



## JUSTICES AMENDMENT ACT 1992

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No. 15 of 1992

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**AN ACT to amend the *Justices Act 1959***

**[Royal Assent 6 August 1992]**

**B**E 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

**1**—This Act may be cited as the *Justices Amendment Act 1992*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

**Principal Act**

3—In this Act, the *Justices Act 1959*\* is referred to as the Principal Act.

**Section 74BA inserted**

4—After section 74B of the Principal Act, the following section is inserted:—

**Discharge after conviction**

74BA—(1) Where justices convict a person of an offence they may, having regard to the circumstances, the nature of the offence and the character of the person, determine the proceedings by discharging the person.

(2) In discharging a person, justices may exercise any other powers that would have been available had the person not been so discharged.

(3) This section does not apply in relation to any offence—

- (a) for which a mandatory penalty is imposed under any Act or regulations; or
- (b) for which a minimum and maximum penalty is imposed under any Act or regulations; or
- (c) in respect of which a court must take certain action under any Act or regulations.

**Section 74D inserted**

5—After section 74C of the Principal Act, the following section is inserted:—

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\* No. 77 of 1959. For this Act, as amended to 1 May 1982, see the continuing Reprint of Statutes. Subsequently amended by Nos. 33 and 51 of 1982, Nos. 45 and 75 of 1983, Nos. 29, 48 and 55 of 1984, Nos. 9, 51 and 121 of 1985, Nos. 45, 77, 93 and 115 of 1986, Nos. 45, 57 and 82 of 1987, Nos. 8 and 15 of 1988, Nos. 13 and 34 of 1989, Nos. 5 and 13 of 1990 and Nos. 41, 43 and 46 of 1991.

**Justices may impose general sentences**

74D—(1) In this section “**sentence**” includes any order or decision that may be made by justices in respect of a person convicted of an offence.

(2) Justices may impose on a person who has been convicted of more than one offence specified in a complaint—

- (a) a separate sentence for each of those offences;  
or
- (b) one sentence for all of those offences; or
- (c) one sentence for some of those offences and a separate sentence for each of the remaining offences.

(3) A single sentence for more than one offence is not to impose a penalty on a person which exceeds the sum of the maximum penalties that could otherwise have been imposed on that person for those offences.

