

LOCAL COURTS.

No. 93 of 1981.

AN ACT to amend the Local Courts Act 1904-1976.

[Assented to 4 December 1981.]

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 *Local Courts Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Local Courts Act 1904-1976 is referred to as the principal Act.

Reprinted as
approved 10
December
1975.

(3) The principal Act as amended by this Act may be cited as the Local Courts Act 1904-1981.

Amended by
Acts Nos. 69
of 1976 and
111 of 1976.

Commence-
ment.

2. This Act shall come into operation on the twenty-eighth day after the day on which this Act is assented to by the Governor.

Section 1
amended.

3. Section 1 of the principal Act is amended by inserting after "154-163" the following—

“ PART X.—MAINTENANCE AND DESTRUCTION
OF COURT RECORDS, ss. 164-169. ” .

Part X
inserted.

4. After Part IX of the principal Act, the following Part is inserted—

“ PART X.—MAINTENANCE AND DESTRUCTION
OF COURT RECORDS.

Interpreta-
tion.

164. In this Part—

“court record” means official record of any proceedings in any Local Court and includes any document filed in the Court, or in the custody of the Court, in relation to the proceedings but does not include the Foreign Executions Re-issue Book;

“document”, “negative”, and “reproduction” have the same respective meanings as they have in and for the purposes of the Division of the Evidence Act 1906 relating to the reproduction of documents; and

“official record” includes—

- (a) any document, book, plan, paper, photograph, or parchment; or

- (b) any other material or part thereof on which is any writing or printing or which is marked with any letters or marks denoting words or any other signs capable of carrying a definite meaning to persons conversant with them,

made or received by a Court or person acting judicially under this Act.

165. This Part of this Act shall not be construed so as to derogate in any way from section 6 of this Act or from the Library Board of Western Australia Act 1951.

Application
of Part X.

166. A negative of a court record may be made at any time to be held by or on behalf of the Court.

Negatives
of court
records.

167. Subject to section 165 of this Act, a court record may, in any case, be destroyed after the expiration of 15 years from the date when the relevant action or matter was commenced.

Destruction
of court
records
generally.

168. Subject to section 165 of this Act, a court record may be destroyed at any time after the expiration of 3 years from the time it became such a record if a negative of it is held by or on behalf of the Court but in that case the negative shall be so held until the expiration of 15 years from the date when the relevant action or matter was commenced.

Destruction
of court
records
where
negatives
held.

169. For the purpose of the laws relating to the admissibility of evidence but without otherwise affecting those laws, where, at any time, a negative of a court record is held by or on behalf of the Court, the negative is deemed to be the court record and shall be treated as such by any Local Court, and any other Court, without any enquiry as to whether or not the court record has been destroyed. ” .

Evidentiary
provision.