

AUSTRALIAN CAPITAL TERRITORY

COURT OF PETTY SESSIONS (AMENDMENT) ORDINANCE

(NO. 2) 1977

EXPLANATORY MEMORANDUM

The Ordinance reduces the scale of imprisonment that may be imposed under the Court of Petty Sessions Ordinance 1930 for non-payment of a fine and removes the liability of persons to undergo imprisonment for non-payment of costs awarded against them.

The Ordinance reduces the period of imprisonment to be served for non-payment of a fine from the present 1 day for each \$2 with a maximum of 12 months to 1 day for each \$25 with a maximum of 6 months. The purpose of this amendment is to bring periods of imprisonment in default of payment of fines into line with present day money values.

At present, the Court of Petty Sessions Ordinance provides that where a defendant is ordered to pay costs to an informant he is to be imprisoned in default of payment. In the converse case, where the informant is ordered to pay costs, the order may be enforced as if it were a civil judgment. The amendments effected by this Ordinance establish equality of treatment for both informants and defendants by removing any liability for imprisonment in default of payment of costs.

Consideration is now being given to a comprehensive scheme for the enforcement of fines which will incorporate the various alternatives to imprisonment, leaving the sanction of imprisonment to be used only as a last resort. As an interim measure, however, the Ordinance provides for the scale of imprisonment for non-payment of fines to be related more

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realistically to current money values.

The Ordinance also effects consequential amendments to various forms and tidies up or removes others which are no longer appropriate.