

JUSTICES.

23° GEO. V., No. XXVI.

No. 26 of 1932.

AN ACT to amend sections one hundred and fifty-four, one hundred and fifty-five, two hundred and six g and two hundred and six h of the Justices Act, 1902-1926

[Assented to 15th December, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title:

1. This Act may be cited as the *Justices Act Amendment Act, 1932*, and shall be read as one with the Justices Act 1902-1926, as reprinted in the Sessional Volume of Statutes for the year 1927 (hereinafter called the principal Act).

Amendment of s. 155 of principal Act.

2. Section one hundred and fifty-five of the principal Act is amended by adding thereto a subsection, as follows:—

(6.) Notwithstanding anything contained in the preceding subsections in case of proceedings under any of the specified sections or provisions of the enactment set out in the first column of the Eighth Schedule to this Act, where any money which the justices order to be paid is on account of any of the matters specified in the second column of that Schedule, the justices shall not make any direction under subsection (1) of this section that such money shall be recoverable in default

of payment as therein mentioned, but in regard to every such order, notwithstanding the amount thereof, the following provisions shall apply:—

- (a) The sum ordered to be paid, including any costs relating thereto, and in connection with any steps or proceedings under this section, is hereby made recoverable in the same manner as a judgment of a local court;
- (b) At the request of the party entitled to recover such sum, the Clerk of Petty Sessions or other officer having the custody of the record of the order of the justices shall deliver to such party a certified copy thereof under his hand;
- (c) Such party may register the certified copy in the local court nearest to the place where the order was made, and thereupon the same may be enforced in the same way as if it had been a judgment of such local court;
- (d) Where the justices make any order to which this subsection applies, and in the same proceedings make an order in respect of any other matter or simple offence which they have jurisdiction to try and determine, they shall exclude from any order as to costs enforceable under the preceding subsections any costs which would not in their opinion have been necessarily or reasonably incurred had the matter to which this subsection relates not been before them. If the justices make any order for the payment of such costs, excluded as aforesaid, then the provisions of the preceding paragraphs (a), (b), and (c) of this subsection shall apply.

3. Section one hundred and fifty-four of the principal Act hereby amended by inserting at the beginning thereof the following words:—“Subject to the express provisions of subsection (6) of section one hundred and fifty-five.”

Amendment of s.
154 of principal
Act.

4. Section two hundred and six g of the principal Act hereby amended by inserting the following words at the beginning of the section:—“Subject to the proviso to section two hundred and six h.”

Amendment of s.
206g of principal
Act.

Amendment of s.
206 h of principal
Act.

5. Section two hundred and six h of the principal Act is hereby amended by adding a proviso, as follows:—

Provided that, where such appeal relates wholly or partly to an order made by justices for the payment of money in regard to any of the matters specified in the Eighth Schedule, no order for payment of costs in connection with any such appeal shall be enforceable under the provisions of this section.

New Schedule
added.

6. A schedule is hereby added to the principal Act, as follows:—

EIGHTH SCHEDULE.

s. 155.

First Column—Enactment and Section (or provision).	Second Column—Subject matter.
Perth Gas Company's Act, 1886 (50 Vic., 33)—sec. 54	Recovery of gas rates; rent; price of gas fittings; expenses of disconnecting service.
Fremantle Gas Company's Act, 1886 (50 Vic., 34)—sec. 54.	Recovery of gas rates; rent; price of gas fittings; expenses of disconnecting service.
Police Act, 1892 (55 Vic., 27)—sec. 73 ...	Recovery of Compensation payable to person who is ordered to deliver up goods which have been unlawfully pawned or pledged with him or taken in exchange by such person.
Masters and Servants Act, 1892 (55 Vic., 28)—sec. 7 and 8 sec. 9 ...	Recovery of wages, remuneration or damages for breach of contract, or compensation for misuse, misconduct, ill-treatment, or injury to the person or property of either party to a contract of service. Enforcement of recognisance for fulfilment of contract of service.
Electric Lighting Act, 1892 (55 Vic., 33)—sec. 61	Recovery of amends, compensation or expenses of examination or inquiry, or loss, damage or injury.
Water Supply Act, 1893 (57 Vic., 20)—sec. 4 ...	Recovery of water charges.
Dentists Act, 1894 (58 Vic., 19)—sec. 18 ...	Recovery of fees.
Medical Act, 1894 (58 Vic., 36)—sec. 26 ...	Recovery of fees.
Stock Diseases Act, 1895 (59 Vic., 34)—sec. 21	Recovery from owner of expenses of complying with order of inspector.
Cemeteries Act, 1897 (61 Vic., 23)—sec. 40 ...	Recovery of fees.
Droving Act, 1902 (2 Ed. VII., 30)—sec. 18 ...	Recovery of travelling charges from owner of sheep or cattle.
Goldfields Water Supply Act, 1902—(2 Ed. VII., 33)—sec. 42 sec. 77 sec. 106	Recovery of expenses of repairs and alterations to system. Recovery of rates and water charges. Recovery of expenses relating to breach of by-law.

EIGHTH SCHEDULE—*continued.*

Enactment and Section.	Subject matter.
Dog Act, 1903 (Appendix, 1928, Sessional Volume of Statutes)—sec. 32	Recovery of damages done by dog or in relation to the wrongful sale or disposal of any dog.
Water Boards Act, 1904 (No. 4 of 1904)—sec. 61a sec. 68 sec. 102	Recovery of the cost of installation of storage tanks by a water board. Recovery of cost of repairs and alterations to defective fittings. Recovery of rates.
Government Railways Act, 1904 (23 of 1904)—sec. 52	Recovery of damage caused by neglect or wrong doing of railway servant.
Katanning Electric Lighting and Power (Private) Act, 1904 (1903-1904, Sessional Volume, page 619)—sec. 35 sec. 25 	Recovery of damages in respect of the careless or accidental breaking or throwing down, or damaging of any works, the property of an undertaker under the Act. Recovery of moneys due for electricity supplied; rent or price of meter and other fittings or apparatus, and cost of disconnecting service.
Inspection of Machinery Act, 1904 (No. 53 of 1904)—sec. 77	Recovery of fees payable under the Act.
Navigation Act, 1904 (No. 59 of 1904)—sec. 102	Recovery of expenses or sums of money payable under the Act (other than fines, penalties and forfeitures expressly designated as such therein).
Municipalities Act, 1906 (No. 32 of 1906)— sec. 268 ... sec. 274 ... sec. 282 ... sec. 286 ... sec. 287 ... sec. 315 ... sec. 317 ... sec. 318 ... sec. 372 ... sec. 373 ...	Recovery of cost of removing encroachment or obstruction. Recovery of expense of certain works to roof flats and gutters. Recovery of cost of paving footway or path. Recovery of cost of crossing. Recovery of cost of crossing and expenses of keeping same in repair. Recovery of cost of carrying out requisition relating to dangerous building. Recovery of cost of carrying out requisition relating to ruinous or dilapidated or neglected building. Recovery of fees in respect of dilapidated or neglected building. Recovery of stallages, rents, tolls, or dues. Recovery of moneys ordered to be paid in disputes as to stallages, rents, tolls or dues.
Licensed Surveyors Act, 1909 (No. 25 of 1909)—sec. 19 (2)	Recovery of cost of correction of error in survey from licensed surveyor responsible.

EIGHTH SCHEDULE—*continued.*

Enactment and Section.	Subject matter.
Metropolitan Water Supply, Sewerage, and Drainage Act, 1909 (No. 43 of 1909)— sec. 49 (3) ... sec. 59 (3) ... sec. 64 (2c) ... sec. 65 ... sec. 109 ...	Recovery of cost of repairs and re- newals to defective fittings and alterations to system. Recovery of cost of installation of drainage system, ventilating shafts pipes, and tubes. Recovery of cost of removal of un- authorised works. Recovery of cost of inspection of private drain. Recovery of rates.
Goldfields Water Supply Act Amendment Act, 1911 (No. 50 of 1911)—sec. 8	Recovery of cost of installation of storage tanks and appliances.
Game Act, 1912-1913 (Appendix 1913, Ses- sional Volume, p. 543)—sec. 23a	Recovery of royalty.
Rights in Water and Irrigation Act, 1914 (No. 19 of 1914)—sec. 40 (3) sec. 42 (3)	Recovery of irrigation rates. Recovery of water charges.
Plant Diseases Act, 1914-1926 (No. 23 of 1914)— secs. 8a (3) ; 10 (4) ; 12 (2) ; 14 (3) sec. 20	Recovery of expenses incurred by inspector in eradicating and/or preventing spread of disease. Recovery of expenses incurred under the Act from persons liable.
Government Electric Works Act, 1915 (No. 29 of 1915)—sec. 13 (v)	Recovery of charges for electricity and rent of meters, fittings, and other apparatus recoverable sum- marily under the provisions of the by-laws.
Fire Brigades Act, 1917 (No. 13 of 1917)—sec. 71	Recovery of charges by fire brigade in attending uninsured house or building.
Vermin Act, 1918 (No. 2 of 1919)—sec. 62 (b) ii.	Recovery of rates.
Roads Act, 1919 (No. 38 of 1919)—sec. 99 (e) ...	Recovery of costs ordered to be paid by candidate in connection with proceedings relating to disputed returns.
<i>Second Schedule :</i> Regulation 21 23 24	Recovery of expenses incurred in re- lation to dangerous building. Recovery of expenses incurred in re- lation to ruinous, dilapidated, or neglected buildings. Recovery of prescribed fees payable to a board in connection with any dilapidated or neglected building.
Stamp Act, 1922 (No. 10 of 1922)—sec. 39 ...	Recovery of stamp duty and fines for late stamping.
Inspection of Machinery Act, 1922 (No. 11 of 1922)—sec. 77	Recovery of fees payable under the Act.

EIGHTH SCHEDULE—*continued.*

Enactment and Section.	Subject matter.
Inspection of Scaffolding Act, 1924 (No. 39 of 1924)—sec. 14 (9) sec. 23 	Recovery of cost of inquiry concerning accident. Recovery of fees payable under the Act.
Industrial Arbitration Act, 1912-1925 (Appendix, 1925, Sessional Volume of Statutes)—sec. 149	Recovery of fines, fees, levies and dues payable to an industrial union or association.
Coal Mines Regulation Act, 1902 (Appendix 1926, Sessional Volume of Statutes)—secs. 13 (6) : 13 (10) 26 (1)	Recovery of cost of proceedings for removal of check weigher. Recovery of cost of inquiry as to competency of manager, under-manager or overman.
Legal Practitioners Act, 1897 (Appendix 1927, Sessional Volume of Statutes)—sec. 52	Recovery of fees payable under the Act or Rules.
Education Act, 1928 (No. 33 of 1928)—sec. 12 (2)	Recovery of fees for instruction.
Pawnbrokers' Ordinance, 1860 (Appendix 1928, Sessional Volume of Statutes)—sec. 23	Recovery of sum ordered to be paid to pawnbroker who is ordered to deliver up goods unlawfully deposited, pawned, pledged, sold or exchanged.
Health Act, 1911-1926 (Appendix 1931, Sessional Volume of Statutes)—sec. 64 (c) sec. 68 ... sec. 69 ... sec. 75 (2) ... sec. 89 ... sec. 98 ... sec. 108 (2)... sec. 109 ... sec. 146 ... sec. 149 ...	Recovery of contributions as between owners for expenses incurred in constructing drains. Recovery of cost of inspecting and removing stagnant water from cellar. Recovery by occupier from owner of premises of statutory expenses incurred in connection with paving, asphaltting, or draining cellar. Recovery of sum fixed as cost of sewerage communication or connection to premises. Recovery of sum fixed for cost of inspection and works done in connection with bacteriolytic plant. Recovery of costs of cleansing courts, private ways, common yards, urinals, sanitary conveniences, and common passages. Recovery of cost of right-of-way by local authority from owner of premises. Recovery of expenses incurred by local authority under Division 6 of Part IV. of the Act. Recovery of expense incurred by local authority in cleaning up nuisance. Recovery of expense incurred by local authority in abating nuisance.

EIGHTH SCHEDULE—*continued.*

Enactment and Section.	Subject matter.
Health Act, 1911-1926 (Appendix 1931, Sessional Volume of Statutes)—sec. 160	Recovery of cost of putting slaughter house in condition conforming to requirements of the Act.
sec. 165 ...	Recovery of expenses incurred by local authority in the examination, detention, seizure, or destruction of any animal or food where the justices find that the animal or food or any portion thereof was diseased, unsound, or unwholesome, or unfit for human consumption.
sec. 212 ...	Recovery by local authority of cost of sanitary work or of remedying sanitary defect.
sec. 216 (5)	Recovery by local authority of cost of cleansing or disinfecting premises and articles.
sec. 220 (2)	Recovery from infected person of the cost of disinfecting vehicle which the infected person has entered.
sec. 314 ...	Recovery of moneys, costs, and expenses payable under the Act, regulations or by-laws (other than fines, penalties and forfeitures designated as such).

Date of operation.

7. This Act shall come into operation on the first day of January, 1933.

Citation of principal Act as amended.

8. The principal Act as amended by this Act may be cited as the Justices Act, 1902-1932.