

Western Australia

Courts Legislation Amendment Act 2012

As at 22 Nov 2012

No. 43 of 2012

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Courts Legislation Amendment Act 2012

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Courts Legislation Amendment Act 2012

No. 43 of 2012

An Act to amend —

- the *Criminal Procedure Act 2004*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*.

[Assented to 22 November 2012]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Courts Legislation Amendment Act 2012*.

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 a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — *Criminal Procedure Act 2004* amended

3. Act amended

This Part amends the *Criminal Procedure Act 2004*.

4. Section 124 amended

(1) Delete section 124(5)(a) and insert:

- (a) delegate to a registrar of the court any jurisdiction the court has, including under any written law, other than the following jurisdiction —
 - (i) to find a person guilty or not guilty of an offence;
 - (ii) to discharge an accused from a charge;
 - (iii) to consent to the discontinuance of a charge in a case where the accused does not consent to the discontinuance;
 - (iv) to stay a prosecution;
 - (v) to set aside a committal;
 - (vi) to find a person guilty of a contempt of the court;

(2) After section 124(5) insert:

- (6) A person dissatisfied by a decision made by a registrar of the court under jurisdiction delegated under subsection (5)(a) may appeal to a judge of the court.
- (7) An appeal cannot be commenced more than 21 days after the date of the registrar's decision, unless a judge of the court gives leave to do so.

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- (8) The appeal must be conducted in accordance with the rules of court.
- (9) The appeal is to be by way of a new hearing of the issue that was before the registrar.

**Part 3 — Magistrates Court (Civil Proceedings)
Act 2004 amended**

5. Act amended

This Part amends the *Magistrates Court (Civil Proceedings) Act 2004*.

6. Section 40 amended

Delete section 40(3) and insert:

- (3) An appeal cannot be commenced more than 21 days after the date of judgment, unless the District Court gives leave to do so.
- (4A) The appeal must be conducted in accordance with rules of court made by the District Court.

7. Section 42 amended

Delete section 42(2) and insert:

- (2) An appeal cannot be commenced more than 21 days after the date of judgment, unless the Court of Appeal gives leave to do so.
- (3A) The appeal must be conducted in accordance with rules of court made by the Supreme Court.

