

9 Edw. VII. No. 11, 1909. *Justices Act Amendment Act.*

A copy of every such report shall be laid before both Houses of Parliament.

29. No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage, or privilege thereof. No religious test to be administered

No Statute made for the affiliation of educational establishments with the University, or for the licensing of boarding-houses for the reception of students, shall affect any religious observance or regulation enforced in any such educational establishment or boarding-house.

30. This Act, and all the benefits, advantages, and privileges of the University, shall extend to women equally with men. Act to apply to both sexes.

JUSTICES.

An Act to Amend "The Justices Act of 1886." 9 Edw. VII. No. 11.

[ASSENTED TO 23RD DECEMBER, 1909.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as "*The Justices Act Amendment Act of 1909*," and shall be read as one with "*The Justices Act of 1886*,"* herein referred to as the Principal Act. Short title and construction of Act.

2. (1.) Notwithstanding anything contained in the Principal Act or in any other Act, no justice other than a Police Magistrate shall—

(i.) Within the Petty Sessions Districts of Brisbane, South Brisbane, Ipswich, Toowoomba, Gympie, Warwick, Maryborough, Bundaberg, Rockhampton, Townsville, Charters Towers, or Cairns; or

(ii.) Within any Petty Sessions District to which this section may be extended from and after the expiration of thirty days from the day on which such extension takes effect and until such extension is revoked;

when a Police Magistrate is present to constitute a court, sit either with such Police Magistrate or with any other

* 50 Vic. No. 17, *supra*, page 1030.

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justice or alone in any Court of Petty Sessions for the purpose of adjudicating in a summary way in respect of any complaint for any simple offence or breach of duty, or in respect of any summons or other proceeding under the laws relating to Small Debts Courts, or Intoxicating Liquor, or Local Authorities :

Provided that nothing herein shall be construed to abridge or prejudice—

- (a) The powers or jurisdiction of the Licensing Authority constituted under "*The Licensing Act of 1885*,"* except in respect of complaints for offences against the laws relating to Intoxicating Liquor ; or
- (b) The powers of justices in committal cases ; or
- (c) The powers of justices to take any complaint or issue any summons, or grant, issue, or endorse any warrant or admit to bail ;

in any case in which justices might by law have exercised such power and jurisdiction if this section had not been enacted.

(2.) The Governor in Council may from time to time, by Order in Council published in the *Gazette*, extend the provisions of this section to any Petty Sessions District in addition to those hereinbefore mentioned.

3. After section one hundred and sixty-three of the Principal Act, the following section is inserted :—

When Court may order imprisonment in default of execution.

[163A.] In all cases where the decision adjudges the payment of a pecuniary penalty or compensation or sum of money or costs, or when an order requires the payment of a sum of money or costs, and the same is, in pursuance of this Act, recoverable by execution against the goods and chattels of the person liable to make such payment, the adjudicating justices may, as part of such decision or order, further order that in default of sufficient distress to satisfy the sum adjudged to be paid and the costs and charges of execution, the person liable to make such payment shall be imprisoned, with or without hard labour, for a period according to the scale hereinafter prescribed, unless the sum adjudged to be paid and all costs and charges of the execution, and also, if the justices think fit so to order, the costs and charges of taking and conveying the said person to prison (the amount thereof being ascertained and stated in the said decision or order), are sooner paid.

* 49 Vic. No. 18, *supra*, page 1252.

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4. After section one hundred and sixty-six of the Principal Act, the following section is inserted:—

[166A.] Any justices or justice to whom application is made either to issue a warrant of execution for any sum adjudged to be paid by a decision or order, or to issue a warrant of commitment for non-payment of any such sum, or for default of sufficient distress to satisfy any such sum may, if they or he deem it expedient so to do, postpone the issue of such warrant until such time or on such conditions, if any, as to them or him may seem just.

Power to
postpone issue
of warrant
applied for.

5. The following provision is added to section one hundred and seventy-four of the Principal Act:—

Provided further that—

(a) Where, on application to any justices or justice to issue a warrant of commitment for non-payment of a sum adjudged to be paid by a decision or order, or for default of sufficient distress to satisfy any such sum and the costs and charges of execution, it appears to the justices or justice to whom the application is made that, either by payment of part of the said sum, whether in the shape of instalments or otherwise or by the net proceeds of the distress, the amount of the sum originally payable has been reduced, then the term of imprisonment for which the person liable may be committed shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which he might have been committed if the sum originally payable had not been reduced as the sum so paid or realised bears to the sum originally payable;

Reduction of
imprisonment
on payment of
portion of
fine, &c.

(b) Where a person is committed to prison for non-payment of a sum adjudged to be paid by a decision or order, then, on payment to the keeper of the prison under conditions prescribed by prison rules of any sum in part satisfaction of the sum adjudged to be paid, and of any of the costs and charges for which the prisoner is liable, the term of imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the prisoner was committed as the sum so paid bears to the sum for which he was originally liable.