

Queensland



**ABORIGINAL, TORRES
STRAIT ISLANDER AND
REMOTE COMMUNITIES
(JUSTICE INITIATIVES)
AMENDMENT BILL 1997**

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**ABORIGINAL, TORRES STRAIT
ISLANDER AND REMOTE
COMMUNITIES (JUSTICE INITIATIVES)
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CONSEQUENTIAL AMENDMENTS

1997

A BILL

FOR

**An Act to provide for justices in particular places to have limited
power to summarily deal with indictable offences**

*Aboriginal, Torres Strait Islander and Remote
Communities (Justice Initiatives) Amendment*

	The Parliament of Queensland enacts—	1
	Short title	2
Clause	1. This Act may be cited as the <i>Aboriginal, Torres Strait Islander and Remote Communities (Justice Initiatives) Amendment Act 1997</i> .	3 4
	Commencement	5
Clause	2. This Act commences on a day to be fixed by proclamation.	6
	Act amended	7
Clause	3. This Act amends the <i>Criminal Code</i> .	8
	Replacement of s 552C (Summary hearing of indictable offence must be by magistrate)	9 10
Clause	4. Section 552C— <i>omit, insert—</i>	11 12
	‘Constitution of Magistrates Court	13
	‘552C.(1) A Magistrates Court that summarily deals with an indictable offence under this chapter must be constituted by—	14 15
	(a) a magistrate; or	16
	(b) justices appointed under subsection (3) for the place at which the Magistrates Court is being held.	17 18
	‘(2) Jurisdiction of the justices mentioned in subsection (1)(b) is limited to an offence—	19 20
	(a) that is dealt with on a plea of guilty; and	21
	(b) that the justices consider they may adequately punish by the imposition of a penalty not more than the maximum penalty they may impose under section 552H; and	22 23 24

*Aboriginal, Torres Strait Islander and Remote
Communities (Justice Initiatives) Amendment*

(c) for an offence involving property—that involves property, or property damage or destruction, of a value not more than \$2 500. 1
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‘(3) For subsection (1)(b), the Attorney-General may by gazette notice appoint a justice for a place specified in the gazette notice. 3
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‘(4) A justice appointed under subsection (3) must be a justice of the peace (magistrates court) who the Attorney-General is satisfied has appropriate qualifications. 5
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‘(5) A gazette notice may only specify a place appointed for holding a Magistrates Court— 8
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(a) that is within a trust area under the *Community Services (Aborigines) Act 1984* and *Community Services (Torres Strait) Act 1984*; or 10
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(b) that the Attorney-General considers is remote. 13

‘(6) The *Justices of the Peace and Commissioners for Declarations Act 1991*, section 29(4)(a)¹ is subject to subsections (1) to (3).’ 14
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Replacement of s 552H (Maximum punishment of indictable offences that are dealt with summarily) 16
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Clause 5. Section 552H— 18
omit, insert— 19

¹ *Justices of the Peace and Commissioners for Declarations Act 1991*, section 29(4)(a)—

‘(4) A justice of the peace (magistrates court), in the exercise of any power to constitute a court for the purpose of a proceeding is limited to—

(a) the hearing and determination of a charge of a simple offence or a regulatory offence pursuant to proceedings taken under the *Justices Act 1886* in a case where the defendant pleads guilty;’.

Justices Act 1886, section 4—

‘“**simple offence**” means any offence (indictable or not) punishable, on summary conviction before a Magistrates Court, by fine, imprisonment, or otherwise.’.

*Aboriginal, Torres Strait Islander and Remote
Communities (Justice Initiatives) Amendment*

‘Maximum penalty for indictable offences dealt with summarily

‘552H.(1) A person is liable on summary conviction under section 552A or 552B to a maximum penalty of—

- (a) if the Magistrates Court is constituted by a magistrate—100 penalty units or 3 years imprisonment; or
- (b) if the Magistrates Court is constituted by justices under section 552C(1)(b)—100 penalty units or 6 months imprisonment.

‘(2) However, in no case may the person be punished more than if the offence had been dealt with on indictment.’.

SCHEDULE

1

section 3

2

CONSEQUENTIAL AMENDMENTS

3

**1. Sections 552B(2) to (5), 552D (heading), 552D(1), 552F,
552G(heading), 552I(2) to (7), 552J(2) to (4), ‘magistrate’—**

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5

omit, insert—

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‘Magistrates Court’.

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2. Section 552D(2)—

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omit, insert—

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‘(2) If the court abstains from jurisdiction, the proceeding for the charge
must be conducted as a committal proceeding.’.

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