

DISTRICT COURT OF WESTERN AUSTRALIA.

No. 40 of 1972.

AN ACT to amend sections 4, 5, 12, 17, 25, 50, 51, 53, 56, 60, 67 and 88 of the District Court of Western Australia Act, 1969-1970.

[Assented to 16th June, 1972.]

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 *District Court of Western Australia Act Amendment Act, 1972.*

Short title
and citation.

(2) In this Act the District Court of Western Australia Act, 1969-1970 is referred to as the principal Act.

Act No. 84
of 1969,
amended by
Acts Nos.
14 and 100
of 1970.

(3) The principal Act as amended by this Act may be cited as the District Court of Western Australia Act, 1969-1972.

Commence-
ment.

2. (1) Subject to subsections (2) and (3) of this section, this Act shall come into operation on the date on which it receives the Royal Assent.

(2) Sections 3 to 6, both inclusive, and sections 8, 9, and 12, of this Act shall come into operation on the date on which the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1972 comes into operation.

(3) Section 11 of this Act shall come into operation on a date to be fixed by proclamation.

Amendment
to s. 4.
(Repeal and
Saving.)

3. Section 4 of the principal Act is amended by adding after subsection (2a) a subsection as follows—

(2b) The Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that—

(a) is commenced under the Supreme Court Act, 1935;

(b) is pending on the date of the coming into operation of sections 8 and 12 of the District Court of Western Australia Act Amendment Act, 1972; and

(c) could have been commenced under this Act in the Court, if those sections had been in operation when the action was so commenced,

unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court. .

4. Subsection (5) of section 5 of the principal Act is repealed.

Amendment to s. 5.
(Construction and application of certain Acts.)

5. Subsection (3) of section 12 of the principal Act is repealed and re-enacted as follows—

Amendment to s. 12.
(Salaries and allowances of the District Court Judges.)

(3) A District Court Judge who, at the time of his appointment as such, held the office of Chairman of the Third Party Claims Tribunal, established but subsequently abolished under the Motor Vehicle (Third Party Insurance) Act, 1943, shall be paid the same remuneration as is paid from time to time to a Puisne Judge of the Supreme Court, and shall not be paid a salary under subsection (1) of this section, but is for the purposes of section 14, deemed to be in receipt of a salary as a District Court Judge payable to the District Court Judge who holds the office of the Chairman of Judges.

6. Subsection (2) of section 17 of the principal Act is repealed.

Amendment to s. 17.
(District Court Judge not to practise as legal practitioner.)

7. Subsection (3) of section 25 of the principal Act is amended by adding after the word "Perth", being the last word in the subsection, the words "and there may be a Deputy Registrar for the Court sitting at Perth".

Amendment to s. 25.
(Power of Governor to appoint Registrar and other officers.)

8. Section 50 of the principal Act is amended—

Amendment to s. 50.
(Civil jurisdiction.)

(a) by adding after the section number "50." the subsection designation "(1)";

(b) by adding after the word "actions", in line six the passage " , other than those of the kind referred to in subsection (2) of this section,"

(c) by substituting for the word "six"—

(i) in line eight;

(ii) in line fourteen;

(iii) in line twenty-one; and

(iv) in line thirty-three,

the word "ten";

(d) by substituting for the word "three"—

(i) in line twenty-five; and

(ii) in line twenty-nine,

the word "five"; and

(e) by adding subsections as follows—

(2) The Court has the same jurisdiction to hear and determine and may exercise all the powers and authority that the Supreme Court has and may exercise from time to time in relation to all personal actions making a claim for damages in respect of the death of or bodily injury to a person caused by or arising out of the use of any motor vehicle.

(3) In subsection (2) of this section "motor vehicle" includes—

(a) any vehicle propelled by gas, oil, electricity or any other motive power, not being animal power; and

(b) a caravan, trailer or semi-trailer drawn or hauled by a motor vehicle. .

9. Section 51 of the principal Act is amended—

Amendment
to s. 51.
(Amount of
verdict or
judgment
in excess of
six thousand
dollars.)

- (a) by adding after the section number "51." the subsection designation "(1)";
- (b) by substituting for the word "six", in line five, and in line fourteen, the word "ten";
- (c) by substituting for the word "ten", in line six, the word "sixteen"; and
- (d) by adding a subsection as follows—

(2) Subsection (1) of this section does not apply to or in relation to a trial of any personal action of the kind referred to in subsection (2) of section 50.

10. Subsection (1) of section 53 of the principal Act is amended by adding after the word "Court", in line eight, the passage "; and in all such actions, matters or causes, the Registrar of the Court appointed under section 25 has, and is deemed to have always had, for the purposes of this Act, in addition to the powers and authorities conferred upon him by this Act, all the powers and authorities of the Master and the Registrar of the Supreme Court".

Amendment
to s. 53.
(Powers and
authorities
of District
Court
Judge and
officers of
the Court.)

11. Subsection (2) of section 56 of the principal Act is repealed and re-enacted as follows—

Amendment
to s. 56.
(Enforce-
ment of
judgments.)

(2) A judgment debt shall carry interest at such rate for every hundred dollars by the year as the Treasurer from time to time by notice published in the *Government Gazette* determines commencing on and from the date of entering up the judgment until the date the judgment is satisfied, and the amount of the interest may be levied under a writ of *feri facias* on the judgment.

Amendment
to s. 60.
(Suing on
separate
security &
separate
cause of
action.)

12. Section 60 of the principal Act is amended by substituting for the word "six", in line four, and in line six, the word "ten".

Amendment
to s. 67.
(Costs
between
parties to
be on
Supreme
Court
scale.)

13. Subsection (1) of section 67 of the principal Act is amended by substituting for the words "of the Court", in line four, the words "at Perth or".

Amendment
to s. 88.
(Rules of
Court.)

14. Subsection (2) of section 88 of the principal Act is amended by substituting for the word "bailiff", being the last word in the subsection a passage as follows—

bailiff;

- (g) for the Registrar of the Court appointed under section 25, or any particular Deputy Registrar of the Court so appointed, to have power, either generally or in particular cases and under such conditions as are prescribed, to do such things, to transact such business, and to exercise such authority and jurisdiction as a Judge of the Court sitting in chambers may, by virtue of a statute, custom, or rule or practice of the Court, do, transact, or exercise, and to tax costs .
-