

AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Ordinance 1989

Ordinance No. 55 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 *Magistrates Court Ordinance 1930*

Short title

1. This Ordinance may be cited as the *Magistrates Court (Amendment) Ordinance 1989*.¹

(Ord. 48/89)—Cat. No.

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

Commencement

2. This Ordinance commences on 1 July 1989.

Principal Ordinance

3. In this Ordinance, “Principal Ordinance” means the *Magistrates Court Ordinance 1930*.²

When Magistrate may issue summons

4. Section 37 of the Principal Ordinance is amended by adding at the end the following subsections:

“(2) The fee prescribed by rules under this Ordinance in respect of the issue of a summons under subsection (1) is not payable for the issue of a summons on an information laid by—

- (a) the Director of Public Prosecutions;
- (b) a police officer;
- (c) the Corporate Affairs Commission;
- (d) the Commissioner of Taxation;
- (e) the Australian Capital Territory Community and Health Service; or
- (f) a public servant or a Territory authority;

acting in the exercise of a power or the performance of a function.

“(3) Where—

- (a) a summons is issued in respect of an information in circumstances in which, pursuant to subsection (2), no fee is paid by the informant; and
- (b) the defendant is convicted of the alleged offence and is ordered to pay a fine;

the Court shall order the defendant to pay by way of costs, in addition to the amount of the fine and any other costs, an amount equal to the amount that would have been payable on the issue of the summons but for subsection (2).

“(4) In subsection (2), ‘public servant’ and ‘Territory authority’ have the same respective meanings as in the *Interpretation Act 1967* of the Territory.”.

Remission of fees

5. Section 245A of the Principal Ordinance is amended—

- (a) by omitting “A” and substituting “Subject to subsection (2), a”; and
- (b) by adding at the end the following subsection;

“(2) A fee that would be payable by a person under subsection 37 (1) is not payable only if the Clerk is satisfied that payment of the fee would impose hardship on the person.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1989.
2. Ordinance 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; Nos. 2 and 3, 1982; Nos. 9, 10, 16, 61 and 62, 1984; Nos. 17, 18, 41, 66 and 67, 1985; Nos. 33, 53, 57, 71, 74 and 83, 1986; No. 56, 1987.