

## Summary Proceedings Amendment Regulations 2002

Pursuant to the Summary Proceedings Act 1957, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### **1 Title**

- (1) These regulations are the Summary Proceedings Amendment Regulations 2002.
- (2) In these regulations, the Summary Proceedings Regulations 1958<sup>1</sup> are called "the principal regulations".

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<sup>1</sup> SR 1958/38

**2 Commencement**

These regulations come into force on 30 June 2002.

**3 New regulation 3 substituted**

The principal regulations are amended by revoking regulation 3, and substituting the following regulation:

**“3 Forms**

The forms in the First Schedule, or forms to the like effect, may be used, with or without additional information required for identification or other official purposes included, and with any variations that the circumstances may require, in proceedings under the Act to which those forms refer.”

**4 New regulation 15L substituted**

The principal regulations are amended by revoking regulation 15L, and substituting the following regulation:

**“15L Orders for sentences of community work**

If a defendant is sentenced to community work under section 88(3) of the Act, the Registrar must immediately ensure that an order recording the sentence is served personally on the defendant.”

**5 Superintendent’s receipt for prisoner**

Regulation 15N of the principal regulations is amended by omitting the words “or corrective training institution”.

**6 New regulation 15O substituted**

The principal regulations are amended by revoking regulation 15O, and substituting the following regulation:

**“15O Notice of payment of fine if defendant imprisoned, etc**

If a defendant is, for default in the payment of a fine, imprisoned, or subject to a sentence of community work, the Registrar must, immediately on payment of the fine, give to the Superintendent of the prison or the probation officer supervising the sentence of community work, as the case may be, notice in writing of the payment.”

**7 Schedule 1 amended**

- (1) Schedule 1 of the principal regulations is amended by revoking subclause (3)(c) of the Notice to Defendant of his Rights in form 9A, and substituting the following paragraph:

“

- “(c) unless a minimum sentence for the offence is expressly provided for, put forward reasons why you should be discharged without conviction under section 106 of the Sentencing Act 2002.”

- (2) Schedule 1 of the principal regulations is amended by revoking form 29.
- (3) Schedule 1 of the principal regulations is amended by revoking form 30, and substituting the form set out in the Schedule.
- (4) Schedule 1 of the principal regulations is amended by revoking form 31.
- (5) Schedule 1 of the principal regulations is amended by omitting from form 60 the words “(Corrective Training Institution)”.

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**Schedule**

r 7(3)

**New form 30 substituted in principal  
regulations**

“Form 30

CR No .....

Order for sentence of community work where default  
in payment of fine

*Section 88(3)(c), Summary Proceedings Act 1957*

“**To** [full name] of [address], [occupation]

“On [date] you were convicted of [specify offence] by the District Court at [place] and were ordered to pay: Fine \$[specify amount], Court costs \$[specify amount], Other costs \$[specify amount].

“You have made default in the payment of those sums.

Form 30—*continued*

“Because of this default a District Court Judge has sentenced you to community work for a period of [*number*] hours.

- “1     You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after your sentence of community work is imposed.
- “2     During the course of your sentence, you must report to a probation officer at any time you are directed to do so.
- “3     You must work as directed by your probation officer until the completion of your sentence.

**“Notes:**

“In accordance with section 58(1) and (2) of the Sentencing Act 2002,—

- “••    if your sentence requires you to perform community work for 200 hours or less, the sentence must be served within 12 months of the date that it commences:
- “••    if your sentence requires you to perform community work for more than 200 hours, the sentence must be served within 24 months of the date that it commences.

“In accordance with section 60 of the Sentencing Act 2002, if you move to a new residential address, you must, within 72 hours, notify a probation officer of your new residential address.

“In accordance with section 64(3) of the Sentencing Act 2002, you must not be required to work for more than 10 hours in succession, nor more than 40 hours in a week.

“In accordance with section 67 of the Sentencing Act 2002, if a probation officer is satisfied that you have a good record of compliance with your sentence, the probation officer may remit up to 10% from the number of hours of community work imposed by the Court.

Dated at the [*specify*] Court at [*place*] on [*date*]

.....  
Registrar

**“Note:**

Form 30—*continued*

“If you pay the sum of \$ [*here state the total amount remaining payable by the defendant*] to the Registrar, you will cease to be subject to this sentence.”

Marie Shroff,  
Clerk of the Executive Council.

**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 30 June 2002, amend the Summary Proceedings Regulations 1958.

A *new regulation 3* of the principal regulations, which relates to prescribed forms, is substituted. The new regulation allows information required for identification or other official purposes (for example, court reference numbers) to be included on prescribed forms.

The other changes are consequential on changes made by the Sentencing Act 2002. References to the sentences of periodic detention and community service in the principal regulations are replaced by references to the new sentence of community work. References to corrective training institutions are also omitted.

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