

## SUITORS' FUND AMENDMENT (LEVY) BILL 2017

### EXPLANATORY MEMORANDUM

#### Overview of the Bill

The Suitors' Fund Amendment (Levy) Bill 2017 operates in conjunction with clauses 4 and 5 of the Suitors' Fund Amendment Bill 2017, which seeks to address the funding deficiency of the Suitors' Fund by amending the *Suitors' Fund Act 1964* (WA). The amendments to the *Suitors' Fund Act 1964* remove reference to the maximum amount that may be imposed on an initiating process to finance the Suitors' Fund, and provide that the levy to be imposed be prescribed in regulations.

This will allow for greater flexibility in setting an appropriate levy to finance the Suitors' Fund and to allow the Appeal Costs Board to meet its ongoing obligations under the *Suitors' Fund Act 1964*.

The levy imposed by the Bill amounts to a tax. Section 46(7) of the *Constitution Acts Amendment Act 1899* (WA) requires a separate Bill to impose the levy. This Bill imposes the levy.

#### Clause 1 – Short title

This clause provides that the short title is the *Suitors' Fund Amendment (Levy) Act 2017*.

#### Clause 2 – Commencement

This clause provides that sections 1 and 2 of the Act will come into operation on the day the Act receives the Royal Assent, and that the rest of the Act will come into operation on the day on which the *Suitors' Fund Amendment Act 2017* section 4 comes into operation.

#### Clause 3 – Act amended

This clause provides that the Bill amends the *Suitors' Fund Act 1964*.

#### Clause 4 – Section 5 amended

This clause inserts a new subsection 5(1A) into the *Suitors' Fund Act 1964* which imposes the levy.