

## 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	6
<b>Part 4 — <i>Supreme Court Act 1935</i> amended</b>		
10.	Act amended	7
11.	Section 31 deleted	7



Western Australia

LEGISLATIVE COUNCIL

*(As amended in Committee)*

## **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:

1  
2  
3  
4  
5  
6  
7  
8

**Part 1 — Preliminary**

**1. Short title**

This is the *Courts Legislation Amendment Act 2017*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**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**

---

1  
2  
3  
4  
5

(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:

6

7 70

8

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

10 (1) In Schedule 1 clause 9(2) delete paragraphs (b) and (c) and  
11 insert:

12

13 (b) a person who would, but for the fact that he or  
14 she has attained the age referred to in  
15 clause 2(2)(b), be qualified to be appointed as a  
16 magistrate or an acting magistrate; or

17 (c) a person who is a retired magistrate but has not  
18 yet attained 70 years of age,

19 for such period not exceeding 12 months as is specified  
20 in that instrument.

21

22 (2) In Schedule 1 clause 9(3) delete “but the period must not extend  
23 beyond when the appointee reaches 70 years of age;”.

24 (3) In Schedule 1 insert after clause 9(3):

25

26 (3A) An appointment under clause 9(2) may be extended by  
27 the Governor by instrument for a further period or  
28 periods, but that appointment can only be extended on

**s. 9**

---

1 any one occasion for such period not exceeding  
2 12 months as is specified in the relevant instrument.  
3

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

5 In Schedule 1 clause 11(1)(a) delete “65” and insert:  
6

7 70  
8



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.

