

Question on Notice

No. 440

Asked on Tuesday, 15 April 2008

Mr HOPPER asked the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (Mr Shine) -

QUESTION:

Would he clarify why the Department of Industrial Relations is only required to post a summons to the last known address and is not required to contact the respondent by telephone when the original summons is returned to the sender and the respondent has previously advised the department of his/her new address?

ANSWER:

The *Justices Act 1886*, which governs criminal proceedings in the Magistrates Courts, determines the requirements in respect to the service of a summons. Section 56 of the *Justices Act 1886* states:

“56 Service of summonses

(1) A summons shall be properly served upon the person to whom it is directed if it is served in accordance with this subsection, that is to say—

(a) in the case of a summons directed to a person to appear to answer a complaint of a simple offence or breach of duty—by posting (by means of registered post) a copy thereof addressed to the person at the person’s place of business or residence last known to the complainant at least 21 days before the date on which the defendant is, by the summons, required to appear; or

(b) in all cases (including the case referred to in paragraph (a))—by delivering a copy thereof to the person personally or, if the person cannot reasonably be found, by leaving a copy thereof with some person for the person at the person’s usual place of business or residence or place of business or residence last known to the person who serves the summons.”

Therefore, when a summons has been sent to the last known address it is considered to have been properly served.