

LEGAL AFFAIRS — DISTRICT COURT (JURISDICTION) REGULATIONS 2022

828. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *District Court (Jurisdiction) Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The *District Court (Jurisdiction) Regulations 2022* (“**Regulations**”) are not amending regulations. The purpose and effect of the Regulations is to prescribe certain classes of indictable criminal offence which cannot be tried before the District Court of Western Australia. By reason of the Regulations, the District Court cannot try criminal cases involving offences which carry a maximum term of life imprisonment or which involve matters of the type described in regulation 3(1)(b) (which are typically offences against Commonwealth laws). In effect, the Regulations apply limits upon the criminal jurisdiction of the District Court in the classes of case described in the Regulations. These classes of case must instead be tried in the Supreme Court of Western Australia. The Regulations are part of a scheme to transfer jurisdiction in indictable criminal cases generally to the District Court from the Supreme Court, subject to prescribed exceptions contained in the section 42(2)(a) of the *District Court of Western Australia Act 1969* (WA), or regulations made under section 42(2)(b) of that Act. Additional District Court judges have already been appointed to address the transfer of jurisdiction.
- (b) The Chief Justice of Western Australia and the Chief Judge of the District Court.
- (c) The Chief Judge initially queried whether a transitional provision was required, but then considered that it was unnecessary.
- (d)–(f) Not applicable.