

SUPREME COURT.

No. 47 of 1983.

AN ACT to amend the Supreme Court Act 1935-1982.

[Assented to 1 December 1983.]

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. (1) This Act may be cited as the *Supreme Court Amendment Act 1983*.

Short title
and citation.

(2) In this Act the Supreme Court Act 1935-1982 is referred to as the principal Act.

Reprinted
as approved
12 May 1980
and
amended by
Acts Nos.
3, 7, 10 and
47 of 1982.

(3) The principal Act as amended by this Act may be cited as the Supreme Court Act 1935-1983.

Section 7
amended.

2. Section 7 of the principal Act is amended in subsection (1)—

- (a) by deleting “and” at the end of paragraph (b); and
- (b) by deleting paragraph (c) and substituting the following paragraphs—
 - “ (c) such Masters as for the time being hold office pursuant to an appointment made under section 11A of this Act; and
 - (d) such acting Masters, if any, as for the time being hold office pursuant to an appointment made or deemed to have been made under section 11D of this Act. ”.

Section 11A
amended.

3. Section 11A of the principal Act is amended—

- (a) in subsection (1) by deleting “a person having the necessary qualification to be the Master” and substituting the following—
 - “ one or more persons each having the necessary qualification to be a Master ”; and
- (b) by inserting after subsection (4) the following subsection—
 - “ (5) The Masters shall have seniority according to the dates of their commissions. ”.

Section 11B
amended.

4. Section 11B of the principal Act is amended—

- (a) in subsection (1) by deleting “The Master” and substituting the following—
 - “ A Master ”;

(b) in subsection (3)—

- (i) by deleting “Where the Master was not, immediately before his appointment as such, an officer of the Public Service of the State the” and substituting the following—

“ The ”; and

- (ii) by deleting “in respect of him” and substituting the following—

“ in respect of a Master ”;

(c) by inserting after subsection (3) the following subsections—

“ (3a) Where subsection (2) of this section applies to and in respect of a person so that, under the Superannuation and Family Benefits Act 1938, a pension is payable to and in respect of him, the payment of that pension does not affect any pension that may be payable to and in respect of him under the Judges’ Salaries and Pensions Act 1950, but the pension otherwise payable under that Act to and in respect of him shall be reduced in accordance with the provisions of that Act by the amount of the State share of the first-mentioned pension.

(3b) Where a Master is appointed a Judge of the Supreme Court or a Judge of The District Court of Western Australia, or to any other office to which the provisions of the Judges’ Salaries and Pensions Act 1950 that relate to pensions are applied, his service as Master shall be regarded for the purposes of the Judges’ Salaries and Pensions Act 1950 as service as a Judge. ”;

(d) in subsection (4)—

(i) by deleting “The Master” and substituting the following—

“ A Master ”; and

(ii) by deleting “office has or shall become vacant accordingly” and substituting the following—

“ resignation has taken or shall take effect accordingly ”; and

(e) by repealing subsection (5) and substituting the following—

“ (5) A Master shall retire from office—

(a) if, after attaining the age of 60 years, he signifies by writing under his hand and delivered to the Governor his desire to retire and the Governor agrees; or

(b) on the day on which he attains the age of 65 years,

whichever first occurs and thereupon that Master shall cease to hold office. ”.

Section 11D
amended.

5. Section 11D of the principal Act is amended—

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

“ (1) While—

(a) there is no person holding or acting in the office of Master;

- (b) there is one person holding or acting in the office of Master but, as a consequence of absence on leave, sickness or any other reason, that person is temporarily unable to perform the duties of his office; or
- (c) there are two or more persons holding or acting in the office of Master but, as a consequence of absence on leave, sickness or any other reason, those persons are unable to perform the duties of their offices,

and no other person is specifically appointed to act in the office of Master by a commission issued under subsection (2) of this section, the person holding or for the time being acting in the office of Principal Registrar, if qualified to be appointed to the office of Master, is deemed to be so appointed and all the duties and powers of a Master devolve upon him and are exercisable by him in conjunction with his duties and powers as a Registrar. ”;

and

- (b) by deleting paragraph (a) of subsection (2).

6. Section 11E of the principal Act is amended by inserting the following subsection—

Section 11E
amended.

- “ (4) Unless the context otherwise requires, a reference in any other Act or in any regulation, rule, by-law, notice, proclamation or other statutory instrument made, published or in force under this Act or any other Act to the Master shall be read and construed as a reference to a Master. ”.

Section 49
amended.

7. Section 49 of the principal Act is amended in subsection (6)—

(a) by deleting “effective:” and substituting the following—

“ effective. ”; and

(b) by deleting the proviso to that subsection.

Section 52
amended.

8. Section 52 of the principal Act is amended in subsection (1) by deleting “the Master” where it first occurs and substituting the following—

“ a Master ”.

Section 54
amended.

9. Section 54 of the principal Act is amended by deleting “The Master” and substituting the following—

“ A Master ”.

Section 60
amended.

10. Section 60 of the principal Act is amended in subsection (1)—

(a) in paragraph (e) by deleting “the Master” in the second place where it occurs and substituting the following—

“ a Master ”; and

(b) in paragraph (f) by deleting “the Master” in the second place where it occurs and substituting the following—

“ a Master ”.

Section 166
amended.

11. Section 166 of the principal Act is amended in subsection (2) by inserting before “Master” the following—

“ senior ”.

12. The Second Schedule to the principal Act is amended by deleting "the Master" and substituting the following—

Second
Schedule
amended.

" a Master ".

13. The principal Act is amended by deleting "the Master" wherever it occurs in the provisions referred to in the Schedule to this Act and substituting in each case the following—

Miscella-
neous
amendments.

" a Master ".

SCHEDULE.

(section 13)

Substitution of "a Master" for "the Master"

Section 4 (definition of "Master")

Section 7 (4)

Section 11A (2)

Section 11A (3)

Section 11A (4)

Section 11B (2)

Section 11C

Section 11D (2) (b)

Section 12 (1)

Section 46 (6)

Section 49 (1)

Section 50 (1)

Section 51 (1)

Section 51 (2)

Section 58 (1) (b)

Section 59 (1)

Section 60 (1) (a)

Section 60 (1) (b)

Section 60 (1) (c)

Section 64 (3)

Section 126 (6)

Section 167 (1) (c)

Section 174.