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for

Suitors' Fund Amendment Bill 2017

Bill No. 50—2

Western Australia

Suitors' Fund Amendment Bill 2017

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended in Committee)

Suitors' Fund Amendment Bill 2017

A Bill for

An Act to amend the *Suitors' Fund Act 1964*.

The Parliament of Western Australia enacts as follows:

1. Short title

This is the *Suitors' Fund Amendment Act 2017*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 ~~and 2~~ to 3 and 6 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Suitors' Fund Act 1964*.

4. Section 5 amended

- (1) In section 5(1) delete “court, the sum of 10 cents or such other sum not exceeding 20 cents as may from time to time be prescribed.” and insert:

court, a levy of an amount prescribed by the regulations.

- (2) After section 5(2) insert:

- (3) The regulations may prescribe different amounts of levy for different processes or classes of process.
- (4) Nothing in this section is to be taken as limiting the operation of the *Interpretation Act 1984* section 43.

Note: The heading to amended section 5 is to read:

Levy to be paid to courts

5. Section 6 amended

- (1) In section 6(1) delete “fee” and insert:

levy

- (2) In section 6(2) delete “additional fee” and insert:

levy

Note: The heading to amended section 6 is to read:

**Department to advise Treasurer of number of processes upon
which levy payable**

6. Section 18 inserted

After section 17 insert —

18. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 2nd anniversary of the day on which the *Suitors' Fund Amendment Act 2017* section 6 comes into operation.
- (2) The review must address the following —
- (a) the effect of the levy payable under section 5 on access by litigants to the courts;
 - (b) the extent to which recommendations from reports of the Law Reform Commission of Western Australia relating to the operation of this Act have not been implemented; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 2nd anniversary.
