

## JUSTICES.

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No. 124 of 1982.

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AN ACT to amend the Justices Act 1902-1982.

[Assented to 10 December 1982.]

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

1. (1) This Act may be cited as the *Justices Amendment Act 1982*. Short title.  
and citation.

(2) In this Act the Justices Act 1902-1982 is referred to as the principal Act. Reprinted as  
approved 30  
November  
1977 and  
amended by  
Acts Nos. 6  
and 67 of  
1979, 67 of  
1980, 120 of  
1981 and 20  
of 1982.

(3) The principal Act as amended by this Act may be cited as the Justices Act 1902-1982.

Section 233  
amended.

2. Section 233 of the principal Act is amended by—

(a) inserting before the definition of “court record” the following definition—

“ “charge sheet” means book or document containing, in relation to a complaint, an official record of—

- (a) the name of the defendant;
- (b) the particulars of the offence with which the defendant was charged; and
- (c) the determination of the complaint,

whether or not that book or document also contains any other matter relating to the complaint; ” ; and

(b) deleting the definition of “document”, “official record”, “negative”, and “reproduction” and substituting the following definitions—

“ “document”, “negative” and “reproduction” have the same respective meanings as they have in and for the purposes of sections 73A to 73V, inclusive, of the Evidence Act 1906;

“official record” includes—

- (a) any document, book, plan, paper, photograph or parchment; or
- (b) any material (other than material referred to in paragraph (a) of this definition) or part thereof on which is

any writing or printing or which is marked with any letters or marks denoting words or any other signs capable of carrying a definite meaning to persons conversant with them,

made or received by a Court of Petty Sessions or person acting judicially under this Act. ” .

3. The principal Act is amended by inserting, after section 233, the following section—

Section 233A inserted.

“ 233A. This Part shall not be construed so as to derogate in any way from the Library Board of Western Australia Act 1951. ” .

Application of Part X.

4. Sections 235 and 236 of the principal Act are repealed and the following sections are substituted—

Sections 235 and 236 repealed and sections 235, 236 and 236A substituted.

“ 235. Subject to sections 233A, 236 and 236A of this Act, a court record—

Destruction of court records generally.

(a) which is a charge sheet may be destroyed after the expiration of 53 years; or

(b) which is not a charge sheet may be destroyed after the expiration of 15 years,

from the time when it became such a court record.

236. Subject to sections 233A and 236A of this Act—

Destruction of court records when negatives held.

(a) a court record may, if a negative thereof is held by or on behalf of the Court of Petty Sessions concerned, be destroyed at any time after the expiration of 3 years from the time when it became a court record; and

- (b) a negative referred to in paragraph (a) of this section shall be held by or on behalf of the Court of Petty Sessions concerned until—
- (i) in the case of a negative of a charge sheet, the expiration of 53 years from the time when the charge sheet; or
  - (ii) in the case of a negative of a court record which is not a charge sheet, the expiration of 15 years from the time when that court record,

became a court record.

Preservation  
orders.

236A. (1) A clerk of petty sessions may, of his own motion or on the application of the complainant or defendant or any other person interested in any proceedings in the Court of Petty Sessions concerned, which proceedings have not yet been completed—

- (a) order in writing that all or any of the court records relating to those proceedings be preserved from destruction for a period of one year; and
- (b) from time to time renew in writing for a period of one year an order made under this subsection.

(2) A person shall not destroy a court record to which an order made or renewed under subsection (1) of this section relates while that order is in force.

Penalty: \$100. ” .