

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

Court of Petty Sessions (Amendment) Ordinance (No. 3) 1984

No. 16 of 1984

The purpose of this Ordinance is to amend sections 208 and 219B of the Court of Petty Sessions Ordinance 1930 ('the Principal Ordinance') to permit an appeal to be made to the A.C.T. Supreme Court from a decision of the Court of Petty Sessions in relation to an offence dealt with pursuant to Part VIIA of the Principal Ordinance.

Part VIIA of the Principal Ordinance, which was introduced in 1974, makes provision for service and pleading by post in respect of certain prescribed offences under the Traffic Ordinance 1937 and the Motor Traffic Ordinance 1936.

At the time of the introduction of Part VIIA a consequential amendment was not made to the appeal provisions of the Principal Ordinance. The omission was brought to attention by Mr Justice Kelly in a recent matter before him in the A.C.T. Supreme Court.

Details of the Ordinance are as follows:-

Section 1 provides that the proposed Ordinance may be cited as the Court of Petty Sessions (Amendment) Ordinance (No. 3) 1984.

Section 2 defines "Principal Ordinance" as the Court of Petty Sessions Ordinance 1930.

Section 3 amends section 208 of the Principal Ordinance by inserting a reference to Part VIIA in paragraphs 208(1)(a) and 208(1)(c). This provides an appeal from a decision of the Court of Petty Sessions in relation to an offence dealt with under the service and pleading by post provisions (Part VIIA) of the Principal Ordinance.

Section 4 amends section 219B of the Principal Ordinance by inserting a reference to Part VIIA in paragraphs 219B(a) and 219B(b). This provides an appeal by way of order to review from a decision of the Court of Petty Sessions in relation to an offence dealt with under the service and pleading by post provisions (Part VIIA) of the Principal Ordinance.

Authorised by the
Attorney-General