



AUSTRALIAN CAPITAL TERRITORY

Small Claims (Amendment) Ordinance 1989

Ordinance No. 54 of 1989

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 28 June 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Small Claims Ordinance 1974*

(Ord. 47-89)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Short title

1. This Ordinance may be cited as the *Small Claims (Amendment) Ordinance 1989*.¹

Commencement

2. This Ordinance commences on 1 July 1989.

Principal Ordinance

3. In this Ordinance, “Principal Ordinance” means the *Small Claims Ordinance 1974*.²

Enforcement of decisions

4. Section 22 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) “under this Ordinance” (first occurring) and substituting “in proceedings”;
- (b) by omitting from subsection (1) “under this Ordinance” (second occurring); and
- (c) by omitting from subsection (2) “under section 5” and substituting “made in proceedings”.

Costs

5. Section 29 of the Principal Ordinance is amended by inserting after subsection (1) the following subsection:

“(1A) Where—

- (a) the claimant has paid the fee referred to in subsection 46 (1); and
- (b) judgment is given or entered for the claimant or an order is made against the defendant;

then—

- (c) the judgment debt shall include the amount of the fee; or
- (d) the order shall include a requirement that the defendant pay to the claimant the amount of the fee.”.

Court fees

6. Section 46 of the Principal Ordinance is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) The prescribed fee is payable to the Clerk in respect of the institution of proceedings.”; and

(b) by adding at the end the following subsection:

“(3) The fee referred to in subsection (1) is not payable where the Clerk is satisfied that payment of the fee would impose hardship on the person instituting the proceedings.”.

Insertion

7. After section 50 of the Principal Ordinance the following section is inserted:

Regulations

“51. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing matters—

- (a) required or permitted by this Ordinance to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1989.
2. No. 6, 1974 as amended by No. 42, 1974; No. 46, 1978; No. 55, 1982; Nos. 21 and 67, 1985; No. 14, 1987.