

JUSTICES.

No. 72 of 1975.

AN ACT to amend the Justices Act, 1902-1973.

[Assented to 7th November, 1975.]

BE 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 Act Amendment Act, 1975*.

Short title
and citation.

(2) In this Act the Justices Act, 1902-1973 is referred to as the principal Act.

Reprinted as
approved for
Reprint 17th
November,
1972 and
amended by
the Metric
Conversion
Act,
1972-1973.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1975.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 1
amended.
(Short title
and division
of Act.)

3. Section 1 of the principal Act is amended by adding after the passage "PART VI.—PROCEEDINGS IN CASE OF SIMPLE OFFENCES AND BREACHES OF DUTY," a passage as follows "PART VIA.—RECIPROCAL ENFORCEMENT OF FINES AGAINST BODIES CORPORATE."

Section 4
amended.
(Interpreta-
tions.)

4. Section 4 of the principal Act is amended by deleting the definition "Road District".

Section 15
amended.
(Interest as
ratepayer,
etc., no
disqualifi-
cation.)

5. Subsection (2) of section 15 of the principal Act is amended by deleting the passage "road district," in line three.

Section 166
amended.
(Mitigation
of punish-
ment by
Justices.)

6. Section 166 of the principal Act is amended by deleting the words "fifty dollars" in line nine of the third paragraph of that section and substituting the words "five hundred dollars".

Heading to
section 168
amended.

7. The heading to section 168 of the principal Act is amended by deleting the words "and of Keeper of Gaol".

Part VIA
added.

8. The principal Act is amended by adding after section 171 a Part as follows—

PART VIA.—RECIPROCAL ENFORCEMENT OF FINES
AGAINST BODIES CORPORATE.

Interpre-
tation and
Application.

171A. In this Part—

"fine" includes a pecuniary penalty, pecuniary forfeiture, pecuniary compensation and fees, charges and costs

payable under a conviction or order of a court in the exercise of summary jurisdiction.

“reciprocating court” means a court of a reciprocating State or Territory declared by proclamation under section 171B of this Act to be a reciprocating court;

“reciprocating State or Territory” means another State or Territory of the Commonwealth declared by proclamation under section 171B of this Act to be a reciprocating State or Territory.

171B. (1) The Governor may by proclamation published in the *Government Gazette*—

- (a) declare another State or Territory of the Commonwealth, being a State or Territory having laws providing for enforcement in that State or Territory of a fine payable under a conviction or order of a court of petty sessions or other court having summary jurisdiction in this State against a body corporate in that State or Territory, to be a reciprocating State or Territory for the purposes of enforcement in this State of a fine payable under a conviction or order of a court having summary jurisdiction in the other State or in the Territory against a body corporate in this State; and
- (b) declare a court having summary jurisdiction in a reciprocating State or Territory to be a reciprocating court for the purposes of the enforcement in this State of a fine payable under a conviction or order of that court against a body corporate in this State.

(2) For the purposes of subsection (1) of this section a court may be declared singly or in conjunction with another or others by such description or class or by means of such references as the Governor thinks fit.

Appoint-
ment of
reciprocat-
ing States
and Ter-
ritories and
reciprocat-
ing courts.

(3) The Governor may by a subsequent proclamation vary or cancel any proclamation made under this section.

Enforcement
of interstate
fine against
body cor-
porate.

171C. (1) Where, under a conviction or order of a reciprocating court made in exercise of its summary jurisdiction, a fine is payable by a body corporate having or appearing to have property in this State, and the clerk of the court of petty sessions at or near to a place where the body corporate has or appears to have property receives a request in writing from the clerk or other corresponding officer of that reciprocating court for the enforcement of the conviction or order accompanied by—

- (a) a certified copy of the conviction or order; and
- (b) a certificate under the hand of the clerk or corresponding officer making the request certifying the amount of the fine outstanding under the conviction or order,

he shall—

- (c) register the conviction or order by filing in the court of petty sessions the certified copy of the conviction or order; and
- (d) note the date of the registration on the copy.

(2) Upon the registration of a conviction or order under subsection (1) of this section—

- (a) the conviction or order shall for the purposes of this Part be deemed to be a conviction or order of the court of petty sessions requiring payment by the body corporate of the amount of the fine stated in the certificate referred to in subsection (1) of this section as outstanding;

- (b) the clerk of the court of petty sessions shall for the purposes of this Part issue a warrant of execution for the purpose of recovering the amount of the fine required to be paid by levying against the goods and chattels of the body corporate; and
- (c) the warrant so issued shall be deemed to be a warrant of execution issued by a Justice under this Act and the provisions of this Act shall, with all necessary adaptations, apply and extend accordingly with respect to the enforcement of that warrant.

(3) Where the clerk of petty sessions receives, subsequent to the request for the enforcement of the conviction or order, a notification from the clerk or other corresponding officer of the reciprocating court of payment by or on behalf of the body corporate of an amount in satisfaction in whole or in part of the amount of the fine outstanding, he shall—

- (a) note the particulars of such payment on the certified copy of the conviction or order filed in the court; and
- (b) arrange for the return of the warrant issued pursuant to subsection (2) of this section if it is unexecuted, and
 - (i) withdraw it, if the amount of the fine has been paid in full; or
 - (ii) if part of the amount of the fine remains outstanding, amend the amount stated in the warrant to show the amount still outstanding, and thereafter the warrant shall be enforced in respect of such altered amount.

(4) A sum of money paid to or received by a clerk of petty sessions in satisfaction in whole or in part of a fine payable under a conviction or order enforced under subsection (2) of this

section shall be remitted forthwith to the clerk or corresponding officer of the reciprocating court by which the conviction or order was made.

Effect of enforcement by reciprocating court.

171D. A sum of money paid to or received by a clerk of petty sessions in this State from a reciprocating court in satisfaction in whole or in part of a fine payable under a conviction or order of a court having summary jurisdiction enforced by the reciprocating court shall be paid to or received by and applied by the clerk of petty sessions as if the sum had been paid to him by the body corporate by which the fine was payable in satisfaction in whole or in part of the fine.

Section 192 amended. (Procedure where decision reversed on appeal.)

9. Section 192 of the principal Act is amended by deleting the passage commencing with the word "Associate", in line two and ending with the word "Master" in line four and substituting the passage "Associate, or the Registrar".

Section 195 amended. (If costs not paid certificate to be granted.)

10. Section 195 of the principal Act is amended by deleting the passage commencing with the word "Associate" in line two and ending with the word "Master" in line four and substituting the passage "Associate, or the Registrar".
