

## Courts Legislation Amendment Bill 2017

### Contents

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
<b>Part 2 — <i>Civil Judgments Enforcement Act 2004</i> amended</b>		
3.	Act amended	3
4.	Section 120 amended	3
5.	Section 122 inserted	3
	122. Validation of certain fees imposed	3
<b>Part 3 — <i>Magistrates Court Act 2004</i> amended</b>		
6.	Act amended	5
7.	Schedule 1 clause 2 amended	5
8.	Schedule 1 clause 9 amended	5
9.	Schedule 1 clause 11 amended	5
<b>Part 4 — <i>Supreme Court Act 1935</i> amended</b>		
10.	Act amended	6
11.	Section 31 deleted	6



Western Australia

LEGISLATIVE COUNCIL

## **Courts Legislation Amendment Bill 2017**

**A Bill for**

**An Act to amend —**

- **the *Civil Judgments Enforcement Act 2004*; and**
- **the *Magistrates Court Act 2004*; and**
- **the *Supreme Court Act 1935*.**

The Parliament of Western Australia enacts as follows:

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**Part 1 — Preliminary**

**1. Short title**

This is the *Courts Legislation Amendment Act 2017*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

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**Part 2 — *Civil Judgments Enforcement Act 2004* amended**

**3. Act amended**

This Part amends the *Civil Judgments Enforcement Act 2004*.

**4. Section 120 amended**

After section 120(2) insert:

- (3) Without limiting section 119(1), regulations may provide for or prescribe the fees to be paid for the registration of a judgment under the *Service and Execution of Process Act 1992* (Commonwealth) section 105(1).

**5. Section 122 inserted**

At the end of Part 8 insert:

**122. Validation of certain fees imposed**

Any fee for the registration, in this State, of a judgment under the *Service and Execution of Process Act 1992* (Commonwealth) section 105(1) imposed before the *Courts Legislation Amendment Act 2017* section 4 (the **CLAA section 4**) comes into operation —

- (a) is taken to be, and to have always been, as validly imposed as it would have been if it had been imposed under this Act as amended by the CLAA section 4; and

**s. 5**

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(b) if paid, is taken to be, and to have always been,  
as validly paid as it would have been if it had  
been paid under this Act as amended by the  
CLAA section 4.

1           **Part 3 — *Magistrates Court Act 2004* amended**

2   **6.       Act amended**

3           This Part amends the *Magistrates Court Act 2004*.

4   **7.       Schedule 1 clause 2 amended**

5           In Schedule 1 clause 2(2)(b) delete “65” and insert:

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9   **8.       Schedule 1 clause 9 amended**

10          In Schedule 1 clause 9(2):

11           (a) delete “magistrate —” and insert:

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13                         magistrate a person who is qualified under clause 2.

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15           (b) delete paragraphs (a), (b) and (c).

16   **9.       Schedule 1 clause 11 amended**

17          In Schedule 1 clause 11(1)(a) delete “65” and insert:

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19          70

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1 **Part 4 — *Supreme Court Act 1935* amended**

2 **10. Act amended**

3 This Part amends the *Supreme Court Act 1935*.

4 **11. Section 31 deleted**

5 Delete section 31.

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