

ACTS AMENDMENT (JURISDICTION OF COURTS).

No. 118 of 1981.

AN ACT to amend The Criminal Code, the District Court of Western Australia Act 1969-1978 and the Local Courts Act 1904-1976.

[Assented to 14 December 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Acts Amendment (Jurisdiction of Courts) Act 1981*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

PART I—THE CRIMINAL CODE.

Interpretation.
Reprinted as approved 8 December 1978 and amended by Acts Nos. 67, 68 and 107 of 1979 and 96 of 1980.

3. In this Part, “the Code” means The Criminal Code set out in the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Act Compilation Act 1913 as amended from time to time.

Specified sections of Code amended.

4. The Code is amended by deleting “imprisonment with hard labour for life” wherever it occurs in the sections referred to in the schedule to this section and substituting in each case the following—

“ imprisonment with hard labour for twenty years ” .

SCHEDULE.

Section	Section
47	343
185	390B
186	398
197	401
287	444
292	449
293	451
294	451A
295	453
296	454
296A	511.
298	

Section 134 amended.

5. Section 134 of the Code is amended by deleting “imprisonment with hard labour for life” in the second place where it occurs and substituting the following—

“ imprisonment with hard labour for twenty years ” .

6. Section 393 of the Code is amended by deleting the second paragraph and substituting the following paragraphs—

Section 393
amended.

“ If the offender is armed with any dangerous or offensive weapon or instrument, he is liable to imprisonment with hard labour for life, with or without whipping.

If the offender is in company with one or more other person or persons, or if at or immediately before or immediately after the time of the robbery, he wounds or uses any other personal violence to any person, he is liable to imprisonment with hard labour for twenty years, with or without whipping. ” .

PART II—DISTRICT COURT OF WESTERN AUSTRALIA
ACT 1969-1978.

7. (1) In this Part, the District Court of Western Australia Act 1969-1978 is referred to as the principal Act.

Citation.
Reprinted as
approved
5 September
1980.

(2) The principal Act as amended by this Act may be cited as the District Court of Western Australia Act 1969-1981.

8. Section 42 of the principal Act is amended in subsection (2) by deleting “exceeds fourteen years” and substituting the following—

Section 42
amended.

“ is imprisonment for life ” .

9. Section 50 of the principal Act is amended in subsection (1)—

Section 50
amended.

(a) by deleting “twenty” wherever it occurs and substituting in each case the following—

“ fifty ” ;

(b) by deleting paragraph (b) and substituting the following paragraphs—

“ (b) an action brought to recover a sum of not more than fifty thousand dollars which is the whole or part of the unliquidated balance of a partnership account, including in any such action jurisdiction, powers and authority relating to declaration of partnership or dissolution of partnership;

(ba) an action brought to recover a sum of not more than fifty thousand dollars which is the amount or part of the amount of the distributive share under an intestacy or of a legacy under a will;

(bb) an action for specific performance of or for the rectifying, delivering up, or cancelling of any agreement whatever, where the amount in dispute or the value of the property affected is not more than fifty thousand dollars; ” ; and

(c) by deleting “ten” in both places where it occurs in paragraph (d) and substituting in each case the following—

“ twenty-five ” .

Section 51
amended.

10. Section 51 of the principal Act is amended in subsection (1)—

(a) by deleting “twenty” in both places where it occurs and substituting in each case the following—

“ fifty ” ; and

(b) by deleting “thirty” and substituting the following—

“ seventy-five ” .

11. Section 60 of the principal Act is amended by deleting "twenty" in both places where it occurs and substituting in each case the following—

Section 60
amended.

" fifty " .

PART III—LOCAL COURTS ACT 1904-1976.

12. (1) In this Part the Local Courts Act 1904-1976 is referred to as the principal Act.

Citation.
Reprinted as
approved 10
December
1975 and
amended
by Acts Nos.
69 and 111
of 1976.

(2) The principal Act as amended by this Act may be cited as the Local Courts Act 1904-1981.

13. Section 30 of the principal Act is amended by deleting "three" in both places where it occurs and substituting in each case the following—

Section 30
amended.

" six " .

14. Section 31 of the principal Act is amended by deleting "three" and substituting the following—

Section 31
amended.

" six " .

15. Section 32 of the principal Act is amended by deleting "three" and substituting the following—

Section 32
amended.

" six " .

16. Section 46 of the principal Act is amended in subsection (2) (a) by deleting "fifty dollars, apply for and obtain final judgment against the defendant for the amount not exceeding fifty dollars claimed for pecuniary damages" and substituting the following—

Section 46
amended.

" five hundred dollars in the case of a claim in respect of damage to a motor vehicle or three hundred dollars in the case of other claims, apply for and obtain final judgment against the defendant for the amount not exceeding

five hundred dollars or three hundred dollars, as the case may be, claimed for pecuniary damages ” .

Section 59
amended.

17. Section 59 of the principal Act is amended by deleting “three” and substituting the following—

“ six ” .

Section 60
amended.

18. Section 60 of the principal Act is amended by deleting “three” in both places where it occurs and substituting in each case the following—

“ six ” .

Section 87
amended.

19. Section 87 of the principal Act is amended by deleting “three” in both places where it occurs and substituting in each case the following—

“ six ” .

Section 99
amended.

20. Section 99 of the principal Act is amended by deleting “five” and substituting the following—

“ ten ” .

Section 100
amended.

21. Section 100 of the principal Act is amended by deleting “five thousand” and substituting the following—

“ ten thousand ” .

Section 101
amended.

22. Section 101 of the principal Act is amended by deleting “five” and substituting the following—

“ ten ” .

Section 103
amended.

23. Section 103 of the principal Act is amended by deleting “five” in both places where it occurs and substituting in each case the following—

“ ten ” .