

TASMANIA

**JUSTICES AMENDMENT (COMPLAINT
VALIDATION) BILL 2009**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 27 amended (Proceedings may be commenced by complaint)

**JUSTICES AMENDMENT (COMPLAINT
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*(Brought in by the Minister for Justice, the Honourable
Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Justices Act 1959*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Justices Amendment (Complaint Validation) Act 2009*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Justices Act 1959** is referred to as the Principal Act.

*No. 77 of 1959

Justices Amendment (Complaint Validation) Act 2009
Act No. of

s. 4

4. Section 27 amended (Proceedings may be commenced by complaint)

Section 27 of the Principal Act is amended by inserting after subsection (3) the following subsections:

- (4) If a complaint has been made by a public officer in the name of, and on behalf of, an agency, Department or instrumentality purportedly in reliance on rule 6(3)(b) of the *Justices Rules 2003* as in force on and from 1 January 2004 until 1 June 2009 –
 - (a) the complaint is taken to have been validly made by the public officer who signed it; and
 - (b) that public officer is taken to be the complainant and to have made the complaint in his or her own right in accordance with subsection (1); and
 - (c) the complaint need not be sworn before a justice.
- (5) Subsection (4) applies –
 - (a) subject to subsection (6), to a complaint referred to in subsection (4), whether or not the proceedings on the complaint have been finally determined; and

Justices Amendment (Complaint Validation) Act 2009
Act No. of

s. 4

- (b) to the public officer who made the complaint in the name of, and on behalf of, an agency, Department or instrumentality, whether or not the public officer was employed in that agency, Department or instrumentality.
- (6) If before the commencement of subsection (4) a complaint referred to in that subsection has been dismissed by a court on the basis that the complainant is not a person who has the legal capacity to bring a complaint, that subsection –
- (a) does not apply to that complaint; and
 - (b) does not affect the decision of the court.