



ANNO VICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1972

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**No. 92 of 1972**

An Act to amend the Justices Act, 1921-1972.

*[Assented to 2nd November, 1972]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Justices Act Amendment Act (No. 2), 1972".

(2) The Justices Act, 1921-1972, as amended by this Act, may be cited as the "Justices Act, 1921-1972".

(3) The Justices Act, 1921-1972 is hereinafter referred to as "the principal Act".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
principal Act,  
s. 4—  
Interpretation.

3. Section 4 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of "guardian" the following definitions:

"industrial magistrate" means an Industrial Magistrate within the meaning of the Industrial Conciliation and Arbitration Act, 1972:

“industrial offence” means a simple offence that is for the time being declared by proclamation under section 4a of this Act to be an industrial offence for the purposes of this Act;

and

(b) by inserting after the definitions of “sum adjudged to be paid by a conviction” and “sum adjudged to be paid by an order” the following definition:

“the Industrial Court” means the Industrial Court of South Australia continued in existence by the Industrial Conciliation and Arbitration Act, 1972.

4. The following section is enacted and inserted in the principal Act immediately after section 4 thereof:—

Enactment of s. 4a of principal Act—

4a. The Governor may from time to time by proclamation declare any simple offence to be an industrial offence for the purposes of this Act and may by proclamation revoke or amend any such declaration.

Declaration of industrial offence.

5. The following section is enacted and inserted in the principal Act immediately after section 43 thereof:—

Enactment of s. 43a of principal Act—

43a. (1) Where a form of complaint being a complaint alleging the commission of an industrial offence is endorsed, by or on behalf of the complainant, with the words “Set down before an Industrial Magistrate” the clerk to whom the complaint is referred shall set down or cause to be set down the matter of complaint for hearing and determination by a court constituted of an Industrial Magistrate.

Special provisions relating to industrial offences.

(2) Where a defendant is charged before a court, not constituted of an Industrial Magistrate, with an industrial offence the defendant may, before any plea is taken, request that the matter be heard and determined by an Industrial Magistrate and thereupon the court shall—

(a) forthwith desist from proceeding further with the hearing of the matter;

and

(b) adjourn the hearing to such time and place as it thinks fit, then and there to be heard and determined by a court constituted of an Industrial Magistrate.

6. Section 162 of the principal Act is amended—

Amendment of principal Act, s. 162—

(a) by striking out from subsection (1) the word “Any” being the first word in that subsection and inserting in lieu thereof the following passage “Subject to subsection (5) of this section any”;

Points of law may be reserved for consideration of the Supreme Court.

and

(b) by inserting immediately after subsection (4) the following subsection:—

(5) In the application of the preceding provisions of this section to or in relation to proceedings in respect of an industrial offence a reference in those provisions to the Supreme Court shall be read as a reference to the Industrial Court.

Amendment of  
principal Act,  
s. 163—  
Right of appeal  
to Supreme  
Court in every  
other case  
unless taken  
away.

7. Section 163 of the principal Act is amended—

(a) by striking out from subsection (1) the word “There”, being the first word in that subsection, and inserting in lieu thereof the passage “Except as provided in subsection (1aa) of this section, there”;

(b) by striking out the proviso to subsection (1);

and

(c) by inserting immediately after subsection (1) the following subsection:—

(1aa) In the case of a conviction, order or adjudication of a court of summary jurisdiction in respect of an industrial offence an appeal from that conviction, order or adjudication shall lie to the Industrial Court and for the purposes of every such appeal all references in this Part to—

(a) the Supreme Court shall be read as a reference to the Industrial Court;

and

(b) the Master of the Supreme Court shall be read as references to the Registrar as defined for the purposes of the Industrial Conciliation and Arbitration Act, 1972.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor