

JUSTICES.

No. 19 of 1965.

AN ACT to amend the *Justices Act 1959*.

[22 June 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Justices Act 1965*. Short title and citation.

(2) The *Justices Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section seventeen of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:— Clerks of petty sessions.

“(2) The clerk of petty sessions may himself or by deputy receive complaints and issue summonses thereon, summonses to witnesses, and process in execution of convictions and orders as if he were a justice.

“(2A) A justice who is a clerk of petty sessions, deputy clerk of petty sessions, or clerk in the office of a clerk of petty sessions shall not—

- (a) sit alone or with other justices in a court of summary jurisdiction; or
- (b) do any act as an examining justice in respect of a person charged with an indictable offence.”

3 Section seventy-one of the Principal Act is amended by omitting from paragraph (b) of subsection (3) the numeral “VI” and substituting therefor the numeral “VII”. Summary trial of certain offences.

4 Section one hundred and thirty-seven of the Principal Act is repealed and the following section is substituted therefor:—

“137—(1) Fees shall not be received or demanded from— Fees.

- (a) a public officer; or
- (b) a duly appointed officer of a municipality or of any other statutory public body or board,

in respect of proceedings under this Act instituted by him in the execution of his duty.

“(2) A person who is summarily convicted or against whom an order is made upon the complaint of a person exempted from payment of fees by this section shall pay the amount of the prescribed fees that would otherwise have

been payable in respect of the proceedings if all documents used therein had been prepared by the clerk of petty sessions, and that amount shall for purposes of recovery be deemed to be costs ordered under section seventy-seven.

“(3) Fees under subsection (2) of this section that relate to the preparation of documents that were prepared not by the clerk of petty sessions but by the complainant shall when recovered be paid over to the complainant.

“(4) Except where otherwise expressly provided by this Act fees shall not be taken in respect of any proceedings in cases of indictable offences whether dealt with summarily or not.”.

Rule committee and rules of procedure.

5 Section one hundred and forty-four of the Principal Act is amended by adding, at the end thereof, the following subsection:—

“(6) Where rules are made under this section for the issue of summonses for summary offences without a prior complaint, such a summons shall contain a statement of the charge to be answered, which statement shall be deemed to be a complaint made before a justice and the summons to be a summons issued thereon.”.

LOCAL GOVERNMENT.

No. 20 of 1965.

AN ACT to amend the *Local Government Act* 1962. [22 June 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Local Government Act* 1965.

(2) The *Local Government Act* 1962, as subsequently amended, is in this Act referred to as the Principal Act.