



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 77 of 1984

An Act to amend the Justices Act, 1921.

[Assented to 15 November 1984]

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

1. (1) This Act may be cited as the "Justices Act Amendment Act, 1984". Short title.

(2) The Justices Act, 1921, is in this Act referred to as "the principal Act".

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

3. Section 83 of the principal Act is repealed and the following section is substituted: Repeal of s. 83 and substitution of new section.

83. (1) In this section—

"order" means a judgment, conviction or order of a court:

"pecuniary sum" means—

- (a) a fine;
- (b) a pecuniary forfeiture;
- (c) compensation;
- (d) costs;

or

(e) any other sum payable under an order.

(2) A person against whom an order for the payment of a pecuniary sum has been made may apply for relief under this section to a justice, being a clerk of court.

(3) The justice may, if he thinks there is good reason for doing so, postpone the issue of a warrant of distress or commitment or suspend its operation (as the case may require).

Application for postponement, suspension of warrant.

(4) A postponement or suspension under subsection (3)—

(a) shall be subject to such conditions as to payment of the pecuniary sum as the justice thinks fit to impose;

and

(b) may be revoked by a justice for breach of a condition.

(5) The conditions referred to in subsection (4) (a) may include conditions—

(a) requiring payment by instalments;

or

(b) requiring that specified security for payment be given.

Amendment of
s. 106—
Receipt of
evidence upon
preliminary
examination.

4. Section 106 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “and a copy thereof has been received by the defendant or his counsel”;

and

(b) by striking out subsections (5) and (6) and substituting the following subsections:

(5) No statement shall be submitted under subsection (2), and no affidavit shall be submitted under subsection (4), unless—

(a) not less than fourteen days before submission of the statement or affidavit the informant gives, or causes to be given, personally or by post, to the defendant or his counsel—

(i) a copy of the statement or affidavit;

and

(ii) a notice drawing his attention to the provisions of this section under which the personal attendance at the preliminary examination of the person by whom the statement or affidavit was made may be secured;

or

(b) the defendant consents to the submission of the statement or affidavit notwithstanding non-compliance with paragraph (a).

(6) Where—

(a) a written statement has been submitted under subsection (2) or an affidavit has been submitted under subsection (4);

(b) the defendant, before completion of the case for the prosecution, requests that the person by whom the statement or affidavit was made should attend for the purpose of oral examination;

and

(c) either—

- (i) the defendant has, at least seven days before making the request, notified the informant, in writing, of his intention to request the personal attendance of that person;

or

- (ii) the justice is satisfied that there is good reason for excusing the defendant for failure to give notice in accordance with subparagraph (i),

then, subject to subsection (6a), the person to whom the request relates shall be called or summoned to appear for the purpose of oral examination.

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

D. B. DUNSTAN, Governor