

## JUSTICES.

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No. 6 of 1979.

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AN ACT to amend the Justices Act, 1902-1977.

[Assented to 17th May, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Justices Act Amendment Act, 1979*.

Short title  
and  
citation.

(2) In this Act the Justices Act, 1902-1977 is referred to as the principal Act.

Approved  
for  
reprint  
30th Novem-  
ber, 1977.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1979.

Commence-  
ment.

2. (1) Section 3 of this Act shall be deemed to have come into operation on the 7th November, 1977.

(2) The provisions of this Act other than section 3 shall come into operation on a date to be fixed by proclamation.

Section 12  
amended.

3. Section 12 of the principal Act is amended—

(a) by adding immediately before paragraph (a) the following paragraph—

(a) a member of the Executive Council of the State; ; and

(b) by redesignating paragraphs (a) to (e) as paragraphs (b) to (f) respectively.

Section 135  
amended.

4. Section 135 of the principal Act is amended—

(a) as to subsection (1) by deleting the passage "law." at the end of paragraph (b) and substituting the following passage—

law,

but if the defendant has by written notification notified the clerk of petty sessions that he wishes to plead guilty to the charge the Justices shall, subject to subsection (1a) of this section, proceed to hear and determine the complaint as though the defendant were present and pleaded guilty thereto but shall not impose a sentence of imprisonment until the defendant is before them, in person, for which purpose they may issue their warrant.

; and

- (b) by adding immediately after subsection (1) the following subsections—

(1a) Where a defendant has notified the clerk of petty sessions that he wishes to plead guilty to a charge in the manner referred to in subsection (1) of this section and by further notification received by the clerk before the hearing the defendant or his solicitor intimates to the clerk that the defendant wishes to withdraw the plea then, if the defendant does not appear when called and due service of the summons, within a reasonable time before that appointed for his appearance, is proved as provided by section fifty-six, fifty-six A or fifty-seven of this Act, the Justices may—

- (a) proceed to hear and determine the complaint in the absence of the defendant; or
- (b) adjourn the hearing of the complaint and may issue their warrant to apprehend the defendant and to bring him before Justices to answer the complaint and to be further dealt with according to law.

(1b) For the purposes of this section any notification signed or purporting to be signed by the defendant or by the solicitor of the defendant on his behalf shall be receivable in evidence and shall, unless the contrary is proved, be deemed to have been signed by the defendant or by the solicitor of the defendant on his behalf, as the case requires. .

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