

Queensland



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 43 of 1965

**An Act to make Provision with Respect to the Decentralization
of and Expedition of Hearings by Magistrates
Courts, and for other purposes**

[ASSENTED TO 23RD NOVEMBER, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The Decentralization of Magistrates Courts Act of 1965.*"

(2) **Commencement.** Except as is otherwise provided in this Act, this Act shall come into operation on a day to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Different days may be so fixed for the coming into operation of different Parts or sections of this Act and, in that event, the several Parts or sections of this Act shall come into operation on such days as are respectively so fixed.

2. Construction of this Act. “*The Justices Acts, 1886 to 1965,*” shall be read with and subject to the provisions (other than of Part V) of this Act.

- 3. Arrangement of this Act.** This Act is arranged as follows:—
- PART I—PRELIMINARY;
 - PART II—DISTRICTS AND DIVISIONS OF DISTRICTS;
 - PART III—HEARINGS, &C., BY MAGISTRATES COURTS IN DIVISIONS
 - PART IV—ADMINISTRATION OF MAGISTRATES COURTS IN THE METROPOLITAN DISTRICT;
 - PART V—AMENDMENTS TO “THE JUSTICES ACTS, 1886 TO 1964”;
 - PART VI—AMENDED PROCEDURE FOR CERTAIN OFFENCES;
 - PART VII—MISCELLANEOUS;
 - SCHEDULE.

4. Meaning of terms. In this Act, unless the context otherwise requires, the following terms have the meanings by this section respectively assigned to them, that is to say:—

- “Address”—In relation to any person, the place of residence or place of business or other address of that person;
- “Court”—A Magistrates Court duly constituted under “*The Justices Acts, 1886 to 1965,*” or under “*The Magistrates Courts Acts, 1921 to 1964*”;
- “Defendant”—A person to whom a summons is directed upon a plaint or complaint;
- “District”—A district appointed under and for the purposes of this Act;
- “Division”—A division of a district under and for the purposes of this Act;
- “Enactment”—Any Act and any provision of any Act and any regulation, rule, by-law or ordinance made under the authority of any Act;
- “Metropolitan district”—The district first appointed in relation to the City of Brisbane or to any part thereof whether that name is assigned to it or not: The term includes such district as altered for the time being;
- “Motor vehicle”—A motor vehicle within the meaning of “*The Traffic Acts, 1949 to 1965.*”

PART II—DISTRICTS AND DIVISIONS OF DISTRICTS

5. Power to appoint Districts, &c. The Governor in Council may, from time to time by Order in Council published in the *Gazette*, for the purposes of this Act—

- (a) appoint a metropolitan district which shall include part at least of the City of Brisbane, but the boundaries of which may or may not coincide with the boundaries for the time being of the City of Brisbane;
- (b) appoint such other districts as he thinks fit;
- (c) divide any district into divisions;
- (d) abolish or alter the boundaries of any district or division or amalgamate any districts or divisions;
- (e) exclude from any district or division any part thereof and include such part in any other district or division;
- (f) assign a name to any district or division and vary any such name.

6. Effect of appointment of district upon area included in district appointed under the Justices Acts. When a district appointed under this Act includes an area which, immediately prior to such appointment, was included in a district for the purposes of Magistrates Courts appointed under "*The Justices Acts, 1886 to 1965,*" then—

- (a) where such area comprises the whole of such lastmentioned district such lastmentioned district shall, for so long as such area is included in such firstmentioned district, be deemed not to subsist;
- (b) in any other case, such area shall, for so long as it is included in such firstmentioned district be deemed to be excluded from such lastmentioned district.

7. Consequences of division of district. Upon division of a district, while such district subsists,—

- (a) each division of such district shall be deemed to be a district for the purposes of Magistrates Courts appointed under "*The Justices Acts, 1886 to 1965,*" having as its boundaries the boundaries for the time being of such division;
- (b) the whole of the area of each division for the time being shall be deemed to be a place appointed under "*The Justices Acts, 1886 to 1965,*" for holding Magistrates Courts within such division;
- (c) the Governor in Council may, pursuant to the provisions of "*The Justices Acts, 1886 to 1965,*" from time to time appoint any person to be clerk of the court for any one or more of the several divisions of such district.

PART III—HEARINGS, &C., BY MAGISTRATES COURTS IN DIVISIONS

8. Venue of hearing complaint to be determined subject to this section. (1) Section one hundred and thirty-nine of "*The Justices Acts, 1886 to 1965*," shall apply in respect of a complaint of a simple offence or breach of duty to which this subsection refers subject to the following provisions:—

- (a) When a simple offence or breach of duty has been committed within a district and within a half-mile of the common boundary of two or more divisions of that district a complaint of such offence or breach may be heard and determined within any of those divisions;
- (b) When a simple offence or breach of duty has been committed within a district a complaint of such offence or breach may be heard and determined within a division of that district in which division the defendant resides or is reasonably believed by the complainant at the time of making his complaint to reside or be;
- (c) When a simple offence or breach of duty has been committed at a place which is not within any district but within twenty miles of a boundary of a division of a district which is not a common boundary between two or more divisions of that district a complaint of such offence or breach may be heard and determined within the division such boundary of which is nearest by direct measurement to the place of commission of such offence or breach but, subject to the following provisions of this Act, within no other division of that district or of any other district:

Provided that where such an offence or breach has been committed at a place equidistant by direct measurement from such a boundary of two or more divisions (whether of the same district or different districts) a complaint of such offence or breach may be heard and determined in any of such divisions;

- (d) Save as is prescribed by this Act a complaint of a simple offence or breach of duty committed within a division shall not be heard and determined within any other division of the same district or within a division of any other district.

(2) No provision of subsection (1) of this section shall be construed to prejudice the jurisdiction conferred by section one hundred and thirty-nine of "*The Justices Acts, 1886 to 1965*," upon a court situated elsewhere than within a district.

9. Power of clerk of the court to adjourn hearings. (1) If, before the time at which a defendant is required by a summons to appear within a division, it appears to the clerk of the court for such division that—

- (a) in the case of a summons issued upon a plaint or upon a complaint of a simple offence or breach of duty, a court within such division has jurisdiction to hear and determine the plaint or complaint in question; and

(b)—

- (i) the hearing of the plaint or complaint cannot proceed or is not likely to proceed at the time and place at which the defendant is required by the summons to appear; or

- (ii) the manifest preponderance of convenience to the plaintiff or, as the case may be, complainant or to the defendant of hearing the plaint or complaint at some other time or place requires such an adjournment; or
- (iii) for such other reason as he considers sufficient the hearing should be so adjourned,

he may, either upon application made to him in that behalf or of his own motion, adjourn the hearing to a certain time and place, whether situated in that division or in some other division of the district, to be then appointed by him.

(2) (a) When a hearing is so adjourned the clerk of the court shall cause the time and place to which the hearing is adjourned to be stated in the presence and hearing of every party to the proceeding concerned or of his counsel, solicitor or agent who is then present and if any party to such proceeding is not then present either personally or by his counsel, solicitor or agent the clerk of the court shall, forthwith after such adjournment, give notice in writing to that party or, as the clerk of the court may elect, his counsel, solicitor or agent informing him of—

- (i) the time and place to which the hearing is adjourned;
- (ii) the reason for the adjournment; and
- (iii) the right of the party concerned to be heard at the adjourned hearing.

(b) When a hearing is so adjourned the defendant shall not be obliged to appear at the time and place referred to in the summons in question but such summons shall thenceforth be read and construed as if the time and place to which such hearing is, for the time being, adjourned were appointed by such summons as the time and place at which the defendant is thereby required to appear.

(c) The hearing as adjourned shall not commence at the appointed time and place unless the court is satisfied that the parties or their respective counsel, solicitors, or agents have been given reasonable notice thereof.

(d) A document purporting to be a certificate signed by the clerk of the court who last adjourned the hearing in question pursuant to this section as to the making of a statement in the presence and hearing of a party or his counsel, solicitor or agent of the time and place to which the hearing is adjourned shall upon its production in any proceeding and without further proof be received as evidence of the matter therein contained and a document purporting to be a duplicate original or copy of a notice last directed to any person in accordance with this section and endorsed with a certificate purporting to be signed by the person who served the original of such notice or, where such notice was sent by post, by the clerk of the court who last adjourned the hearing in question that—

- (i) the document is a duplicate original or, as the case may be, copy of the notice directed to the person named therein; and
- (ii) the original of such notice was served upon such person personally on a date specified or, as the case may be, was posted on a date specified to the address appearing therein and such address was the address of such person last known to such clerk of the court; and

- (iii) where the original of such notice was sent by post, in the ordinary course of post such original would have been delivered at such address on a date specified.

shall, upon its production in any proceeding and without further proof, be received as evidence that the original of such notice was given to the person named therein, according to the certificate so endorsed and, where such original was sent by post, that the address appearing therein is the address of such person last known to such clerk and that such original was delivered to the address appearing therein on the date on which the same would be delivered in the ordinary course of post according to the certificate so endorsed.

(e) Costs of and occasioned by any adjournment under this section may be ordered by the court hearing and determining the plaint or complaint to be paid by any party to any other party as to the court may appear just.

(f) Where a hearing is duly adjourned under this section from one division to another division of a district—

- (i) the clerk of the court by whom the hearing is adjourned, unless he is also clerk of the court for the division to which the hearing is adjourned, shall forthwith transmit to the clerk of the court for such division the plaint or complaint and summons and any other documents relating to the proceeding which have been lodged with or received by him;
- (ii) the plaint or complaint and summons and other documents relating to the proceeding shall be kept and preserved by the clerk of the court for the division to which the hearing is adjourned as if he were the clerk of the court at the place where the defendant is required by the summons to appear unless the hearing and determination of the complaint is further adjourned to another division of the district;
- (iii) the plaint or complaint may be heard and determined in the division to which the hearing is adjourned and all proceedings may be commenced, continued or completed and all acts, matters and things which are authorized, permitted or required by law to be done, executed or taken, whether for the purpose of the enforcement or variation of an order made in such a proceeding or any other purpose, may be done, executed, or taken as fully and effectually as if the hearing or order were a hearing by or, as the case may be, an order of a court at the place at which the defendant was originally required by the summons to appear.

(g) The hearing of a plaint or complaint which has been adjourned under this section may be further adjourned from time to time under this section or any other provision of this Act or under any relevant provision of any other Act and the relevant provision, whether of this Act or such other Act, shall with all necessary adaptations, extend and apply accordingly.

(h) A clerk of the court need not constitute a court for the purpose of exercising any power or function under this section, and may exercise in respect of a defendant to a complaint any of the powers which justices might exercise in respect of a defendant upon an adjournment under “*The Justices Acts, 1886 to 1965.*”

(i) No provision of this section shall be construed to affect the powers or duties of a registrar of a court under "The Magistrates Courts Rules, 1960" as amended from time to time.

10. Court or justices may adjourn within or outside district. (1) Notwithstanding the provisions of this Act or any other Act a court or justices sitting for any purpose at a place within a district may, in order to carry out such purpose, sit at any other place within such district or within an adjoining district or an adjoining district for the purposes of Magistrates Courts appointed under "*The Justices Acts, 1886 to 1965*," and may, from time to time (whether before or after entering upon the purpose for which such court or, as the case may be, justices are then sitting),—

- (a) adjourn the proceeding to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties then present or of his or their respective counsel, solicitors or agents then present; or
- (b) adjourn the proceeding and leave the time and place at which the proceeding is to be continued to be later determined by such court or, as the case may be, justices:

Provided that a proceeding so adjourned shall not be continued at a time and place so determined unless the court or, as the case may be, justices are satisfied that the parties or their respective counsel, solicitors or agents have been given reasonable notice of such determination.

(2) Upon such an adjournment the court or, as the case may be, justices may exercise in respect of a defendant to a complaint any of the powers which the court or justices might exercise in respect of a defendant upon an adjournment under "*The Justices Acts, 1886 to 1965*."

PART IV—ADMINISTRATION OF MAGISTRATES COURTS IN THE METROPOLITAN DISTRICT

11. Administration. (1) The Chief Stipendiary Magistrate shall, in relation to the metropolitan district, give effect to the objects and purposes of this Act and, in the exercise of those functions, shall—

- (a) control the day to day administration of the Magistrates Courts in the metropolitan district;
- (b) supervise the apportionment of work among Stipendiary Magistrates in the metropolitan district and give general directions on such apportionment; and
- (c) when required so to do, report thereon to the Minister.

(2) For the purposes of this Act, the Governor in Council may, by notification published in the *Gazette*, appoint under and subject to "*The Public Service Acts, 1922 to 1965*," a chief clerk for the metropolitan district.

(3) For the purposes of this Act, the chief clerk shall—

- (a) have, in relation to every court within the metropolitan district, all the powers and authorities of the clerk of the court and, additionally, have such other powers, authorities, functions and duties as are prescribed;

- (b) assist the Chief Stipendiary Magistrate in his day to day administration of the Magistrates Courts in the metropolitan district;
- (c) subject to such rules as may be prescribed, perform such duties as are, from time to time, assigned to him by the Chief Stipendiary Magistrate.

and, for those purposes, may, from time to time, exercise and perform any of the powers, authorities, functions and duties of any clerk of the court within the metropolitan district with or without the consent of such clerk.

When the chief clerk exercises or performs a power, authority, function or duty of any clerk of the court within the metropolitan district such exercise or performance shall be deemed to be an exercise or, as the case may be, performance of the power, authority, function or duty of the clerk of the court who, but for this subsection, would have been authorized or required to exercise or perform the same.

PART V—AMENDMENTS TO “THE JUSTICES ACTS, 1886 TO 1964”

12. (1) Principal Act. “*The Justices Acts, 1886 to 1964*,” are in this Part referred to as the Principal Act.

(2) **Collective title.** The Principal Act and this Part may be collectively cited as “*The Justices Acts, 1886 to 1965*.”

13. (1) Bench Record Book in Magistrates Courts abolished. The Bench Record Book which the Principal Act requires to be kept is abolished.

(2) **Amendments to Principal Act.** The Principal Act is amended by—

(a) in section forty-two, omitting from subsection (2) the words “set out in the Bench Record Book” and inserting in their stead the words “entered on the Bench Charge Sheet”;

(b) in section fifty, omitting the words “recorded in the Bench Record Book” and inserting in their stead the words “entered on the proceedings”;

(c) in section fifty-four, omitting the words “in the Bench Record Book” where they twice occur and inserting in their stead where so omitted the words “on a Bench Charge Sheet”;

(d) in section 69A, omitting from subsection (6) the second paragraph;

(e) repealing section 98A, and inserting in its stead the following section:—

“[98A.] **Records of court.** The clerk of the court shall have the custody of all records and proceedings of every court of which he is clerk.

Rules made pursuant to this Act may make provision with respect to the records to be made for the purposes of a court, the particulars to be inserted therein, the form and manner of keeping thereof and the receipt thereof into evidence in any proceeding and such provision may vary in respect of different places for holding courts.”;

(f) in section one hundred and fifty, omitting the words “in the Bench Record Book and” and inserting in their stead the words “and where neither the person hereafter in this paragraph specified nor his counsel, solicitor or agent was present when the conviction was pronounced or the order was made”.

PART VI—AMENDED PROCEDURE FOR CERTAIN OFFENCES

14. (1) **Service by post of summonses for certain offences.** In addition to any mode of service prescribed by any other Act a summons to appear to answer a complaint of a simple offence against or breach of duty under any enactment for the time being specified in the Schedule to this Act may be served by registered post by posting at least twenty-one days before the date on which the defendant is thereby required to appear a true copy of such summons addressed to him at his address last known to the person who so serves such summons.

The provisions of section thirty-nine of "*The Acts Interpretation Acts, 1954 to 1962*," shall apply with respect to every such service.

(2) **Address for service.** Save where it appears that the person to whom a true copy of a summons was posted addressed to him at an address in this subsection specified was not, to the knowledge of the person who so served such copy, at the time of such posting, residing or carrying on business at such address or that such address was not, at such time, the address of the defendant last known to the person who so served such copy it shall be sufficient compliance with the provisions of the preceding subsection if such copy summons is addressed to an address as follows:—

- (a) In the case of an offence arising out of the driving or use of a motor vehicle or an attempt so to do, the address appearing as the address of such person in a driver's licence produced by him at or about the time of the alleged offence or upon the investigation thereof;
- (b) In the case of an offence alleged against a person as owner of a motor vehicle, the address appearing in the current certificate of registration of such motor vehicle under "*The Main Roads Acts, 1920 to 1965*," as the address of such person;
- (c) In the case of any other offence or breach of duty, the address appearing as the address of such person in any licence or registration for the time being in force pertaining to such person or to any property of which he appears to be owner or occupier and which licence or registration such person holds or has effected under the Act against or under a provision of which the offence or breach is alleged to have been committed.

(3) **Affidavit of service.** The person who serves a summons pursuant to the provisions of this section shall include in his deposition of service endorsed on the summons pursuant to "*The Justices Acts, 1886 to 1965*," a brief statement—

- (a) as to the time and place at which he posted the copy of such summons; and
- (b) as to his means of knowledge that the address to which the copy of such summons was addressed is the address last known to him of the defendant.

15. **Permissible procedure on certain complaints.** (1) Notwithstanding the provisions of any other Act it shall be lawful to adopt in respect of a complaint of a simple offence against or breach of duty under any enactment for the time being specified in the Schedule to this Act the procedure prescribed by this section.

Every step or proceeding to be taken in carrying out such procedure and the making of any order in the course thereof shall be subject to the provisions of "*The Justices Acts, 1886 to 1965*," and the provisions of other

than of this section) of this Act except so far as the provisions of this section are inconsistent with the provisions of those Acts or, as the case may be, the other provisions of this Act.

(2) A summons issued upon a complaint of such an offence or breach shall be served at least twenty-one days before the date on which the defendant is required, by such summons, to appear.

The copy of such summons served upon the defendant shall be accompanied by or have endorsed thereon or on the back thereof—

- (a) a sworn statement by the complainant recounting, briefly, the alleged facts of the offence or breach in question;
- (b) a notice in or to the effect of the prescribed form to the defendant that—
 - (i) he may notify the clerk of the court at the place at which he is required by such summons to appear by furnishing to such clerk on or before the date specified therein (being a date not later than seven days before the date on which such person is required by such summons to appear) his election in or to the effect of the prescribed form to appear in answer to such summons;
 - (ii) if he does not furnish his election in accordance with the terms of such notice he is liable to be convicted of the offence or breach alleged in such complaint and to incur a penalty therefor pursuant to this section.

The copy of such summons served upon such person shall be accompanied by a prescribed form of election to appear.

(3) If an election as aforesaid is received by the clerk of the court in accordance with the terms of such notice—

- (a) the matter of the complaint shall be dealt with and disposed of as prescribed by “*The Justices Acts, 1886 to 1965*,” and the provisions (other than of this section) of this Act;
- (b) the clerk of the court shall appoint a time and place for the hearing of the complaint and give reasonable notice in writing of the time and place so appointed to the complainant and the defendant.

Upon receipt by him of a notice of an appointment under paragraph (b) of this subsection a defendant shall not be obliged to appear at the time and place referred to in the summons in question but such summons shall thenceforth be read and construed as if the time and place so appointed were the time and place at which the defendant is thereby required to appear.

(4) If an election as aforesaid is not received by the clerk of the court in accordance with the terms of such notice then, a Stipendiary Magistrate sitting in chambers upon reading—

- (a) the summons in question;
- (b) a deposition of service of such summons which deposition includes a statement that the copy summons served on the defendant was accompanied by the documents or, as the case may be, endorsed with the notice prescribed by subsection (2) of this section;
- (c) a writing, verified by certificate of the complainant, which purports to be a true copy of the sworn statement which accompanied or was endorsed upon the copy summons served upon the defendant as prescribed by paragraph (b) of subsection (2) of this section; and

- (d) if the case requires it, a statement in writing purporting to be made pursuant to and which complies with the provisions of subsection (2) of section 44G of "*The Traffic Acts, 1949 to 1965*",

may without receiving further evidence, if, sitting as a court at the place where he is conducting the proceeding concerned, he would have jurisdiction so to do, convict the defendant unless he is required by the provisions of subsection (5) or (6) of this section to adjourn and upon so convicting may, subject to the provisions of "*The Justices Acts, 1886 to 1965*," make any order in relation to the defendant which he could lawfully make if, sitting as a court, he had convicted the defendant.

No provision of this subsection shall be construed to preclude such Stipendiary Magistrate from being informed, by evidence or otherwise, of any prior convictions of the defendant with a view to his imposing an appropriate penalty.

A proceeding in which an order is made under this subsection shall be deemed to be a hearing and determination of the complaint in question by a Magistrates Court at the place where such proceeding is conducted and, when the defendant has not been present, to be such a hearing and determination *ex parte* under paragraph (a) of subsection (1) of section one hundred and forty-two of "*The Justices Acts, 1886 to 1965*," and an order so made shall be deemed to be an order of a Magistrates Court:

Provided that in applying the provisions of subsection (6) of section one hundred and forty-two of such lastmentioned Acts in respect of a proceeding under this subsection the reference in those provisions to "seven days" shall be read and construed as a reference to "twenty-one days."

(5) If, in a proceeding conducted under subsection (4) of this section, a Stipendiary Magistrate considers that the circumstances of an offence or breach are such that—

- (a) the defendant should be imprisoned otherwise than by way of default; or
- (b) any licence, registration, certificate, permit or other authority held by the defendant under any Act should be cancelled or suspended; or
- (c) the defendant should be disqualified from holding or obtaining any licence, registration, certificate, permit or other authority under any Act; or
- (d) the defendant should be convicted otherwise than in the manner prescribed by such subsection,

he shall not deal further with the complaint in such proceeding but shall adjourn the same to a time and place to be then appointed by him or to be determined by the clerk of the court to be heard and determined (either by the same or by another Stipendiary Magistrate) as prescribed by "*The Justices Acts, 1886 to 1965*," and the provisions (other than of this section) of this Act.

(6) If a defendant attends at any proceeding conducted under subsection (4) of this section, either in person or by counsel, solicitor or agent, and desires to be heard on any matter other than the penalty to be imposed thereat the Stipendiary Magistrate shall not deal further with the complaint in such proceeding but shall adjourn the same to a time and place to be then appointed by him or to be determined by the clerk of the court to be heard and determined (either by the same or by another Stipendiary Magistrate) as prescribed by "*The Justices Acts, 1886 to 1965*," and the provisions (other than of this section) of this Act.

(7) As soon as practicable after a proceeding is adjourned pursuant to the provisions of subsection (5) or (6) of this section the clerk of the court shall give reasonable notice in writing to the parties to such proceeding informing them of—

- (a) the time and place to which the proceeding is adjourned;
- (b) the reason for the adjournment; and
- (c) their right to be heard at such time and place.

It shall not be necessary to give such notice to any party who or whose counsel, solicitor or agent was given the information prescribed by this subsection at the time of such adjournment.

(8) (a) As soon as practicable after the conviction of a defendant in a proceeding conducted under subsection (4) of this section the clerk of the court shall give to the defendant a notice in writing signed by such clerk wherein shall be set forth—

- (i) the amount of any penalty, costs, fees or other sum which the defendant is required by an order made in such proceeding to pay;
- (ii) the place or places at which and the manner in which such penalty, costs, fees or other sum may be paid; and
- (iii) a statement to the effect of the provisions of paragraph (b) of this subsection.

The sending of such a notice shall be in lieu of the service upon the person convicted of a copy of a minute or memorandum of a conviction or order prescribed by section one hundred and fifty of "*The Justices Acts, 1886 to 1965.*"

(b) A warrant of execution or commitment shall not issue to enforce an order for the payment of a penalty, costs, fees or other sum made in such a proceeding until the expiration of twenty-one days after the date on which such order was made.

PART VII—MISCELLANEOUS

16. Rules. (1) The Governor in Council may, from time to time by Order in Council published in the *Gazette*, make rules not inconsistent with this Act providing for all purposes, whether general or to meet particular cases, which in his opinion are convenient for the administration of this Act or which are necessary or expedient to carry out the objects and purposes of this Act.

(2) Without in any way limiting the generality of the provisions of subsection (1) of this section, rules may be made—

- (a) prescribing forms to be used for any of the purposes of this Act;
- (b) providing for any matters or things which by this Act are required or permitted to be prescribed;
- (c) prescribing matters of practice and procedure to expedite the hearing and determination of complaints within any district;
- (d) prescribing the powers, authorities, functions and duties of the chief clerk, clerks of the court and of any officers of the court including any officers in the office of any clerk aforesaid.

17. Alteration of Schedule to Act. The Governor in Council may from time to time by Order in Council alter the Schedule to this Act by adding or deleting a reference to any enactment or by excluding from a reference to an Act specified therein any provision of such Act and such Schedule, as so altered, shall become and be the Schedule to this Act for the time being.

Such an Order in Council shall be published in the *Gazette* and thereupon shall be judicially noticed and such publication shall be conclusive evidence of the contents thereof.

18. Mode of service of notice. When a clerk of the court is required by this Act to give a notice to any person such notice shall be given by service thereof upon the person to whom it is directed personally or by post at the address of that person last known to the clerk of the court.

SCHEDULE

[Part VI]

ENACTMENTS WITHIN THE APPLICATION OF PART VI

Part VIA of "*The Traffic Acts, 1949 to 1965*";

"*The Traffic Regulations, 1962*" as heretofore or hereafter amended;

Regulations heretofore or hereafter made under "*The Main Roads Acts, 1920 to 1965*";

Ordinances heretofore or hereafter made under "*The City of Brisbane Acts, 1924 to 1960*";

By-laws heretofore or hereafter made under "*The Local Government Acts, 1936 to 1965*."