



## JUSTICES

No. 66 of 1975

### ANALYSIS

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**AN ACT to amend the Justices Act 1959 and the Traffic Act 1925.**  
**[11 December 1975]**

**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 1975*.

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

Short title,  
citation, and  
commencement.

(3) This Act shall commence on the commencement of the *Justices Act 1974*.

**2** After section 72c of the Principal Act the following section is inserted in Part IX:—

Summons and complaint evidence in certain cases.

“72D—(1) Where a person who is served with a summons to answer a complaint of any offence or breach of duty prescribed for the purposes of section 144 (4) (*ca*) does not file a plea of not guilty and does not appear as summoned, the complaint and summons shall be received in evidence as *prima facie* proof of the matters contained in them.

“(2) Subsection (1) does not apply to the complaint and summons relating to an offence referred to in that subsection if the offence is one for which a sentence of imprisonment may be imposed.”.

Warrant not to be void for form only.

**3** Section 135 of the Principal Act is amended by omitting the words “ of execution ” and substituting the words “ to apprehend ”.

Protection of defective or irregular execution.

**4** Section 136 (1) of the Principal Act is amended by omitting the words “, order, or warrant of execution ” and substituting the words “ or order ”.

Award of damages in certain cases.

**5** Section 140 (1) (*b*) of the Principal Act is amended by inserting before the numeral “ 42 ” the words “ 34B or section ”.

Rule committee and rules of procedure.

**6** Section 144 (4) of the Principal Act is amended by inserting in paragraph (*ca*), after the word “ guilty ”, the words “ or not guilty ”.

Amendment of the *Traffic Act 1925*.

**7** Section 51A of the *Traffic Act 1925* is repealed.