Western Australia

Courts and Tribunals (Electronic Processes Facilitation) Act 2013

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Courts and Tribunals (Electronic Processes Facilitation) Act 2013

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Defined terms

Courts and Tribunals (Electronic Processes Facilitation) Act 2013

An Act —

- **to provide for the use of electronic technology in relation to court proceedings and certain other proceedings, and the record of court proceedings and certain other proceedings; and**
- **to make consequential and certain other amendments to various Acts; and**
- **to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994* so that the Fines Enforcement Registry is responsible for the management of the process for the enforcement of the payment of certain fines and other amounts as soon as the fines are imposed or the amounts are payable,**

and for related purposes.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*.

2. Commencement

This Act comes into operation as follows —

(a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Crown bound

This Act binds the State and, so far as the legislative power of the State permits, the Crown in all its other capacities.

Part 2 — Provisions facilitating electronic processes in court proceedings and certain other proceedings

4. Purpose of this Part

The purpose of this Part is to provide for the use of electronic technology in relation to —

(a) court proceedings and certain other proceedings; and

(b) the record of court proceedings and certain other proceedings.

5. Terms used

In this Part —

electronic includes electrical, digital, magnetic, optical, electromagnetic, biometric and photonic;

give includes serve, deliver, send, transmit, provide, issue, notify, inform, advise, furnish, produce, make available or any other similar word or expression;

lodge includes file and register;

person includes a court;

seal includes stamp;

writing, without limiting the definition of that term in the *Interpretation Act 1984* section 5, includes any other similar word or expression (for example, paper or instrument).

6. Application of this Part

(1) This Part applies to the following Acts —

(aa) the *Administration Act 1903*;

(a) the *Bail Act 1982*;

(b) the *Children's Court of Western Australia Act 1988*;

(c) the *Civil Judgments Enforcement Act 2004*;

(ca) the *Coroners Act 1996*;

(d) the *Criminal Appeals Act 2004*;

(e) the *Criminal Injuries Compensation Act 2003*;

(ea) the *Criminal Investigation Act 2006*;

(eb) the *Criminal Investigation (Extra-territorial Offences) Act 1987*;

(ec) the *Criminal Investigation (Identifying People) Act 2002*;

(f) the *Criminal Law (Mental Impairment) Act 2023*;

(g) the *Criminal Procedure Act 2004*;

(h) the *High Risk Serious Offenders Act 2020*;

(i) the *District Court of Western Australia Act 1969*;

(j) the *Evidence Act 1906* (other than section 19B);

(ja) the *Family Court Act 1997*;

(k) the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;

(kaa) the *Industrial Relations Act 1979*;

(ka) the *Juries Act 1957*;

(l) the *Magistrates Court Act 2004*;

(m) the *Prohibited Behaviour Orders Act 2010*;

(n) the *Restraining Orders Act 1997*;

(na) the *Sentence Administration Act 2003*;

(o) the *Sentencing Act 1995*;

(p) the *State Administrative Tribunal Act 2004*;

(q) the *Supreme Court Act 1935*;

(r) the *Young Offenders Act 1994*.

(2) This Part also applies to other written laws in accordance with section 20(1) and (2).

[Section 6 amended: No. 29 of 2020 s. 121; No. 34 of 2020 s. 55; No. 30 of 2021 s. 80; No. 10 of 2023 s. 409.]

7. Where writing required or authorised

(1) If, under a provision of an Act to which this Part applies, a matter or thing is required to be in writing, that requirement is to be taken to be satisfied if the matter or thing is recorded electronically in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, a matter or thing is permitted to be in writing, the matter or thing may be recorded electronically in accordance with any regulations or rules of court.

8. Lodging documents

(1) If, under a provision of an Act to which this Part applies, a document lodged with a court or tribunal is required to be in writing, that requirement is to be taken to be satisfied if the document is lodged electronically in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, a document lodged with a court or tribunal is permitted to be in writing, the document may be lodged electronically in accordance with any regulations or rules of court.

(3) If, under a provision of an Act to which this Part applies, an original or certified document is required to be lodged with a court or tribunal, that requirement is to be taken to be satisfied if a copy of the document is lodged electronically in accordance with any regulations or rules of court.

(4) If, under a provision of an Act to which this Part applies, an original or certified document is permitted to be lodged with a court or tribunal, a copy of the document may be lodged electronically in accordance with any regulations or rules of court.

9. Keeping records

(1) If, under a provision of an Act to which this Part applies, a document or record is required to be kept or maintained in written form, or a record is required to be made in written form, that requirement is to be taken to be satisfied if the document or record is kept or maintained or, as the case requires, the record is made in electronic form in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, a document or record is permitted to be kept or maintained in a written form, or a record is permitted to be made in written form, the document or record may be kept or maintained or, as the case requires, the record may be made in electronic form in accordance with any regulations or rules of court.

10. Signatures, seals and certificates

(1) If, under a provision of an Act to which this Part applies, a document is required to be signed, certified or sealed by any person, that requirement is to be taken to be satisfied if the document is authenticated in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, a document is permitted to be signed, certified or sealed by any person, the document may be authenticated in accordance with any regulations or rules of court.

(3) Any provision of an Act to which this Part applies that provides that, or to the effect that, a document is evidence, or may be tendered in evidence, without proof of a signature, certificate or seal, or without calling the person who signed, certified or sealed the document, applies with all necessary changes to and in relation to a document that is authenticated in accordance with subsection (1) or (2) as if the reference to a signature, certificate or seal were a reference to authentication.

(4) Any provision of an Act to which this Part applies that provides that, or to the effect that, the signature on any document is presumed to be the signature of the person who issued the document, or that judicial notice is to be taken of a person's signature, applies with all necessary changes to and in relation to a document that is authenticated in accordance with subsection (1) or (2) as if the reference to a signature were a reference to authentication.

11. Endorsing, recording or attaching information or documents

(1) If, under a provision of an Act to which this Part applies, any information, note, statement, certificate, acknowledgment or other document, record or matter is required to be endorsed or recorded on, or attached or annexed to, any document, and that document is in electronic form, that requirement is to be taken to be satisfied if the information, note, statement, certificate, acknowledgment or other document, record or matter is incorporated electronically in, or associated electronically with, the document in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, any information, note, statement, certificate, acknowledgment or other document, record or matter is permitted to be endorsed or recorded on, or attached or annexed to, any document, and that document is in electronic form, the information, note, statement, certificate, acknowledgment or other document, record or matter may be incorporated electronically in, or associated electronically with, the document in accordance with any regulations or rules of court.

12. Giving or obtaining information, documents and records

(1) If, under a provision of an Act to which this Part applies, any information, document or record, or a copy of any document or record, is required to be given to, or obtained by, any person in

written form, that requirement is to be taken to be satisfied if the information, document, record or copy is given to or, as the case requires, obtained by the person in electronic form in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, any information, document or record, or a copy of any document or record, is permitted to be given to, or obtained by, any person in written form, the information, document, record or copy may be given to or, as the case requires, obtained by the person in electronic form in accordance with any regulations or rules of court.

(3) An example of the operation of subsection (1) is where a provision requires a copy of a document to be sent to a person, and rules of court provide for that person to be able to access the document on a computer system.

(4) Subsection (1) does not apply in relation to a provision of an Act to which this Part applies to the extent that the provision requires any information, document or record, or a copy of any information, document or record, to be personally served on a person or personally given to a person.

(5) Nothing in this section limits or affects the power of a court or tribunal to order or authorise any information, document or record, or a copy of any document or record, to be given to any person in any particular way.

13. Original documents

(1) If, under a provision of an Act to which this Part applies, the original of a document is required to be given to any person, that requirement is to be taken to be satisfied if the document given to the person is a copy of the document produced from an electronic version of the document in accordance with any regulations or rules of court.

(2) If, under a provision of an Act to which this Part applies, the original of a document is permitted to be given to any person, the document given to the person may be a copy of the document produced from an electronic version of the document in accordance with any regulations or rules of court.

(3) An example of the operation of subsection (1) is where a provision requires a police officer to serve a summons on a person, and rules of court provide for an electronic copy of the summons to be sent to a police officer, and for that police officer to print out a copy of the summons and give it to the person required to be served.

14. Address for service

(1) In this section —

address for service, in relation to a person, includes an address at which documents may be given to, or accepted on behalf of, the person.

(2) If, under a provision of an Act to which this Part applies, a person is required to give an address for service, that requirement is to be taken to be satisfied if the person gives an electronic address (for example, an email address) in accordance with any regulations or rules of court.

(3) If, under a provision of an Act to which this Part applies, a person is permitted to give an address for service, the person may give an electronic address (for example, an email address) in accordance with any regulations or rules of court.

15. Approving forms and other documents

If a provision of an Act to which this Part applies authorises or requires the approval of a form or other document —

(a) that provision is to be taken to authorise both the approval of a printed form or document and the approval of a means of completing the form or document

electronically in accordance with any regulations or rules of court; and

(b) it is not necessary that the content and layout of the printed form or document and the means of completing the form or document electronically are identical, as long as the form or document, when completed by either means, is to the same effect.

16. Prescribing forms and other documents

If a provision of an Act to which this Part applies authorises or requires a form or other document to be prescribed —

(a) that provision is to be taken to authorise both the prescribing of a printed form or document and the prescribing of a means of completing the form or document electronically; and

(b) it is not necessary that the content and layout of the printed form or document and the means of completing the form or document electronically are identical, as long as the form or document, when completed by either means, is to the same effect.

17. Production of records kept electronically

(1) This section applies if, under a provision of an Act to which this Part applies, a person who keeps a record of information in electronic form is required —

(a) to produce the information or a document containing the information to a court, tribunal or person; or

(b) to make a document containing the information available for inspection by a court, tribunal or person.

(2) If this section applies then, unless the court, tribunal or person otherwise directs —

(a) the requirement obliges the person to produce or make available for inspection, as the case may be, a document

that reproduces the information in a form capable of being understood by the court, tribunal or person; and

(b) the production to the court, tribunal or person of the document in that form complies with the requirement.

18. Status and effect of things done electronically or in electronic form

(1) If, in reliance on a provision of this Part, something is done electronically when it would otherwise be required to have been done, or could have been done, using or with respect to a paper document, the doing of that thing electronically has the same effect as if that thing had been done using or with respect to a paper document.

(2) If, in reliance on a provision of this Part, something takes an electronic form when it would otherwise be required to be, or could be, in the form of a paper document, that thing has the same effect as if it were a paper document.

(3) Without limiting subsection (1) or (2) —

(a) a document that is authenticated in accordance with section 10(1) or (2) has the same effect as a document that has been duly signed, certified or sealed; and

(b) a copy of a document that is produced from an electronic version of the document in accordance with section 13(1) or (2) has the same effect as the original.

19. Relationship with other laws relating to electronic processes

(1) This Part is in addition to, and not in substitution for —

(a) the *Electronic Transactions Act 2011*; and

(b) a provision of any other written law (including a provision of an Act to which this Part applies) that authorises or permits the use of electronic processes for the purposes of an Act to which this Part applies.

(2) The fact that this Part does not apply to a particular Act does not imply that that Act does not authorise or permit the use of electronic processes for the purposes of that Act.

(3) Nothing in this Part limits the operation of any of the following —

(a) the *Freedom of Information Act 1992*;

(b) the *Interpretation Act 1984* section 76;

(c) the *State Records Act 2000*.

20. Power to make regulations and rules of court extended

(1) If a provision of an Act to which this Part applies or any other written law empowers the making of any regulations or rules of court for the purposes of an Act to which this Part applies, that power is to be construed (with all necessary changes) as including a general power to make regulations or rules of court for the purposes of this Part.

(2) If a provision of an Act to which this Part applies empowers the making of any regulations or rules of court for the purposes of another Act, and this Part does not apply to the other Act, that power is to be construed (with all necessary changes) as including a general power to make regulations or rules of court for the purposes of this Part as if this Part applied to the other Act.

(3) Without limiting subsection (1) or (2) or any other written law, the power conferred by subsection (1) or (2) includes power to make regulations or rules of court in relation to the use of electronic technology in particular circumstances even though no regulations or rules of court are required with respect to the use of written information, documents or records in the same or similar circumstances.

(4) Without limiting subsection (1) or (2) or any other written law, the power conferred by subsection (1) or (2) to provide that any information, document or record, or a copy of any document or

record, is to be or can be given to a person in electronic form includes power to determine when information or a document, record or copy given to a person in that form is to be taken to be, or to be presumed to be, received by, or brought to the attention of, the person.

Part 3 — Amendments to other Acts

Division 1 — *Bail Act 1982* amended

21. Act amended

This Division amends the *Bail Act 1982*.

22. Section 3 amended

In section 3(1) delete the definitions of:

electronic address

electronic communication

23. Section 3A deleted

Delete section 3A.

24. Section 4AB inserted

Before section 4A insert:

4AB. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

25. Section 13B amended

(1) Delete section 13B(1)(b) and insert:

> (b) sent to the accused by post to the accused's address appearing in the records of the court; or

(c) in urgent cases or with the accused's consent, provided to the accused by electronic means in accordance with the regulations.

(2) In section 13B(2) delete "gives or sends" and insert:

gives, sends or provides

(3) In section 13B(3) delete "subsection (1)(b)(i)," and insert:

subsection (1)(b),

26. Section 27 amended

In section 27(1) and (2) delete "sent" and insert:

made available

Note: The heading to amended section 27 is to read:

Relevant papers to be made available to court where accused to appear

27. Section 32 amended

(1) Delete section 32(1)(c) and insert:

(c) in urgent cases or with the accused's consent, shall be provided to the accused by electronic means in accordance with the regulations.

(2) In section 32(2) delete "gives or sends" and insert:

gives, sends or provides

28. Section 37 amended

Delete section 37(3).

29. Section 43A amended

(1) Delete section 43A(4) to (7) and insert:

(4) The relevant official may provide the surety undertaking to the proposed surety for completion by providing it by electronic means in accordance with the regulations.

(5) The proposed surety may enter into the surety undertaking by providing the completed surety undertaking to the relevant official by electronic means in accordance with the regulations.

(6) If the surety undertaking is provided by electronic means under subsection (4) or (5), any requirement for the proposed surety or the relevant official to sign it is to be taken to have been complied with if the full name of the proposed surety or the relevant official, as the case requires, appears in the appropriate place in the undertaking.

(7) The relevant official may comply with section 43(c) by providing a copy of the surety undertaking (as duly completed) to the surety by electronic means in accordance with the regulations.

(2) Delete section 43A(10).

Note: The heading to amended section 43A is to read:
Entering into surety undertaking where proposed surety interstate

30. Section 45 amended

Delete section 45(1)(c) and insert:

(c) by a person authorised under subsection (5) —

(i) sending or causing to be sent the approved form to the surety by post to the surety's address appearing in the records of the court; or

(ii) in urgent cases or with the surety's consent, providing or causing to be provided the approved form to the surety by electronic means in accordance with the regulations.

31. Section 67 amended

After section 67(2)(a) insert:

(ba) in any case where the regulations provide that any information, document or record, or a copy of any document or record, is to be or can be provided to a person in electronic form, determine when information or a document, record or copy provided to a person in that form is to be taken to be, or to be presumed to be, received by, or brought to the attention of, the person;

Division 2 — *Children's Court of Western Australia Act 1988* amended

32. Act amended

This Division amends the *Children's Court of Western Australia Act 1988*.

33. Section 5A inserted

At the end of Part 1 insert:

5A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 3 — *Civil Judgments Enforcement Act 2004* amended

34. Act amended

This Division amends the *Civil Judgments Enforcement Act 2004*.

35. Section 6A inserted

After section 5 insert:

6A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 4 — *Criminal and Found Property Disposal Act 2006* amended

36. Act amended

This Division amends the *Criminal and Found Property Disposal Act 2006*.

*[**37-39.** Have not come into operation.]*

Division 5 — *Criminal Appeals Act 2004* amended

40. Act amended

This Division amends the *Criminal Appeals Act 2004*.

41. Section 4A inserted

After section 3 insert:

4A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 6 — *Criminal Injuries Compensation Act 2003* amended

42. Act amended

This Division amends the *Criminal Injuries Compensation Act 2003*.

43. Section 8A inserted

At the end of Part 1 insert:

8A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 7 — *Criminal Law (Mentally Impaired Accused) Act 1996* amended

44. Act amended

This Division amends the *Criminal Law (Mentally Impaired Accused) Act 1996*.

45. Section 5AA inserted

After section 4 insert:

5AA. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 8 — *Criminal Procedure Act 2004* amended

46. Act amended

This Division amends the *Criminal Procedure Act 2004*.

47. Section 3 amended

(1) In section 3(1) insert in alphabetical order:

> ***authenticate*** means authenticate in accordance with the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10;

(2) In section 3(1) in the definition of ***charge*** delete "a written" and insert:

an

48. Section 4A inserted

At the end of Part 1 insert:

4A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

49. Section 34 amended

Delete section 34(2) and insert:

(2) An amendment made under subsection (1) must be endorsed on the summons or notice.

50. Section 45 amended

In section 45(6) after "signs" insert:

or authenticates

51. Section 139 amended

Delete section 139(2)(c) and insert:

(c) if the accused is in custody, by issuing an order under the *Prisons Act 1981* section 85.

52. Section 172 amended

Delete section 172(3)(b) and insert:

(b) on any party's behalf in any court —

(i) by a legal practitioner; or

(ii) with the court's leave, by a person who is undertaking approved practical legal training requirements (as defined in the *Legal Profession Act 2008* section 21(1)); or

(iii) with the court's leave, by a person who is neither a legal practitioner nor a person referred to in subparagraph (ii).

53. Section 173 replaced

Delete section 173 and insert:

173. Unauthorised documents

A person must not —

(a) sign or authenticate a prosecution notice, indictment, summons, court hearing notice or witness summons, knowing that he or she is not authorised to do so; or

(b) lodge a prosecution notice or an indictment knowing —

(i) that it has been signed by a person who is not authorised to sign it; or

(ii) that it has been authenticated by a person who is not authorised to authenticate it.

Penalty: imprisonment for 12 months or a fine of $12 000.

54. Section 186 amended

In section 186(2):

(a) in paragraph (c) delete "conducted." and insert:

conducted;

(b) after paragraph (c) insert:

(d) prescribe requirements relating to the lodging of documents with a court under this Act or another written law.

Division 9 — *Dangerous Sexual Offenders Act 2006* amended

55. Act amended

This Division amends the *Dangerous Sexual Offenders Act 2006*.

56. Section 8A inserted

At the end of Part 1 insert:

8A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 10 — *District Court of Western Australia Act 1969* amended

57. Act amended

This Division amends the *District Court of Western Australia Act 1969*.

58. Section 7A inserted

At the end of Part I insert:

7A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 11 — *Evidence Act 1906* amended

59. Act amended

This Division amends the *Evidence Act 1906*.

60. Section 5A inserted

After section 4 insert:

5A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act (other than section 19B).

61. Section 12 amended

In section 12(4) delete "in writing under his hand".

62. Section 51 amended

In section 51 delete "under his hand" and insert:

signed by him or her

63. Section 54 amended

In section 54:

(a) after "impression" insert:

or image

(b) after "impressed" insert:

or applied

64. Section 55 amended

In section 55:

(a) after "impression" insert:

or image

(b) after "impressed" insert:

or applied

65. Section 56 amended

In section 56 delete "seal purports to be attached or appended" and insert:

seal, or an image of the signature or seal, purports to be attached, appended or applied

66. Section 67 amended

(1) At the beginning of section 67 insert:

(1) In this section, a reference to a seal, stamp or signature includes an image of a seal, stamp or signature.

(2) In section 67 delete "Whenever" and insert:

(2) Whenever

67. Section 68 amended

In section 68(1) delete "under the hand of " and insert:

and signed by

68. Section 73B amended

In section 73B(3) delete "by prepaid post".

69. Section 73BA inserted

After section 73B insert:

73BA. Authenticated copies of certain public documents etc. admissible without further proof

(1) In this section —

authenticated copy, in relation to a document or official record to which this section applies, means a copy of the document or official record that is authenticated in accordance with any regulations or rules of court as being produced from an electronic version of the document or official record.

(2) This section applies to —

(a) a document that is at any time filed in a court and is recorded in electronic form; and

(b) the official record of any proceedings in a court, if the official record is kept in electronic form.

(3) An authenticated copy of a document or official record to which this section applies is admissible in evidence without further proof as if it were the document or official record of which it is an authenticated copy.

(4) If the registrar, clerk or proper officer of a court is served with legal process to produce, in a court or before a person acting judicially, a document or official record to which this section applies, it is sufficient answer to that process if the person to whom it is addressed provides or makes available to the registrar, clerk or proper officer of the court in which the document or official record is to be produced or the person before whom the document or official record is to be produced an authenticated copy of the document or official record.

70. Sections 82 to 88 deleted

(1) Delete the heading before section 82.

(2) Delete sections 82 to 88.

71. Section 109 amended

In section 109(1) in the definition of ***examination*** delete "letter of ".

72. Section 110 amended

In section 110(1)(c) delete "letter of ".

73. Section 133 inserted

After section 132 insert:

Regulations and rules of court for purposes of Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Part 2

133. Regulations and rules of court for purposes of *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2

(1) The Governor may make regulations prescribing all matters that are necessary or convenient to be prescribed for giving effect to the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 as applied by section 5A.

(2) The power of an authority to make rules of court extends to making rules of court prescribing all matters that are necessary or convenient to be prescribed for giving effect to the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 as applied by section 5A.

(3) The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 20(3) and (4) apply as if the power conferred by subsections (1) and (2) of this section were a power conferred by section 20(1) or (2) of that Act.

(4) This section does not limit or affect any other power in this Act or any other written law to make regulations or rules of court.

Division 12 — *Fines, Penalties and Infringement Notices Enforcement Act 1994* amended

74. Act amended

This Division amends the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

75. Section 5A amended

(1) Delete section 5A(1) and insert:

> (1) If under this Act information or a document or notice must or may be given to or served on a person, it may, with the consent of that person or in other circumstances specified in the regulations, be given or served by electronic means in accordance with the regulations.

(2) In section 5A(2):

(a) delete paragraph (a) and insert:

> (a) any document that under this Act must be served personally, other than any of the following —
>
> (i) an order to attend for work and development under section 47 or 47A;
>
> (ii) a work and development order;

(b) delete paragraphs (b), (c) and (e).

76. Section 5B inserted

At the end of Part 1 insert:

5B. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

(1) The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

(2) Subsection (1) is subject to section 5A(2).

77. Section 10B inserted

At the end of Part 2 insert:

10B. Registrar to keep record of outstanding fines and other amounts payable by young persons

(1) In this section —

relevant amount means —

(a) a fine to which the *Young Offenders Act 1994* section 65(1)(a) applies; or

(b) a bail undertaking to which the *Young Offenders Act 1994* section 65(1)(b) applies; or

(c) a recognisance to which the *Young Offenders Act 1994* section 65(1)(c) applies;

young person has the meaning given in the *Young Offenders Act 1994* section 3.

(2) The Registrar must maintain a record of all relevant amounts to which this section applies, including details of —

(a) the young person by whom the relevant amount is payable; and

(b) the time specified by the court within which the relevant amount is to be paid; and

(c) any order of the court that the relevant amount is to be paid in instalments; and

(d) the payment of the relevant amount or of any instalment of the relevant amount; and

(e) when the young person by whom the relevant amount is payable has defaulted in the payment of the relevant amount or of any instalment of the relevant amount.

(3) As soon as practicable after the record maintained by the Registrar under subsection (2) indicates that, in relation to a relevant amount, a young person has defaulted in the payment of the relevant amount or of any instalment of the relevant amount, the Registrar must notify the default to —

(a) in the case of a fine, the court that imposed the fine; or

(b) in the case of a bail undertaking or a recognisance, the court that ordered the bail undertaking or recognisance to be forfeited.

78. Section 27B amended

In section 27B delete "sections 34 and 35 (other than sections 34(2) and 35(2)),"

sections 34 and 35,

79. Section 28 amended

In section 28(1) delete the definition of ***time to pay order*** and insert:

time to pay order, except in sections 55A and 55B —

(a) means an order made under section 33(4); and

(b) includes an amended time to pay order;

80. Part 4 Division 2 Subdivision 1 heading amended

In the heading to Part 4 Division 2 Subdivision 1 delete "**court officers**" and insert:

Registrar

81. Section 32 replaced

Delete section 32 and insert:

32. Offender must pay fine or get time to pay order

(1) When a fine is imposed, an offender must either —

(a) pay the fine; or

(b) apply for a time to pay order in respect of the fine.

(2) When a fine is imposed —

(a) the fine is to be taken to be registered; but

(b) the Registrar must not take any action under section 42 or 47A in relation to the fine unless —

(i) a period of 28 days after the day on which the fine was imposed has elapsed; and

(ii) the offender has not, within that period, either paid the fine or applied for a time to pay order in respect of the fine, or the offender's application for a time to pay order in respect of the fine has been refused.

(3) Subsection (2)(b) does not apply if, at the time the fine is first taken to be registered —

(a) another fine imposed on the offender, or any other amount payable by the offender, is already registered under this Part, and the fine or amount has not been paid and no time to pay order has been obtained in respect of the fine or amount; or

(b) one of the methods of enforcement available under Division 3 (which includes an order to attend for work and development and a WDO) is already being invoked in respect of a fine imposed on, or an amount payable by, the offender; or

(c) the Registrar is already taking action under section 55D(1) in respect of a fine imposed on, or an amount payable by, the offender.

(4) This section is subject to —

(a) the *Sentencing Act 1995* sections 57A, 58 and 59; and

(b) section 53(2).

(5) If a fine has been imposed before the date on which the *Courts and Tribunals (Electronic Processes*

Facilitation) Act 2013 section 81 comes into operation (the ***commencement date***) —

(a) this section applies to and in relation to the fine only if the fine has not been paid before the commencement date; and

(b) subsection (2) does not apply to or in relation to the fine if —

(i) the fine has been registered before the commencement date; and

(ii) that registration has not been cancelled before the commencement date;

and

(c) if a time to pay order is in force in respect of the fine immediately before the commencement date, that time to pay order continues in force under and subject to this Division.

82. Section 33 amended

(1) In section 33(1) delete "a court officer" and insert:

the Registrar

(2) Delete section 33(2) and insert:

(2) An application for a time to pay order in respect of a fine cannot be made later than the 28th day after the day on which the fine was imposed.

(3) In section 33(3) delete "court officer" and insert:

Registrar

(4) In section 33(4) delete "court officer," and insert:

Registrar,

(5) In section 33(5) delete "A court officer" and insert:

The Registrar

(6) In section 33(8) delete "a court officer" and insert:

the Registrar

83. Section 34 amended

(1) In section 34(1) delete "court officer" and insert:

Registrar

(2) Delete section 34(2).

(3) In section 34(3) delete "court officer" and insert:

Registrar

(4) In section 34(4) delete "court officer," and insert:

Registrar,

(5) In section 34(6) delete "a court officer" and insert:

the Registrar

84. Section 35 amended

(1) In section 35(1) delete "A court officer" and insert:

The Registrar

(2) In section 35(2) delete "registered or".

(3) In section 35(4) delete "court officer," and insert:

Registrar,

(4) In section 35(6):

(a) delete "A court officer" and insert:

The Registrar

(b) delete "court officer" (last occurrence) and insert:

Registrar

Note: The heading to amended section 35 is to read:

Registrar may amend time to pay order

85. Section 35A amended

In section 35A delete "a court officer" and insert:

the Registrar

86. Sections 36 and 37 replaced

Delete sections 36 and 37 and insert:

36. Registrar may cancel time to pay order

(1) The Registrar, without notice to the offender, may cancel a time to pay order if the offender —

(a) contravenes the order; or

(b) contravenes a request made under section 35(1).

(2) If the Registrar cancels a time to pay order, the Registrar may take any action in relation to the fine that the Registrar is authorised to take under section 42 or 47A or 55D.

37. Registrar's decision is final

The decision of the Registrar under this Subdivision is final.

38A. Transitional provisions for *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*

An application under this Subdivision to a court officer that has been made but not decided before the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 86 comes into operation is to be taken to have been made to the Registrar, and is to be dealt with accordingly.

87. Part 4 Division 2 Subdivision 2 heading amended

In the heading to Part 4 Division 2 Subdivision 2 delete "**court officers cannot make time to pay orders**" and insert:

time to pay orders cannot be made

88. Section 41 amended

Delete section 41(2) and (6).

89. Section 48A replaced

Delete section 48A and insert:

48A. Order to attend for work and development: cancellation

(1) This section applies if —

(a) an order to attend for work and development is issued under section 47 or 47A; and

(b) it is not reasonably practicable to serve the order on the offender —

(i) personally; or

(ii) by electronic means under section 5A(1).

(2) If this section applies, the Registrar may cancel the order to attend for work and development and make or again make a licence suspension order in respect of the offender.

(3) For the purposes of subsection (2), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply.

(4) A licence suspension order —

(a) may be made even if section 42 has not been complied with; but

(b) cannot be made if a time to pay order under section 33 is in force in respect of the person and the amount owed.

90. Section 53A amended

Delete section 53A(2) and insert:

(2) For the purposes of subsection (1), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply.

(3) A licence suspension order —

(a) may be made even if section 42 has not been complied with; but

(b) cannot be made if a time to pay order under section 33 is in force in respect of the person and the amount owed.

91. Section 55B amended

In section 55B delete "sections 34 and 35 (other than sections 34(2) and 35(2))," and insert:

sections 34 and 35,

92. Section 56B amended

In section 56B(d) delete "section 55A" and insert:

section 33 or 55A

93. Section 56 amended

Before section 56(c) insert:

(ca) any amount of a recognisance entered into by an offender under the *Young Offenders Act 1994* section 69, in any case where any amount of the recognisance is ordered to be forfeited and —

(i) section 64 of that Act applies to the payment and enforcement of the amount concerned; or

(ii) under section 65(3)(a) of that Act, the court must register the amount forfeited under this Act;

or

94. Section 59A inserted

At the end of Part 5 insert:

59A. Automatic registration of amounts payable

(1) Subsection (2) applies to the following orders —

(a) an order to which section 56(a) applies, other than an order to which the *Young Offenders Act 1994* section 65(1)(b) applies;

(b) an order to which section 56(ca)(i) or (c), 57 or 58 applies.

(2) When an order to which this subsection applies is made, the amount that is ordered to be forfeited under the order is to be taken to be registered under Part 4 as if the amount were a fine.

(3) If, under the *Young Offenders Act 1994* section 65(3)(a), the court must register the amount of a forfeited bail undertaking or forfeited recognisance under this Act, the amount that is forfeited is to be taken to be registered under Part 4 as if the amount were a fine.

(4) This section does not limit the operation of Part 4 as applied by section 56, 57 or 58.

(5) This section does not apply to or in relation to an order to which section 56, 57 or 58 applies if the order was made before the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 94 came into operation.

*[**95.** Deleted: No. 25 of 2020 s. 107.]*

Division 13 — *Magistrates Court Act 2004* amended

96. Act amended

This Division amends the *Magistrates Court Act 2004*.

97. Section 4A inserted

At the end of Part 1 insert:

4A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 14 — *Prisoners (Interstate Transfer) Act 1983* amended

98. Act amended

This Division amends the *Prisoners (Interstate Transfer) Act 1983*.

99. Section 12 amended

In section 12(1) delete "in writing".

100. Section 14 amended

In section 14(2) delete "order in writing," and insert:

order,

101. Section 30 amended

In section 30(2) delete "warrant under his hand —" and insert:

warrant —

Division 15 — *Prisons Act 1981* amended

102. Act amended

This Division amends the *Prisons Act 1981*.

103. Section 85 amended

In section 85(1) delete "written".

Division 16 — *Prohibited Behaviour Orders Act 2010* amended

104. Act amended

This Division amends the *Prohibited Behaviour Orders Act 2010*.

105. Section 5A inserted

At the end of Part 1 insert:

5A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

*[**106.** Has not come into operation.]*

Division 17 — *Restraining Orders Act 1997* amended

107. Act amended

This Division amends the *Restraining Orders Act 1997*.

*[**108.** Has not come into operation.]*

109. Section 8A inserted

At the end of Part 1 insert:

8A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

*[**110-112.** Have not come into operation.]*

113. Section 50D amended

In section 50D(2)(a) delete "care and protection within the meaning of the *Child Welfare Act 1947*; or" and insert:

protection as defined in the *Children and Community Services Act 2004* section 3; or

*[**114-117.** Have not come into operation.]*

118. Section 61A amended

After section 61A(7) insert:

(8) In subsection (7) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

*[**119.** Has not come into operation.]*

120. Section 67 amended

(1) In section 67(2) delete "is to make a written record of the" and insert:

must give written

(2) After section 67(2) insert:

(3A) In subsection (2) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

*[**121.** Has not come into operation.]*

Division 18 — *Sentencing Act 1995* amended

122. Act amended

This Division amends the *Sentencing Act 1995*.

123. Section 4A inserted

After section 3 insert:

4A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

*[**124.** Has not come into operation.]*

125. Section 33A amended

Delete section 33A(7) and insert:

(7) In subsection (6) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

126. Section 35 amended

(1) Delete section 35(2).

(2) Delete section 35(4) and insert:

(4) In subsection (1) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

*[**127.** Has not come into operation.]*

128. Section 80 amended

(1) In section 80(4) delete "state its" and insert:

give written

(2) After section 80(4) insert:

(5A) In subsection (4) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

129. Section 84F amended

(1) In section 84F(4) delete "state its" and insert:

give written

(2) After section 84F(4) insert:

(5A) In subsection (4) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

130. Section 84K amended

After section 84K(6) insert:

(7) A certificate by a court under subsection (6) is, in the absence of evidence to the contrary, evidence of its contents.

131. Section 120A amended

Delete section 120A(2) and insert:

(2) On receiving a request under subsection (1), and if satisfied that the restitution order is in force, the Sheriff may —

(a) seize the property and deliver it to the victim; and

(b) for the purposes of seizing the property, enter any place where the Sheriff reasonably believes the property may be.

Division 19 — *State Administrative Tribunal Act 2004* amended

132. Act amended

This Division amends the *State Administrative Tribunal Act 2004*.

133. Section 7A inserted

At the end of Part 1 insert:

7A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 20 — *Supreme Court Act 1935* amended

134. Act amended

This Division amends the *Supreme Court Act 1935*.

135. Section 6A inserted

At the end of Part I insert:

6A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

Division 21 — *Young Offenders Act 1994* amended

136. Act amended

This Division amends the *Young Offenders Act 1994*.

137. Section 6A inserted

At the end of Part 1 insert:

6A. *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* Part 2 applies to this Act.

*[**138, 139.** Have not come into operation.]*

140. Section 64 amended

(1) In section 64 delete "If a young person" and insert:

(1) If a young person

(2) At the end of section 64 insert:

(2) Without limiting subsection (1) —

(a) the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 32(2) applies to and in relation to a fine to which subsection (1)(a) applies; and

(b) section 59A(2) of that Act applies to and in relation to —

(i) a forfeited bail undertaking to which subsection (1)(b) applies; and

(ii) a forfeited recognisance to which subsection (1)(c) applies.

141. Section 65 amended

(1) After section 65(2) insert:

(3A) The *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 10B applies to fines, forfeited bail undertakings and forfeited recognisances to which subsection (1) applies.

(2) After section 65(3) insert:

(4A) If, under subsection (3)(a), the court must register a fine or the amount of a forfeited undertaking or forfeited recognisance under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*, then —

(a) in the case of a fine, section 32(2) of that Act applies to and in relation to the fine; and

(b) in the case of a forfeited undertaking or forfeited recognisance, section 59A(3) of that Act applies to and in relation to the amount forfeited.

142. Section 120 amended

(1) In section 120(2) delete "record in writing the" and insert:

give written

(2) After section 120(2) insert:

(3) In subsection (2) —

written reasons includes reasons that are —

(a) given orally and subsequently transcribed; or

(b) given orally but also recorded electronically in a format that enables them to be subsequently transcribed.

Notes

This is a compilation of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Courts and Tribunals (Electronic Processes Facilitation) Act 2013 (other than s. 37-39, 95, 106, 108, 110-112, 114-117, 119, 121, 124, 127, 138 and 139) [1]	20 of 2013	4 Nov 2013	Pt. 1: 4 Nov 2013 (see s. 2(a)); Act other than Pt. 1 and s. 22, 23, 25, 27-30, 37-39, 95, 106, 108, 110-112, 114--117, 119, 121, 124, 127, 138 and 139: 25 Nov 2013 (see s. 2(b) and *Gazette* 22 Nov 2013 p. 5391); s. 22, 23, 25, 27-30: 13 Sep 2014 (see s. 2(b) and *Gazette* 12 Sep 2014 p. 3279); s. 75: 14 Nov 2015 (see s. 2(b) and *Gazette* 13 Nov 2015 p. 4631)
Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020 Pt. 3 Div. 1	25 of 2020	19 Jun 2020	29 Sep 2020 (see s. 2(1)(c) and SL 2020/159 cl. 2(a))
High Risk Serious Offenders Act 2020 s. 121	29 of 2020	9 Jul 2020	26 Aug 2020 (see s. 2(1)(c) and SL 2020/131 cl. 2)
COVID-19 Response and Economic Recovery Omnibus Act 2020 s. 55	34 of 2020	11 Sep 2020	12 Sep 2020 (see s. 2(b))
Industrial Relations Legislation Amendment Act 2021 Pt. 3	30 of 2021	22 Dec 2021	20 Jun 2022 (see s. 2(1)(b) and SL 2022/79 cl. 2)
Criminal Law (Mental Impairment) Act 2023 s. 409	10 of 2023	13 Apr 2023	1 Sep 2024 (see s. 2(b) and SL 2024/175 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA legislation website.

Short title	Number and year	Assent	Commencement
Courts and Tribunals (Electronic Processes Facilitation) Act 2013 s. 37-39, 106, 108, 110-112, 114-117, 119, 121, 124, 127, 138 and 139	20 of 2013	4 Nov 2013	To be proclaimed (see s. 2(b))
Evidence Act 2025 s. 492(2)	15 of 2025	25 Sep 2025	18 Sep 2027 (see s. 2(e) and SL 2026/190 cl. 2)
Retail Barring Orders Act 2026 Pt. 7 Div. 2	17 of 2026	21 Oct 2026	To be proclaimed (see s. 2(b))

Other notes

[1] The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* s. 95 had not come into operation when it was deleted by the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* s. 107.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
address for service	14(1)
electronic	5
give	5
lodge	5
person	5
seal	5
writing	5

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