

ACTS AMENDMENT  
(JURISDICTION OF COURTS).

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No. 69 of 1976.

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AN ACT to amend the District Court of Western Australia Act, 1969-1975 and the Local Courts Act, 1904-1975.

[Assented to 6th October, 1976.]

**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, 1976.* Short title.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation. Commencement.

PART I.—DISTRICT COURT OF WESTERN AUSTRALIA  
ACT, 1969-1975.

## Citation.

3. (1) In this Part the District Court of Western Australia Act, 1969-1975 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the District Court of Western Australia Act, 1969-1976.

Section 4  
amended.

4. Section 4 of the principal Act is amended by adding after subsection (2b) a subsection as follows—

(2c) The Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that—

- (a) is commenced under the Supreme Court Act, 1935;
- (b) is pending on the date of the coming into operation of Part I of the Acts Amendment (Jurisdiction of Courts) Act, 1976; and
- (c) could have been commenced under this Act in the Court, if that Part had been in operation when the action was so commenced,

unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court.

Section 50  
amended.

5. Subsection (1) of section 50 of the principal Act is amended—

- (a) by deleting the word “ten”—
  - (i) in line five of paragraph (a);
  - (ii) in line two of paragraph (b);

- (iii) in line two of paragraph (c); and
  - (iv) in line four of paragraph (e),
- and inserting in lieu thereof the word "twenty" in each case; and
- (b) by deleting the word "five", in line three and in line six of paragraph (d), and inserting in lieu thereof the word "ten", in each case.

6. Subsection (1) of section 51 of the principal Act is amended— Section 51 amended.

- (a) by deleting the word "ten", in lines five and fifteen, and inserting in lieu thereof the word "twenty" in each case; and
- (b) by deleting the word "sixteen", in line six, and inserting in lieu thereof the word "thirty".

7. Section 60 of the principal Act is amended by deleting the word "ten", in lines four and six, and inserting in lieu thereof the word "twenty" in each case. Section 60 amended.

#### PART II.—LOCAL COURTS ACT, 1904-1975.

8. (1) In this Part the Local Courts Act, 1904-1975 is referred to as the principal Act. Citation.

(2) The principal Act as amended by this Act may be cited as the Local Courts Act, 1904-1976.

9. Section 3 of the principal Act is amended by inserting after the interpretation "Court" an interpretation as follows— Section 3 amended.

"District Court" means The District Court of Western Australia established under the District Court of Western Australia Act, 1969; .

Section 4A  
added.

10. The principal Act is amended by adding after section 4 a section as follows—

Saving.

4A. The Chairman of Judges of the District Court may make an order, at any time after hearing the parties concerned, remitting to a Local Court any action that—

- (a) is commenced under the District Court of Western Australia Act, 1969;
- (b) is pending on the date of the coming into operation of Part II of the Acts Amendment (Jurisdiction of Courts) Act, 1976;
- (c) could have been commenced under this Act in a Local Court if those sections had been in operation when the action was so commenced,

unless a party to the action satisfies the Chairman of Judges of the District Court that for good cause shown the action should not be remitted. .

Section 30  
amended.

11. Section 30 of the principal Act is amended by deleting the word "one", in lines two and seven, and inserting in lieu thereof the word "three" in each case.

Section 31  
amended.

12. Section 31 of the principal Act is amended by deleting the word "one", in line two and inserting in lieu thereof the word "three".

Section 32  
amended.

13. Section 32 of the principal Act is amended by deleting the word "one", in line six, and inserting in lieu thereof the word "three".

Section 59  
amended.

14. Section 59 of the principal Act is amended by deleting the word "one", in line eight, and inserting in lieu thereof the word "three".

15. Section 60 of the principal Act is amended by deleting the word "one", in lines four and five, and inserting in lieu thereof the word "three" in each case. Section 60 amended.

16. Section 87 of the principal Act is amended by deleting the word "one", in lines four and seven, and inserting in lieu thereof the word "three" in each case. Section 87 amended.

17. Section 99 of the principal Act is amended by deleting the words "one thousand six hundred", in line three, and inserting in lieu thereof the words "five thousand". Section 99 amended.

18. Section 100 of the principal Act is amended by deleting the words "one thousand six hundred", in lines two and three, and inserting in lieu thereof the words "five thousand". Section 100 amended.

19. Section 101 of the principal Act is amended by deleting the words "one thousand six hundred", in the last line, and inserting in lieu thereof the words "five thousand". Section 101 amended.

20. Section 103 of the principal Act is amended by deleting the words "one thousand six hundred", in lines three and twenty, and inserting in lieu thereof the words "five thousand" in each case. Section 103 amended.

21. Section 107 of the principal Act is repealed and re-enacted as follows— Section 107 repealed and re-enacted.

107. (1) Subject to subsection (2) of this section, a party to an action or matter who is dissatisfied with— Appeals.

(a) a final judgment may appeal from that judgment to the District Court;

- (b) a judgment that is not a final judgment, may by leave of the District Court appeal to that Court,

notwithstanding that the action or matter to which the final judgment or judgment relates may have been brought in the Local Court by consent as provided in this Act.

(2) An appeal to the District Court shall be made in the time and manner prescribed, and with such security for costs of the appeal as prescribed, by the Rules of the District Court, and, subject to subsection (5) of this section, the District Court has the jurisdiction to hear and determine the appeal accordingly.

(3) A party to an appeal to the District Court who is dissatisfied with a judgment of the District Court on the appeal may by leave of the Supreme Court or a Judge thereof appeal from that judgment to the Full Court of the Supreme Court constituted under the Supreme Court Act, 1935.

(4) An appeal to the Full Court of the Supreme Court shall be made in the time and manner prescribed, and with such security for costs of the appeal as prescribed, by the Rules of the Supreme Court, and that Full Court has jurisdiction to hear and determine the appeal accordingly.

(5) Where an appeal to the District Court is pending, the Supreme Court or a Judge thereof may, at the instance of a party to the appeal and for good cause shown by him, remove the appeal to the Full Court of the Supreme Court.

(6) The removal of an appeal to the Full Court of the Supreme Court shall be done in the time and manner prescribed, and with such security for costs of the appeal as prescribed, by the Rules of the Supreme Court, and those

Rules shall apply in respect of the appeal, and that Full Court has jurisdiction to hear and determine the appeal accordingly.

(7) Notice of an appeal, a pending appeal, or proceedings on an appeal shall not operate as a stay of execution upon the judgment the subject of the appeal, unless the magistrate, or a Judge of the Court in which the appeal is pending or proceeding, otherwise orders. .

22. Section 110 of the principal Act is amended by inserting after the words "Supreme Court", in line two and line six, the passage "or the District Court, as the case may be," in each case.

Section 110  
amended.

23. Section 111 of the principal Act is amended by inserting after the words "Supreme Court", in lines one and two and in line eleven, the passage "or the District Court, as the case may be," in each case.

Section 111  
amended.

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