

# SUPREME COURT.

No. 57 of 1975.

AN ACT to amend the Supreme Court Act, 1935-1974.

[Assented to 24th October, 1975.]

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 Act Amendment Act, 1975*.

Short  
title and  
citation.

(2) In this Act the Supreme Court Act, 1935-1974 is referred to as the principal Act.

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Acts Nos. 50  
of 1957, 5 of  
1960, 12 of  
1963, 39 of  
1964, 32 of  
1969, 39 of  
1971 and 56  
of 1974.

(3) The principal Act as amended by this Act may be cited as the Supreme Court Act, 1935-1975.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 6 and 7 of this Act shall come into operation on a date to be fixed by proclamation.

Section 7  
amended.

3. Subsection (1) of section 7 of the principal Act is amended by adding after the word "appoint", being the last word in the subsection, the passage "and of acting Judges, if any, who for the time being hold appointments as such pursuant to section eleven of this Act".

Section 11  
repealed  
and  
re-enacted.

4. Section 11 of the principal Act is repealed and re-enacted as follows—

Acting  
Judges.

11. (1) Where a Judge is, or is expected to be, absent from duty the Governor by commission under the great seal in Her Majesty's name may appoint a person, who is qualified to be appointed a Judge, as an acting Judge for the period during which the Judge is absent from duty, and the appointment of the acting Judge authorises him to complete the hearing and determination of any proceedings that may be pending before him at the expiration of that period so that he holds an appointment as an acting Judge during any further period while he is completing such hearing and determination.

(2) Where for any reason the conduct of the business of the Court, in the opinion of the Governor, requires the appointment of an acting Judge, the Governor by commission under the great seal in Her Majesty's name may appoint a person, who is qualified to be appointed a Judge, to be an acting Judge for such period not exceeding six months as is specified in the commission, and the appointment of the acting Judge authorises him to complete the hearing and determination of any proceedings that may be pending before him at the expiration of the period so specified so that he holds an

appointment as an acting Judge during any further period while he is completing such hearing and determination, but no person appointed as an acting Judge pursuant to this subsection shall hold office as such after the 30th June, 1976.

(3) Every acting Judge shall be liable to be removed from office in such manner and upon such grounds as Judges of the Supreme Court are liable to be removed from office. .

5. Subsection (1) of section 43 of the principal Act is amended by adding after the word "may", in line two, the passage "in the exercise of civil or criminal jurisdiction,".

Section 43  
amended.

6. The principal Act is amended by repealing and re-enacting the heading immediately above section 46 and repealing and re-enacting section 46 as follows—

Section 46  
and  
heading  
repealed  
and  
re-enacted.

(2) *Circuit Towns.*

46. (1) The Governor may, from time to time, by proclamation declare that such places in Western Australia as he thinks fit are circuit towns.

Circuit  
towns, and  
sittings of  
the Supreme  
Court  
thereat.

(2) The Governor may, by subsequent proclamation, cancel or alter circuit towns.

(3) Sittings of the Supreme Court in a circuit town shall be held on such days and at such times as the Chief Justice, from time to time, appoints.

(4) Notice of the days on which and the times at which a circuit court is to be held shall be published in the *Government Gazette*; and the notice shall be exhibited in a conspicuous place in the Court House of the circuit town and in the office of the Registrar of the District Court at that circuit town, and no other notice thereof is required, unless a Judge otherwise directs.

(5) The Chief Justice may, from time to time, alter the days and times for the holding of a circuit court and when any such day is so altered notice of the intended alteration and the time it is to take effect shall be exhibited in a conspicuous place in the Court House in the circuit town and in the office of Registrar of the District Court at that circuit town.

(6) When a Judge who is to hold a circuit court does not attend at the time appointed for any sitting thereof the Registrar of the District Court at the circuit town may open the circuit court and adjourn it to the following day or such other day or the next sitting of the circuit court as he is directed by a Judge or the Master.

(7) Where a circuit court is to be held the Registrar of the District Court at the circuit town shall deliver or cause to be delivered to the Judge on the first day of the sitting a calendar of all prisoners in custody for trial or sentence at the circuit court (wherever the prisoners are confined) and shall bring up or cause to be brought up every such prisoner to the circuit court, there to be dealt with according to law.

(8) Nothing in this section limits the powers conferred on the Supreme Court and Judges thereof by section thirty-eight of this Act.

(9) In this section—

“District Court” means The District Court of Western Australia; and

“Registrar” has the meaning assigned to it in section six of the District Court of Western Australia Act, 1969. .

Section 48  
amended.

7. Section 48 of the principal Act is amended by substituting for the word “district”, being the last word in the section, the word “town”.