



Western Australia

## **Unauthorised Documents Act 1961**

Compare between:

[07 May 2004, 01-a0-12] and [05 Apr 2023, 01-b0-00]



## Unauthorised Documents Act 1961

**An Act to prohibit the issue or use of false or misleading process and other documents; and for other incidental purposes.**

*[Long title amended: No. 59 of 1979 s. 3.]*

**1. Short title**

This Act may be cited as the *Unauthorised Documents Act 1961*<sup>+</sup>.

**2. Commencement**

This Act shall come into operation on a day to be fixed by proclamation<sup>+</sup>.

**3. Interpretation**

In this Act unless the context requires otherwise —

**document** includes any notice, claim, demand or process, any document relating to any extra-judicial remedy, and any copy of any document;

**tribunal** includes any court, judge, magistrate, justice or judicial or public officer, whether in or out of the State.

*[4. Deleted: No. 59 of 1979 s. 4.]*

**5. Sending, serving or printing false process an offence**

(1) Every person who —

- (a) sends, distributes or delivers to, or serves on, or causes to be sent, distributed or delivered to, or served on, any other person; or

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- (b) prints, publishes or sells, or offers or exhibits for sale, or causes to be printed, published or sold, or offered or exhibited for sale,

any paper or writing which is not a document published or issued out of or by or under the authority or with the sanction of any tribunal, but which in the opinion of the court before which any proceedings under this section are brought is intended or likely to convey to a person the impression that the paper or writing is a document published or issued out of or by or under the authority or with the sanction of any tribunal commits an offence against this Act.

Penalty: \$500.

- (2) In any proceedings under this section, if any person is named on any paper or writing mentioned in this section in such manner as to imply that he is the printer, publisher, seller or sender of the same, that person shall prima facie be deemed to be the person who printed, published, sold or sent that paper or writing.

*[Section 5 amended: No. 59 of 1979 s. 5.]*

[6. ~~Penalties in case~~Deleted: No. 9 of bodies corporate 2023 s. 154.]

~~Without affecting any other liability of any person under this Act or otherwise, a company or other body corporate shall be liable to the penalty for an offence under this Act as if it were a private person; and every director, manager, secretary or officer of that company, and every member of the managing body of any such body corporate, shall also be liable to the penalty for that offence.~~

**7. Consent of Attorney General to proceedings**

No proceedings for an offence against this Act shall be taken by any person without the consent in writing of the Attorney General.

**8. Other proceedings not affected**

Nothing in this Act shall be held to affect any other proceeding, civil or criminal, which might have been taken against any person if this Act had not been passed, but a person shall not be punished for the same offence under any such proceeding and under this Act.

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### Notes

<sup>+</sup> ——— This is a compilation of the *Unauthorised Documents Act 1961* and includes ~~the~~ amendments made by ~~the~~ other written laws ~~referred to in the following table. The table also contains.~~ [For provisions that have come into operation, and for](#) information about any ~~reprint.~~ [reprints, see the compilation table.](#)

### Compilation table

Short title	Number and <u>y</u> ear	Assent	Commencement
<i>Unauthorised Documents Act 1961</i>	8 of 1961	10 Oct 1961	17 Nov 1961 (see s. 2 and <i>Gazette</i> 17 Nov 1961 p. 3195)
<i>Unauthorised Documents Act Amendment Act 1979</i>	59 of 1979	12 Nov 1979	1 Feb 1980 (see s. 2 and <i>Gazette</i> 1 Feb 1980 p. 283)
<b>Reprint 1: The <i>Unauthorised Documents Act 1961</i> as at 7 May 2004</b> (includes amendments listed above)			
<a href="#">Directors' Liability Reform Act 2023 Pt. 3 Div. 62</a>	<a href="#">9 of 2023</a>	<a href="#">4 Apr 2023</a>	<a href="#">5 Apr 2023 (see s. 2(j))</a>