
**Court of Petty Sessions (Amendment)
Ordinance (No. 2) 1982**

No. 3 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 (No. 2) 1982*.¹

Principal Ordinance

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

3. After section 23 of the Principal Ordinance the following section is inserted:

***Ex parte* conviction may be set aside on application by informant**

"23AA. (1) Subject to sub-section (2), where a conviction is entered or an order is made against a person charged with an offence and the conviction is entered or the order is made in the absence of that person, the informant may apply to the Court for an order that the Court set aside the conviction or order.

"(2) Sub-section (1) does not apply to, or in relation to, a conviction entered or an order made in the absence of a defendant who has entered a plea of guilty in accordance with section 116D and has not, before the entry of the conviction or the making of the order, withdrawn his plea.

“(3) Where an application to set aside a conviction or order is made under this section, the Court may set aside the conviction or order on such terms as to costs or otherwise as the Court thinks just.

“(4) Where, in pursuance of this section, the Court sets aside a conviction or order, the Court shall dismiss the information and set aside any warrant issued under this Ordinance in consequence of the conviction.”.

Mitigation of payment by Court

4. Section 188 of the Principal Ordinance is amended by omitting from sub-section (2) “Fifty dollars” and substituting “\$2,000”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 26 February 1982.
2. No. 21, 1930 as amended to date. For previous amendments see Note 2 to No. 2, 1982 and see also No. 2, 1982.