

SUPREME AND DISTRICT COURTS (MISCELLANEOUS AMENDMENTS) ACT

No. 14 of 1991

AN ACT to amend the *Supreme Court Act 1935* and the *District Court of Western Australia Act 1969*.

[Assented to 21 June 1991.]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Supreme and District Courts (Miscellaneous Amendments) Act 1991*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

PART 2—SUPREME COURT ACT 1935

Principal Act

3. In this Part the *Supreme Court Act 1935** is referred to as the principal Act.

[*Reprinted as at 25 July 1986 and amended by Acts Nos. 22 and 50 of 1986, 65 and 82 of 1987, 14 of 1988, 37 of 1989 and 25 of 1990.]

Section 4A inserted and consequential amendments

4. (1) After section 4 of the principal Act the following section is inserted—

Application

“ 4A. The provisions of this Act, including those conferring powers on the Court or a Judge, apply in respect of any jurisdiction conferred on or vested in the Court, whether under a law of the State or otherwise. ”.

(2) The provisions of the principal Act referred to in Column 1 of the table to this subsection are amended in the manner set out opposite them in Column 2.

TABLE

<i>Column 1</i>	<i>Column 2</i>
s. 16 (2)	Insert after “subsequent statute” the following— “ or otherwise ”.
s. 21 (3)	Delete “or a Judge by, under, or by virtue of any statute passed” and substitute the following— “ or a Judge, ”.
	Insert after “commencement of this Act” the following— “ (whether by statute or otherwise) ”.

Section 167 amended

5. Section 167 of the principal Act is amended by deleting subsection (1) (o) and substituting the following—

“ (o) For prescribing matters relating to evidence, including rules—

(i) requiring the disclosure (by the furnishing of copies of statements, reports, plans, photographs, models, or otherwise) of the nature and substance of evidence to be given;

and

(ii) that depart from the law of evidence and provide for the admission as evidence, and the exclusion from evidence, of any matter the disclosure of which is required by a rule made pursuant to subparagraph (i).

(p) For prescribing the manner in which referees may conduct proceedings and the manner in which evidence may be received by referees, including rules that depart from the law of evidence. ”.

PART 3—DISTRICT COURT OF WESTERN AUSTRALIA ACT 1969**Principal Act**

6. In this Part the *District Court of Western Australia Act 1969** is referred to as the principal Act.

*[*Reprinted as at 12 February 1987 and amended by Acts Nos. 65 and 82 of 1987.]*

Section 88 amended**7. Section 88 is amended—**

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) The District Court Judges, for the time being, or a majority of them, may make rules, not inconsistent with this Act—

- (a) regulating and prescribing the practice and procedure, including the method of pleading, to be followed in the Court (including the practice and procedure to be followed in the offices of the Court);
- (b) regulating and prescribing all matters and things incidental or relating to any such practice and procedure (including the manner in which and the time within which, any applications that under this Act or any other Act are to be made to the Court, shall be made) or necessary or convenient to be prescribed for the conduct of any business of the Court; and
- (c) prescribing matters relating to evidence, including rules—
 - (i) requiring the disclosure (by the furnishing of copies of statements, reports, plans, photographs, models, or otherwise) of the nature and substance of evidence to be given; and
 - (ii) that depart from the law of evidence and provide for the admission as evidence and the exclusion from

evidence, of any matter the disclosure of which is required by a rule made pursuant to subparagraph (i). ”;

and

- (b) in subsection (2) by deleting paragraph (h) and substituting the following paragraph—

“ (h) for requiring and regulating pre-trial conferences in actions. ”.

Section 90 amended

8. Section 90 of the principal Act is amended in subsection (2) (a) by deleting “this Act to make Rules of Court for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given” and substituting the following—

“ sections 88 (1) (c) and (2) (c) ”.
