

EXPLANATORY STATEMENT

No.17 of 1980

Australian Capital Territory

Police Offences (Amendment) Ordinance 1980

The purpose of this Ordinance is to amend section 28 of the Police Offences Ordinance 1930 which, at present, makes it an offence for any person to obtain any chattel, money or valuable security by passing a cheque that is not paid on presentation. The amendment will extend that offence to cover the payment of wages by cheques that are subsequently dishonoured.

At present, because wages cheques are not covered by section 28, a number of industrial awards in the Australian Capital Territory require the payment of wages in cash. The local branch of the Federated Miscellaneous Workers Union of Australia has sought the present amendment in order that awards covering its members can be varied to facilitate the payment of wages by cheques.

Sections 1 and 2 are formal provisions.

Section 3 substitutes new section 28.

28(1). This provision has the effect of extending the existing offence contained in section 28 to cover cheques given in payment of wages. The penalty of imprisonment is the same as that prescribed at present under section 28. In addition, provision is made for an alternative penalty of a fine not exceeding \$2,000.

28(2). This sub-section provides a defence to a prosecution for an offence against sub-section (1). The grounds of defence are similar to those provided in the existing section.

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28(3). This sub-section makes it clear that a person cannot avoid the sanction of sub-section (1) merely by having some funds to the credit of his account at the time when the cheque was drawn. A similar provision is embodied in existing section 28.

Authorized by the Attorney-General



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