

JUSTICES (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Justices Act 1902—

- (a) to provide for a matter which comes before a Magistrate for hearing after the annulment of an enforcement order to be dealt with by the Magistrate in the absence of the defendant; and
- (b) to enable certain charges to be heard together without the consent of the parties.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a transitional provision which provides that the new section 78A applies to the hearing of charges together where those charges were laid or made before or after the commencement of Schedule 1 (2).

Schedule 1 (1) amends section 75B of the Principal Act so that the procedure provided in that section for dealing with certain offences in the absence of the defendant applies to a matter which comes before the court for hearing after annulment of an enforcement order.

Schedule 1 (2) substitutes section 78A of the Principal Act. The new section 78A expands the circumstances in which a Justice or Justices may hear charges together. At present, charges may be heard together only with the consent of the parties. The new section 78A will also allow a Justice or Justices to hear charges together if the alleged offences arise out of the same set of circumstances or form or are part of a series of offences of the same or a similar character.

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Schedule 1 (3) amends section 100U of the Principal Act so as to provide that a person who produces a certificate under section 100L (and is deemed to have laid an information) is to be regarded as an informant. This amendment will facilitate the application of the provisions of section 75B to matters which come before the court for hearing after annulment of an enforcement order.
