

Form 1 Warrant to imprison a fine defaulter

Crimes (Sentence Administration) Act 2005

(see s 12 (Warrant for imprisonment))

In the Magistrates Court of the Australian Capital Territory
Criminal jurisdiction

No CC of (year)

Folder No

Authority and directions

To the police officers of the ACT:

You must arrest and deliver the person named in this warrant (the *fine defaulter*) to the chief executive's custody.

To the chief executive:

You must keep the fine defaulter imprisoned until—

- (a) the end of (*insert period of imprisonment*) commencing on the date the fine defaulter is taken into custody under this warrant; or
- (b) the fine defaulter is released under the *Crimes (Sentence Administration) Act 2005* or another territory law.

Details of fine defaulter

Name:

Address:

Details of fine

*[By order of/Imposed by]: *(insert court)*

Date: *(insert date)*

Offence: *(insert offence)*

Outstanding fine <i>(state type eg traffic)</i> :	\$(<i>insert amount</i>)
*Court costs	\$
*Victims of Crime (Financial Assistance) Levy	\$
*Victims Services Levy	\$
*Fee	\$
*Bail forfeiture	\$
less amount paid	\$
Total amount outstanding	\$

Reason for imprisonment

The fine defaulter is liable to pay—

- a fine payable under a fine order under the *Crimes (Sentencing) Act 2005* (the ***fine***).
- a fee or charge payable to the Territory imposed by a court in a proceeding for an offence (the ***fine***).
- costs payable to the Territory under a court order in a proceeding for an offence (the ***fine***).
- a levy imposed under the *Victims of Crime (Financial Assistance) Act 1983* (the ***fine***).
- a financial penalty imposed, otherwise than under the *Crimes (Sentencing) Act 2005*, in relation to an offence (the ***fine***).
- a victims services levy imposed under the *Victims of Crime Act 1994*, in relation to an offence (the ***fine***).
- an amount payable to the Territory under a court order under the *Bail Act 1992*, section 37 (3).

The fine defaulter has defaulted in payment of all or part of the fine or all or part of an administrative fee that the fine defaulter is liable to pay (the *outstanding fine*).

The Court is satisfied that:

- (a) all reasonable action has been taken under the *Magistrates Court Act 1930*, division 3.9.2, to secure payment of the outstanding fine; and
- (b) there is no reasonable likelihood of the outstanding fine being paid; and
- (c) the outstanding fine has not been remitted by the Executive.

The Court made an order on (*insert date*) under the *Magistrates Court Act 1930*, section 154D, to imprison the fine defaulter for the period stated in this warrant.

This warrant is issued under the *Crimes (Sentence Administration) Act 2005*, section 12.

Notice to fine defaulter

Unless you are otherwise lawfully detained, you will be released from imprisonment immediately on paying the outstanding fine to the Territory (through the registrar or the chief executive).

Your imprisonment discharges your liability to pay the outstanding fine—

- (a) at the rate of \$100 for each day or part of a day for which you are detained under this warrant; or
- (b) if you are committed for 6 months—at the end of the 6-month period.

Date:

*[Registrar/Magistrate]:

**omit if, or whichever is, inapplicable*