



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 29 of 1975

An Act to amend the Justices Act, 1921-1975.

[Assented to 27th March, 1975]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Justices Act Amendment Act (No. 2), 1975".
- (2) The Justices Act, 1921-1975, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Justices Act, 1921-1975".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 62ba—
Ex parte
proceedings
where
defendant
neither appears
nor returns
written plea
of guilty.

3. Section 62ba of the principal Act is amended by inserting immediately after subsection (1) the following subsection:—
 - (1a) If the court finds the charge proved, the prosecutor may recite to the court any relevant matters alleged against the defendant in the same way as if the defendant had personally appeared and pleaded guilty.

Amendment of
principal Act,
s. 106—
Examination
before Justices.

4. Section 106 of the principal Act is amended—
 - (a) by striking out subsection (3) and inserting in lieu thereof the following subsection:—
 - (3) A written statement submitted under subsection (2) of this section shall be verified by the witness in a declaration in or to the effect of the following form:—

"This statement, consisting of.....pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in

evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of , 19 .

Signed

Signature witnessed by.....”;

(b) by striking out from subsection (6) the passage “for the purpose of cross-examination” and inserting in lieu thereof the passage “at the hearing for the purpose of oral examination”;

(c) by striking out subsection (7) and inserting in lieu thereof the following subsection:—

(7) Where a person is called, or summoned to appear, at a hearing for the purpose of oral examination under subsection (6) of this section, that person may be examined, cross-examined and re-examined in the usual manner.;

and

(d) by inserting immediately after subsection (8) the following subsection:—

(9) Where a statement referred to in subsection (2) of this section contains matter, material to the proceedings, that was to the knowledge of the witness who made the statement false or matter that the witness did not believe to be true, then that witness shall be guilty of a misdemeanour.

Penalty: Two years imprisonment.

5. Section 187a of the principal Act (being the section of that number first set out therein) is amended by striking out the figures “187a” and inserting in lieu thereof the figures “187aa”.

Amendment of
principal Act,
s. 187a—
Warrants not
executed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor