



ANNO VICESIMO NONO

ELIZABETHÆ SECUNDÆ REGINÆ

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No. 32 of 1980

An Act to amend the Justices Act 1886–1980 in certain  
particulars

[ASSENTED TO 14TH MAY, 1980]

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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:—

**1. Short title and citation.** (1) This Act may be cited as the *Justices Act Amendment Act 1980*.

(2) In this Act the *Justices Act 1886–1980*, being the *Justices Act 1886–1979* as amended by the *Bail Act 1980*, is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Justices Act 1886–1980*.

**2. Commencement.** This Act shall commence on a day to be fixed by Proclamation.

**3. Amendment of s. 104.** Section 104 of the Principal Act is amended by, in subsection (2), inserting in paragraph (a) before the word “cause” the words “save, with respect to a particular defendant, in relation to evidence given during the absence of that defendant pursuant to the provisions of section 104A,”.

**4. New s. 104A.** The Principal Act is amended by inserting after section 104 the following section:—

**“104A. Defendant may be excused from certain attendances.** (1) The justices or justice may, in connexion with the examination of witnesses in relation to an indictable offence as referred to in section 104, upon application made by a defendant appearing before the justices or justice together with one or more other defendants, or made by his counsel or solicitor on his behalf, excuse the defendant from attendance during the taking of any evidence for the prosecution.

(2) In considering the application, the justices or justice shall have regard to—

- (a) the evidence being led;
- (b) the defendant or defendants against whom the evidence is admissible;
- (c) any other matter considered by the justices or justice to be relevant to the merits of the application.

(3) The justices or justice, in excusing the defendant from attendance during the taking of any evidence for the prosecution, may grant bail to the defendant or enlarge the undertaking of the defendant as to bail on such conditions as he thinks fit under, subject to and in accordance with the provisions of the *Bail Act 1980*.”