

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To amend the Justices Act, 1902, the Crimes Act, 1900, and certain other Acts.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Justices Amendment (Depositions) Act, 1921." Short title.

2. The Justices Act, 1902, is amended as follows:—

Amendment of
Act No. 27 of
1902.
Sec. 3.

- (1) In section three, by inserting after the definition of the word "Justice" the following new definition:—

"Minister" means the responsible Minister of the Crown for the time being administering this Act.

- (2) In section thirty-six, by omitting subsection four and inserting in lieu thereof the following subsection:—

Sec. 36.

(4) The deposition of every witness shall be taken down in such manner and form, and shall conform with such requirements as may be prescribed by the Minister in directions issued by him from time to time.

- (3) In subsection one of section thirty-nine, by inserting after the words "statement of the defendant" the words in brackets "(or a transcript thereof certified and signed by the said justices)."

Sec. 39.

- (4) In subsection four of section forty-one—

Sec. 41.

- (i) by omitting from paragraph (i) (a) the words "in writing";
- (ii) by omitting from paragraph (ii) the words "in writing" and inserting in lieu thereof the words "in the same manner as the evidence of witnesses for the prosecution";
- (iii) by omitting paragraph (iv) and inserting in lieu thereof the following paragraph:—

(iv) Such statement (or a transcript thereof certified and signed by the justice or justices before whom the same was taken) may be given in evidence at the trial of the defendant without further proof, unless it be proved that the justice or justices by whom the same purports to be signed did not in fact sign it.

- (5) By the omission of section one hundred and forty-seven.

Sec. 147
omitted.

(6)

- (6) By adding after section one hundred and fifty-three the following new section :— New section.

154. In all cases in which, whether under this or any other Act, a deposition taken under this Act may be or is required to be furnished to or used by any court or person, and the deposition so to be furnished or used has been taken down otherwise than in writing, a transcript thereof, signed and certified by the justice or justices before whom the same was taken, may be furnished or used in lieu of such deposition. Transcript of depositions.

- (7) In the Second Schedule by the omission of Form F 1.

3. The Crimes Act, 1900, is amended as follows :— Amendment of Crimes Act, No. 40, 1900.

- (1) By omitting from the short heading to chapter I of Part XIV, the words “ only by consent of the accused.” 1900.

- (2) By omitting section four hundred and seventy-six, and inserting the following section in lieu thereof :—

476. Whosoever commits any offence mentioned in the next following section, and the subject matter of the charge or charges that may be made in respect of any of the offences mentioned, or the value of the property involved, does not amount to twenty pounds, shall, on conviction in a summary manner before two justices, be liable to imprisonment for *six* months, or to a fine of *twenty* pounds, or if he is in the opinion of such justices under sixteen years of age, to imprisonment for *three* months or to a fine of *ten* pounds. Indictable offences punishable summarily.

- (3) By omitting sections four hundred and seventy-eight and four hundred and seventy-nine. Secs. 478, 479 omitted.
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