

Western Australia

Vexatious Proceedings Restriction Act 1930

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Vexatious Proceedings Restriction Act 1930

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NOTES

Vexatious Proceedings Restriction Act 1930

An Act to restrict the institution of Vexatious Proceedings.

[Assented to 11 December 1930.]

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

1. Short title

This Act may be cited as the *Vexatious Proceedings Restriction Act 1930*.

2. Interpretation

In this Act, unless expressly modified or unless inconsistent with the context, the following words and terms shall have the following meanings, that is to say: —

“Inferior court” includes a local court and any court exercising summary jurisdiction in relation to the trial of offences or the committal of offenders for trial;

“Institute proceedings” includes, in the case of civil proceedings, the taking of any step or the making of any application which may be necessary in any particular case before proceedings can be commenced against any party; and, in the case of criminal proceedings, includes the laying

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of a complaint or the obtaining of a warrant for the arrest of any alleged offender;

“Proceedings” includes both civil and criminal proceedings, and, in the case of indictable offences, proceedings for the holding of alleged offenders to bail, and their committal for trial;

“Supreme Court” means the Supreme Court or a Judge thereof.

3. Restriction of vexatious proceedings

If, on an application made by the Attorney General under this section, the Supreme Court is satisfied that any person, either before or after the commencement of this Act, has habitually and persistently and without any reasonable ground, instituted or commenced vexatious proceedings, whether in the Supreme Court or in any inferior court, and whether against the same person or against a different person, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall, without leave of the Supreme Court, be instituted by him in the Supreme Court or in any inferior court, and such leave shall not be given unless the Supreme Court is satisfied that the proceedings are not an abuse of the process of the court, and that there is *prima facie* ground for the proceedings.

4. Defendant may obtain legal assistance

- (1) If any person against whom an order is sought under the preceding section claims to be a “poor person” within the meaning of the *Poor Persons Legal Assistance Act 1928*, that person may, within the time prescribed, make application for legal assistance under the provisions of Section 7 of such Act.
- (2) Where application is made for legal assistance, the application by the Attorney General under the preceding section shall be stayed pending the granting or refusal of legal assistance to such person.

5. Rules

The Judges of the Supreme Court or a majority of them may from time to time make rules for regulating the practice and procedure in relation to applications under this Act, and with the Treasurer's concurrence, prescribe the fees (if any) to be taken and the costs to be allowed to parties in respect of applications made under this Act.

6. Gazettal

Where any order is made under the provisions of section three, the same shall be advertised in the *Government Gazette*.

Notes

- ^{1.} This is a compilation of the *Vexatious Proceedings Restriction Act 1930* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Vexatious Proceedings Restriction Act 1930</i>	16 of 1930	11 Dec 1930	11 Dec 1930