement of criminal decisions—general**

div 3.9.1 hdg (prev pt 9 div 1 hdg) renum R8 LA  
sub and renum [A2004-60](#) amdt 1.311

**Minute of decision and notice to defendant**

s 141 am [Ord1972-37](#); [Ord1990-5](#); [A1991-44](#); [A1993-4](#); [A1996-6](#);  
[A1996-68](#); [A1998-25](#); [A1999-91](#) sch 2; ss renum R10 LA;  
[A2006-23](#) amdts 1.235, 1.236; [A2006-40](#) amdt 2.143;  
[A2007-44](#) amdt 1.2; [A2010-21](#) amdt 1.10; [A2011-22](#)  
amdt 1.311; [A2011-48](#) amdt 1.38; [A2016-12](#) amdt 3.5

**Formal convictions and orders**

s 142 am [Ord1937-28](#); [A1991-44](#); [A2005-20](#) amdt 3.272; [A2006-40](#)  
amdt 2.144

## Endnotes

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### Consequences if information dismissed

s 143 am [Ord1986-74](#); [A1991-44](#)  
sub [A2005-20](#) amdt 3.273

### Copies of informations and other documents

s 144 sub [Ord1967-1](#)  
am [Ord1980-10](#); [Ord1986-74](#); [A1991-38](#); [A1991-44](#); [A1994-4](#);  
[A2006-23](#) amdt 1.237

### Imprisonment in first instance

s 145 am [A1996-6](#)  
om [A2006-23](#) amdt 1.238

### Enforcement of fines

div 3.9.2 hdg (prev pt 9 div 2 hdg) sub [A1994-61](#)  
am [A1998-25](#)  
renum as div 9.2 hdg R8 LA  
renum [A2004-60](#) amdt 1.312  
om [A2010-21](#) amdt 1.11

### Definitions for div 3.9.2

s 146 hdg sub [A2004-60](#) amdt 1.313  
s 146 om [Ord1986-57](#)  
ins [Ord1989-60](#)  
sub [A1991-112](#)  
am [A2006-23](#) amdt 1.239  
om [A2010-21](#) amdt 1.11  
def **chief police officer** ins [A1998-25](#) s 8  
om [A2004-60](#) amdt 1.314  
def **default notice** ins [A1998-25](#) s 8  
om [A2010-21](#) amdt 1.11  
def **fine** ins [A1998-25](#) s 8  
am [A1999-91](#) sch 2; [A2005-20](#) amdt 3.274; [A2006-23](#)  
amdt 1.240, amdt 1.241; [A2007-44](#) amdt 1.3; pars renum  
R39 LA  
om [A2010-21](#) amdt 1.11  
def **fine defaulter** ins [A1998-25](#) s 8  
om [A2010-21](#) amdt 1.11  
def **government agency** ins [A1998-25](#) s 8  
am [A2005-20](#) amdt 3.275  
om [A2010-21](#) amdt 1.11  
def **outstanding fine** ins [A1998-25](#) s 8  
sub [A2005-20](#) amdt 3.276  
om [A2010-21](#) amdt 1.11  
def **parking offence** om [A1998-25](#) s 8  
def **penalty notice** ins [A1998-25](#) s 8  
om [A2010-21](#) amdt 1.11

def **Territory entity** ins [A1998-25](#) s 8  
sub [A2004-60](#) amdt 1.315  
om [A2010-21](#) amdt 1.11  
def **traffic offence** am [A1993-4](#) s 21  
om [A1998-25](#) s 8

**No imprisonment for breach of reparation order**

s 146A ins ord [A1990-1](#)  
am [A1996-6](#)  
om [A1998-25](#)

**Payment of fine**

s 147 am [Ord1968-25](#); [Ord1977-34](#); [Ord1986-74](#); [Ord1989-60](#);  
[Ord1990-5](#); [A1991-112](#); [A1992-23](#); [A1993-4](#); [A1994-4](#);  
[A1994-45](#); [A1994-61](#); [A1995-46](#)  
sub [A1998-25](#)  
om [A2010-21](#) amdt 1.11

**Notice of address etc**

s 147A ins [Ord1989-60](#)  
am [A1991-44](#); [A1991-112](#); [A1993-48](#)  
sub [A1998-25](#)  
om [A2010-21](#) amdt 1.11

**Access to particulars of address**

s 147B ins [A1998-25](#)  
sub [A2007-8](#) amdt 1.14  
om [A2010-21](#) amdt 1.11

**Doubtful service**

s 147C ins [A1998-25](#)  
om [A2010-21](#) amdt 1.11

**Court may allow time to pay**

s 148 am [Ord1974-14](#); [Ord1979-33](#); [A1991-44](#); [A1998-25](#); ss renum  
R10 LA; [A2005-20](#) amdt 3.277  
om [A2010-21](#) amdt 1.11

**Penalty notice**

s 149 om [Ord1986-74](#)  
ins [A1998-25](#)  
om [A2010-21](#) amdt 1.11

**Default**

s 150 am [Ord1974-14](#); [Ord1977-34](#); [Ord1979-33](#); [Ord1986-74](#);  
[Ord1989-60](#); [A1991-112](#); [A1993-4](#); [A1999-79](#) s 5 sch 3  
sub [A1998-25](#)  
am [A2004-60](#) amdt 1.316  
om [A2010-21](#) amdt 1.11

## Endnotes

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### **Parking offences—further orders in respect of natural persons**

s 150A ins [Ord1989-60](#)  
am [A1991-44](#); [A1991-112](#); [A1993-48](#)  
om [A1998-25](#)

### **Parking offences—further orders in respect of bodies corporate**

s 150B ins [Ord1989-60](#)  
am [A1991-44](#); [A1991-112](#); [A1993-48](#); [A1994-61](#)  
om [A1998-25](#)

### **Further orders—service**

s 150C ins [Ord1989-60](#)  
am [A1991-44](#)  
om [A1998-25](#)

### **Default notice**

s 151 orig s 151 renum as s 185  
ins [A1998-25](#)  
om [A2010-21](#) amdt 1.11

### **Special arrangements**

s 152 orig s 152 renum as s 186  
ins [A1998-25](#)  
am [A2006-23](#) amdt 1.242; [A2008-19](#) amdt 1.86  
om [A2010-21](#) amdt 1.11

### **Notice for suspension of driver licence etc**

s 153 am [Ord1937-28](#); [Ord1940-22](#); [Ord1989-60](#); [A1991-44](#)  
om [A1998-25](#)  
sub [A1999-79](#) s 5 sch 3  
am [A2006-23](#) amdt 1.243; [A2008-19](#) amdt 1.87  
om [A2010-21](#) amdt 1.11

### **Parking offences—instalment payments**

s 153A ins [Ord1989-60](#)  
am [A1991-44](#)  
om [A1998-25](#)

### **Consequence of non-compliance with certain orders**

s 153B ins [Ord1989-60](#)  
am [A1991-44](#)  
om [A1998-25](#)

### **Part payments**

s 153C ins [Ord1989-60](#)  
am [A1991-44](#)  
om [A1998-25](#)

**Access to personal information**

s 154 orig s 154 renum as s 187  
ins [A1998-25](#)  
sub [A2007-8](#) amdt 1.15  
om [A2010-21](#) amdt 1.11

**Ascertainment of capacity to pay fine**

s 154A ins [A1998-25](#)  
am [A2004-60](#) amdts 1.317-1.320  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 18 by  
[A2004-60](#) amdt 1.321

**Garnishee orders and writs of execution**

s 154B ins [A1998-25](#)  
am [A2004-60](#) amdt 1.322, amdt 1.323  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 19 by  
[A2004-60](#) amdt 1.324

**Application of Magistrates Court (Civil Jurisdiction) Rules, pt 19**

s 154C hdg sub [A2004-60](#) amdt 1.325  
s 154C ins [A1998-25](#)  
am [A2004-60](#) amdts 1.326-1.334  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 20 by  
[A2004-60](#) amdt 1.335

**Fine defaulters—imprisonment**

s 154D ins [A1998-25](#)  
sub [A2006-23](#) amdt 1.244  
am [A2007-15](#) amdt 1.27; [A2007-44](#) amdt 1.4; [A2008-19](#)  
amdt 1.88  
om [A2010-21](#) amdt 1.11

**Young fine defaulters**

s 154E ins [A2008-19](#) amdt 1.89  
om [A2010-21](#) amdt 1.11

**Young fine defaulters—no capacity to pay**

s 154F ins [A2008-19](#) amdt 1.89  
om [A2010-21](#) amdt 1.11

**Fine amounts to be paid to registrar**

s 155 hdg am [A1991-44](#)  
s 155 am [A1991-44](#)  
sub [A2005-20](#) amdt 3.278  
om [A2006-23](#) amdt 1.244

**Costs to be paid to clerk by registrar of motor vehicles**

s 155A hdg am [A1991-44](#)  
s 155A ins [Ord1989-60](#)  
am [A1991-44](#); [A1991-112](#)  
om [A1998-25](#)

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### Execution to stop on payment

s 156 am [Ord1977-34](#)  
sub [A2005-20](#) amdt 3.278  
om [A2006-23](#) amdt 1.244

### Outstanding fine discharged by payment

s 157 am [Ord1976-42](#); [Ord1977-34](#); [A1991-44](#); [A1998-25](#); [A2004-60](#)  
amdt 1.336  
sub [A2006-23](#) amdt 1.244  
am [A2008-19](#) amdt 1.90  
om [A2010-21](#) amdt 1.11

### Outstanding fine satisfied by imprisonment

s 158 am [Ord1986-74](#); [A1991-44](#)  
om [A1994-61](#)  
ins [A1998-25](#)  
sub [A2006-23](#) amdt 1.244  
am [A2007-15](#) amdt 1.28  
om [A2010-21](#) amdt 1.11

### Outstanding fine satisfied by imprisonment—young fine defaulter

s 158A ins [A2008-19](#) amdt 1.91  
om [A2010-21](#) amdt 1.11

### Remission

s 159 hdg am [A1991-44](#)  
s 159 am [A1991-44](#)  
om [A1994-61](#)  
ins [A1998-25](#)  
om [A2006-23](#) amdt 1.245

### Conviction or order quashed or set aside

s 160 om [A1994-61](#)  
ins [A1998-25](#)  
am [A1999-79](#) s 5 sch 3  
om [A2010-21](#) amdt 1.11

### Other enforcement provisions not affected

s 161 am [Ord1986-74](#)  
om [A1994-61](#)  
ins [A1998-25](#)  
om [A2010-21](#) amdt 1.11

### Procedure on execution

s 162 am [Ord1953-14](#); [Ord1967-1](#); [A1991-44](#); [A1994-81](#)  
om [A1994-61](#)

### Warrant of distress after appeal

s 163 om [Ord1972-37](#)



**Money, Australian notes and bank notes may be seized and choses in action may be seized, sued on and sold**

s 164 am [Ord1990-5](#)  
om [A1994-61](#)

**Time of application to be recorded**

s 165 am [Ord1953-14](#); [A1991-44](#)  
om [A1994-61](#)

**Warrant of execution, when to be executed**

s 166 am [Ord1967-1](#); [A1994-81](#)  
om [A1994-61](#)

**Reciprocal enforcement of fines against bodies corporate**

div 3.9.3 hdg (prev pt 9 div 2A hdg) ins [Ord1982-2](#)  
renum as div 9.2A hdg R8 LA  
renum [A2004-60](#) amdt 1.337

**Definitions for div 3.9.3**

s 166A hdg sub [A2004-60](#) amdt 1.338  
s 166A ins [Ord1982-2](#)  
def *fine* am [A2005-20](#) amdt 3.279  
def *reciprocating court* sub [A2005-20](#) amdt 3.280  
def *relevant officer* am [A1991-44](#) s 7 and sch 1  
def *State* am [A2004-60](#) amdt 1.339

**Declarations relating to reciprocating courts**

s 166B ins [Ord1982-2](#)  
am [A2001-44](#) amdts 1.2752-1.2754; [A2005-20](#) amdt 3.281;  
[A2011-28](#) amdt 3.178

**Enforcement of fine**

s 166C ins [Ord1982-2](#)  
am [A1991-44](#); [A1994-61](#); [A2004-60](#) amdt 1.340, amdt 1.341;  
[A2005-20](#) amdts 3.282-3.284; ss renum R29 LA (see  
[A2005-20](#) amdt 3.285); [A2006-40](#) amdts 2.145-2.147

**Effect of enforcement by reciprocating court**

s 166D ins [Ord1982-2](#)  
am [A1991-44](#)

**Registrar to notify payment of territory fine**

s 166E hdg am [A1991-44](#)  
s 166E ins [Ord1982-2](#)  
am [A1991-44](#)

**Adverse claim to goods seized**

s 167 am [Ord1953-14](#)  
om [Ord1986-74](#)

**Rules in Interpleader summons**

s 168 om [Ord1986-74](#)

## Endnotes

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### **Right of landlord not affected**

s 169 om [Ord1986-74](#)

### **Oral examination of debtor as to debts owing to him**

s 170 am [Ord1968-25](#); [A1991-44](#)  
om [A1994-61](#)

### **Order nisi for attachment of debt**

s 171 am [Ord1937-28](#); [A1991-44](#)  
om [A1994-61](#)

### **Service of order nisi to bind debts**

s 172 am [A1993-4](#)  
om [A1994-61](#)

### **Where garnishee does not dispute debt**

s 173 sub [Ord1968-25](#)  
am [Ord1970-15](#); [A1991-44](#)  
om [A1994-61](#)

### **Where garnishee disputes debt**

s 174 am [Ord1986-74](#)  
om [A1994-61](#)

### **Issue may be filed**

s 175 om [A1994-61](#)

### **Where third party claims lien or charge on debt**

s 176 om [A1994-61](#)

### **Court may order warrant to levy amount or issue to be tried**

s 177 om [A1994-61](#)

### **Payment by debtor under order to be valid discharge**

s 178 am [Ord1937-28](#)  
om [A1994-61](#)

### **Debt attachment book**

s 179 am [A1991-44](#)  
om [A1994-61](#)

### **Costs of attachment**

s 180 om [A1994-61](#)

### **Defendants in civil cases not to be imprisoned except under certain circumstances**

s 181 am [Ord1937-28](#); [A1991-44](#)  
om [A1994-61](#)

### **Warrant in default of compliance**

s 182 am [A1991-44](#)  
om [A1994-61](#)

**Ex parte order of commitment**

s 183 am [A1991-44](#)  
om [A1994-61](#)

**Enforcement of criminal decisions—other provisions**

div 3.9.4 hdg (prev pt 9 div 6 hdg) renum as div 9.6 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.342

**Enforcement of costs against informant**

s 184 orig s 184 am [A1991-44](#)  
om [A1994-61](#)  
ins [A1998-25](#) s 17

**Committal to prison—orders not involving payment of amount**

s 185 orig s 185 sub [Ord1967-1](#)  
om [Ord1972-37](#)  
(prev s 151) am [Ord1977-34](#); [A1996-6](#)  
renum [A1998-25](#)  
am [A2005-20](#) amdts 3.286-3.288  
om [A2006-23](#) amdt 1.246

**Warrant of commitment to prison**

s 186 orig s 186 om [A1994-61](#)  
(prev s 152) sub [A1996-6](#)  
renum [A1998-25](#)  
am [A1998-67](#); ss renum R10 LA  
om [A2006-23](#) amdt 1.246

**Warrant of commitment if defendant already in prison**

s 187 orig s 187 om [A1994-61](#)  
(prev s 154) renum [A1998-25](#)  
am [A2005-20](#) amdt 3.289  
om [A2006-23](#) amdt 1.246

**Mitigation of payment by court**

s 188 am [Ord1967-1](#); [Ord1982-3](#); [Ord1985-41](#); [Ord1990-5](#);  
[A1994-81](#)  
om [A2006-23](#) amdt 1.246

**Scale of imprisonment for nonpayment of money**

s 189 am [Ord1967-1](#); [Ord1977-34](#); [Ord1978-46](#)  
sub [A1993-4](#)  
am [A1994-61](#)  
om [A1998-25](#)

**Proceeds of warrants of execution**

s 190 sub [Ord1986-74](#)  
am [Ord1990-5](#); [A1991-44](#)  
om [A1994-61](#)

## Endnotes

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### Accounts to be kept of amounts received

- s 191 hdg am [A2001-44](#) amdt 1.2755  
sub [A2004-60](#) amdt 1.343  
s 191 am [Ord1967-1](#); [Ord1979-33](#); [A1991-44](#); [A1994-81](#); [A2001-44](#)  
amdt 1.2756; [A2004-60](#) amdt 1.344, amdt 1.345; [A2006-23](#)  
amdt 1.247

### Executors and administrators may enforce orders in civil matters

- s 192 am [A1991-44](#)  
om [A1994-61](#)

### Forfeited goods may be sold

- s 193 am [Ord1990-5](#); [A2005-20](#) amdt 3.290

### Enforcement order not void for form only

- s 194 hdg sub [A2006-40](#) amdt 2.148  
s 194 am [A1994-61](#)  
sub [A2006-23](#) amdt 1.248  
am [A2006-40](#) amdt 2.149

### Convictions etc to be given to Supreme Court registrar

- s 195 am [Ord1937-28](#); [A1992-23](#)  
sub [A2005-20](#) amdt 3.291

### Definitions for pt 10

- s 196 am [Ord1937-28](#)  
sub [A1990-65](#)  
am [A1992-37](#); [A2000-60](#) s 4  
om [A2001-90](#) amdt 1.79

### Power to make

- s 197 sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

### Entitlement to apply

- s 198 sub [A1990-65](#)  
am [A1998-38](#); [A2000-60](#) s 5  
om [A2001-90](#) amdt 1.79

### Powers exercisable in care and protection proceedings

- s 198A ins [A1999-64](#) s 4 sch 2  
om [A2001-90](#) amdt 1.79

### Special requirements—applications by community advocate or employer

- s 198B ins [A2000-60](#) s 6  
om [A2001-90](#) amdt 1.79

### Hearing dates

- s 199 am [Ord1937-28](#)  
sub [A1990-65](#)  
am [A1991-44](#)  
om [A2001-90](#) amdt 1.79

**Parties—applications by persons other than aggrieved persons**

- s 200 am [Ord1937-28](#)  
sub [A1990-65](#)  
am [A1998-38](#); [A2000-60](#) s 7  
om [A2001-90](#) amdt 1.79

**Parties—applications involving children**

- s 201 sub [A1990-65](#)  
am [A1991-44](#)  
om [A2001-90](#) amdt 1.79

**Representation of children**

- s 202 sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Hearing of applications**

- s 203 sub [A1990-65](#)  
am [A1995-46](#); [A1999-34](#)  
om [A2001-90](#) amdt 1.79

**Matters to be taken into account**

- s 204 sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Restrictions in orders**

- s 205 am [Ord1986-74](#)  
sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Consent orders**

- s 206 sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Jurisdiction under s 206**

- s 206AA ins [A1999-34](#)  
om [A2001-90](#) amdt 1.79

**Service of applications**

- s 206A ins [A1990-65](#)  
am [A1991-44](#); [A2000-60](#) s 8; [A2001-44](#) amdt 1.2757  
om [A2001-90](#) amdt 1.79

**Procedure in absence of respondent**

- s 206B ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Interim restraining orders**

- s 206C ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

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#### **Seizure of firearms**

s 206D ins [A1990-65](#)  
am [A1991-9](#); [A1996-74](#); [A1997-25](#)  
om [A2001-90](#) amdt 1.79

#### **Explaining proposed orders**

s 206E ins [A1990-65](#)  
am [A1992-37](#)  
om [A2001-90](#) amdt 1.79

#### **Counselling**

s 206F ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

#### **Power of court to make orders where person charged**

s 206G ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

#### **Duration of orders**

s 206H ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

#### **Exercise of certain powers by registrar**

s 206I ins [A2001-70](#) amdt 1.67  
om [A2001-90](#) amdt 1.79

#### **Variation and revocation of orders**

s 206J ins [A1990-65](#)  
am [A1991-44](#); [A1999-64](#) s 4 sch 2  
om [A2001-90](#) amdt 1.79

#### **Service etc of orders**

s 206K ins [A1990-65](#)  
am [A1991-44](#); [A1996-51](#); [A2001-44](#) amdt 1.2758, amdt 1.2759  
om [A2001-90](#) amdt 1.79

#### **Offence**

s 206L ins [A1990-65](#)  
am [A1992-37](#); [A1994-81](#); [A1997-25](#)  
om [A2001-90](#) amdt 1.79

#### **Service other than personal service**

s 206M ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

#### **Service by police officers**

s 206N ins [A1990-65](#)  
am [A1991-44](#)  
om [A2001-90](#) amdt 1.79

**Restriction on publication of reports of proceedings**

s 206P ins [A1990-65](#)  
am [A1994-81](#); [A1998-38](#)  
om [A2001-90](#) amdt 1.79

**Limits of restriction on publication**

s 206PA ins [A1998-38](#)  
om [A2001-90](#) amdt 1.79

**Application not invalid only because made under wrong Act**

s 206PB ins [A1998-38](#)  
om [A2001-90](#) amdt 1.79

**Appeals**

s 206Q ins [A1990-65](#)  
am [A1995-46](#)  
om [A2001-90](#) amdt 1.79

**Application of Crimes Act**

s 206R ins [A1990-65](#)  
om [A2001-90](#) amdt 1.79

**Criminal appeals**

pt 3.10 hdg (prev pt 11 hdg) sub [Ord1972-37](#)  
sub and renum [A2004-60](#) amdt 1.346

**Criminal appeals—jurisdiction of Supreme Court**

div 3.10.1 hdg (prev pt 11 div 1 hdg) ins [Ord1972-37](#)  
renum as div 11.1 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.347

**Jurisdiction of Supreme Court**

s 207 sub [Ord1937-28](#)  
am [Ord1967-1](#); [Ord1968-25](#)  
sub [Ord1972-37](#)  
am [Ord1985-67](#); [A1990-65](#); [A2001-90](#) amdt 1.80; [A2004-60](#)  
amds 1.348-1.350; [A2005-5](#) s 30; [A2008-44](#) amdt 1.79

**Appeals in criminal matters**

div 3.10.2 hdg (prev pt 11 div 2 hdg) ins [Ord1972-37](#)  
renum as div 11.2 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.351

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#### Appeals to which div 3.10.2 applies

s 208 hdg sub [A2004-60](#) amdt 1.352  
s 208 sub [Ord1937-28](#)  
am [Ord1953-14](#); [Ord1958-12](#); [Ord1968-25](#)  
sub [Ord1972-37](#)  
am [Ord1984-16](#); [Ord1985-41](#); [Ord1985-67](#); [Ord1986-33](#);  
[Ord1986-74](#); [A1990-65](#); [A1992-9](#); [A1994-61](#); [A1996-6](#);  
[A2004-60](#) amdts 1.353-1.355; [A2005-7](#) s 16; pars renum R27  
LA (see [A2005-7](#) s 17); [A2006-23](#) amdt 1.249; [A2006-55](#)  
s 14, s 15; [A2011-13](#) amdt 1.12; ss renum R67 LA; [A2013-12](#)  
s 39

#### Appeals in other cases

s 208A ins [Ord1958-12](#)  
am [Ord1967-1](#); [Ord1968-25](#)  
om [Ord1972-37](#)

#### Substituted service of notice of appeal

s 208B ins [Ord1958-12](#)  
om [Ord1972-37](#)

#### Institution of appeal

s 209 am [Ord1934-17](#)  
sub [Ord1937-28](#)  
am [Ord1967-1](#)  
sub [Ord1972-37](#)  
am [Ord1984-61](#); [Ord1985-67](#)  
sub [Ord1986-74](#)  
am [A2005-5](#) s 31; [A2005-7](#) s 18; [A2006-40](#) amdt 2.150

#### Substituted service of notice of appeal

s 210 am [Ord1934-17](#)  
sub [Ord1937-28](#); [Ord1972-37](#)

#### When appeal deemed to be duly instituted

s 211 sub [Ord1937-28](#); [Ord1972-37](#); [Ord1985-18](#)  
om [Ord1986-74](#)

#### When appeal deemed to be duly instituted

s 212 sub [Ord1937-28](#); [Ord1958-12](#)  
am [Ord1967-1](#)  
sub [Ord1972-37](#)  
om [Ord1985-18](#)

#### Increase in amount of security

s 213 sub [Ord1937-28](#); [Ord1972-37](#)  
om [Ord1985-18](#)



**Appeals in cases other than civil cases**

s 214 sub [Ord1937-28](#)  
am [Ord1967-1](#)  
sub [Ord1972-37](#)  
am [Ord1984-61](#); [A1990-65](#); [A2004-60](#) amdt 1.356; [A2005-20](#)  
amdt 3.292

**Appeals in relation to grant of bail**

s 214A ins [Ord1986-33](#)  
om [A1992-9](#)

**Appeals in civil cases**

s 215 om [Ord1937-28](#)  
ins [Ord1972-37](#)  
am [Ord1985-67](#)  
om [Ord1986-74](#)

**Stay of execution pending appeal in certain cases**

s 216 om [Ord1937-28](#)  
ins [Ord1972-37](#)  
am [Ord1984-62](#); [Ord1986-74](#); [A1992-9](#); [A1995-41](#); [A2005-7](#) s  
19; [A2006-23](#) amdt 1.250, amdt 1.251; [A2008-29](#) amdt 1.32;  
[A2011-22](#) amdt 1.311  
sub [A2012-13](#) amdt 1.40

**Execution not to be stayed in other cases except by order of Supreme Court**

s 217 om [Ord1937-28](#)  
ins [Ord1972-37](#)  
om [Ord1986-74](#)

**Orders by Supreme Court on appeals**

s 218 om [Ord1937-28](#)  
ins [Ord1972-37](#)  
sub [Ord1984-61](#)  
am [Ord1985-67](#); [A2004-60](#) amdt 1.357, amdt 1.358

**No right of appeal under div 3.10.2 if review appeal**

s 219 hdg sub [A2004-60](#) amdt 1.359  
s 219 om [Ord1937-28](#)  
ins [Ord1972-37](#)  
am [Ord1985-67](#); [Ord1986-74](#); [A2004-60](#) amdt 1.360,  
amdt 1.361  
sub [A2008-44](#) amdt 1.80

**Reference appeals in criminal matters**

div 3.10.2A ins [A2005-5](#) s 32

**What is a reference appeal?**

s 219A ins [A2005-5](#) s 32

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### Reference appeal in relation to proceeding

s 219AB hdg sub [A2008-42](#) s 12  
s 219AB ins [A2005-5](#) s 32  
am [A2006-55](#) s 15; [A2006-40](#) amdt 2.151; [A2008-42](#) s 13,  
s 14; [A2011-30](#) amdt 1.11

### Who may be heard at reference appeal

s 219AC ins [A2005-5](#) s 32  
am [A2008-42](#) s 15

### Reference appeal decision does not affect verdict

s 219AD ins [A2005-5](#) s 32  
sub [A2008-42](#) s 16

### Review appeals in criminal matters

div 3.10.3 hdg (prev pt 11 div 3 hdg) ins [Ord1972-37](#)  
renum as div 11.3 hdg R8 LA  
sub and renum [A2004-60](#) amdt 1.362  
sub [A2008-44](#) amdt 1.81

### Interpretation

s 219A ins [Ord1972-37](#)  
om [A1994-61](#)

### Decisions subject to review appeal

s 219B hdg sub [A2008-44](#) amdt 1.82  
s 219B ins [Ord1972-37](#)  
am [Ord1974-14](#); [Ord1979-41](#); [Ord1984-16](#); [Ord1985-41](#);  
[Ord1985-67](#); [Ord1990-9](#); [A1994-61](#); [A1996-6](#); pars renum  
R10 LA; [A2004-60](#) amdts 1.363-1.366; [A2005-20](#)  
amdt 3.293; [A2006-23](#) amdt 1.252; [A2006-55](#) s 16; [A2008-44](#)  
amdt 1.83; [A2011-13](#) amdt 1.13

### How review appeal is instituted

s 219C ins [Ord1972-37](#)  
am [Ord1974-14](#); [Ord1979-41](#); [Ord1984-61](#); [Ord1985-41](#);  
[Ord1985-67](#); [Ord1990-9](#); [A1996-6](#); pars renum R10 LA;  
[A2005-5](#) s 33; [A2005-20](#) amdts 3.294-3.296; pars and  
ss renum R29 LA (see [A2005-20](#) amdt 3.297)  
sub [A2008-44](#) amdt 1.84

### Grounds for review

s 219D ins [Ord1972-37](#)  
am [Ord1985-41](#); [Ord1985-67](#); [Ord1990-9](#); [A1992-9](#); [A1996-6](#);  
ss renum R10 LA  
om [A2006-40](#) amdt 2.152  
ins [A2008-44](#) amdt 1.84

**Report by Magistrate**

s 219E ins [Ord1972-37](#)  
 am [A1996-6](#)  
 om [A2006-40](#) amdt 2.152  
 ins [A2008-44](#) amdt 1.84

**Powers of Supreme Court**

s 219F ins [Ord1972-37](#)  
 am [Ord1974-14](#); [Ord1979-41](#); [Ord1985-41](#); [Ord1985-67](#);  
[Ord1990-9](#); ss and pars renum R10 LA; [A2004-60](#)  
 amdt 1.367; [A2006-40](#) amdt 2.153; [A2008-44](#)  
 amdts 1.85-1.88

**Interpretation**

s 219G ins [Ord1984-62](#)  
 am [Ord1986-74](#)  
 om [A1992-9](#)

**Warrant of apprehension of appellant**

s 219H ins [Ord1984-62](#)  
 om [A1992-9](#)

**Power of Court where person apprehended**

s 219J ins [Ord1984-62](#)  
 om [A1992-9](#)

**Effect of apprehension of appellant**

s 219K ins [Ord1984-62](#)  
 om [A1992-9](#)

**Stay of execution not affected**

s 219L ins [Ord1984-62](#)  
 om [A1992-9](#)

**Criminal appeals—other provisions**

div 3.10.4 hdg (prev pt 11 div 4 hdg) ins [Ord1972-37](#)  
 renum as div 11.4 hdg R8 LA  
 sub and renum [A2004-60](#) amdt 1.368

**Forfeiture of recognisance**

s 220 am [Ord1937-28](#); [Ord1972-37](#)  
 sub [Ord1984-62](#)  
 om [A1992-9](#)

**Magistrate may order appellant to be liberated**

s 221 om [Ord1937-28](#)

**Control of Supreme Court over summary convictions**

s 222 am [Ord1937-28](#); [Ord1985-67](#); [Ord1986-74](#); [A2005-20](#)  
 amdts 3.298-3.300; [A2006-23](#) amdts 1.253-1.255; [A2006-40](#)  
 amdt 2.154

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### **Amendment of documents**

s 223 am [Ord1937-28](#); [Ord1985-67](#); [Ord1986-74](#)  
sub [A2005-20](#) amdt 3.301  
am [A2006-23](#) amdt 1.256

### **In cases of certiorari order**

s 224 hdg sub [A2006-40](#) amdt 2.155  
s 224 am [Ord1937-28](#); [A2005-20](#) amdt 3.302; [A2006-40](#) amdt 2.156

### **Notice dispensed with**

s 225 am [Ord1937-28](#); [Ord1967-1](#); [Ord1985-17](#); [A2005-20](#)  
amdt 3.302; [A2006-40](#) amdt 2.157, amdt 2.158

### **Power of court to admit to bail**

s 226 am [Ord1937-28](#); [A1992-9](#); [A2005-20](#) amdt 3.302; [A2006-23](#)  
amdt 1.257; [A2006-40](#) amdt 2.159

### **Respecting the amendment of convictions etc**

s 227 am [Ord1937-28](#); [Ord1985-67](#); [A1996-6](#); [A2005-20](#) amdt 3.302

### **No summons or information**

s 228 am [Ord1986-74](#)  
sub [A2005-20](#) amdt 3.303

### **Provisions applicable in relation to security given for costs of appeal**

s 230 am [Ord1937-28](#)  
sub [Ord1972-37](#)  
am [Ord1985-18](#); [A1991-44](#)  
om [A2006-40](#) amdt 2.160

### **Magistrate sued for act not within jurisdiction**

s 231 reloc as s 17A

### **No action against magistrate after order nisi to quash conviction has been granted**

s 232 reloc as s 17B

### **Warrant or writ by magistrate on order of court**

s 233 reloc as s 17C

### **No action for acts done under order of Supreme Court**

s 234 reloc as s 17D

### **No action where proceedings confirmed on appeal**

s 235 reloc as s 17E

### **Actions in cases prohibited**

s 236 reloc as s 17F

### **Limitation of actions**

s 237 om [Ord1985-66](#)

**Notice of actions**s 238 om [Ord1985-66](#)**Payment of amounts into court**

s 239 reloc as s 17G

**No action against magistrate for judicial acts in Magistrates Court**

s 240 reloc as s 17H

**Magistrate sued for acts within his or her jurisdiction only liable in case of malice and absence of reasonable and probable cause**

s 241 reloc as s 17I

**Verdict for defendant**

s 242 reloc as s 17J

**Damages**

s 243 reloc as s 17K

**Costs in criminal matters**pt 3.11 hdg (prev pt 13 hdg) sub [Ord1953-14](#)  
am [A1994-4](#)  
sub and renum [A2004-60](#) amdt 1.371**Costs in criminal matters**s 244 hdg sub [A2004-60](#) amdt 1.372  
s 244 am [Ord1937-28](#); [Ord1953-14](#); [Ord1986-74](#); [A1994-61](#);  
[A2004-60](#) amdts 1.373-1.375  
sub [A2008-44](#) amdt 1.89**Court fees**s 245 sub [Ord1953-14](#); [Ord1980-10](#)  
am [A1991-38](#); [A1991-44](#)  
om [A1994-4](#)**Remission of fees**s 245A ins [Ord1937-28](#)  
sub [Ord1986-83](#)  
am [Ord1989-55](#); [Ord1990-5](#); [A1991-44](#); [A1993-4](#)  
om [A1994-4](#)**Solicitor's costs**s 246 sub [Ord1937-28](#)  
om [Ord1986-74](#)**Witnesses expenses**s 247 sub [Ord1953-14](#); [Ord1967-1](#)  
am [A1996-6](#); [A2004-60](#) amdt 1.376  
reloc to [Magistrates Court Rules 1932](#), pt 4 as rule 21 by  
[A2004-60](#) amdt 1.377

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### Meaning of *security*—pt 3.12

s 248 om [A1994-61](#) s 49  
ins [A2001-1](#) s 3 sch  
am [A2001-18](#) s 174  
om [A2004-60](#) amdt 1.378  
ins [A2010-21](#) amdt 1.12

### Determination of fees

s 248A ins [Ord1974-14](#)  
am [Ord1986-53](#); [Ord1990-5](#)  
om [A1992-9](#)  
ins [A1994-4](#)  
am [A1997-94](#); [A1998-25](#)  
sub [A2000-1](#) s 3 sch  
am [A2001-44](#) amdt 1.2760  
om [A2004-60](#) amdt 1.378

### Payment of fees

s 248B ins [Ord1974-14](#)  
am [Ord1986-53](#); [Ord1990-5](#)  
om [A1992-9](#)  
ins [A1994-4](#)  
sub [A2000-1](#) s 3 sch  
am [A2001-44](#) amdt 1.2761  
om [A2004-60](#) amdt 1.378

### Remission, refund, deferral, waiver and exemption of fees

s 248C ins [Ord1974-14](#)  
om [A1992-9](#)  
ins [A1994-4](#)  
am [A1994-45](#); No. [A1995-46](#); [A1997-96](#); [A1999-66](#) sch 3;  
[A1999-64](#) s 4 sch 2  
sub [A2000-1](#) s 3 sch  
am [A2002-36](#) s 4  
(4), (5) exp 11 October 2003 (s 248C (5))  
om [A2004-60](#) amdt 1.378

### Recovery of fees in non-criminal proceedings if fees otherwise not payable

s 248D ins [Ord1974-14](#)  
am [Ord1986-53](#)  
om [A1992-9](#)  
ins [A1994-4](#)  
sub [A2000-1](#) s 3 sch  
om [A2004-60](#) amdt 1.378

### Recovery of fees in criminal proceedings if fees not otherwise payable

s 248E ins [A1994-4](#)  
sub [A2000-1](#) s 3 sch  
om [A2004-60](#) amdt 1.378

**Review of decisions**

s 248F ins [A1994-4](#)  
am [A1996-6](#)  
sub [A2000-1](#) s 3 sch  
om [A2004-60](#) amdt 1.378

**Securities in criminal matters**

pt 3.12 hdg (prev pt 14 hdg) sub and renum [A2004-60](#) amdt 1.379

**Securities taken under Act**

s 249 am [A1991-44](#); [A2004-60](#) amdts 1.380-1.383; [A2005-20](#)  
amdt 3.304; [A2010-21](#) amdt 1.13

**Recovery of amount due under security**

s 250 ins [Ord1937-28](#)  
am [Ord1986-74](#); [A1991-44](#); [A1992-9](#); [A2004-60](#) amdt 1.384;  
[A2006-23](#) amdt 1.258; [A2010-21](#) amdt 1.13

**Enforcement of payment of sum due by principal**

s 251 om [Ord1937-28](#)  
am [A2006-23](#) amdt 1.258; [A2010-21](#) amdt 1.13

**Sums paid by surety may be recovered from principal**

s 252 am [Ord1937-28](#); [Ord1986-74](#); [A1992-9](#); [A2004-60](#) amdt 1.384;  
[A2006-23](#) amdt 1.258; [A2010-21](#) amdt 1.13

**Payment enforced by security**

s 253 am [A1992-9](#); [A2004-60](#) amdt 1.384; [A2006-23](#) amdt 1.258;  
[A2010-21](#) amdt 1.13

**Enforcement of recognisance**

s 254 sub [Ord1974-14](#)  
am [Ord1986-53](#); [Ord1986-74](#); [Ord1990-5](#); [A1991-44](#); [A1992-9](#);  
[A1994-61](#); [A2006-23](#) amdt 1.259; [A2006-40](#) amdt 2.161,  
amdt 2.162

**Directions about procedure**

s 254A reloc as s 309

**Appearance by audiovisual or audio links**

s 254B reloc as s 311

**Contempt in face of court**

s 255 reloc as s 290

**Failure to give evidence—offence**

s 255AA reloc as s 291

**Failure to give evidence—committal**

s 255AB reloc as s 312

**Commitment to remand centre**

s 255A reloc as s 313

## Endnotes

### 4 Amendment history

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#### **Registrar to give directions for preparation of transcript**

s 255B                   reloc as s 314

#### **Applications for transcripts**

s 255C                   reloc as s 315

#### **Civil proceedings**

ch 4 hdg               ins [A2004-60](#) amdt 1.386

#### **Commencement of proceedings**

pt 4 hdg               renum as pt 3.3 hdg

#### **Preliminary**

pt 4.1 hdg             ins [A2004-60](#) amdt 1.386

#### **General**

div 4.1 hdg           renum as div 3.3.1 hdg

#### **Application of ch 4**

s 256 hdg             bracketed note exp 10 January 2006 (s 3 (3))  
s 256                 am [Ord1967-1](#); [Ord1970-15](#); [Ord1974-14](#); [Ord1979-33](#);  
                       [A1993-4](#); [A2001-44](#) amdts 1.2762-1.2764  
                       (8)-(11) exp 12 September 2002 (s 256 (11))  
                       om [A2004-60](#) amdt 1.412  
                       ins [A2004-60](#) amdt 1.386  
                       am [A2005-13](#) amdt 1.43; [A2008-46](#) amdt 3.40

#### **Civil jurisdiction**

pt 4.2 hdg             ins [A2004-60](#) amdt 1.386

#### **Informations**

div 4.2 hdg           renum as pt 3.3.2 hdg

#### **Personal actions at law—amount or value**

s 257 hdg             bracketed note exp 10 January 2006 (s 3 (3))  
s 257                 am [Ord1937-28](#)  
                       om [Ord1986-74](#)  
                       ins [A1991-38](#)  
                       om [A1994-4](#)  
                       ins [A2004-60](#) amdt 1.386  
                       am [A2011-13](#) amdt 1.14

#### **Power of court to grant relief**

s 258 hdg             bracketed note exp 10 January 2006 (s 3 (3))  
s 258                 am [Ord1932-21](#); [Ord1937-28](#); [Ord1953-14](#); [Ord1986-74](#);  
                       [Ord1990-5](#); [A1991-44](#); [A2001-44](#)  
                       amdts 1.2765-1.2768  
                       om [A2004-60](#) amdt 1.412  
                       ins [A2004-60](#) amdt 1.386



**Rules of equity to prevail**

s 259 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 259 ins [A1999-34](#)  
om [A2001-90](#) amdt 1.81  
ins [A2004-60](#) amdt 1.386

**Nuisance**

s 260 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 260 ins [A2004-60](#) amdt 1.386

**Disputed debts**

s 261 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 261 ins [A2004-60](#) amdt 1.386  
am [A2011-13](#) amdt 1.15

**Cause of action arising, or defendant resident, outside ACT**

s 262 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 262 ins [A2004-60](#) amdt 1.386

**Requests under conventions relating to legal proceedings in civil and commercial matters**

s 263 ins [A2004-60](#) amdt 1.386

**Proceedings affecting title to land**

s 264 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 264 ins [A2004-60](#) amdt 1.386

**Disputes under Residential Tenancies Act**

s 265 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 265 ins [A2004-60](#) amdt 1.386

**Complaints under Utilities Act, pt 12**

s 266 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 266 ins [A2004-60](#) amdt 1.386  
am [A2008-22](#) amdt 1.36  
sub [A2008-36](#) amdt 1.480

**Civil disputes under ACT Civil and Administrative Tribunal Act**

s 266A ins [A2008-37](#) amdt 1.322

**Enforcement of ACT Civil and Administrative Tribunal order—representation**

s 266B ins as mod [SL2009-2](#) mod 4.1 (as ins by [SL2009-51](#) s 8)  
mod lapsed 22 December 2009 ([SL2009-2](#) mod 4.1 om by  
[A2009-54](#) amdt 1.5)  
ins [A2009-54](#) amdt 1.8

**Case stated for Supreme Court**

pt 4.3 hdg (prev pt 4 div 3 hdg) om [A1986-74](#)  
ins [A2004-60](#) amdt 1.386

## Endnotes

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### Case stated

s 267 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 267 ins [A2004-60](#) amdt 1.386  
am [A2008-36](#) amdt 1.481

### Transfer of proceedings from or to Supreme Court

pt 4.4 hdg ins [A2004-60](#) amdt 1.386

### Summonses

div 4.4 hdg renum as div 3.3.3 hdg

### Transfer of action from Supreme Court

s 268 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 268 ins [A2004-60](#) amdt 1.386  
am [A2014-1](#) s 26; ss renum R72 LA; [A2015-10](#) s 34, s 35;  
ss renum R73 LA

### Procedure on transfer of action from Supreme Court

s 269 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 269 ins [A2004-60](#) amdt 1.386  
am [A2006-40](#) amdt 2.163

### Removal of proceedings into Supreme Court

s 270 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 270 ins [A2004-60](#) amdt 1.386

### Stay of proceedings

s 271 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 271 ins [A2004-60](#) amdt 1.386

### Civil appeals

pt 4.5 hdg ins [A2004-60](#) amdt 1.386

### Warrants of arrest

div 4.5 hdg renum as div 3.3.4 hdg

### Meaning of *appeal*—pt 4.5

s 272 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 272 ins [A2004-60](#) amdt 1.386  
sub [A2008-36](#) amdt 1.482

### Jurisdiction

s 273 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 273 ins [A2004-60](#) amdt 1.386

### Cases in which appeal may be brought

s 274 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 274 ins [A2004-60](#) amdt 1.386  
am [A2008-36](#) amdt 1.483

**Appeals—Small Claims Court**

s 275 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 275 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.484

**Evidence on appeal**

s 276 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 276 ins [A2004-60](#) amdt 1.386

**Powers of Supreme Court on appeal**

s 277 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 277 ins [A2004-60](#) amdt 1.386  
om [A2006-40](#) amdt 2.164

**Small Claims Court**

pt 4.6 hdg ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Definitions for pt 4.6**

s 278 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 278 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Small Claims Court**

s 279 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 279 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Referees—appointment**

s 280 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 280 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Referees—functions**

s 281 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 281 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Referees—oath or affirmation of office**

s 282 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 282 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**Jurisdiction**

s 283 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 283 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

**\$10 000 limit**

s 284 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 284 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

## Endnotes

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### **Admissibility of conference proceedings in inquiries**

s 285 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 285 ins [A2004-60](#) amdt 1.386  
om [A2008-36](#) amdt 1.485

### **Small Claims Court's seal**

s 286 ins [A2005-60](#) amdt 1.108  
om [A2008-36](#) amdt 1.485

### **The Childrens Court**

ch 4A hdg ins [A2008-19](#) amdt 1.92

### **The Childrens Court**

pt 4A.1 hdg ins [A2008-19](#) amdt 1.92

### **Childrens Court**

s 287 ins [A2008-19](#) amdt 1.92

### **Jurisdiction of Childrens Court**

s 288 ins [A2008-19](#) amdt 1.92  
am [A2011-13](#) amdt 1.16; [A2013-12](#) s 40

### **Procedure for proceedings where children jointly charged with adults**

s 289 hdg sub [A2013-12](#) s 41  
s 289 ins [A2008-19](#) amdt 1.92  
am [A2008-44](#) amdt 1.90; [A2013-12](#) s 42

### **Chief Magistrate to arrange business of Childrens Court**

s 290 (prev s 255) am [Ord1967-1](#); [Ord1972-37](#); [Ord1990-5](#)  
sub [A1993-4](#)  
am [A1994-66](#); [A1994-81](#); [A1999-22](#) s 23; ss renum R10 LA;  
[A2004-60](#) amdt 1.391  
renum [A2004-60](#) amdt 1.392  
am [A2005-53](#) amdt 1.108; ss renum R30 LA (see [A2005-53](#)  
amdt 1.109)  
om [A2006-55](#) s 17  
ins [A2008-19](#) amdt 1.92

### **Childrens Court Magistrate to hear all matters**

s 291 hdg (prev s 255AA hdg) sub [A2004-60](#) amdt 1.393  
s 291 (prev s 255AA) ins [A1994-61](#)  
am [A1995-46](#); [A1996-6](#); [A1998-25](#); [A1998-54](#); [A2004-60](#)  
amdt 1.394, amdt 1.395  
reloc from s 255AA by [A2004-60](#) amdt 1.396  
om [A2005-53](#) amdt 1.110  
ins [A2008-19](#) amdt 1.92

### **Childrens Court Magistrate**

pt 4A.2 hdg ins [A2008-19](#) amdt 1.92

**Childrens Court Magistrate**

s 291A ins [A2008-19](#) amdt 1.92  
am [A2011-28](#) amdt 3.178

**Acting Childrens Court Magistrate**

s 291B ins [A2008-19](#) amdt 1.92

**Assignment of other magistrates for Childrens Court matters**

s 291C ins [A2008-19](#) amdt 1.92  
am [A2014-1](#) s 27; ss renum R72 LA

**Completion of part-heard matters**

s 291D ins [A2008-19](#) amdt 1.92

**Criminal proceedings**

pt 4A.3 hdg ins [A2008-19](#) amdt 1.92

**Procedures for hearing indictable offences**

s 291E ins [A2008-19](#) amdt 1.92

**Childrens Court may adjourn hearings to allow access to legal advice**

s 291F ins [A2008-19](#) amdt 1.92

**Childrens Court may send cases to Supreme Court for sentencing**

s 291G ins [A2008-19](#) amdt 1.92  
am [A2014-1](#) s 28

**The Family Violence Court**

ch 4B hdg ins [A2011-13](#) amdt 1.17

**Preliminary**

pt 4B.1 hdg ins [A2011-13](#) amdt 1.17

**Meaning of *domestic violence offence***

s 291H ins [A2011-13](#) amdt 1.17

**Purpose—ch 4B**

s 291I ins [A2011-13](#) amdt 1.17

**The Family Violence Court**

pt 4B.2 hdg ins [A2011-13](#) amdt 1.17

**Family Violence Court**

s 291J ins [A2011-13](#) amdt 1.17

**Jurisdiction of Family Violence Court**

s 291K ins [A2011-13](#) amdt 1.17

**Galambany Court**

ch 4C hdg ins [A2011-13](#) amdt 1.17

## Endnotes

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### Definitions—ch 4C

s 291L ins [A2011-13](#) amdt 1.17  
def **Aboriginal or Torres Strait Islander offender** ins  
[A2011-13](#) amdt 1.17  
am [A2011-52](#) amdt 3.137  
def **circle sentencing** ins [A2011-13](#) amdt 1.17

### Galambany Court

s 291M ins [A2011-13](#) amdt 1.17

### Directions about procedure for Galambany Court

s 291N ins [A2011-13](#) amdt 1.17

### The Industrial Court

ch 4D hdg ins [A2013-43](#) s 4

### Preliminary

pt 4D.1 hdg ins [A2013-43](#) s 4

### Definitions—ch 4D

s 291O ins [A2013-43](#) s 4  
def **industrial or work safety matter** ins [A2013-43](#) s 4  
def **industrial or work safety offence** ins [A2013-43](#) s 4

### The Industrial Court

pt 4D.2 hdg ins [A2013-43](#) s 4

### Industrial Court

s 291P ins [A2013-43](#) s 4

### Jurisdiction of Industrial Court

s 291Q ins [A2013-43](#) s 4

### Chief Magistrate to arrange business of Industrial Court

s 291R ins [A2013-43](#) s 4

### Industrial Court Magistrate to hear all matters

s 291S ins [A2013-43](#) s 4

### Transfer of industrial or work safety matter to Supreme Court

s 291T ins [A2013-43](#) s 4

### Industrial Court Magistrate

pt 4D.3 hdg ins [A2013-43](#) s 4

### Industrial Court Magistrate

s 291U ins [A2013-43](#) s 4

### Acting Industrial Court Magistrate

s 291V ins [A2013-43](#) s 4

### Assignment of other magistrates for Industrial Court matters

s 291W ins [A2013-43](#) s 4

**Industrial Court—completion of part-heard matters**s 291X ins [A2013-43](#) s 4**Miscellaneous**ch 5 hdg (prev pt 15 hdg) sub and renum [A2004-60](#) amdt 1.387**Hearing**

pt 5 hdg renum as pt 3.4 hdg

**Offences**pt 5.1 hdg ins [A2004-60](#) amdt 1.387**General**

div 5.1 hdg renum as div 3.4.1 hdg

**Evidence**

div 5.2 hdg renum as div 3.4.2 hdg

**Remand**

div 5.3 hdg renum as div 3.4.3 hdg

**Committal and recognisance**

div 5.4 hdg renum as div 3.4.4 hdg

**Adjournment of proceedings**

div 5.5 hdg renum as div 3.4.5 hdg

**Failure to comply with order in nuisance action**s 292 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))s 292 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 8 (2) by [A2004-60](#) amdt 1.450**Failure to comply with Magistrates Court subpoena**s 293 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 293 (1) reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 187 (7) by [A2004-60](#) amdt 1.488  
(2), (3) ins [A2004-60](#) amdt 1.412  
om [A2005-53](#) amdt 1.111**Failure to comply with judgment for delivery of detained goods**s 294 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))  
s 294 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 217 (4) by [A2004-60](#) amdt 1.502  
om [A2006-40](#) amdt 2.164

## Endnotes

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### **False or misleading statement by garnishee**

- s 295 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))  
s 295 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 329 (2) by [A2004-60](#) amdt 1.524  
om [A2006-40](#) amdt 2.164

### **Obligations of judgment creditor if garnishee pays too much**

- s 296 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))  
s 296 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 337 (1) by [A2004-60](#) amdt 1.527  
om [A2006-40](#) amdt 2.164

### **Notice to be given if judgment debtor ceases employment**

- s 297 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))  
s 297 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 340 (1) by [A2004-60](#) amdt 1.531  
om [A2006-40](#) amdt 2.164

### **Prejudice to employee**

- s 298 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#) s 341  
by [A2004-60](#) amdt 1.535

### **Interference with seized property etc**

- s 299 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#) s 379  
by [A2004-60](#) amdt 1.537  
om [A2006-40](#) amdt 2.164

### **Failure to comply with Small Claims Court subpoena**

- s 300 hdg bracketed note exp 10 January 2006 (s 3 (3))  
s 300 (1) reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 448 (1) by [A2004-60](#) amdt 1.563  
(2), (3) ins [A2004-60](#) amdt 1.412  
om [A2005-53](#) amdt 1.112

### **Witness before Small Claims Court to answer questions**

- s 301 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#) s 449  
by [A2004-60](#) amdt 1.568  
om [A2005-53](#) amdt 1.112

### **Contravention of Small Claims Court order in trespass proceeding**

- s 302 hdg ins [A2004-60](#) amdt 1.412  
bracketed note exp 10 January 2006 (s 3 (3))  
s 302 reloc from [Magistrates Court \(Civil Jurisdiction\) Act 1982](#)  
s 460 (2) by [A2004-60](#) amdt 1.574  
om [A2008-36](#) amdt 1.486

### **Other**

- pt 5.2 hdg ins [A2004-60](#) amdt 1.412



**Contempt of court**

s 307 ins [A2006-55](#) s 18

**Magistrates Court's seal**

s 308 ins [A2005-60](#) amdt 1.109

**Directions about procedure**

s 309 (prev s 254A) ins [Ord1989-59](#)  
reloc by [A2004-60](#) amdt 1.385  
sub [A2006-55](#) s 19; [A2011-13](#) amdt 1.18

**Hearings generally to be in public**

s 310 hdg (prev s 51 hdg) sub [A2004-60](#) amdt 1.224  
s 310 (prev s 51) am [Ord1986-74](#)  
sub [A1996-6](#)  
am [A2004-60](#) amdts 1.225-1.227  
reloc by [A2004-60](#) amdt 1.228  
am [A2008-36](#) amdt 1.487

**Appearance by audiovisual or audio links etc**

s 311 (prev s 254B) ins [A1999-22](#) s 22  
am [A2000-17](#) s 3 sch 1; [A2003-48](#) amdt 2.11; [A2004-60](#)  
amdt 1.388; ss renum R26 LA (see [A2004-60](#) amdt 1.389)  
reloc by [A2004-60](#) amdt 1.390  
am [A2005-20](#) amdt 3.305  
sub [A2006-55](#) s 20  
am [A2010-40](#) amdt 2.17

**Failure to give evidence—committal**

s 312 hdg (prev s 255AB hdg) sub [A2004-60](#) amdt 1.397  
s 312 (prev s 255AB) ins [A1994-61](#)  
am [A1995-46](#); [A2004-60](#) amdts 1.398-1.400  
reloc by [A2004-60](#) amdt 1.401  
sub [A2005-53](#) amdt 1.113  
am [A2006-23](#) amdts 1.260-1.262; [A2011-22](#) amdt 1.311

**Commitment to remand centre**

s 313 (prev s 255A) ins [Ord1976-42](#)  
am [A1995-41](#); [A1996-6](#); [A1998-25](#)  
reloc by [A2004-60](#) amdt 1.402  
om [A2006-23](#) amdt 1.263

**Registrar to give directions for preparation of transcript**

s 314 hdg (prev s 255B hdg) am [A1991-44](#)  
s 314 (prev s 255B) ins [Ord1980-4](#)  
am [Ord1986-71](#); [A1991-44](#); [A2004-60](#) amdt 1.403  
reloc by [A2004-60](#) amdt 1.404

## Endnotes

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#### Applications for transcripts

s 315 (prev s 255C) ins [Ord1980-4](#)  
am [Ord1986-71](#); [Ord1986-83](#); [Ord1988-45](#); [A1991-38](#);  
[A1991-44](#); [A1993-4](#); [A1994-4](#); [A1999-22](#) s 24; [A2004-60](#)  
amds 1.405-1.409; ss renum R26 LA (see [A2004-60](#)  
amdt 1.410)  
reloc by [A2004-60](#) amdt 1.411

#### Record of proceedings

s 316 hdg (prev s 54A hdg) sub [A2004-60](#) amdt 1.229  
s 316 (prev s 54A) ins [Ord1980-4](#)  
am [Ord1985-41](#); [Ord1986-71](#); [Ord1986-74](#); [Ord1986-83](#);  
[Ord1990-5](#); [A1991-44](#); [A1991-106](#); [A1999-22](#) s 19; [A1999-66](#)  
sch 3; [A2000-17](#) s 3 sch 1; ss renum R10 LA; [A2003-48](#)  
amdt 2.9; [A2004-60](#) amdt 1.230  
reloc by [A2004-60](#) amdt 1.231  
pars renum R26 LA  
am [A2005-20](#) amdt 3.306; [A2010-40](#) amdt 2.18; [A2013-45](#)  
amdt 1.10

#### Record of proceedings and transcript

s 317 (prev s 60) sub [Ord1958-12](#); [Ord1967-1](#)  
am [Ord1972-37](#)  
sub [Ord1974-14](#); [Ord1980-4](#)  
am [A1991-44](#); [A1999-22](#) s 20; [A2004-60](#) amds 1.233-1.237  
reloc as s 317 [A2004-60](#) amdt 1.238  
am [A2011-48](#) amdt 1.139

#### Person about to leave ACT may be ordered to be examined or produce documents

s 318 hdg (prev s 67 hdg) am [A2004-60](#) amdt 1.258  
s 318 (prev s 67) am [Ord1980-4](#); [Ord1986-74](#); [A1996-6](#); ss renum  
R10 LA; [A2004-60](#) amdt 1.259, amdt 1.260  
reloc by [A2004-60](#) amdt 1.261

#### Witnesses' rights and liabilities

s 319 (prev s 68) am [A1996-6](#); [A2004-60](#) amdt 1.263, amdt 1.264  
reloc by [A2004-60](#) amdt 1.265

#### Depositions to be given to registrar

s 320 hdg (prev s 69 hdg) am [A1991-44](#)  
s 320 (prev s 69) am [Ord1958-12](#); [Ord1967-1](#); [Ord1980-4](#);  
[A1991-44](#); [A2004-60](#) amds 1.266-1.268  
reloc by [A2004-60](#) amdt 1.269

#### Domestic violence offence information

s 320A ins [A2011-13](#) amdt 1.19

#### Regulation-making power

s 321 ins [A2004-60](#) amdt 1.412

**Proceedings in case of indictable offences**

pt 6 hdg renum as pt 3.5 hdg

**Preliminary**

div 6.1A hdg renum as div 3.5.1 hdg

**Institution of proceedings**

div 6.1 hdg renum as div 3.5.2 hdg

**Proceedings subsequent to hearing of evidence**

div 6.2 hdg renum as div 3.5.3 hdg

**Costs**

div 6.2A hdg renum as div 3.5.4 hdg

**Recognisances of witnesses**

div 6.3 hdg renum as div 3.5.5 hdg

**Miscellaneous**

div 6.4 hdg renum as div 3.5.6 hdg

**Proceedings for offences punishable summarily**

pt 7 hdg renum as pt 3.6 hdg

**Service and pleading by post for certain offences**

pt 7A hdg renum as pt 3.7 hdg

**Infringement notices for certain offences**

pt 8 hdg renum as pt 3.8 hdg

**Preliminary**

div 8.1 hdg renum as div 3.8.1 hdg

**Infringement and reminder notices**

div 8.2 hdg renum as div 3.8.2 hdg

**Additional provisions for vehicle-related offences**

div 8.2A hdg renum as div 3.8.3 hdg

**Disputing liability**

div 8.3 hdg renum as div 3.8.4 hdg

**Miscellaneous**

div 8.4 hdg renum as div 3.8.5 hdg

**Enforcement of decisions**

pt 9 hdg renum as pt 3.9 hdg

**General**

div 9.1 hdg renum as div 3.9.1 hdg

**Enforcement of fines**

div 9.2 hdg renum as div 3.9.2 hdg

## Endnotes

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### **Reciprocal enforcement of fines against bodies corporate**

div 9.2A hdg renum as div 3.9.3 hdg

### **Adverse claims**

pt 9 div 3 hdg om [Ord1986-74](#)

### **Attachment of debts**

pt 9 div 4 hdg om [A1994-61](#)

### **Imprisonment of fraudulent debtors**

pt 9 div 5 hdg om [A1994-61](#)

### **Miscellaneous**

div 9.6 hdg renum as div 3.9.4 hdg

### **Restraining orders**

pt 10 hdg sub [A1990-65](#)  
om [A2001-90](#) amdt 1.79

### **Appeals to Supreme Court**

pt 11 hdg renum as pt 3.10 hdg

### **Appellate jurisdiction of Supreme Court**

div 11.1 hdg renum as div 3.10.1 hdg

### **Appeals**

div 11.2 hdg renum as div 3.10.2 hdg

### **Orders to review**

div 11.3 hdg renum as div 3.10.3 hdg

### **Absconding appellants**

pt 11 div 3A hdg ins [Ord1984-62](#)  
om [A1992-9](#)

### **General provisions**

div 11.4 hdg renum as div 3.10.4 hdg

### **Protection of magistrates in the execution of their office**

pt 12 hdg om [A2004-60](#) amdt 1.369

### **Costs**

pt 13 hdg renum as pt 3.11 hdg

### **Court and tribunal fees**

pt 13A hdg orig pt 13A hdg ins [Ord1974-14](#)  
om [A1992-9](#)  
ins [A1994-4](#)  
sub [A2000-1](#) s 3 sch  
om [A2004-60](#) amdt 1.378

### **Securities**

pt 14 hdg renum as pt 3.12 hdg

**Miscellaneous**

pt 15 hdg renum as ch 5 hdg

**Transitional**

pt 16 hdg ins [A1999-34](#)  
om [A2001-90](#) amdt 1.81

**Transitional—Children and Young People Act 2008**

pt 17 hdg renum as ch 10 hdg

**Transitional—Children and Young People Act 2008**

ch 10 hdg (prev pt 17 hdg) ins [A2008-20](#) amdt 1.5  
renum as ch 10 hdg R41 LA  
exp 27 February 2011 (s 404 (1) (LA s 88 declaration applies))

**Childrens Court Magistrate**

s 400 ins [A2008-20](#) amdt 1.5  
exp 27 February 2011 (s 404 (1) (LA s 88 declaration applies))

**Existing proceedings in Childrens Court**

s 401 ins [A2008-20](#) amdt 1.5  
exp 27 February 2011 (s 404 (1) (LA s 88 declaration applies))

**Completion of part-heard matters if magistrate no longer Childrens Court magistrate etc**

s 402 ins [A2008-20](#) amdt 1.5  
exp 27 February 2011 (s 404 (1) (LA s 88 declaration applies))

**Transitional regulations**

s 403 ins [A2008-20](#) amdt 1.5  
exp 27 February 2011 (s 404 (1))

**Expiry—ch 10**

s 404 ins [A2008-20](#) amdt 1.5  
exp 27 February 2011 (s 404 (1) (LA s 88 declaration applies))

**Transitional—Crimes Legislation Amendment Act 2008**

ch 11 hdg ins [A2008-44](#) amdt 1.91  
exp 30 May 2010 (s 453)

**Application of amendments—indictable offences**

s 450 ins [A2008-44](#) amdt 1.91  
exp 30 May 2010 (s 453)

**Application of certain other amendments**

s 451 ins [A2008-44](#) amdt 1.91  
sub as mod [SL2009-20](#) s 3 (mod lapsed on rep of [SL2009-21](#)  
(4 September 2009))  
sub [A2009-24](#) amdt 1.40  
exp 30 May 2010 (s 453)

## Endnotes

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**Admissibility of certain written statements made before commencement day**  
s 451A ins as mod [SL2009-20](#) s 3 (mod lapsed on rep of [SL2009-21](#)  
(4 September 2009))  
sub [A2009-24](#) amdt 1.40  
exp 30 May 2010 (s 453 (LA s 88 declaration applies))

**Transitional regulations**  
s 452 ins [A2008-44](#) amdt 1.91  
exp 30 May 2010 (s 453)

**Expiry—ch 11**  
s 453 ins [A2008-44](#) amdt 1.91  
exp 30 May 2010 (s 453)

**Transitional—Sexual and Violent Offences Legislation Amendment Act 2008**  
ch 12 hdg ins [A2008-41](#) s 35  
om [A2009-24](#) amdt 1.41

**Application of amendments**  
s 460 ins [A2008-41](#) s 35  
om [A2009-24](#) amdt 1.41

**Expiry—ch 12**  
s 461 ins [A2008-41](#) s 35  
om [A2009-24](#) amdt 1.41

**Declaration and validation**  
ch 13 hdg ins [A2016-37](#) amdt 1.30  
exp 29 June 2016 (s 472)

**Declaration**  
s 470 ins [A2016-37](#) amdt 1.30  
exp 29 June 2016 (s 472)

**Validation**  
s 471 ins [A2016-37](#) amdt 1.30  
exp 29 June 2016 (s 472)

**Expiry—ch 13**  
s 472 ins [A2016-37](#) amdt 1.30  
exp 29 June 2016 (s 472)

**Oath and affirmation of office**

sch 1

**orig sch 1**

am [Ord1937-28](#); [Ord1938-25](#) (as am [Ord1938-35](#));  
[Ord1938-35](#); [Ord1953-14](#); [Ord1958-12](#); [Ord1966-2](#);  
[Ord1967-1](#); [Ord1968-25](#); [Ord1972-37](#); [Ord1974-14](#);  
[Ord1976-42](#); [Ord1977-34](#); [Ord1977-61](#); [Ord1978-46](#);  
[Ord1979-33](#); [Ord1984-62](#); [Ord1985-67](#); [Ord1986-74](#);  
[Ord1989-59](#); [A1990-65](#); [A1991-44](#); [A1992-9](#); [A1992-37](#);  
[A1993-4](#); [A1994-61](#); [A1996-6](#); [A1996-82](#); [A1998-67](#)  
om [A2001-44](#) amdt 1.2769

**pres sch 1**

(prev sch 2) ins [Ord1977-4](#)  
am [A1997-94](#)  
renum as sch 1 [A2001-44](#) amdt 1.2770  
am [A2005-20](#) amdt 3.307

**ACT and corresponding courts**

sch 2

**orig sch 2**

am [Ord1938-25](#) (as am [Ord1938-35](#))  
om [Ord1977-4](#)

**prev sch 2**

renum as sch 1

**pres sch 2**

ins [A2010-13](#) amdt 1.26  
am [A2013-43](#) s 5; [A2015-52](#) s 43, s 44

sch 3

am [Ord1938-25](#) (as am [Ord1938-35](#)); [Ord1976-42](#);  
[Ord1985-67](#); [A1991-44](#)  
om [A2001-44](#) amdt 1.2771

**Fees**

sch 4

am [Ord1937-5](#); [Ord1937-28](#)  
om [Ord1953-14](#)

sch 5

om [Ord1953-14](#)**Witnesses' expenses**

sch 6

om [Ord1953-14](#)**Dictionary**

dict

ins [A2004-60](#) amdt 1.413  
am [A2006-23](#) amdt 1.264, amdt 1.265; [A2008-42](#) s 17;  
[A2009-49](#) amdt 3.114; [A2011-22](#) amdt 1.309; [A2011-28](#)  
amdt 3.179; [A2016-18](#) amdt 3.143  
def **Aboriginal or Torres Strait Islander offender** ins  
[A2011-13](#) amdt 1.20  
def **ACT court** ins [A2011-28](#) amdt 3.180  
def **administering authority** ins [A2004-60](#) amdt 1.413

## Endnotes

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- def **administrator** ins [A2004-60](#) amdt 1.413  
om [A2006-23](#) amdt 1.266
- def **another jurisdiction** ins [A2004-60](#) amdt 1.413
- def **appeal** ins [A2004-60](#) amdt 1.413
- def **appearance** ins [A2004-60](#) amdt 1.413
- def **applicant** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **application** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **authorised person** ins [A2004-60](#) amdt 1.413  
sub [A2008-42](#) s 18
- def **back-up offence** ins [A2014-1](#) s 29
- def **bailiff** ins [A2004-60](#) amdt 1.413
- def **certified copy** ins [A2011-28](#) amdt 3.181
- def **certified copies** ins [A2004-60](#) amdt 1.413  
om [A2011-28](#) amdt 3.181
- def **circle sentencing** ins [A2011-13](#) amdt 1.20
- def **claim** ins [A2004-60](#) amdt 1.413
- def **committal order** ins [A2006-23](#) amdt 1.267
- def **common boundaries determination** ins [A2004-60](#)  
amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **corresponding court** ins [A2011-28](#) amdt 3.182
- def **contract application** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **conviction** ins [A2004-60](#) amdt 1.413
- def **court** ins [A2004-60](#) amdt 1.413
- def **court**, for division 2.2.3A ins [A2011-28](#) amdt 3.182
- def **court attendance notice** ins [A2008-42](#) s 19
- def **Crimes Act** ins [A2004-60](#) amdt 1.413
- def **damages application** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **date of service** ins [A2004-60](#) amdt 1.413
- def **debt application** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **debt declaration** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **decision** ins [A2004-60](#) amdt 1.413
- def **default notice** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.14
- def **defendant** ins [A2004-60](#) amdt 1.413
- def **domestic violence offence** ins [A2011-13](#) amdt 1.20
- def **driver** ins [A2004-60](#) amdt 1.413
- def **escort** ins [A2004-60](#) amdt 1.413  
om [A2006-23](#) amdt 1.268
- def **fine** ins [A2004-60](#) amdt 1.413  
sub [A2010-21](#) amdt 1.15



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- def ***fine defaulter*** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.16
- def ***goods application*** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def ***government agency*** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.16
- def ***hearing*** ins [A2004-60](#) amdt 1.413
- def ***home address*** ins [A2004-60](#) amdt 1.413  
om [A2009-49](#) amdt 3.115
- def ***illegal user declaration*** ins [A2004-60](#) amdt 1.413
- def ***indictable offence*** ins [A2004-60](#) amdt 1.413
- def ***indictment*** ins [A2004-60](#) amdt 1.413
- def ***industrial or work safety matter*** ins [A2013-43](#) s 6
- def ***industrial or work safety offence*** ins [A2013-43](#) s 6
- def ***information*** ins [A2004-60](#) amdt 1.413
- def ***infringement notice*** ins [A2004-60](#) amdt 1.413  
sub [A2011-28](#) amdt 3.183
- def ***infringement notice offence*** ins [A2004-60](#) amdt 1.413
- def ***infringement notice penalty*** ins [A2004-60](#) amdt 1.413
- def ***inquiry*** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def ***judgment*** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def ***judicial exchange arrangement*** ins [A2011-28](#) amdt 3.184
- def ***judicial offer*** ins [A2011-28](#) amdt 3.184
- def ***jury*** ins [A2004-60](#) amdt 1.413  
om [A2011-28](#) amdt 3.185
- def ***known offender declaration*** ins [A2004-60](#) amdt 1.413
- def ***law in force in the ACT*** ins [A2004-60](#) amdt 1.413
- def ***magistrate*** ins [A2004-60](#) amdt 1.413  
am [A2005-20](#) amdt 3.308
- def ***notice of intention to defend form*** ins [A2005-20](#)  
amdt 3.309
- def ***notice to defendant form*** ins [A2005-20](#) amdt 3.309
- def ***nuisance application*** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def ***outstanding fine*** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.16
- def ***participating jurisdiction*** ins [A2011-28](#) amdt 3.186
- def ***penalty notice*** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.16
- def ***plea of guilty form*** ins [A2005-20](#) amdt 3.309
- def ***prescribed offence*** ins [A2004-60](#) amdt 1.413
- def ***prescribed period*** ins [A2011-28](#) amdt 3.187
- def ***proceeding*** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def ***reciprocating court*** ins [A2004-60](#) amdt 1.413

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- def **referee** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **reference appeal** ins [A2005-5](#) s 34
- def **registered** ins [A2004-60](#) amdt 1.413
- def **registered operator** ins [A2004-60](#) amdt 1.413  
om [A2005-20](#) amdt 3.310
- def **registrar** ins [A2004-60](#) amdt 1.413
- def **related offence** ins [A2014-1](#) s 29
- def **relevant officer** ins [A2004-60](#) amdt 1.413
- def **reminder notice** ins [A2004-60](#) amdt 1.413
- def **reporting officer** ins [A2011-28](#) amdt 3.187
- def **respondent** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.488
- def **responsible person** ins [A2004-60](#) amdt 1.413
- def **review appeal** ins [A2008-44](#) amdt 1.92  
am [A2011-28](#) amdt 3.188
- def **rules** ins [A2004-60](#) amdt 1.413  
sub [A2008-36](#) amdt 1.489
- def **security** ins [A2010-21](#) amdt 1.17
- def **Small Claims Court** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.490
- def **sold vehicle declaration** ins [A2004-60](#) amdt 1.413
- def **State** ins [A2004-60](#) amdt 1.413
- def **summary conviction** ins [A2004-60](#) amdt 1.413
- def **superintendent** ins [A2004-60](#) amdt 1.413  
om [A2006-23](#) amdt 1.268
- def **Territory entity** ins [A2004-60](#) amdt 1.413  
om [A2010-21](#) amdt 1.18
- def **Territory fine** ins [A2004-60](#) amdt 1.413
- def **this jurisdiction** ins [A2011-28](#) amdt 3.189
- def **trader's plate** ins [A2004-60](#) amdt 1.413  
om [A2005-20](#) amdt 3.310
- def **trespass application** ins [A2004-60](#) amdt 1.413  
om [A2008-36](#) amdt 1.490
- def **unknown offender declaration** ins [A2004-60](#) amdt 1.413
- def **vehicle** ins [A2004-60](#) amdt 1.413
- def **vehicle-related offence** ins [A2005-20](#) amdt 3.311
- def **warrant** ins [A2011-28](#) amdt 3.190

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 3 Aug 1992	3 Aug 1992– 27 Nov 1992	<a href="#">A1992-37</a>	initial republication since self-government
R1 (RI) 23 Feb 2006	3 Aug 1992– 27 Nov 1992	<a href="#">A1992-37</a>	reissue of printed version and includes retrospective amendments by <a href="#">A1996-6</a>
R1A 23 Feb 2006	23 Nov 1992– 28 Feb 1993	<a href="#">A1992-37</a>	amendments by <a href="#">A1992-9</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R1B 23 Feb 2006	1 Mar 1993– 7 Mar 1993	<a href="#">A1993-2</a>	amendments by <a href="#">A1993-2</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R1C 23 Feb 2006	8 Mar 1993– 31 Aug 1993	<a href="#">A1993-4</a>	amendments by <a href="#">A1993-4</a> and includes retrospective amendments by <a href="#">A1996-6</a>

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R1D 23 Feb 2006	1 Sept 1993– 26 Sept 1993	<a href="#">A1993-4</a>	amendments by <a href="#">A1993-4</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R1E 23 Feb 2006	27 Sept 1993– 16 Dec 1993	<a href="#">A1993-48</a>	amendments by <a href="#">A1993-48</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R2 31 Dec 1993	17 Dec 1993– 13 Mar 1994	<a href="#">A1993-91</a>	amendments by <a href="#">A1993-91</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R2 (RI) 23 Feb 2006	17 Dec 1993– 13 Mar 1994	<a href="#">A1993-91</a>	reissue of printed version
R2A 23 Feb 2006	1 July 1994– 10 Oct 1994	<a href="#">A1994-45</a>	amendments by <a href="#">A1994-4</a> , <a href="#">A1994-10</a> and <a href="#">A1994-38</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R2B 23 Feb 2006	11 Oct 1994– 28 Nov 1994	<a href="#">A1994-66</a>	amendments by <a href="#">A1994-66</a> and includes retrospective amendments by <a href="#">A1996-6</a>

Republication No and date	Effective	Last amendment made by	Republication for
R3 10 Apr 1995	10 Apr 1995– 17 Dec 1995	<a href="#">A1994-81</a>	amendments by <a href="#">A1994-45</a> , <a href="#">A1994-61</a> and <a href="#">A1994-81</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R3 (RI) 23 Feb 2006	10 Apr 1995– 17 Dec 1995	<a href="#">A1994-81</a>	reissue of printed version
R3A 23 Feb 2006	18 Dec 1995– 6 May 1996	<a href="#">A1995-46</a>	amendments by <a href="#">A1995-46</a> and includes retrospective amendments by <a href="#">A1996-6</a>
R3B 23 Feb 2006	12 Sept 1996– 31 Dec 1996	<a href="#">A1996-6</a>	amendments by <a href="#">A1995-41</a> and <a href="#">A1996-6</a>
R3C 23 Feb 2006	17 May 1997– 29 May 1997	<a href="#">A1996-82</a>	amendments by <a href="#">A1996-68</a> , <a href="#">A1996-74</a> and <a href="#">A1996-82</a>
R4 30 May 1997	30 May 1997– 22 Sept 1997	<a href="#">A1997-25</a>	amendments by <a href="#">A1997-25</a>
R4 (RI) 23 Feb 2006	30 May 1997– 22 Sept 1997	<a href="#">A1997-25</a>	reissue of printed version
R4A 23 Feb 2006	23 Sept 1997– 24 May 1998	<a href="#">A1997-41</a>	amendments by <a href="#">A1997-41</a>
R5 1 June 1998	1 June 1998– 18 Oct 1998	<a href="#">A1997-96</a>	amendments by <a href="#">A1997-94</a> and <a href="#">A1997-96</a>
R5 (RI) 23 Feb 2006	1 June 1998– 18 Oct 1998	<a href="#">A1997-96</a>	reissue of printed version

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R6 31 Mar 1999	31 Mar 1999– 30 Apr 1999	<a href="#">A1999-12</a>	amendments by <a href="#">A1998-25</a> , <a href="#">A1998-38</a> , <a href="#">A1998-54</a> and <a href="#">A1998-67</a>
R6 (RI) 23 Feb 2006	31 Mar 1999– 30 Apr 1999	<a href="#">A1999-12</a>	reissue of printed version
R6A 23 Feb 2006	1 Sept 1999– 9 Nov 1999	<a href="#">A1999-34</a>	amendments by <a href="#">A1999-12</a> , <a href="#">A1999-22</a> and <a href="#">A1999-34</a>
R6B 23 Feb 2006	24 Dec 1999– 29 Feb 2000	<a href="#">A1999-91</a>	amendments by <a href="#">A1999-59</a> , <a href="#">A1999-61</a> , <a href="#">A1999-66</a> and <a href="#">A1999-91</a>
R6C 23 Feb 2006	10 May 2000– 31 May 2000	<a href="#">A2000-1</a>	amendments by <a href="#">A1999-64</a> , <a href="#">A1999-79</a> and <a href="#">A2000-1</a>
R6D 23 Feb 2006	1 June 2000– 8 Sept 2000	<a href="#">A2000-17</a>	amendments by <a href="#">A2000-17</a>
R7 20 Nov 2000	5 Oct 2000– 4 Sept 2001	<a href="#">A2000-60</a>	amendments by <a href="#">A2000-1</a> and <a href="#">A2000-60</a>
R7 (RI) 23 Feb 2006	5 Oct 2000– 4 Sept 2001	<a href="#">A2000-60</a>	reissue of printed version
R8 12 Sept 2001	27 Sept 2001– 30 Nov 2001	<a href="#">A2001-90</a>	amendments by <a href="#">A2001-44</a> , <a href="#">A2001-56</a> , <a href="#">A2001-63</a> and <a href="#">A2001-70</a>
R9 3 Dec 2001	1 Dec 2001– 13 Mar 2002	<a href="#">A2001-90</a>	amendments by <a href="#">A2001-62</a>
R10 14 Mar 2002	14 Mar 2002– 26 Mar 2002	<a href="#">A2002-2</a>	amendments by <a href="#">A2001-77</a> and <a href="#">A2002-2</a>

Republication No and date	Effective	Last amendment made by	Republication for
R11* 27 Mar 2002	27 Mar 2002– 30 June 2002	<a href="#">A2002-2</a>	amendments by <a href="#">A2001-90</a>
R12 1 July 2002	1 July 2002– 12 Sept 2002	<a href="#">A2002-2</a>	amendments by <a href="#">A2001-18</a>
R13 13 Sept 2002	13 Sept 2002– 16 Sept 2002	<a href="#">A2002-2</a>	commenced expiry
R14 17 Sept 2002	17 Sept 2002– 10 Oct 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R15 11 Oct 2002	11 Oct 2002– 31 Dec 2002	<a href="#">A2002-36</a>	amendments by <a href="#">A2002-36</a>
R16 1 Jan 2003	1 Jan 2003– 30 Mar 2003	<a href="#">A2002-36</a>	repealed amendments by <a href="#">A2001-64</a>
R16 (RI) 12 Feb 2003	1 Jan 2003– 30 Mar 2003	<a href="#">A2002-36</a>	reissue to include retrospective amendments by <a href="#">A2002-49</a>
R17* 31 Mar 2003	31 Mar 2003– 11 Oct 2003	<a href="#">A2003-2</a>	amendments by <a href="#">A2003-2</a>
R18 12 Oct 2003	12 Oct 2003– 18 Dec 2003	<a href="#">A2003-2</a>	commenced expiry
R19 19 Dec 2003	19 Dec 2003– 21 Mar 2004	<a href="#">A2003-56</a>	amendments by <a href="#">A2003-56</a>
R20 22 Mar 2004	22 Mar 2004– 8 Apr 2004	<a href="#">A2004-2</a>	amendments by <a href="#">A2004-2</a>
R21 9 Apr 2004	9 Apr 2004– 29 Apr 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R22 30 Apr 2004	30 Apr 2004– 25 June 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2003-48</a>
R23 26 June 2004	26 June 2004– 24 Aug 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-14</a>
R24 25 Aug 2004	25 Aug 2004– 29 Sept 2004	<a href="#">A2004-47</a>	amendments by <a href="#">A2004-42</a>

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R25 30 Sept 2004	30 Sept 2004– 9 Jan 2005	<a href="#">A2004-47</a>	amendments by <a href="#">A2004-42</a> and <a href="#">A2004-47</a>
R26 (RI) 8 June 2005	10 Jan 2005– 23 Feb 2005	<a href="#">A2004-60</a>	amendments by <a href="#">A2004-60</a> and includes textual correction in s 312
R27 (RI) 8 June 2005	24 Feb 2005– 24 Mar 2005	<a href="#">A2005-7</a>	amendments by <a href="#">A2005-5</a> and <a href="#">A2005-7</a> and includes textual correction in s 312
R28 (RI) 8 June 2005	25 Mar 2005– 1 June 2005	<a href="#">A2005-13</a>	amendments by <a href="#">A2005-13</a> and includes textual correction in s 312
R29 (RI) 8 June 2005	2 June 2005– 22 Nov 2005	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a> and includes textual correction in s 312
R30 23 Nov 2005	23 Nov 2005– 21 Dec 2005	<a href="#">A2005-53</a>	amendments by <a href="#">A2005-53</a>
R31 22 Dec 2005	22 Dec 2005– 10 Jan 2006	<a href="#">A2005-60</a>	amendments by <a href="#">A2005-60</a>
R32* 11 Jan 2006	11 Jan 2006– 1 June 2006	<a href="#">A2005-60</a>	commenced expiry
R33 2 June 2006	2 June 2006– 1 July 2006	<a href="#">A2006-23</a>	amendments by <a href="#">A2006-23</a>
R34 2 July 2006	2 July 2006– 18 Dec 2006	<a href="#">A2006-23</a>	commenced expiry
R35 19 Dec 2006	19 Dec 2006– 31 Dec 2006	<a href="#">A2006-55</a>	amendments by <a href="#">A2006-55</a>
R36 1 Jan 2007	1 Jan 2007– 9 Nov 2007	<a href="#">A2006-55</a>	amendments by <a href="#">A2006-40</a> as amended by <a href="#">A2006-55</a>



<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R37 10 Nov 2007	10 Nov 2007– 17 Dec 2007	<a href="#">A2007-15</a>	amendments by <a href="#">A2007-8</a>
R38 18 Dec 2007	18 Dec 2007– 19 Dec 2007	<a href="#">A2007-44</a>	amendments by <a href="#">A2007-15</a>
R39 20 Dec 2007	20 Dec 2007– 15 Apr 2008	<a href="#">A2007-44</a>	amendments by <a href="#">A2007-44</a>
R40 16 Apr 2008	16 Apr 2008– 28 July 2008	<a href="#">A2008-6</a>	amendments by <a href="#">A2008-6</a>
R41 29 July 2008	29 July 2008– 26 Aug 2008	<a href="#">A2008-22</a>	amendments by <a href="#">A2008-22</a>
R42 27 Aug 2008	27 Aug 2008– 1 Feb 2009	<a href="#">A2008-29</a>	amendments by <a href="#">A2008-29</a>
R43 2 Feb 2009	2 Feb 2009– 26 Feb 2009	<a href="#">A2008-46</a>	amendments by <a href="#">A2008-36</a> and <a href="#">A2008-37</a>
R44 27 Feb 2009	27 Feb 2009– 7 Mar 2009	<a href="#">A2008-46</a>	amendments by <a href="#">A2008-19</a> and <a href="#">A2008-20</a>
R45 8 Mar 2009	8 Mar 2009– 29 Mar 2009	<a href="#">A2009-7</a>	amendments by <a href="#">A2008-42</a>
R46 30 Mar 2009	30 Mar 2009– 29 May 2009	<a href="#">A2009-7</a>	amendments by <a href="#">A2008-46</a>
R47 30 May 2009	30 May 2009– 3 Sept 2009	<a href="#">SL2009-20</a>	amendments by <a href="#">A2008-41</a> , <a href="#">A2008-44</a> and <a href="#">A2009-7</a> and modifications by <a href="#">SL2009-20</a>
R48 4 Sept 2009	4 Sept 2009– 28 Sept 2009	<a href="#">A2009-24</a>	amendments by <a href="#">A2009-24</a>
R49 29 Sept 2009	29 Sept 2009– 21 Oct 2009	<a href="#">A2009-24</a>	amendments by <a href="#">A2009-19</a>
R50 22 Oct 2009	22 Oct 2009– 30 Oct 2009	<a href="#">A2009-37</a>	amendments by <a href="#">A2009-37</a>

## Endnotes

### 5 Earlier republications

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R51 31 Oct 2009	31 Oct 2009– 16 Dec 2009	<a href="#">SL2009-51</a>	modifications by <a href="#">SL2009-2</a> as amended by <a href="#">SL2009-51</a>
R52 17 Dec 2009	17 Dec 2009– 21 Dec 2009	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>
R53 22 Dec 2009	22 Dec 2009– 2 Mar 2010	<a href="#">A2009-54</a>	amendments by <a href="#">A2009-54</a>
R54 3 Mar 2010	3 Mar 2010– 27 Apr 2010	<a href="#">A2009-54</a>	amendments by <a href="#">A2009-22</a>
R55* 28 Apr 2010	28 Apr 2010– 30 May 2010	<a href="#">A2010-13</a>	amendments by <a href="#">A2010-13</a>
R56 31 May 2010	31 May 2010– 30 June 2010	<a href="#">A2010-13</a>	commenced expiry
R57 1 July 2010	1 July 2010– 27 Sept 2010	<a href="#">A2010-21</a>	amendments by <a href="#">A2010-21</a>
R58 28 Sept 2010	28 Sept 2010– 1 Nov 2010	<a href="#">A2010-30</a>	amendments by <a href="#">A2010-30</a>
R59 2 Nov 2010	2 Nov 2010– 27 Feb 2011	<a href="#">A2010-40</a>	amendments by <a href="#">A2010-40</a>
R60 28 Feb 2011	28 Feb 2011– 30 June 2011	<a href="#">A2010-40</a>	expiry of transitional provisions (ch 10)
R61 1 July 2011	1 July 2011– 24 July 2011	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R62 25 July 2011	25 July 2011– 30 Aug 2011	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-13</a>
R63 31 Aug 2011	31 Aug 2011– 20 Sept 2011	<a href="#">A2011-30</a>	amendments by <a href="#">A2011-30</a>
R64 21 Sept 2011	21 Sept 2011– 11 Dec 2011	<a href="#">A2011-30</a>	amendments by <a href="#">A2011-28</a>
R65 12 Dec 2012	12 Dec 2012– 29 Feb 2012	<a href="#">A2011-52</a>	amendments by <a href="#">A2011-52</a>

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R66 1 Mar 2012	1 Mar 2012– 11 Apr 2012	<a href="#">A2011-52</a>	amendments by <a href="#">A2011-48</a>
R67 12 Apr 2012	12 Apr 2012– 23 Apr 2013	<a href="#">A2012-13</a>	amendments by <a href="#">A2012-13</a>
R68* 24 Apr 2013	24 Apr 2013– 7 Nov 2013	<a href="#">A2013-12</a>	amendments by <a href="#">A2013-12</a>
R69 8 Nov 2013	8 Nov 2013– 11 Nov 2013	<a href="#">A2013-43</a>	amendments by <a href="#">A2013-43</a>
R70 12 Nov 2013	12 Nov 2013– 9 Feb 2014	<a href="#">A2013-45</a>	amendments by <a href="#">A2013-45</a>
R71 10 Feb 2014	10 Feb 2014– 1 Apr 2014	<a href="#">A2013-52</a>	amendments by <a href="#">A2013-52</a>
R72 2 Apr 2014	2 Apr 2014– 20 Apr 2015	<a href="#">A2014-1</a>	amendments by <a href="#">A2014-1</a>
R73 21 Apr 2015	21 Apr 2015– 9 Dec 2015	<a href="#">A2015-10</a>	amendments by <a href="#">A2015-10</a>
R74 10 Dec 2015	10 Dec 2015– 26 Apr 2016	<a href="#">A2015-52</a>	amendments by <a href="#">A2015-52</a>
R75 27 Apr 2016	27 Apr 2016– 28 June 2016	<a href="#">A2016-18</a>	amendments by <a href="#">A2016-18</a>
R76 29 June 2016	29 June 2016– 29 June 2016	<a href="#">A2016-37</a>	amendments by <a href="#">A2016-37</a>
R77 30 June 2016	30 June 2016– 30 June 2016	<a href="#">A2016-37</a>	expiry of validation provisions (ch 13)
R78 1 July 2016	1 July 2016– 31 Aug 2016	<a href="#">A2016-37</a>	amendments by <a href="#">A2016-12</a>

## Endnotes

6 Expired transitional or validating provisions

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### 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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