

Act No. 266

**MISCELLANEOUS ACTS (FINE DEFAULT) AMENDMENT  
BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Community Service Orders (Fine Default) Amendment Bill 1987.

The object of this Bill is to amend certain Acts as a consequence of the enactment of the proposed Community Service Orders (Fine Default) Amendment Act 1987 and the proposed Children (Community Service Orders) (Fine Default) Amendment Act 1987.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day or days.

Clause 3 gives effect to the Schedule of amendments.

Clause 4 provides for the construction of references to certain provisions of the Justices Act 1902 amended by the proposed Act. The clause also provides that section 91A of the Justices Act 1902, as amended by the proposed Act, does not apply to a warrant to commit a person to prison which was issued before the commencement of the proposed section.

Schedule 1 contains amendments to certain Acts. The Acts amended and the effect of the amendments are as follows:

**Children (Criminal Proceedings) Act 1987**

Section 23 (Detention in default of payment of fines etc.) is omitted to remove the provision that an order of a court imposing a fine on a person under the age of 18 becomes, in default of payment of the fine, an order for committal to a detention centre.

**Justices Act 1902**

Section 80AA is amended as a consequence of the amendment made to section 82.

*Miscellaneous Acts (Fine Default) Amendment 1987*

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Section 82 is amended to remove the requirement that a Justice make a default order at the time a fine is imposed specifying that the offender will be imprisoned for non-payment.

Section 87 is amended to provide that a warrant issued for non-payment of a fine must specify the term of imprisonment to be served by the offender.

Section 87A (Warrant of commitment in respect of certain traffic and other offences) is omitted as a consequence of the amendments made to sections 82 and 87.

Section 90A is amended as a consequence of the amendments made to sections 82 and 87.

A new section 91A is inserted which provides that—

- (a) terms of imprisonment to which persons are committed by a default warrant are to be served (with respect to one another) consecutively; and
- (b) any such terms, however, may be served concurrently with imprisonment resulting otherwise than from a default warrant.

Sections 100N and 131 are amended as a consequence of the amendment made to section 82.

**Periodic Detention of Prisoners Act 1981**

Section 34 is amended to enable regulations to be made by the Governor-in-Council with respect to the preparation and contents of reports by governors of prisons under proposed section 26A (Community service work in default of payment of fine) of the Community Service Orders Act 1979.

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