
**Court of Petty Sessions (Amendment)
Ordinance 1982**

No. 2 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 23 February 1982.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

P. DURACK
Attorney-General

An Ordinance to amend the *Court of Petty Sessions Ordinance 1930*

Short title

1. This Ordinance may be cited as the *Court of Petty Sessions (Amendment) Ordinance 1982*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Court of Petty Sessions Ordinance 1930*.²

4. After Division 2 of Part IX of the Principal Ordinance the following Division is inserted:

***"Division 2A—Reciprocal Enforcement of Fines
against Bodies Corporate***

Interpretation

"166A. In this Division, unless the contrary intention appears—
'conviction' means a conviction or order entered or made by a court in the exercise of summary jurisdiction in proceedings for an offence;

'fine' includes—

- (a) a pecuniary penalty, pecuniary forfeiture and pecuniary compensation; and
- (b) fees, charges and costs payable by a body corporate under an order made in proceedings in which a conviction was entered in respect of the body corporate;

'reciprocating court' means—

- (a) a court declared under section 166B to be a reciprocating court; and
- (b) a court included in a class of courts declared under section 166B to be a class of reciprocating courts;

'relevant officer', in relation to a reciprocating court, means the clerk or other corresponding officer of the court;

'State' includes a Territory other than the Australian Capital Territory and the Jervis Bay Territory;

'Territory fine' means a fine payable under a conviction of the Court.

Declarations relating to reciprocating courts

"166B. Where a State has laws providing for enforcement in the State of a Territory fine against a body corporate, the Attorney-General may, by notice published in the *Gazette*—

- (a) declare a court of summary jurisdiction in the State to be a reciprocating court; or
- (b) declare a class of courts of summary jurisdiction in the State to be a class of reciprocating courts.

Enforcement of fine

"166C. (1) Where a fine is payable by a body corporate under a conviction of a reciprocating court and the Clerk receives a request in writing from the relevant officer of the reciprocating court for the enforcement of the conviction accompanied by—

- (a) a copy, certified by the relevant officer to be correct, of the conviction; and
- (b) a certificate under the hand of the relevant officer specifying the amount of the fine that remains unpaid,

the Clerk shall—

- (c) register the conviction by filing in the Court the certified copy of the conviction; and
- (d) note the date of the registration on the copy.

"(2) On the registration of a conviction under sub-section (1)—

- (a) the conviction shall, for the purposes of this Part, be deemed to be a conviction of the Court adjudging payment of a fine by the body corporate in the amount specified as unpaid in the certificate referred to in paragraph (1) (b);

- (b) the Clerk shall issue a warrant of execution for the purpose of recovering the amount referred to in paragraph (a); and
- (c) the provisions of this Ordinance shall, subject to this section, apply to and in relation to a warrant so issued and the execution of such a warrant as if the warrant had been issued in connection with a conviction of the Court.

“(3) Where a request is made under this section in respect of a fine payable under a conviction of a reciprocating court and the Clerk later receives a notification from the relevant officer of the reciprocating court of payment of an amount in satisfaction in whole or in part of the amount of the fine, the Clerk shall note the particulars of the payment on the certified copy of the conviction filed in the Court.

“(4) Notwithstanding anything in this Part, where—

- (a) a warrant is issued under sub-section (2) in respect of a fine; and
- (b) before execution, the Clerk receives a notification referred to in sub-section (3) relating to the fine,

the Clerk shall arrange for the return of the warrant and, upon its return, he shall—

- (c) if the amount of the fine has been paid in full—withdraw the warrant; or
- (d) if part of the amount of the fine remains unpaid—amend the warrant to show the amount still unpaid.

“(5) Where a warrant is amended in pursuance of sub-section (4), the warrant shall be enforced in respect of the amount of the fine for the time being shown in the warrant as unpaid.

“(6) Notwithstanding section 190, where a sum of money is paid to the Clerk in satisfaction in whole or in part of a fine payable under a conviction registered under sub-section (1), the Clerk shall remit the sum of money to the relevant officer of the reciprocating court by which the conviction was entered.

“(7) For the purposes of this section, a document that purports to have been signed by the relevant officer of a reciprocating court shall be taken to have been so signed unless the contrary is proved.

Effect of enforcement by reciprocating court

“166D. A sum of money received by the Clerk from a reciprocating court in satisfaction in whole or in part of a Territory fine shall be applied by the Clerk as if the sum had been paid to him by the body corporate by which the fine was payable in satisfaction in whole or in part of the fine.

Clerk to notify payment of Territory fine

“166E. Where—

- (a) a conviction of the Court under which a fine is payable is registered by the relevant officer of a reciprocating court; and

(b) a sum of money is received by the Clerk in satisfaction in whole or in part of the fine,
the Clerk shall, as soon as practicable, notify the relevant officer of the amount of that payment.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 26 February 1982.
2. No. 21, 1930 as amended by No. 21, 1932; No. 17, 1934; No. 13, 1936; Nos. 5 and 28, 1937; Nos. 25 and 35, 1938; Nos. 20 and 22, 1940; No. 13, 1949; Nos. 7 and 12, 1951; No. 14, 1953; No. 12, 1958; No. 2, 1961; No. 2, 1966; No. 1, 1967; No. 25, 1968; No. 12, 1969; No. 15, 1970; No. 37, 1972; No. 48, 1973; Nos. 14 and 47, 1974; No. 42, 1976; Nos. 4, 34, 56 and 61, 1977; No. 46, 1978; Nos. 33 and 41, 1979; Nos. 4 and 10, 1980.