

COURT OF APPEAL

DAVIES JA
PINCUS JA
AMBROSE J

Appeal No 8244 of 1999

RICHARD STEPHEN GUNTER Appellant (Applicant)

and

J C BLOXSOM First Respondent (First Respondent)

and

G C MURPHY Second Respondent (Second Respondent)

and

R WOODFORD Third Respondent (Third Respondent)

BRISBANE

..DATE 22/09/99

JUDGMENT

DAVIES JA: This is an appeal from an order made by a Supreme Court Judge on 6 September last that an application for judicial review under section 43 of the Judicial Review Act be dismissed with costs.

The order was made because the learned primary Judge was of the view that adequate provision was made in section 222 of the Justices Act 1886 under which the applicant was entitled to seek a review of the matter by a Court: see the Judicial Review Act 1991 section 12(b).

Accordingly his Honour, in the exercise of his discretion, dismissed the application. The application for judicial review was in respect of convictions of the appellant in the Magistrates Court of a number of offences under the Transport Infrastructure (Roads) Regulations 1991. There was a right of appeal against those convictions to a District Court Judge pursuant to section 222 of the Justices Act.

No satisfactory explanation was given by the appellant for his failure to appeal under that provision. His Honour was plainly right, in my view, to conclude that section 222 was an adequate provision under which the appellant was entitled to seek a review of the matter by an order of a court within the meaning of section 12(b) and it has not been shown that the learned primary Judge exercised his discretion wrongly

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in making the order which he accordingly did.

There were other applications before his Honour but, as he rightly said, if the application for judicial review was dismissed it would be unnecessary to consider them. Accordingly, it is unnecessary to consider them here also.

The appeal should therefore, in my opinion, be dismissed with costs.

PINCUS JA: I agree.

AMBROSE J: I agree.

DAVIES JA: The orders are as I have indicated.
