



Western Australia

Courts Legislation Amendment Act 2018

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No. 29 of 2018

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Courts Legislation Amendment Act 2018

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Courts Legislation Amendment Act 2018

No. 29 of 2018

An Act to amend —

- **the *Civil Judgments Enforcement Act 2004*; and**
- **the *Magistrates Court Act 2004*; and**
- **the *Supreme Court Act 1935*.**

[Assented to 2 November 2018]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Courts Legislation Amendment Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

Part 2 — *Civil Judgments Enforcement Act 2004* amended

3. Act amended

This Part amends the *Civil Judgments Enforcement Act 2004*.

4. Section 120 amended

After section 120(2) insert:

- (3) Without limiting section 119(1), regulations may provide for or prescribe the fees to be paid for the registration of a judgment under the *Service and Execution of Process Act 1992* (Commonwealth) section 105(1).

5. Section 122 inserted

At the end of Part 8 insert:

122. Validation of certain fees imposed

Any fee for the registration, in this State, of a judgment under the *Service and Execution of Process Act 1992* (Commonwealth) section 105(1) imposed before the *Courts Legislation Amendment Act 2018* section 4 (the **CLAA section 4**) comes into operation —

- (a) is taken to be, and to have always been, as validly imposed as it would have been if it had been imposed under this Act as amended by the CLAA section 4; and

s. 5

- (b) if paid, is taken to be, and to have always been, as validly paid as it would have been if it had been paid under this Act as amended by the CLAA section 4.

Part 3 — *Magistrates Court Act 2004* amended

6. Act amended

This Part amends the *Magistrates Court Act 2004*.

7. Schedule 1 clause 2 amended

In Schedule 1 clause 2(2)(b) delete “65” and insert:

70

8. Schedule 1 clause 9 amended

(1) In Schedule 1 clause 9(2):

(a) delete “magistrate — ” and insert:

magistrate a person who meets the qualification requirement set out in clause 2(2)(a).

(b) delete paragraphs (a) to (c).

(2) In Schedule 1 clause 9(3)(a) delete “appointment; but the period must not extend beyond when the appointee reaches 70 years of age; and” and insert:

appointment, which cannot exceed 12 months; and

(3) After Schedule 1 clause 9(3) insert:

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

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9. Schedule 1 clause 11 amended

In Schedule 1 clause 11(1)(a) delete “65” and insert:

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Part 4 — *Supreme Court Act 1935* amended

10. Act amended

This Part amends the *Supreme Court Act 1935*.

11. Section 31 deleted

Delete section 31.

