

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 1st Day of December 1976

SUMMARY PROCEEDINGS AMENDMENT BILL

Proposed Amendments

Hon. Mr THOMSON, in Committee, to move the following amendments:

Clause 16: To omit from line 38 on page 7 the words "shall not consider the evidence but shall", and substitute the words "may, without considering the evidence,".

Clause 17: (a) To omit the proviso to subclause (3) (all the words in lines 6 to 8 on page 9):

(b) To omit the proviso to subclause (4) (all the words in lines 14 to 16 on page 9).

Schedule: (a) To omit from that part of the second column on page 11 that relates to section 161 (1) the words "defendant is committed", and substitute the words "Court proceeds":

(b) To omit from that part of the second column on page 11 that relates to section 165 (1) the words "defendant is committed", and substitute the words "Court proceeds".

EXPLANATORY NOTE

Clause 16: The proposed amendment removes the obligation on a Magistrate's Court to commit a defendant for trial or sentence, without consideration of the evidence, in the circumstances specified in this clause; and, instead, merely empowers the Court to so commit.

Clause 17: The proposed amendments remove restrictions on the powers of a Magistrate's Court in respect of written statements. The amendments are consequential upon the proposed amendment to *clause 16*.

Schedule: The proposed amendments are minor drafting amendments.
