Western Australia

# Magistrates Court Act 2004

Compare between:

[01 Jul 2022, 03-f0-00] and [13 Apr 2023, 03-g0-01]

Western Australia

# Magistrates Court Act 2004

**An Act to establish the Magistrates Court of Western Australia and for related purposes.**

# Part 1 — Preliminary

## 1. Short title

This Act may be cited as the *Magistrates Court Act 2004*.

## 2. Commencement

This Act comes into operation on a day fixed by proclamation.

## 3. Terms used

In this Act, unless the contrary intention appears —

***case*** means proceedings in the Court involving or in connection with the Court's civil or criminal jurisdiction;

***Chief Magistrate*** means the Chief Magistrate appointed under Schedule 1 clause 6(1) or a person who under Schedule 1 clause 8(2) is performing the functions of the Chief Magistrate;

***Court*** means the Magistrates Court of Western Australia established by section 4;

***Court officer*** means a magistrate, a JP when constituting the Court, or a registrar when performing functions delegated to a registrar under section 28;

***courtroom*** includes a place where the Court is sitting;

***deal with*** includes to hear and determine;

***document*** means any record that is or is capable of being put on paper;

***JP*** means Justice of the Peace;

***magistrate*** means a person appointed under Schedule 1 as a magistrate of the Court;

***prescribed*** means prescribed by regulations made under this Act;

***record*** means any thing or process —

(a) on or by which information is recorded or stored; or

(b) by means of which a meaning can be conveyed by any means in a visible or recoverable form,

whether or not the use or assistance of some electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning;

***registrar*** means a person appointed under section 26 as the Principal Registrar, a registrar or a deputy registrar;

***rules of court*** means rules of court made under section 39.

**4A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies**

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

*[Section 4A inserted: No. 20 of 2013 s. 97.]*

# Part 2 — The Court

## 4. Court established

(1) A court called the Magistrates Court of Western Australia is established.

(2) The Court is a court of record.

(3) The Court is to have as many seals as are necessary for the transaction of its business.

## 5. Magistrates: appointment of, service etc.

Schedule 1 has effect.

## 6. Magistrates: functions of

(1) A magistrate has the functions imposed or conferred on a magistrate by laws that apply in Western Australia, including this Act and other written laws.

(2) A magistrate has and may perform any function of a registrar.

(3) With the Governor's approval, a magistrate —

(a) may hold concurrently another public or judicial office or appointment, including an office or appointment made under the law of another place; and

(b) may perform other public functions concurrently with those of a magistrate.

(4) A magistrate must not be appointed to an office that does not include any judicial functions without his or her consent.

(5) The Governor may extend the operation of section 37 to the performance by a magistrate of other functions, or the functions of another office or appointment, approved under subsection (3).

*[Section 6. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section altered 1 Nov 2009. See endnote 1M.]*

## 7. Constitution of Court

(1) The Court is to be constituted by one magistrate.

(2) In circumstances prescribed by the regulations or by another written law, the Court may be constituted by —

(a) 2 or more JPs; or

(b) one JP.

(3) Regulations made for the purpose of subsection (2) may provide that rules of court may, subject to the regulations, provide —

(a) that the Court may be constituted other than by one magistrate; and

(b) the circumstances when it may be so constituted.

(4) If another written law requires the Court to be constituted in a particular way to deal with a case, it must be constituted in that way despite subsections (1) and (2), except for the purposes of adjourning the case or making other procedural decisions in relation to the case.

(5) The Court, constituted in accordance with this section or another written law, may exercise its jurisdiction even if at the same time the Court, constituted by a different individual or by different individuals, is also exercising its jurisdiction.

(6) If the Court is constituted by 2 or more JPs for the purpose of dealing with a case —

(a) all of them must be present at all times when dealing with the case; and

(b) the decision of the Court is the decision of the majority of them; but if they are equally divided, the case is to be adjourned to a place and date decided by them or, if they cannot agree, by the one who was first appointed as a JP; and

(c) any one of them may issue a warrant or other process of the Court in relation to the case.

## 8. Where and when Court operates

(1) The Court —

(a) is to have registries at such places, including places outside the State, as the Minister, by written notice to the Chief Magistrate, decides from time to time; and

(b) is to sit at places where it has a registry at such times as the Chief Magistrate decides from time to time; and

(c) may, despite paragraphs (a) and (b), sit or otherwise exercise its jurisdiction at any time and place, but must not do so at a place outside the State without the approval of the Chief Magistrate.

(2) However, subsection (1) does not authorise the Court to have a registry, to sit, or to otherwise exercise its jurisdiction, at a place outside the State except to the extent allowed by the law of the jurisdiction in which the place is located.

(3) Public notice of decisions made under subsection (1)(a) and (b) is to be given in such manner as the Chief Magistrate decides.

*[(4) deleted]*

(5) The rules of court may provide for the Court to deal with a case, or an aspect of a case, in chambers.

*[Section 8 amended: No. 7 of 2008 s. 155.]*

# Part 3 — Jurisdiction and powers

## Division 1 — Jurisdiction

### 9. Jurisdiction conferred by statute

The Court has the jurisdiction conferred on it by this Act and by other written laws.

### 10. Civil jurisdiction

The Court's civil jurisdiction is set out in the *Magistrates Court (Civil Proceedings) Act 2004*.

### 11. Criminal jurisdiction

(1) The Court's criminal jurisdiction is set out in this section.

(2) The Court has jurisdiction —

(a) to hear and determine a charge of a simple offence; and

(b) to hear and determine a charge of an indictable offence that can be dealt with summarily; and

(c) to commit a person charged with an indictable offence that is to be dealt with on indictment to the District Court or the Supreme Court for trial or sentence; and

(d) to commit a person charged with an indictable offence that is to be dealt with summarily to the District Court or the Supreme Court for sentence; and

(e) to deal with any case that, under a written law, is to be dealt with by a court of summary jurisdiction.

(3) The jurisdiction referred to in subsection (2) is to be exercised subject to —

(a) *The Criminal Code*;

(b) the *Criminal Procedure Act 2004*;

(c) the *Children's Court of Western Australia Act 1988* Part 3;

(d) any other written law that confers jurisdiction to deal with a charge of an offence on a court of summary jurisdiction.

(3a) The Court's criminal jurisdiction includes any jurisdiction that is conferred on the Court by a written law other than this Act and that is expressly said to form part of the Court's criminal jurisdiction.

(4) In exercising its criminal jurisdiction, the Court is a court of summary jurisdiction.

*[Section 11 amended: No. 84 of 2004 s. 78 and 82; No. 59 of 2006 s. 73; No. 47 of 2020 s. 11.]*

**12. Court may exercise all of its jurisdiction at one sitting**

The Court may exercise more than one aspect of its jurisdiction at one sitting without adjourning or interrupting the sitting.

**13. Court to decide factual and legal questions**

The Court, in exercising its jurisdiction, is to decide all questions of fact and law.

**14. Evidentiary rules applicable**

Subject to any other written law, the rules of evidence that apply in the Supreme Court apply in the Magistrates Court.

**15. Contempts of Court**

(1) A person is guilty of a contempt of the Court if the person —

(a) while the Court is sitting, wilfully —

(i) interrupts the proceedings;

(ii) misbehaves before the Court;

(iii) insults a person constituting the Court;

(b) wilfully insults or obstructs —

(i) a person going to a courtroom for the purpose of constituting the Court;

(ii) a person leaving a courtroom having constituted the Court;

(c) when required by the Court to take an oath or affirmation, does not do so;

(d) when required by the Court to give evidence that the person is competent and compellable to give, does not do so;

(e) does not, in the face of the Court, comply with a lawful direction of the Court.

(2) A person who —

(a) having been served with a summons to attend as a witness, without reasonable excuse, does not attend as required by the summons; or

(b) having been required by the Court to produce a record or thing to the Court, without reasonable excuse, does not do so,

is guilty of a contempt of court unless the omission is an offence.

(3) A person is guilty of a contempt of the Court if —

(a) the Court makes a lawful order ordering a person to do an act (other than to pay money) or to cease (temporarily or permanently) doing an act; and

(b) the person, without reasonable excuse, does not comply with the order; and

(c) another written law does not provide a means for punishing non-compliance with or enforcing the order.

(4) This section applies in relation to an act or omission by a person outside the State as if it were an act or omission by the person in the State.

*[Section 15 amended: No. 7 of 2008 s. 156.]*

## 16. Contempts of Court, powers to deal with

(1) In this section —

***contempt*** means a contempt of the Court, whether under section 15 or under another written law.

(2) If a person commits a contempt then —

(a) if it is committed in the face of the Court, the presiding Court officer may —

(i) orally or by issuing a warrant, order the person to be arrested and brought before the Court to be dealt with for the contempt; or

(ii) issue a summons that requires the person to appear before the Court to be dealt with for the contempt;

(b) in any other case, a magistrate may —

(i) issue a warrant to have the person brought before the Court to be dealt with for the contempt; or

(ii) issue a summons that requires the person to appear before the Court to be dealt with for the contempt.

(3) Without limiting section 40, rules of court may provide for the procedure for dealing with a person who is allegedly guilty of contempt and may provide for the person to be dealt with without a formal charge and in a summary way.

(4) A person guilty of a contempt is liable to a fine of not more than $12 000 or imprisonment for not more than 12 months or both.

(5) If the Court fines a person for contempt it may order that if the person does not pay the fine immediately, the person is to be imprisoned —

(a) until the fine is paid; or

(b) for not more than 12 months,

whichever is the shorter period.

` (6) If a person who has been punished for contempt apologises to the Court for the contempt, the Court may amend or cancel the order imposing the punishment and, if it does, may order the refund of some or all of a fine that has been paid.

(7) The punishment of a person for contempt due to failing to obey an obligation does not relieve the person from the obligation.

## Division 2 — Powers

### 17. Power to refuse documents: frivolous, vexatious or abuse of process

(1) In this section —

***document*** includes a claim, prosecution notice, application, and affidavit.

(2) If it appears to a registrar that a document lodged with the Court is an abuse of the Court's process or is frivolous or vexatious, the registrar may refuse to accept the document unless a magistrate has given leave for the document to be lodged.

(3) A person affected by such a refusal may apply to a magistrate for leave to lodge the document.

(4) The application must be made in accordance with rules of court.

(5) The application may be dealt with in the absence of any other party to the case concerned.

(6) On such an application a magistrate may give leave and may do so on terms or may refuse leave.

(7) If a registrar refuses to accept a document that is lodged within a time limit that applies to the lodgment of the document and a magistrate subsequently gives leave for it to be lodged, it may be lodged pursuant to that leave even if the time limit has by then expired.

*[Section 17 amended: No. 84 of 2004 s. 80.]*

### 18. Oaths may be administered by registrars and others

(1) A registrar may administer an oath or affirmation in or for any proceedings in the Court.

(2) The rules of court may authorise a person to administer an oath or affirmation in or for all or some proceedings in the Court.

### 19. Affidavits

Subject to any other written law or the rules of court, the Court may admit an affidavit into evidence.

### 20. Warrants etc. consequential on orders, who may issue

If the Court gives a judgment or makes an order, any order, warrant, summons, notice or other document that needs to be issued by the Court as a consequence of or to give effect to the judgment or order may be issued by a magistrate or JP who did not constitute the Court when it gave the judgment or made the order.

### 21. Summonses, warrants etc. may be cancelled

(1) The Court may cancel a summons, warrant, order, or other document, issued by the Court if the Court is satisfied there is good reason to do so.

(2) Without limiting subsection (1), the Court may cancel a witness summons issued to a person if it is satisfied that the person is unable to give any evidence, or to produce any record or thing, that is material to the case concerned or that is not privileged.

(3) A power in this section may be exercised by the Court on the application of the person who applied for, or a person affected by, the document concerned or, after notifying the parties, on the Court's own initiative.

(4) The Court exercising a power in this section need not be constituted by the same person or persons who constituted the Court that issued the document concerned.

**22. Entry and inspection of property**

(1) The Court may enter any land and any structure on it to make an inspection that the Court considers is relevant to exercising its jurisdiction.

(2) The Court may authorise a registrar or any other person to exercise the power in subsection (1).

**23. Correction of accidental errors**

(1) The Court may correct a judgment or order if it contains —

(a) an accidental slip or omission; or

(b) a material arithmetic error; or

(c) a material mistake in the description of any person, thing or matter.

(2) A power in this section may be exercised by the Court on the application of the person who applied for, or a person affected by, the document concerned or, after notifying the parties, on the Court's own initiative.

(3) The Court exercising a power in this section need not be constituted by the same person or persons who constituted the Court that issued the judgment or order concerned.

# Part 4 — Administration

## 24. Chief Magistrate responsible

(1) The Chief Magistrate is the principal judicial officer of the Court.

(2) For administrative purposes, the Chief Magistrate —

(a) may establish and disestablish one or more divisions of the Court to deal with a specific class or classes of case, whether throughout the State or at a particular place; and

(b) may designate and change the designation of any such division.

(3) Without limiting subsection (2) the Chief Magistrate may establish a division of the Court to deal with a specific class of offender if he or she considers that the interests of such offenders or of the community warrant such offenders being dealt with separately from other offenders.

(4) The Chief Magistrate is responsible for directing the professional development and training of magistrates, the Principal Registrar, the registrars and the deputy registrars.

## 25. Chief Magistrate may assign duties to magistrates

(1) The Chief Magistrate, by directions given from time to time to a person who is a magistrate, may —

(a) specify which case or cases, or class or classes of case, the person is to deal with or in which division of the Court the person is to sit; and

(b) specify which class or classes of the judicial functions that the person has under written laws, whether as a magistrate or otherwise, the person is to perform for the time being; and

(c) specify which administrative duties the person is to perform for the time being; and

(d) specify where, when and at what times to deal with those cases or perform those functions or duties.

(2) Such a direction given to a magistrate does not limit the functions of the magistrate.

(3) A magistrate must comply with such a direction.

(4) A contravention of subsection (3) is not an offence.

(5) In the case of a magistrate who is also the Principal Registrar or a registrar of the Family Court, this section and section 24(4) apply as if the reference to the Chief Magistrate were a reference to the Chief Judge of the Family Court or his or her delegate.

(6) If a person holds office both as a magistrate of the Court and as a magistrate of the Children's Court, the Chief Magistrate must not give a direction under subsection (1) in relation to the person's functions as a magistrate of the Children's Court.

*[Section 25 amended: No. 2 of 2022 s. 11.]*

## 26. Administrative staff

(1) The Court's administrative staff consists of —

(a) the Principal Registrar; and

(b) registrars; and

(c) deputy registrars; and

(d) any other persons appointed to the administrative staff.

(2) The Minister may appoint the Principal Registrar and as many registrars and deputy registrars as are needed to deal with the workload of the Court.

(3) A person is not eligible to be appointed as the Principal Registrar unless he or she is appointed under the *Public Sector Management Act 1994* Part 3.

(4) Unless appointed under subsection (5), (6) or (7) a person is not eligible to be appointed as a registrar or deputy registrar unless he or she is appointed under the *Public Sector Management Act 1994* Part 3.

(5) The Minister may appoint as a deputy registrar a person who is a member of the Police Force; the appointment to be held contemporaneously with the person's office in the Police Force.

(6) The Minister may appoint as a registrar or deputy registrar a person who holds another office or position in the Public Service; the appointment to be held contemporaneously with the person's other office or position in the Public Service.

(7) If the Court is required to perform its functions at a place outside the State, the Minister may appoint as a Registrar or Deputy Registrar of the Court at the place —

(a) a person who holds office as a registrar or deputy registrar of a court of the jurisdiction in which the place is located; or

(b) any other person.

(7a) The conditions of service (including remuneration as defined in Schedule 1 clause 5(1)) of a person appointed under subsection (7)(a) are those that the person is entitled to under the law of that other jurisdiction.

(7b) A person appointed under subsection (7)(a) ceases to hold office if the person ceases to hold office as a registrar or deputy registrar of the court of that other jurisdiction.

(8) A person appointed to an office in the administrative staff of the Court may perform the functions of the office at any place where the Court sits, unless the instrument appointing him or her provides otherwise.

(8a) With the approval of the Minister, a Registrar or Deputy Registrar may concurrently hold office as registrar or deputy registrar of a court of another jurisdiction.

(8b) Subsection (8a) does not require a Registrar or Deputy Registrar appointed under subsection (7)(a) or (b) to obtain the Minister's approval to hold another office.

(9) A reference in a written law, other than this section, to a registrar of the Court includes a reference to the Principal Registrar and to a deputy registrar, unless a contrary intention appears.

(10) The Minister may delegate the Minister's powers under this section, other than this power of delegation, to another person.

*[Section 26 amended: No. 7 of 2008 s. 157.]*

**27. Administrative directions**

(1) The Chief Magistrate may issue written directions (to be called administrative directions) about administrative matters and procedures for the effective and efficient operation of the Court.

(2) The directions must not limit the judicial independence of magistrates.

(3) A magistrate, and any registrar exercising any of the Court's jurisdiction or powers, must comply with the directions.

(4) A contravention of subsection (3) is not an offence.

**28. Court may delegate to registrars**

(1) Subject to section 40(3), the rules of court may delegate to a registrar any or all of the Court's jurisdiction and powers other than the power —

(a) in the exercise of the Court's criminal jurisdiction —

(i) to find a person guilty or not guilty of an offence;

(ii) to commit a person for trial or sentence to another court;

or

(b) in the exercise of the Court's civil jurisdiction, to enter a final judgment on a case after trial; or

(c) to find a person guilty of a contempt of the Court.

(2) The rules of court must not delegate to a deputy registrar appointed under section 26(5) the power to constitute the Court for any purpose except to adjourn a case where it is not practicable for the Court to be constituted in accordance with section 7.

## 29. Appeal from decisions of registrars

(1) A person dissatisfied by a decision made by a registrar in the exercise of any of the Court's jurisdiction or powers delegated to the registrar under section 28 may appeal to a magistrate.

(2) The appeal must be commenced within 21 days after the date of the registrar's decision and be conducted in accordance with the rules of court.

(3) A magistrate may extend the period in subsection (2) and may do so even if it has elapsed.

(4) The appeal is to be by way of a new hearing of the issue that was before the registrar.

# Part 5 — Miscellaneous

## 30. Court's duties in respect of self-represented parties

In a case where a party is self-represented, the Court must inform the party of —

(a) the need, when cross-examining a witness called by another party, to ask the witness about any evidence of which the witness or the other party has not previously had notice that the self-represented party —

(i) intends to adduce; and

(ii) intends to allege will contradict the witness's evidence;

and

(b) the consequences of not doing so.

## 31. Judgments, content of

(1) The Court's reasons for a judgment in a case —

(a) need only identify the facts that the Court has accepted in coming to its decision and give the reasons for doing so; and

(b) need only identify the law that the Court has applied in coming to its decision and give the reasons for doing so; and

(c) need not canvass all the evidence given in the case; and

(d) need not canvass all the factual and legal arguments or issues arising in the case.

(2) The fact that a judgment is given orally or in accordance with subsection (1) is not of itself a ground for reversing or modifying it on an appeal.

## 32. Effect of Court's summonses etc.

(1) A summons or warrant or other order of the Court has effect according to its contents.

(2) A member of the Police Force must obey any warrant, order or direction that is duly issued by the Court and addressed to members of that Police Force.

(3) A member of the Police Force who contravenes subsection (2) is to be dealt with under the *Police Act 1892* section 23.

## 33. Court's records, access to

(1) In this section —

***electronic recording*** means any electronic or magnetic recording of sounds or moving images or both;

***reasons*** in relation to a judgment includes sentencing remarks.

(2) This section is subject to any other written law that relates to the possession or publication of documents and other records or to the possession of any thing.

(3) A party to a case is entitled, on request, to inspect or obtain a copy of the following documents —

(a) any document that has been lodged with or issued by the Court as required by law and that forms part of the Court's records of the case;

(b) a copy of any document admitted as evidence in the case by the Court;

(c) if an electronic recording has been made of the proceedings and a transcript of it has been prepared, a copy of the transcript;

(d) if no such recording was made, a copy of the record of proceedings made by the person or persons constituting the Court;

(e) any written judgment (including the reasons for it) given, or written order made, by the Court in the case.

(4) With the leave of the Court, a party to a case may —

(a) listen to or view —

(i) any electronic recording tendered to the Court in the case; or

(ii) any electronic recording of the proceedings in the case,

and obtain a copy of all or a part of such a recording;

(b) inspect or obtain a copy of any document held by the Court in relation to the case;

(c) inspect any other thing tendered to the Court in the case and, if it is practicable for the Court to make a copy of such a thing, to obtain a copy of it.

*[(5), (6) deleted]*

(7) In respect of criminal proceedings in the Court, each of the following people is entitled, on request, to inspect or obtain a copy of any document that is part of the Court's records and any document received by the Court in sentencing proceedings —

(a) a party to the proceedings;

(b) the Commissioner of Police;

(c) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1991*;

(d) the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;

(e) the Chief Assessor appointed under the *Criminal Injuries Compensation Act 2003*;

(f) the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

(g) the CEO as defined in the *Road Traffic (Administration) Act 2008* section 4;

(h) a person authorised by one of the above persons;

(i) a person prescribed by the regulations.

(8) On an application by a person the Court, unless it has good reason not to do so, shall give the person leave, either unconditionally or on any conditions the Court imposes, to inspect, obtain a copy of, view or listen to, any information held by the Court in relation to any case that has been or is being dealt with by it.

(9) Rules of court may —

(a) prohibit or regulate access to and obtaining information held by the Court in relation to a case that has been or is being dealt with by it;

(b) entitle a person to access to or to obtain a copy of any such information.

(10) The regulations may prescribe fees to be paid for inspecting, obtaining copies of, viewing or listening to information under this section.

(11) Nothing in this section shall be read as requiring that in any proceedings —

(a) the person constituting the Court make available any note made for their own purposes and not in discharge of a duty to record; or

(b) a record be made of any address to the Court in the proceedings.

(12) If under this section, rules of court, or the regulations, a document may be supplied to a person, it may, at the request of the person, be supplied in an electronic form.

*[Section 33 amended: No. 84 of 2004 s. 80; No. 5 of 2008 s. 71; No. 8 of 2012 s. 126; No. 35 of 2014 s. 39.]*

## 34. Evidentiary matters

(1) It is to be presumed in respect of any case dealt with by the Court, that the Court —

(a) was constituted according to law; and

(b) had jurisdiction to deal with the case.

(2) Evidence of any document that forms part of the Court's records may be given by producing a copy of the document that is certified by a registrar to be a true copy of the document that forms part of the Court's records.

(3) Evidence of any proceedings in the Court or of any evidence adduced before the Court may be given by producing a certificate signed by a registrar that sets out the proceedings or the evidence.

(4) If a document is apparently sealed with the seal of the Court, it is to be presumed that the seal is the seal of the Court and that it was properly applied to the document and that the document has been properly issued by the Court.

(5) A document apparently signed by a magistrate is to be presumed to have been signed by a person who was at the time a magistrate.

(6) A document apparently signed by a registrar is to be presumed to have been signed by a person who was at the time a registrar.

(7) The presumptions in this section apply in the absence of proof to the contrary.

## 35. Prerogative writs not available against Court

A writ of mandamus, prohibition or certiorari may not be issued in respect of or directed to a Court officer.

## 36. Supreme Court's powers to control Court

(1) If a person is or would be aggrieved by one or more of the following —

(a) the failure of a Court officer to do any act or make any order or direction —

(i) on the ground that the officer is under a duty to do the act or make the order or direction; or

(ii) on any ground that might have justified an order of mandamus;

(b) an act, order or direction that a Court officer proposes to do or make —

(i) on the ground that it would be without jurisdiction or power or would be an abuse of process; or

(ii) on any ground that might have justified an order of prohibition;

(c) an act, order or direction done or made by a Court officer —

(i) on the ground that it was done or made without jurisdiction or power or is an abuse of process; or

(ii) on any ground that might have justified an order of certiorari,

the person may apply to the Supreme Court for an order (a ***review order***) that requires the Court officer and any person who will be affected by the act, order or direction to satisfy the Supreme Court at a hearing that the act, order or direction should or should not be done or made or set aside, as the case requires.

(2) The procedure for making, and in relation to, an application under subsection (1) is to be prescribed by rules of court of the Supreme Court.

(3) On an application made under subsection (1) and rules of court of the Supreme Court, the Supreme Court may make any review order that is just, whether it has been applied for or not.

(4) If at the hearing required by a review order the Supreme Court is not satisfied in accordance with the review order, or if it is just to do so, it may —

(a) order that the act, order or direction be or not be done or made or set aside, as the case requires;

(b) grant any relief or remedy that could have been granted by way of a writ of mandamus, prohibition or certiorari;

(c) make any necessary consequential orders.

(5) On an application made under subsection (1) in respect of an act, order or direction, the Supreme Court may —

(a) if it considers that an appeal lies under the *Criminal Appeals Act 2004* in respect of the act, order or direction, order the application to be treated as if it were such an appeal and deal with the matter accordingly;

(b) if it considers that an appeal lies under the *Magistrates Court (Civil Proceedings) Act 2004* in respect of the act, order or direction, order the application to be treated as if it were such an appeal and remit the matter to the District Court to be dealt with accordingly.

(6) When dealing with an appeal under the *Criminal Appeals Act 2004* the Supreme Court may make a review order and, if it does, may also make an order under subsection (4).

(7) If, when dealing with an appeal under the *Magistrates Court (Civil Proceedings) Act 2004*, the District Court considers that a review order ought to be made it may —

(a) remit the appeal to the Supreme Court under the *District Court of Western Australia Act 1969* section 77; or

(b) adjourn the appeal to enable an application to be made to the Supreme Court —

(i) under subsection (1); or

(ii) under the *District Court of Western Australia Act 1969* section 76.

(8) A Court officer, on being served with an order made under subsection (4), must obey the order.

*[Section 36 amended: No. 84 of 2004 s. 78.]*

## 37. Protection from liability for magistrates and others

(1) Each of the following persons has the same protection and immunity as a judge of the Supreme Court has in the performance of his or her duties as a judge —

(a) a magistrate when performing the functions of a magistrate;

(b) a JP when constituting and exercising the jurisdiction of the Court;

(c) a registrar when performing functions delegated to a registrar under section 28.

(2) An action in tort does not lie against a person for anything that the person does or omits to do in good faith in carrying out, or purporting to carry out, a warrant issued to the person by the Court.

(3) The Crown is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (2).

(4) The protection given by subsection (2) applies even though the thing done as described in subsection (2) may have been capable of being done whether or not this Act had been enacted.

## 38. Practice directions

The Chief Magistrate from time to time may issue, amend or cancel directions (to be called practice directions) about the practice or procedure to be followed in the Court and its registries.

## 39. Rules of court: making

(1) The Court may make rules of court.

(2) Subsection (1) is in addition to any other enactment that requires or permits rules of court to be made by the Court.

(3) The rules of court are to be made by the Chief Magistrate and at least 3 other magistrates one of whom is to be a Deputy Chief Magistrate if a person is appointed to that office.

(4) The rules of court —

(a) must be published in the *Gazette*; and

(b) take effect from the date of publication or from any later date or dates that are specified in the rules; and

(c) must be laid before each House of Parliament within 6 sitting days of the House next following the publication of the rules.

(5) If either House of Parliament passes a resolution, of which notice has been given at any time within 6 sitting days after the rules have been laid before it, disallowing the whole or a part of a rule, the rule or the part of it disallowed ceases to have effect.

(6) If the whole or a part of a rule is disallowed, the validity of any proceedings taken or of anything done under the rule or the part of it in the meantime is not affected.

(7) If such a resolution is passed, notice of the fact must be published in the *Gazette* as soon as practicable.

## 40. Rules of court: content

(1) The rules of court may deal with any matter —

(a) that is required or permitted by this Act to be dealt with by rules of court; or

(b) that is necessary or expedient for the Court to operate efficiently, economically and expeditiously.

(2) Without limiting subsection (1) the rules of court may —

(a) regulate the custody and use of the Court's seals;

(b) regulate in which of the Court's registries cases are to be commenced, conducted or dealt with;

(c) regulate the practice and procedure to be followed in the Court and its registries;

(d) provide for documents to be lodged with or issued by the Court, or served, in an electronic form.

(3) The rules of court must not be inconsistent with —

(a) this Act; or

(b) the *Criminal Procedure Act 2004*; or

(c) the *Magistrates Court (Civil Proceedings) Act 2004*; or

(d) any other Act that confers jurisdiction on the Court; or

(e) any other Act that regulates the procedure in the Court; or

(f) regulations made under those Acts.

*[Section 40 amended: No. 84 of 2004 s. 78.]*

## 41. Regulations

(1) The Governor may make regulations prescribing any matter that is required or permitted by this Act to be prescribed, or that is necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) Without limiting subsection (1), regulations may prescribe matters about which rules of court may not be made by the Court.

**42. Fees, regulations may prescribe etc.**

(1) Without limiting section 41, regulations may provide for or prescribe the fees to be paid in respect of or in connection with any case in the Court's civil or criminal jurisdiction.

(2) Without limiting subsection (1), regulations may provide for or prescribe the fees to be paid —

(a) when commencing a case in the Court; and

(b) when entering a case for trial or at any other stage of proceedings in a case; and

(c) when lodging a document with the Court; and

(d) for the issue of any document by the Court; and

(e) for the service of any document; and

(f) in respect of the conduct of the business of any office of or connected with the Court; and

(g) for the carrying out of any order or warrant of the Court.

(3) Regulations made under this section must not relate to fees for or about which regulations may be made under the *Civil Judgments Enforcement Act 2004*.

(4) All fees received by the Court are to be credited to the Consolidated Account.

*[Section 42 amended: No. 77 of 2006 s. 4.]*

# Schedule 1 — Provisions about magistrates

[s. 5]

**1. Term used: Attorney General**

In this Schedule —

***Attorney General***, despite section 154 of the *Supreme Court Act 1935*, includes a reference to the Minister if —

(a) the Attorney General is unable to discharge a function under this Schedule for any of the reasons mentioned in that section; and

(b) the Minister is not the Attorney General.

*[Clause 1 amended: No. 21 of 2008 s. 677(2); No. 9 of 2022 s. 387.]*

**2. Qualifications for appointment**

(1) In this clause —

***legal experience*** means either or both of the following —

(a) standing and practice as a legal practitioner;

*[(b) deleted]*

(c) judicial service (including service as a judge of a court, a magistrate or other judicial officer) in the State or elsewhere in a common law jurisdiction.

(2) A person is qualified to be appointed as a magistrate of the Court if he or she —

(a) has had at least 5 years' legal experience; and

(b) is under 70 years of age.

*[Clause 2 amended: No. 21 of 2008 s. 677(3); No. 29 of 2018 s. 7.]*

**3. Appointment**

(1) The Governor may appoint a person who is qualified under clause 2 as a magistrate of the Court.

(2) The appointment of a magistrate is to be by a commission in the form in Schedule 2 issued under the Public Seal of the State to the appointee.

(3) The Governor may appoint as many magistrates as are needed to deal with the workload of the Court.

**4. Oath and affirmation of office**

(1) Before performing any function of a magistrate, a magistrate must take an oath or affirmation of office, in the form set out in Schedule 3, before the Governor, a judge of the Supreme Court, or a person authorised for the purpose by the Governor.

(2) If a person does not take the oath or affirmation of office within 3 months (or a longer period approved in a particular case by the Governor) after being appointed a magistrate, the person ceases to be a magistrate.

(3) The oath or affirmation of office may be taken at a place outside the State.

*[Clause 4 amended: No. 7 of 2008 s. 158(1).]*

**5. Conditions of service**

(1) In this clause —

***remuneration*** has the meaning given by the *Salaries and Allowances Act 1975*.

(2) The remuneration of a magistrate is to be determined under the *Salaries and Allowances Act 1975*.

(3) The Governor may from time to time determine the conditions of service (other than remuneration) of a magistrate, including whether he or she is to work full time or other than full time as a magistrate.

(4) The Chief Magistrate may, in exceptional circumstances, approve the taking by a magistrate of paid sick leave in addition to any paid sick leave that the magistrate's conditions of service may have entitled the magistrate to take.

(5) Unless the magistrate has consented, the Governor must not determine that a magistrate working full time is to work other than full time, or vice versa.

(6) A magistrate must not work as a legal practitioner (whether for financial reward or not), or engage in other work for financial reward,

outside the functions of a magistrate referred to in or approved under section 6, unless permitted to do so by the Governor.

(7) If immediately before being appointed as a magistrate a person is employed in the Public Service then, on being so appointed, he or she does not retain an entitlement to leave of any kind and is entitled to be paid in lieu of any such entitlement to annual or long service leave.

(8) If immediately before being appointed as a magistrate a person is a member of a superannuation scheme under the *State Superannuation Act 2000*, he or she may continue as such despite his or her appointment.

*[Clause 5 amended: No. 25 of 2007 s. 77.]*

**6. Chief Magistrate and Deputy Chief Magistrates**

(1) The Governor may appoint one magistrate as the Chief Magistrate.

(2) The Governor may appoint as many Deputy Chief Magistrates as are needed for the management of the Court.

(3) The Governor may cancel an appointment made under this clause at any time.

**7. Seniority**

(1) Magistrates other than the Chief Magistrate and a Deputy Chief Magistrate have seniority according to the dates of their appointments as magistrates.

(2) If there are 2 or more Deputy Chief Magistrates, their seniority is to be determined according to the dates of their appointments as Deputy Chief Magistrates.

(3) If 2 or more magistrates or Deputy Chief Magistrates are appointed on the same day, they have the seniority decided by the Governor at the time of appointing them.

**8. Acting Chief Magistrate**

(1) In this clause, reasons for an inability to perform the functions of an office include illness, leave, and a temporary absence from the State.

(2) If —

(a) there is no Chief Magistrate appointed; or

(b) the Chief Magistrate is unable for any reason to perform the functions of the office,

those functions devolve —

(c) if a person has been appointed under subclause (3) as acting Chief Magistrate, on that person; or

(d) otherwise on the senior Deputy Chief Magistrate or, if there is no Deputy Chief Magistrate appointed, or able for any reason to perform those functions, on the most senior magistrate able to perform those functions.

(3) If —

(a) there is no Chief Magistrate appointed; or

(b) the Chief Magistrate is suspended; or

(c) the Chief Magistrate is, or is expected to be, for any reason unable to perform the functions of the office,

the Governor may appoint a magistrate to act in the office of Chief Magistrate for a period decided by the Governor and specified in the instrument of appointment.

(4) The Governor may cancel an appointment made under subclause (3) at any time.

(5) A reference in an enactment other than this Schedule to the Chief Magistrate includes a reference to a person performing the functions of the Chief Magistrate under this clause, unless a contrary intention appears.

**9. Acting magistrates**

(1) In this clause —

***acting magistrate*** means an acting magistrate appointed under subclause (2).

(2) If the Governor is of the opinion that the workload of the Court requires the temporary appointment of a magistrate, the Governor may appoint as an acting magistrate a person who meets the qualification requirement set out in clause 2(2)(a).

(3) The instrument appointing an acting magistrate must specify —

(a) the period of the appointment, which cannot exceed 12 months; and

(b) any conditions on which the appointee holds office; and

(c) the conditions of service (including remuneration within the meaning of clause 5(1)) of the appointee, including whether he or she is to work full time or other than full time as an acting magistrate.

(3A) A person appointed under subclause (2) is eligible for reappointment.

(4) The remuneration of an acting magistrate must not be less than that of a magistrate appointed under clause 3 whose conditions of service (other than remuneration) are the same as those of the acting magistrate.

(5) An acting magistrate must not work as a legal practitioner (whether for financial reward or not), or engage in other work for financial reward, outside the functions of a magistrate referred to in or approved under section 6, unless permitted to do so by the Governor.

(6) The Governor may at any time vary any matter specified in the instrument of appointment, other than the period of appointment.

(7) Unless the acting magistrate has consented, the Governor must not determine that an acting magistrate working full time is to work other than full time, or vice versa.

(8) An acting magistrate has the same functions, protection and immunity as a magistrate.

(9) Section 6 and clauses 4 and 12 to 16, with any necessary changes, apply to an acting magistrate.

(10) If at the end of the period of an acting magistrate's appointment a case is pending before him or her, he or she is to finish dealing with the case and for that purpose the appointment is to be taken to be extended until he or she has done so.

(11) A reference in an enactment other than this Schedule to a magistrate includes a reference to an acting magistrate, unless a contrary intention appears.

*[Clause 9 amended: No. 5 of 2008 s. 72(1); No. 29 of 2018 s. 8.]*

*[**10.** Deleted: No. 7 of 2008 s. 158(2).]*

*[**10.** [1M] Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section inserted 1 Nov 2009. See endnote 1M.]*

**11. Tenure of office**

(1) A person ceases to be a magistrate —

(a) when he or she reaches 70 years of age;

(b) if he or she resigns under clause 12;

(c) if he or she is removed from the office under clause 15.

(2) A magistrate who ceases to be a magistrate under subclause (1)(a) or (b) is to finish dealing with any case that is then pending before him or her and for that purpose the magistrate's appointment is to be taken to be extended until he or she has done so.

*[Clause 11 amended: No. 29 of 2018 s. 9.]*

**12. Resignation**

(1) A magistrate may resign from the office by sending the Governor a signed letter of resignation.

(2) A magistrate may resign from the office of Chief Magistrate or Deputy Chief Magistrate by sending the Governor a signed letter of resignation.

(3) A resignation is not effective until the Governor has accepted it.

(4) If a resignation is accepted it takes effect when it is accepted or at any later date stated in the letter.

(5) A person who has resigned is not precluded from again being appointed under this Schedule.

(6) If a person holds office both as a magistrate of the Court and as a magistrate of the Children's Court, and the person resigns from only one of those offices, the resignation is taken to be a resignation from both of those offices.

(7) If, before the day (***commencement day***) on which the *Courts Legislation Amendment (Magistrates) Act 2022* Part 3 came into operation, a person held office both as a magistrate of the Court and as a magistrate of the Children's Court and resigned from only one of those offices (the ***first office***) —

(a) the resignation is taken to have been a resignation from both the first office and the other office; and

(b) the resignation from the other office is taken to take effect on the later of —

(i) commencement day; and

(ii) the day on which the resignation from the first office takes effect under subclause (4).

*[Clause 12 amended: No. 2 of 2022 s. 12.]*

**13. Suspension and termination due to illness**

(1) If the Attorney General is of the opinion that a magistrate is incapable of performing satisfactorily his or her official functions due to physical or mental incapacity, other than due to a temporary illness, he or she may relieve the magistrate from his or her duties.

(2) A magistrate, while relieved from duties, must not perform any of his or her functions as a magistrate, but is entitled to his or her full remuneration.

(3) If the Attorney General relieves a magistrate from duties, the Attorney General must establish a committee of the Chief Justice of Western Australia, or a judge nominated by the Chief Justice, and 2 persons registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to —

(a) inquire into and report to the Attorney General on whether the magistrate is mentally or physically incapable of carrying out satisfactorily the duties of office; and

(b) make recommendations to the Attorney General about the matter.

(4) The Attorney General may direct the magistrate to attend and be examined by and to cooperate with the reasonable requests of the committee.

(5) The magistrate must comply with such a direction.

(6) The committee is to determine the procedure governing its inquiry to the extent it is not prescribed by the regulations.

(7) In accordance with recommendations made under subclause (3) the Governor may —

(a) reinstate the magistrate to his or her duties; or

(b) terminate the magistrate's appointment.

(8) If the magistrate's appointment is terminated, it is deemed to be a retirement on the ground of total and permanent disablement for the purposes of the *State Superannuation Act 2000*.

*[Clause 13 amended: No. 25 of 2007 s. 77; No. 22 of 2008 Sch. 3 cl. 32; No. 35 of 2010 s. 106.]*

**14. Suspension from office due to substandard performance**

(1) A proper reason for suspending a magistrate from office exists if the magistrate —

(a) has shown incompetence or neglect in performing his or her functions; or

(b) has misbehaved or engaged in any conduct that renders him or her unfit to hold office as a magistrate, whether or not the conduct relates to those functions; or

(c) has contravened section 25(3) or 27(3) or clause 13(5); or

(d) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws.

(2) The Attorney General may give a magistrate notice to show cause why he or she should not be suspended from office if —

(a) in the case of the Chief Magistrate — the Attorney General, after consulting the Chief Justice of Western Australia,

alleges that a proper reason exists for suspending the Chief Magistrate; or

(b) in the case of any other magistrate — the Attorney General, after consulting the Chief Magistrate, alleges that a proper reason exists for suspending the magistrate.

(3) If the Attorney General gives a magistrate such a notice, the Attorney General must give a copy of it to the Chief Justice.

(4) On receiving such a notice a magistrate must not perform any of his or her functions as a magistrate unless reinstated under subclause (7), but is entitled to be remunerated until an order is made under subclause (7).

(5) When the Chief Justice receives a copy of such a notice, the Chief Justice, or a judge nominated by the Chief Justice —

(a) is to inquire into and report to the Attorney General about the truth of the allegation, unless the magistrate, in writing, admits the allegation; and

(b) following such an inquiry or admission, is to make recommendations to the Attorney General about the matter and as to whether and to what extent the magistrate should be remunerated while suspended under any order that may be made under subclause (7)(b).

(6) The person conducting an inquiry is to determine the procedure governing the inquiry to the extent it is not prescribed by the Supreme Court's rules of court.

(7) In accordance with recommendations made under subclause (5) the Governor may —

(a) reinstate the magistrate to his or her duties; or

(b) suspend the magistrate pending consideration under clause 15 of the removal of the magistrate.

(8) If under subclause (7)(b) the Governor suspends a magistrate, the Governor must determine whether and to what extent the magistrate is to be remunerated during the suspension.

*[Clause 14 amended: No. 18 of 2009 s. 55.]*

**15. Removal from office**

A magistrate holds office during good behaviour but the Governor may, upon the address of both Houses of Parliament, terminate a magistrate's appointment.

**16. Service counts as practice as lawyer**

Service as a magistrate, or before the commencement of this Act as a stipendiary magistrate under the *Stipendiary Magistrates Act 1957* [1], by a person who is a legal practitioner counts, for the purpose of any written law, as time spent practising as such a legal practitioner and as a barrister and solicitor of the Supreme Court.

# Schedule 2 — Form of commission

[Sch. 1 cl. 3(2)]

[*Heading for commission*]

To: [*name*]:

1. By this commission issued under the Public Seal of the State, I, the Governor, acting under the *Magistrates Court Act 2004* Schedule 1 clause 3 and with the advice and consent of the Executive Council and reposing full trust and confidence in your loyalty, learning, integrity and ability, appoint you as a magistrate of the Magistrates Court as from and including [*date*].

2. The office of magistrate is a judicial office with administrative functions. You are to assist in and promote the administration of justice and the maintenance of peace, order and good government in the State.

3. You shall hold the office of magistrate with all the rights, powers, privileges, advantages and jurisdiction that apply to it during good behaviour and subject to the *Magistrates Court Act 2004* as amended from time to time.

Issued …

# Schedule 3 — Oath and affirmation of office

[Sch. 1 cl. 4]

*[Heading inserted: No. 24 of 2005 s. 26.]*

I, [*name*], [*insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005*] that I will faithfully serve the people and the State of Western Australia in the office of a magistrate [*or* acting magistrate] of the Magistrates Court and I will do right to all manner of people, according to law, without fear or favour, affection or ill will.

*[Schedule 3 inserted: No. 24 of 2005 s. 26.]*

# Notes

This is a compilation of the *Magistrates Court Act 2004* and includes amendments made by other written laws [1M, 2]. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

## Compilation table

| Short title | Number and year | Assent | Commencement |
|---|---|---|---|
| *Magistrates Court Act 2004* | 47 of 2004 | 12 Nov 2004 | s. 1 and 2: 12 Nov 2004; Act other than s. 1 and 2: 1 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7127) |
| *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 78, 80 and 82 | 84 of 2004 | 16 Dec 2004 | 2 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7129 (correction: *Gazette* 7 Jan 2005 p. 53)) |
| *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* Pt. 8 | 24 of 2005 | 2 Dec 2005 | 1 Jan 2006 (see s. 2(1) and *Gazette* 23 Dec 2005 p. 6244) |
| *Criminal Investigation (Consequential Provisions) Act 2006* s. 73 | 59 of 2006 | 16 Nov 2006 | 1 Jul 2007 (see s. 2 and *Gazette* 22 Jun 2007 p. 2838) |
| *Financial Legislation Amendment and Repeal Act 2006* s. 4 | 77 of 2006 | 21 Dec 2006 | 1 Feb 2007 (see s. 2(1) and *Gazette* 19 Jan 2007 p. 137) |
| *State Superannuation Amendment Act 2007* s. 77 | 25 of 2007 | 16 Oct 2007 | 6 Dec 2007 (see s. 2(1)(b) and *Gazette* 5 Dec 2007 p. 5973) |
| **Reprint 1: The *Magistrates Court Act 2004* as at 4 Jan 2008** (includes amendments listed above) | | | |
| *Acts Amendment (Justice) Act 2008* Pt. 15 | 5 of 2008 | 31 Mar 2008 | 30 Sep 2008 (see s. 2(d) and *Gazette* 11 Jul 2008 p. 3253) |
| *Cross-border Justice Act 2008* Pt. 15 Div. 2 | 7 of 2008 | 31 Mar 2008 | 1 Nov 2009 (see s. 2(b) and *Gazette* 9 Oct 2009 p. 3991) |
| *Legal Profession Act 2008* s. 677 | 21 of 2008 | 27 May 2008 | 1 Mar 2009 (see s. 2(b) and *Gazette* 27 Feb 2009 p. 511) |
| *Medical Practitioners Act 2008* Sch. 3 cl. 32 | 22 of 2008 | 27 May 2008 | 1 Dec 2008 (see s. 2 and *Gazette* 25 Nov 2008 p. 4989) |

| Short title | Number and year | Assent | Commencement |
|---|---|---|---|
| **Reprint 2: The *Magistrates Court Act 2004* as at 15 May 2009** (includes amendments listed above except those in the *Cross-border Justice Act 2008*) | | | |
| *Acts Amendment (Bankruptcy) Act 2009* s. 55 | 18 of 2009 | 16 Sep 2009 | 17 Sep 2009 (see s. 2(b)) |
| *Health Practitioner Regulation National Law (WA) Act 2010* Pt. 5 Div. 32 | 35 of 2010 | 30 Aug 2010 | 18 Oct 2010 (see s. 2(b) and *Gazette* 1 Oct 2010 p. 5075-6) |
| *Road Traffic Legislation Amendment Act 2012* Pt. 4 Div. 30 | 8 of 2012 | 21 May 2012 | 27 Apr 2015 (see s. 2(d) and *Gazette* 17 Apr 2015 p. 1371) |
| *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Pt. 3 Div. 13 | 20 of 2013 | 4 Nov 2013 | 25 Nov 2013 (see s. 2(b) and *Gazette* 22 Nov 2013 p. 5391) |
| *Corruption and Crime Commission Amendment (Misconduct) Act 2014* s. 39 | 35 of 2014 | 9 Dec 2014 | 1 Jul 2015 (see s. 2(b) and *Gazette* 26 Jun 2015 p. 2235) |
| **Reprint 3: The *Magistrates Court Act 2004* as at 2 Oct 2015** (includes amendments listed above) | | | |
| *Courts Legislation Amendment Act 2018* Pt. 3 | 29 of 2018 | 2 Nov 2018 | 3 Nov 2018 (see s. 2(b)) |
| *Criminal Law Amendment (Uncertain Dates) Act 2020* Pt. 5 | 47 of 2020 | 9 Dec 2020 | 10 Dec 2020 (see s. 2(b)) |
| *Courts Legislation Amendment (Magistrates) Act 2022* Pt. 3 | 2 of 2022 | 28 Feb 2022 | 1 Mar 2022 (see s. 2(b)) |
| *Legal Profession Uniform Law Application Act 2022* Pt. 17 Div. 14 | 9 of 2022 | 14 Apr 2022 | 1 Jul 2022 (see s. 2(c) and SL 2022/113 cl. 2) |

## Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

| Short title | Number and year | Assent | Commencement |
|---|---|---|---|
| *Criminal Law (Mental Impairment) Act 2023* Pt. 15 Div. 19 | 10 of 2023 | 13 Apr 2023 | 1 Sep 2024 (see s. 2(b) and SL 2024/175 cl. 2) |

## Other notes

[1M] Under the *Cross-border Justice Act 2008* section 14, in order to give effect to that Act, this Act must be applied with the modifications prescribed by the *Cross-border Justice Regulations 2009* Part 3 Division 13 as if this Act had been altered in that way. If a modification is to replace or insert a numbered provision, the new provision is identified by the superscript 1M appearing after the provision number. If a modification is to replace or insert a definition, the new definition is identified by the superscript 1M appearing after the defined term.

[1] Repealed by the *Courts Legislation Amendment and Repeal Act 2004* s. 14.

[2] The *Courts Legislation Amendment and Repeal Act 2004* Part 22 contains transitional provisions about enforcing judgments given before the *Civil Judgments Enforcement Act 2004* commenced, including judgment of Local Courts.

© State of Western Australia 2023.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia 2023.
By Authority: GEOFF O. LAWN, Government Printer