

## JUSTICES.

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No. 41 of 1977.

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AN ACT to amend the Justices Act, 1902-1976.

[Assented to 7th November, 1977.]

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, 1977*. Short title and citation.

(2) In this Act the Justices Act, 1902-1976 is referred to as the principal Act. Reprinted as approved for reprint 17th November, 1972 and amended by Acts Nos. 19 of 1973, 72 of 1975 and 33 and 119 of 1976.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1977.

Section 9  
repealed and  
re-enacted.

2. Section 9 of the principal Act is repealed and re-enacted as follows—

Chief elec-  
tive executive  
officers of  
municipali-  
ties to be  
Justices.

9. (1) A person who is for the time being—

(a) the Mayor of a city or town; or

(b) the President of a shire,

within the meaning and for the purposes of the Local Government Act, 1960, shall, by virtue of his office and without any further commission or authority than this Act, be a Justice of the Peace for the magisterial district or districts in which the municipal district of the city, town or shire, as the case may be, is situated.

(2) The Under Secretary for Law shall keep a special roll of persons who are for the time being Mayors or Presidents as mentioned in subsection (1) of this section, but he shall not enter therein the name of any such person unless and until he receives a certificate from the relevant town clerk or shire clerk, as the case may be, to the effect that the person holds such an office.

(3) When a person's name is entered in the special roll as mentioned in subsection (2) of this section, the Under Secretary for Law shall give notice thereof in writing to that person.

(4) A person who becomes a Justice pursuant to subsection (1) of this section shall not exercise any of the powers and authorities of a Justice of the Peace unless and until he receives the notice in writing as mentioned in subsection (3) of this section.

Section 10  
repealed and  
re-enacted.

3. Section 10 of the principal Act is repealed and re-enacted as follows—

Prohibition  
on acting.

10. The Governor may by order prohibit any person who is a Justice of the Peace pursuant to section nine of this Act from acting as such

a Justice, and from the time of the notification in the *Government Gazette* of such an order he shall be and remain incapable of acting as a Justice of the Peace unless and until—

- (a) he has been again elected to the office of Mayor or President as mentioned in section nine of this Act and that section has again been complied with; or
- (b) he has been appointed by the Governor to be a Justice of the Peace. .

4. Section 12 of the principal Act is repealed and re-enacted as follows—

Section 12 repealed and re-enacted.

12. A person who is for the time being—

Judges etc. to be Justices of the Peace.

- (a) a Judge of the Supreme Court;
- (b) a Judge of The District Court of Western Australia;
- (c) a Judge of the Family Court of Western Australia;
- (d) a Magistrate; or
- (e) a Coroner,

or who is for the time being acting in such an office or exercising the powers thereof, shall, by virtue of that office and without any further commission or authority than this Act, be a Justice of the Peace for the State. .

5. Section 186 of the principal Act is amended by deleting the word “to”, being the penultimate word in line one, and inserting in lieu thereof the word “by”.

Section 186 amended.

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