

- (j) the destruction or other disposal of records which are more than five years old or which have ceased to be of practical utility;
- (k) the qualifications of dealers;
- (l) the form of any license and the granting, refusal, renewal, suspension, cancellation, surrender, amendment, inspection or return of licenses, including duplicate licenses;
- (m) the seizure of licenses which are unlawfully in the possession of any person or which are used for an unlawful purpose;
- (n) requirements and conditions as to the records to be kept and copies thereof or extracts therefrom to be forwarded by dealers under Part III of this Act, including—
 - (i) the class or classes of parts or accessories of motor vehicles particulars of which are to be included in such records, copies or extracts;
 - (ii) the particulars to be included in such records, copies or extracts;
- (o) requirements and conditions as to notices to be given by dealers under paragraph (d) of subsection one of section thirty-four of this Act;
- (p) the granting of exemption in specified cases or classes of cases from compliance with all or any of the requirements prescribed by or under Part III of this Act, subject to such conditions as may be prescribed by or under the regulations;
- (q) the allotment by the Commissioner of special identification numbers for the engines and other prescribed parts or accessories of motor vehicles, whether or not declarations of ownership have been lodged or statements of ownership have been recorded for such vehicles;
- (r) requirements, conditions, restrictions and prohibitions with regard to the stamping or otherwise affixing and the defacing, removal, obliteration

obliteration or alteration of identification numbers on the engines or other prescribed parts or accessories of motor vehicles, and notifications to be given to the Commissioner in relation to any such identification numbers;

- (s) the detention, pending inquiries, of—
 - (i) any engine or other prescribed part or accessory of a motor vehicle if an identification number is not clearly and legibly stamped or otherwise affixed as prescribed upon such engine, part or accessory, or if any identification number thereon appears to have been altered, defaced, removed or obliterated; or
 - (ii) any motor vehicle to which such engine, part or accessory is affixed;
- (t) the detention, pending inquiries, of any motor vehicle or any part or accessory thereof if it is reasonably suspected of having been stolen, embezzled or unlawfully taken;
- (u) the furnishing by prescribed persons to the Commissioner or a prescribed officer of particulars of motor vehicles or specified parts or accessories thereof—
 - (i) which are destroyed, scrapped or rendered incapable of further use as motor vehicles or as parts or accessories thereof;
 - (ii) which are sold or otherwise disposed of as salvage;
 - (iii) which are about to be or have been removed from the State by sea or railway transport or otherwise;
- (v) the furnishing by prescribed persons to the Commissioner or a prescribed officer of particulars in relation to prescribed parts or accessories which are removed from motor vehicles for prescribed purposes;

(w)

- (w) the giving by prescribed persons of the prescribed notice in cases where motor vehicles are repossessed or seized under hire-purchase agreements, bills of sale or the like;
- (x) the furnishing by prescribed persons to prescribed members of the police force of particulars of motor vehicles stored or garaged in any public garage or public parking station for any period exceeding a prescribed period;
- (y) the inspection of motor vehicles or any parts or accessories thereof where necessary or convenient for any purpose pursuant to this Act;
- (z) the giving or service of notices and in particular the persons by whom any notice may be given or served and the manner in which any notice, other than a notice to which subsection three of section twenty-six of this Act applies, may be given or served.

65. The regulations may provide that—

- (a) no person shall, as agent or otherwise, sell, exchange or otherwise dispose of or attempt to sell, exchange or otherwise dispose of any motor vehicle unless a statement of ownership in respect of the vehicle is recorded under this Act;
- (b) any person who, as agent or otherwise, sells, exchanges or otherwise disposes of or attempts to sell, exchange or otherwise dispose of any motor vehicle shall produce to any person with whom he enters into any agreement or arrangement for the sale, exchange or disposal of the vehicle, the certificate of recorded ownership or other prescribed document evidencing recorded ownership of the vehicle, and comply with any other conditions which may be prescribed.

Regulations may prohibit sales, etc., of motor vehicles where statement of ownership not recorded.



[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1936.

A BILL

To amend the law relating to proceedings before Magistrates and Justices of the Peace and the law relating to proceedings in the nature of appeal therefrom; to repeal the Justices (Fees) Act, 1904; to amend the Justices Act, 1902, and certain other Acts; and for purposes connected therewith.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1936," and shall be read and construed with the Justices Act, 1902, as amended by subsequent Acts. Short title and citation.

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts including this Act, may be cited as the Justices Act, 1902-1936.

2. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

- (a) by omitting from section thirteen the words "or, within the metropolitan police district, the Mayor of Sydney"; Amendment of Act No. 27, 1902.
Sec. 13.
(Jurisdiction of Lord Mayor.)
- (b) by omitting from paragraph (a) of section twenty-six the words "in New South Wales"; Sec. 26.
(Attendance of witnesses.)
- (c) by omitting from the first proviso to section thirty-four the words "the Justice" and by inserting in lieu thereof the words "where the defendant remains in custody any Justice"; Sec. 34.
(Defendant in custody during adjournment.)
- (d) by inserting after subsection one of section thirty-eight the following new subsection:—
(1A) The power conferred by paragraph (a) of subsection one of this section upon the Justice or Justices before whom the witnesses are examined may be exercised by such Justice or Justices or by any other Justice. Sec. 38 (1).
(Binding witnesses to appear at trial.)
- (e) by omitting from subsection two of section forty the words "such sum, not exceeding four pence per folio, as the Judges of the Supreme Court from time to time determine" and by inserting in lieu thereof the words "a fee calculated on the rate prescribed by regulations which the Governor is hereby authorised to make under section one hundred and fifty-four of this Act"; Sec. 40 (2).
(Copies of depositions.)
- (f) (i) by omitting subsection three of section forty-one; Sec. 41.
(Procedure on hearing—indictable offence.)
- (ii) by omitting from subsection four of the same section the words "After such depositions have been read, or if the defendant does not desire them to be read, the Justice or Justices shall" and by inserting in lieu thereof the words "Where the evidence for the prosecution has, in the opinion of the Justice or Justices, established a prima facie case, he shall"; (g)

- (g) (i) by omitting from paragraph (a) of section forty-two the words "by warrant"; Sec. 42.
(Commitment to prison.)
- (ii) by inserting at the end of the same section the following new subsection:—

(2) Where a person is committed to prison pursuant to paragraph (a) of subsection one of this section, the warrant of commitment may be signed by any Justice.

- (h) by omitting from paragraph (a) of section sixty-one the words "in New South Wales"; Sec. 61.
(Attendance of witnesses.)

- (i) by inserting at the end of section sixty-nine the following proviso: "Provided that where the defendant remains in custody any Justice may order the said defendant to be brought before him or any other Justice or Justices at any time before the expiration of the period for which the hearing was adjourned and the gaoler or officer in whose custody the defendant then is shall duly obey such order"; Sec. 69.
(Defendant in custody during adjournment.)

- (j) by inserting after subsection three of section seventy the following new subsection:— Sec. 70.
(Depositions to be signed.)
- (4) The deposition of every witness shall be taken down in writing and shall be read over to such witness and be signed by him and by the Justice or Justices.

- (k) by omitting from subsection two of section seventy-three the words "such sum, not exceeding four pence per folio, as the Judges of the Supreme Court from time to time determine" and by inserting in lieu thereof the words "a fee calculated on the rate prescribed by regulations which the Governor is hereby authorised to make under section one hundred and fifty-four of this Act"; Sec. 73 (2).
(Copies of depositions.)

- (l) by inserting next after section seventy-eight the following new section:— New sec.
78A.

78A. (1) Where the defendant is charged with two or more offences, whether of a like or different nature, the Justice or Justices, if the complainant and the defendant consent thereto, shall have jurisdiction to hear and determine such charges together. Provision for hearing cases together.

(2)

Justices (Amendment).

(2) Where two or more defendants are separately charged with offences, whether of a like or different nature, alleged to have been committed at the same time and place, the Justice or Justices, if the complainants and the defendants consent thereto, shall have jurisdiction to hear and determine such charges together.

(m) by inserting in subsection one of section eighty-one after the words "shall pay to the" wherever occurring the words "clerk of the court, to be by him paid to the"; Sec. 81 (1).
(Costs to be paid to clerk.)

(n) (i) by omitting from subsection two of section eighty-two the words "for such period within the limits hereinafter prescribed as to such Justice or Justices seems fit" and by inserting in lieu thereof the words "for a period calculated in accordance with the provisions of this subsection"; Sec. 82 (2).
(Imprisonment in default of payment.)

(ii) by inserting in the same subsection after the words "part thereof" the words "but in no case shall such period exceed twelve months";

(o) by inserting at the end of section eighty-three the following subsection:— Sec. 83,
new subsec.
(4).

(4) The security referred to in paragraph (c) of subsection one of this section may be given either before or after the defendant has been committed to prison in default of payment of such amount. Where such security is given after the defendant has been committed to prison the amount thereof shall be the amount adjudged to be paid reduced by a sum bearing as nearly as possible the same proportion to the total amount as the days served in prison bear to the total number of days for which he was committed. When security may be given.

(p) (i) by omitting from subsection two of section eighty-four the words "and seals"; Sec. 84 (2).
(Security.)

(ii)

- (ii) by inserting at the end of the same subsection the words "or by and under the hand of any Stipendiary, Police, or Special Magistrate";
- (q) (i) by inserting in subsection two of section ninety after the word "otherwise" the words "or by a remission by the Governor pursuant to the Fines and Penalties Act, 1901-1933"; Sec. 90. (Commitment for unpaid balance.)
- (ii) by omitting from the same subsection the words "term not exceeding such less maximum term" and by inserting in lieu thereof the words "period calculated in accordance with the provisions of subsection two of section eighty-two of this Act, having regard to the unsatisfied balance";
- (r) (i) by omitting from subsection two of section one hundred and twenty-two the word "heard" and by inserting in lieu thereof the words "set down for hearing"; Sec. 122 (2). (Appeals—venue.)
- (ii) by omitting from the same subsection the words "at such other Court of Quarter Sessions either then sitting or thereafter to sit as the Attorney-General may direct" and by inserting in lieu thereof the words "if the Attorney-General so directs, at a Court of Quarter Sessions for such district or for any other district being holden either at the time of such direction or thereafter to be holden.
The chairman of the Court of Quarter Sessions at which such appeal is set down for hearing may if he thinks fit order that such appeal shall be heard at a Court of Quarter Sessions for the same district to be holden at any time after the making of such order";
- (s) (i) by omitting from subsection one of section one hundred and fifty-three the word "sergeant" and by inserting in lieu thereof the words "first-class constable"; Sec. 153. (Persons authorised to grant bail.)
- (ii)