

Queensland



ANNO VICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 22 of 1973

An Act to amend The Justices Acts 1886 to 1968 in certain particulars

[ASSENTED TO 13TH APRIL, 1973]

BE IT ENACTED by the Queen'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. Short title and citation.** (1) This Act may be cited as the *Justices Act Amendment Act 1973*.
- (2) *The Justices Act of 1886* as subsequently amended is in this Act referred to as the Principal Act.
- (3) The Principal Act as amended by this Act may be cited as the *Justices Act 1886-1973*.

**2. Commencement.** (1) Save as provided in subsection (2), this Act shall commence on a date to be appointed by Proclamation.

(2) Notwithstanding subsection (1), the Governor may, by the Proclamation under that subsection or by subsequent Proclamation appoint a date for the commencement of any provision of this Act mentioned therein later than the date appointed by the Proclamation under that subsection for the commencement of this Act.

**3. Amendment of s. 53.** Section 53 of the Principal Act is amended by adding the following paragraph:—

“No objection shall be taken or allowed to a summons issued upon a complaint under this section on the ground that—

- (a) the justice who issued the summons and the complainant were at the date of its issue—
  - (i) officers of the same department, sub-department, branch or section of a department of the Government of the Commonwealth or of the State;
  - (ii) employees of Brisbane City Council;
  - (iii) employees of the same Local Authority within the meaning of the *Local Government Act 1936-1971*; or
- (b) the justice who issued the summons was at the date of its issue, the complainant's solicitor, or that solicitor's partner or an employee of either of them.”.

**4. Amendment of s. 56.** Section 56 of the Principal Act is amended by—

(a) in subsection (1), in subparagraph (a), omitting the expression “A.R.”;

(b) in subsection (3), omitting the words “shall within three days after service endorse on a copy of the summons the date and place of the service thereof and”;

(c) in subsection (4), in paragraph (a), omitting the words “in his endorsement and”.

**5. Amendment of s. 104.** Section 104 of the Principal Act is amended by, in subsection (2), inserting in paragraph (b),

(a) after the words “wish to do so” the words “and you are not obliged to enter any plea”;

(b) after the words “Do you wish to say anything in answer to the charge” the words “or enter any plea”.

**6. Amendment of s. 139.** Section 139 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(3) When a defendant fails to appear to answer a complaint for a simple offence or breach of duty and a warrant is issued for the purpose of apprehending him and bringing him before the court, the matter may, with his consent, be dealt with before a Magistrates Court at a place within the district in which he is apprehended under the warrant.”.

**7. Amendment of s. 142.** Section 142 of the Principal Act is amended by, in subsection (6), omitting from paragraph (a) the word "seven" and inserting in its stead the word "twenty-eight".

**8. Repeal of and new s. 150.** The Principal Act is amended by repealing section 150 and inserting in its stead the following section:—

**"150. Minute of decision to be made and advice thereof sent by post.** When justices convict or make an order, a minute or memorandum of the conviction or order shall be made and signed by them and where neither the person convicted or against whom the order was made nor his counsel, solicitor or agent was present when the conviction was pronounced or the order made, an advice thereof signed by the clerk of the court by which the conviction was pronounced or the order made shall be sent by post to the person convicted or against whom the order was made at his address last known to that clerk.

A minute or memorandum made pursuant to this section shall not form part of the warrant of commitment or execution.

In a case provided for by this section a warrant of commitment or execution shall not issue until after the expiration of twenty-eight days from the date of the conviction or order, unless the adjudicating justices otherwise direct."

**9. Repeal of s. 155.** The Principal Act is amended by repealing section 155.

**10. Repeal of and new s. 166A.** The Principal Act is amended by repealing section 166A and inserting in its stead the following section:—

**"166A. Power to issue or postpone warrant.** Notwithstanding anything in this Act or any other Act, the clerk of the court at the place where a decision was made or a justice at that place authorized by that clerk shall issue a warrant of execution for any sum adjudged to be paid by a decision or shall issue a warrant of commitment for non-payment of such sum or for default of sufficient distress to satisfy such sum as soon as practicable after the expiration of the time, if any, allowed by the court for the payment of the sum adjudged to be paid and no sooner.

The clerk of the court or justice may if he deems it expedient so to do and upon application in writing made by any party to the proceedings postpone the issue of the warrant for such time and on such conditions, if any, as to him seem just.

This section shall apply in a case provided for by section 150 subject to the provisions of that section."

**11. Amendment of s. 167.** Section 167 of the Principal Act is amended by—

(a) omitting the words "to whom application is made for a warrant of execution that the issuing thereof" and inserting in their stead the words "that the issue of a warrant of execution";

(b) omitting the words "it is sought" wherever they occur and inserting in their stead in each case the words "a decision is made".

**12. Amendment of s. 174.** Section 174 of the Principal Act is amended by omitting the scale from and including the words “Where the amount” to the words “6 months” and inserting in its stead the following scale—

“Where the amount of the sum or sums of money adjudged or required to be paid (including costs)—	The period of imprisonment shall not exceed—
Does not exceed \$20 .. .. .	14 days
Exceeds \$20 but does not exceed \$100 .. ‘	1 month
Exceeds \$100 but does not exceed \$200 ..	2 months
Exceeds \$200 but does not exceed \$500 ..	4 months
Exceeds \$500 .. .. .	6 months”.

**13. Amendment of s. 175.** Section 175 of the Principal Act is amended by—

(a) in subsection (1), omitting all words from and including the words “and a copy of such minute” to the end of the subsection;

(b) in subsection (2), omitting all words from and including the words “and a copy of such minute” to and including the words “such payment”;

(c) omitting subsection (6).