

SMALL CLAIMS TRIBUNALS.

No. 44 of 1978.

**AN ACT to amend the Small Claims Tribunals Act,
1974-1976.**

[Assented to 29th August, 1978.]

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 *Small Claims Tribunals Act Amendment Act, 1978.*

Short title
and citation.

(2) In this Act the Small Claims Tribunals Act, 1974-1976 is referred to as the principal Act.

Act No. 69 of
1974 as
amended by
Acts Nos. 19
of 1975 and
99 of 1976.

(3) The principal Act as amended by this Act may be cited as the Small Claims Tribunals Act, 1974-1978.

Section 20
amended.

2. Section 20 of the principal Act is amended by repealing subsection (2) and re-enacting that subsection as follows—

(2) Subject to sections 21 and 22, a Small Claims Tribunal is empowered to make any one or more of the following orders—

- (a) an order that requires a party to the proceeding before it (other than the claimant) to pay money to a person specified in the order;
- (b) an order that requires a party to the proceeding before it (other than the claimant) to perform work to rectify a defect in goods or services to which the claim in the proceeding relates;
- (c) in the case of a claim for relief from payment of money—
 - (i) an order that money in an amount specified is not due or owing by the claimant to a person specified in the order;
 - (ii) an order that requires the claimant to pay money to a person specified in the order;
- (d) an order that dismisses the claim to which the proceeding relates;
- (e) an order that requires a party to the proceeding before it to return any goods to which the claim in the proceeding relates and which are in his possession or control, whether the property therein has passed or not, to a person specified in the order.

Section 25
amended.

3. Subsection (1) of section 25 of the principal Act is amended—

- (a) by deleting the word “form” in line four of paragraph (a) and substituting the words “or in the course of the proceedings”;

- (b) by deleting the word “and” appearing immediately after paragraph (a);
- (c) by deleting the passage “is given.” appearing at the end of paragraph (b) and substituting the passage “has been given; and”; and
- (d) by adding after paragraph (b) the following paragraph—
 - (c) shall cause notice of the time and place of the next hearing of the claim to be given to any person to whom notice of the claim is given after the start of the initial proceedings. .

4. Section 40 of the principal Act is repealed and re-enacted as follows—

Section 40
repealed and
re-enacted.

40. Without limiting the application of the Interpretation Act, 1918 to this Act, in any way, it is hereby expressly declared that the provisions of section 31 of that Act apply to and in relation to any notice or copy order required to be given under this Act by the registrar to any person. .

Mode of
giving
notices, etc.
