Western Australia

Court Jurisdiction Legislation Amendment Act 2018

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Western Australia

Court Jurisdiction Legislation Amendment Act 2018

No. 28 of 2018

An Act to amend the *District Court of Western Australia Act 1969* and *The Criminal Code* to alter the criminal jurisdiction boundaries between the Supreme Court, District Court and Magistrates Court.

[Assented to 2 November 2018]

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

##### 1. Short title

 This is the *Court Jurisdiction Legislation Amendment Act 2018*.

##### 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.

## Part 2 — *District Court of Western Australia Act 1969* amended

##### 3. Act amended

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

##### 4. Section 42 amended

 Delete section 42(2) and insert:

 (2) The Court does not have jurisdiction to try an accused person charged with an indictable offence that is —

 (a) a crime under *The Criminal Code* section 279, 280, 283, 288 or 290; or

 (b) an offence, or offence of a class, prescribed in the regulations.

##### 5. Section 89A amended

 (1) Before section 89A(1) insert:

 (1A) The Governor may make regulations prescribing matters —

 (a) required or permitted to be prescribed by this Act; or

 (b) necessary or convenient to be prescribed for giving effect to this Act.

 (2) In section 89A(1) delete “The” and insert:

 Without limiting subsection (1A), the

 (3) In section 89A(2) delete “subsection (1),” and insert:

 subsection (1A) or (1),

 Note: The heading to amended section 89A is to read:

 Regulations

## Part 3 — *The Criminal Code* amended

##### 6. Act amended

 This Part amends *The Criminal Code*.

##### 7. Section 338B amended

 In section 338B delete the Summary conviction penalty and insert:

 Summary conviction penalty:

 (a) in a case to which paragraph (a) above applies: imprisonment for 3 years and a fine of $36 000; or

 (b) in a case to which paragraph (b) above applies: imprisonment for 18 months and a fine of $18 000.

##### 8. Section 401 amended

 In section 401(3) delete “$10 000” and insert:

 $50 000

##### 9. Section 409 amended

 In section 409(2) delete “$10 000” and insert:

 $50 000

##### 10. Section 426 amended

 In section 426(2) delete “$10 000,” and insert:

 $50 000,

##### 11. Section 527 amended

 In section 527(2) delete “$10 000” and insert:

 $50 000



By Authority: KEVIN J. McRAE, Government Printer