

Form 6 Notice to defendant

Magistrates Court Act 1930

(see pt 3.7 (Service and pleading by post for certain offences))

You have received a summons to appear in the Magistrates Court in relation to a prescribed offence.

You must **read the summons carefully**: if you do not understand the summons or you have previous convictions you should consider seeking legal advice without delay.

If you do not respond to the summons you may be found guilty by the Court in your absence.

You should note the **Plea of Guilty Form** and the **Notice of Intention to Defend Form** on the back of the other copy of the summons served on you.

OPTIONS

Choose 1 of the following options:

1. **You may plead ‘guilty’ with or without an explanation, by post or otherwise**
 - (a) You must complete the **Plea of Guilty Form**, and, if you wish, include an explanation. Sign the form before the Registrar or a Deputy Registrar of the Court, a lawyer, a Justice of the Peace or (*insert name of person prescribed by regulation or rule*) and post or otherwise return it to the address below.
 - (b) If you plead guilty by post and do not attend Court, or do not respond to the summons, you will be notified by post of the Court’s order.

- (c) If—
- (i) the Court intends to impose a penalty other than, or in addition to, a fine; and
 - (ii) you do not attend Court, and are not represented at Court by a lawyer;

the Court will not decide on the penalty then but will adjourn the matter to a later date.

You will then be notified of the time and date when you or your lawyer must attend the Court for sentence.

OR

2. You may plead ‘guilty’ in Court

If you are not pleading ‘guilty’ by post or otherwise under option 1, but want to plead guilty, you must attend Court to plead ‘guilty’. The summons states the date and time that you must attend. The notice board in the Court public area will show the courtroom you should attend. Let the attendant at that courtroom know you have arrived.

OR

3. You may plead ‘not guilty’ by post or otherwise and defend the matter in Court

You must complete and sign the **Notice of Intention to Defend Form** and post or otherwise return it to the address below before the day you are required by the summons to attend Court. You need not attend Court on the date required by the summons, but the Court will notify you by post of another date and time for the hearing of the matter when you must attend.

OR

4. You may plead ‘not guilty’ in Court

If you are pleading ‘not guilty’, but do not want to plead ‘not guilty’ by post or otherwise under option 3, you must attend Court to plead ‘not guilty’. The summons states the date and time that you must attend.

When you attend, the Court will set another date and time for the hearing of the matter.

IMPORTANT NOTE

If you plead guilty, or are convicted, whether or not you attend Court, the Court may, in considering the penalty to impose on you, take into account any previous convictions recorded against you.

ADDRESS

The copy of the summons and the form you choose to complete should be posted or otherwise returned to:

**The Registrar
ACT Magistrates Court
Knowles Place, Canberra City
or
GPO Box 370
CANBERRA ACT 2601**

**IF YOU ARE NOT SURE WHAT TO DO SEEK LEGAL ADVICE AS
SOON AS POSSIBLE**