

6 GEO. VI. No. 17, 1942. *Justices Acts Amendment Act.*

**An Act to Amend "The Justices Acts, 1886 to 1941,"  
in certain particulars.**

[ASSENTED TO 29TH OCTOBER, 1942.]

6 GEO. VI.  
No. 17.  
THE  
JUSTICES  
ACTS  
AMENDMENT  
ACT OF 1942.

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

1. (1.) This Act may be cited as "*The Justices Acts Amendment Act of 1942*," and shall be read as one with \*"*The Justices Acts, 1886 to 1941*," herein referred to as the Principal Act. Short title and construction.

(2.) The Principal Act and this Act may collectively be cited as "*The Justices Acts, 1886 to 1942*." Collective title.

*Amendments of the Principal Act.*

†2. The following provision is added to section fifty-two of the Principal Act, as follows:— Amendment of s. 52.

"Notwithstanding anything hereinbefore contained, where according to the provisions of section four hundred and forty-three of the Criminal Code the court may deal summarily with the charge against any person who admits before the court that he is guilty of any of the offences as set forth in such section, the court shall have jurisdiction to deal with the charge summarily, notwithstanding that more than six months have elapsed from the time when the matter of complaint in respect of the charge arose: Jurisdiction of Court in certain charges for offences under s. 443 of the Criminal Code.

Provided that the provisions of section four hundred and forty-four of the Criminal Code shall apply and be observed herein accordingly."

3. Section one hundred and eleven of the Principal Act is amended, as follows:— Amendment of s. 111.

(i.) The following words are added to paragraph (a) commencing with the words "The deposition" and ending with the words "on his behalf," namely:—"or, unless the Court otherwise directs, of a witness who is a member of the Allied Forces, who is proved at the trial by a certificate signed by his commanding officer or, if such officer is not available, signed by an officer, in the case of the witness being a member of— [Depositions of persons absent, &c.]

(i.) Any Naval Force—of the rank or above the rank of lieutenant-commander ;

\* 50 V. No. 17 and amending Acts. See v. 4, p. 363.

† See now 7 G.6 No. 14, s. 20 (2) this volume p. 95.

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(ii.) Any Military Force—of the rank or above the rank of major ;

(iii.) Any Air Force—of the rank or above the rank of wing-commander,

or equivalent rank, to be unable to attend the trial on account of service with the said Forces.”

(ii.) The following additional provisoes are added to the said section, namely :—

“ Provided further that the certificate purporting to be so signed by the officer concerned as set forth in paragraph (a) of this section shall be sufficient evidence of the facts set forth in the said certificate and, if such certificate so purports, of the identity of the person named therein with the witness whose evidence is so tendered at the trial ; and also of the authority of the person signing the certificate to so sign the same and of his designation or rank :

Provided also that the term “ a member of the Allied Forces ” means and includes a member of the Naval, Military or Air Forces of the United Kingdom, or of the Commonwealth, or of any other part of His Majesty’s dominions, or of any Allied or other Foreign Force serving in association with any of such Forces, and also any female serving with any of the Forces mentioned in this proviso as medical practitioner or nurse or masseuse or otherwise.”

Amendment  
of s. 139.

\*4. Section one hundred and thirty-nine of the Principal Act is amended by adding thereto the following proviso, namely :—

[Where  
summary  
cases to be  
heard.]

“ Provided further that if the offence is stealing and the value of the property alleged to have been stolen does not exceed five pounds the complaint may with the consent of the accused person also be heard and determined at a place appointed for holding Courts of Petty Sessions within the district in which the accused person was arrested or served with the summons as hereinbefore provided in this Act.”

Amendment  
of s. 146A.

5. Section 146A of the Principal Act is amended by deleting the word “ plaintiff ” occurring in the last paragraph and inserting the word “ complainant ” in lieu thereof.