

Magistrates Court Act 1930

NOTICE OF APPROVAL OF FORMS

DETERMINATION NO. 25 OF 1993

Under section 256 of the *Magistrates Court Act 1930*, I APPROVE the forms in the Schedule to this Notice being Item 1 "Notice to Defendant", Item 2 "Plea of Guilty" and Item 3 "Notice of Intention to Defend" to be forms for the purposes of the Act from 8 March 1993.

Dated 2 March 1993



TERENCE CONNOLLY
ATTORNEY GENERAL

This is page 1 of the SCHEDULE to the Notice of Approval of Forms made under section 256 of the *Magistrates Court Act 1930* signed by the Attorney General on²March 1993.

Item 1: This is the approved form of the Notice to the Defendant.



AUSTRALIAN CAPITAL TERRITORY
MAGISTRATES COURT

NOTICE TO DEFENDANT

The attached summons has been issued against you to answer the charge of an alleged offence against a law in force in the Territory indicated in the summons.

Read the summons carefully.

If you do not understand the summons, want to know more about the meaning of the summons or if you have previous convictions you should consider seeking legal advice as soon as possible. If you do not respond to the summons you may be found guilty by the Court in your absence.

Your attention is drawn to the **Plea of Guilty Form** and the **Notice of Intention to Defend Form** on the back of the copy of the summons.

THE FOLLOWING OPTIONS ARE OPEN TO YOU:

1. You may plead guilty with or without an explanation, by post. If you wish to plead guilty complete the **Plea of Guilty Form** including, if you wish, an explanation, sign it before a person who is barrister and/or a solicitor, a Justice of the Peace or the Registrar of the Court and post it to the address below.

If you plead guilty by post and do not attend Court, or if you do not respond to the summons, you will be notified by post of the order of the Court.

If the Court intends to impose a penalty other than or in addition to a fine and you are not before the Court, and are not represented before the Court by a person who is a barrister and/or a solicitor, the Court will not decide on the penalty then but will adjourn the matter to a later date. You will then be notified of a time and date at which you or your legal representative should attend before the Court for sentence.

OR

2. You may attend Court and plead guilty in person. The date and time at which you should attend the Court are given on the summons. The notice board in the public area of the Courts will indicate the courtroom at which you should attend. Inform the attendant at that courtroom of your presence.

OR

3. You may plead not guilty by post and defend the charge in Court. Complete and sign the **Notice of Intention to Defend Form** and post it to the address below. You then need not attend Court at the time and date on the summons as the Court will fix another date for a hearing and you will be notified of the time and date at which you should attend Court to defend the charge.

OR

4. You may attend the Court and plead not guilty in person. The date and time at which you should attend the Court are given on the summons. The Court will then, in your presence, set a future date and time for a hearing of the matter.

THE PLEA OF GUILTY AND NOTICE OF INTENTION TO DEFEND FORMS ARE ON THE BACK OF THE COPY OF THE SUMMONS.

IF YOU ARE UNSURE WHAT TO DO SEEK LEGAL ADVICE

Post the copy of the summons and the completed form of your choice to:

The Registrar
ACT Magistrates Court
GPO Box 370
CANBERRA ACT 2601

NOTE: If you plead guilty or are convicted, whether you are before the Court or not, the Court may, when considering the penalty to impose on you, take into account any convictions previously recorded against you.

This is page 2 of the SCHEDULE to the Notice of Approval of Forms made under section 256 of the *Magistrates Court Act 1930* signed by the Attorney General on² March 1993.

Item 2: This is the approved form of the Plea of Guilty form.



AUSTRALIAN CAPITAL TERRITORY
MAGISTRATES COURT

PLEA OF GUILTY

PLEA

I,
the defendant named in this summons, admit that I am guilty of the offence mentioned in the summons.

EXPLANATION

Additional pages (signed as below) may be attached if required.

In relation to the offence, I draw the attention of the Court to the following matters:-

[signature of the defendant:]
Signed in my presence by the abovenamed defendant on /.... /19....

[signature of witness:]
barrister and/or solicitor / a Justice of the Peace / the Registrar

If you wish to **plead guilty with or without an explanation, by post**, complete this **Plea of Guilty Form** including, if you wish, an explanation; sign it before a person who is a barrister and/or a solicitor, a Justice of the Peace or the Registrar of the Court and post it to the address below. If you plead guilty by post and do not attend Court, or if you do not respond to the summons, you will be notified by post of the order of the Court.
If the Court intends to impose a penalty other than or in addition to a fine, and you are not before the Court and are not represented before the Court by a barrister and/or a solicitor, the Court will not decide on the penalty then but will adjourn the matter to a later date. You will then be notified of a time and date at which you or your legal representative should attend before the Court for sentence.

This is page 3 of the SCHEDULE to the Notice of Approval of Forms made under section 256 of the *Magistrates Court Act 1930* signed by the Attorney General on²March 1993.

Item 3: This is the approved form of the Notice of Intention to Defend form.

NOTICE OF INTENTION TO DEFEND

PLEA

I,
the defendant named in this summons, say that I am not guilty of the offence mentioned in the summons and give notice by this form that I intend to defend these proceedings.

[signature of the defendant]..... Date: /.../19....

If you wish to plead **not guilty by post and defend the charge** in Court complete and sign this **Notice of Intention to Defend Form** and post it to the address below. You then need not attend Court at the time and date on the summons as the Court will fix another date for a hearing. You will be notified of the time and date at which you should attend Court to defend the charge.

Post the copy of the summons **and** the completed form to: The Registrar
ACT Magistrates Court
GPO Box 370
CANBERRA ACT 2601

IF YOU ARE UNSURE WHAT TO DO SEEK LEGAL ADVICE