

WESTERN AUSTRALIA

**SUPREME COURT AMENDMENT
ACT 1996**

No. 3 of 1996

AN ACT to amend the *Supreme Court Act 1935*.

[Assented to 24 May 1996]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Supreme Court Amendment Act 1996*.

Commencement

2. This Act comes into operation on such day as is, or days as are respectively, fixed by proclamation.

Principal Act

3. In this Act, the *Supreme Court Act 1935** is referred to as the principal Act.

[* *Reprinted as at 25 July 1986.*
For subsequent amendments see 1994 Index to
Legislation of Western Australia, Table 1, pp. 210-11.]

Section 7 amended

4. Section 7 (1) (a) of the principal Act is amended by deleting "16" and substituting the following—

" 20 "

Section 8 repealed and a section substituted

5. Section 8 of the principal Act is repealed and the following section is substituted —

"

Qualification of Judges and acting Judges

8. (1) A person is eligible for appointment as a Judge of the Court if that person —

- (a) is or has been a barrister or solicitor of the Court of at least 8 years' standing and practice; or
- (b) is a practising barrister of the English bar or of the High Court of Australia, of at least 8 years' standing.

(2) A person is eligible for appointment as an acting Judge of the Court if that person is, or has retired as —

- (a) a judge of the Supreme Court of another State, or Territory; or
- (b) a judge of the Federal Court of Australia.

Section 11 amended

6. Section 11 (1) of the principal Act is amended by inserting after “appointed a Judge” the following —

“ or an acting Judge ”.

Section 118 amended

7. Section 118 of the principal Act is amended —

- (a) by inserting after the section designation “**118.**” the subsection designation “(1)”; and
- (b) by deleting the proviso to subsection (1) and substituting the following subsections —

(2) The following goods shall not be seized under subsection (1) —

- (a) wearing apparel of the defendant or other person of a value not exceeding the declared amount;
- (b) wearing apparel of the defendant’s wife of a value not exceeding the declared amount;
- (c) wearing apparel of the defendant’s family of a value not

exceeding the declared amount for each member thereof dependent on him;

- (d) furniture and effects (including beds and bedding) used for domestic purposes of a value not exceeding, in the aggregate, the declared amount;
- (e) implements of trade of a value not exceeding the declared amount;
- (f) family photographs and portraits.

(3) In subsection (2) “**declared amount**” means the amount which is for the time being declared, by proclamation published in the *Gazette*, for each of the particular goods or types of goods.

”.

Section 124 amended

8. Section 124 of the principal Act is amended by deleting “\$40 (including legal incidental expenses)” and substituting the following —

“

\$500 (including legal incidental expenses), or such other amount as may for the time being be declared by proclamation,

”.

Section 142 amended

9. Section 142 (1) of the principal Act is amended by deleting “time of entering up” and substituting the following —

“ date of ”.

Section 167 amended

10. Section 167 of the principal Act is amended —

(a) by inserting after subsection (1) (o) the following paragraphs —

“

(oa) For regulating and prescribing the procedure and the practice to be followed in respect of —

(i) access to;

(ii) inspection, copying, preservation, or observing, of; and

(iii) taking samples of or from,

any document or property in or formerly in the possession, custody or power of any person (whether or not that person is a party to the cause or matter).

(ob) For regulating and prescribing the procedure and the practice to be followed in respect of the making of applications by any person prior to the commencement by that person of any cause.

(oc) For prescribing the manner in which Rules of Court made under paragraphs (oa) and (ob) may be enforced.

”;

and

(b) by inserting after subsection (2) the following subsection —

“

(3) Nothing in the Rules of Court made under subsection (1) (oa) or (1) (ob) shall affect any ground of privilege.

”.

Section 171 repealed

11. Section 171 of the principal Act is repealed.