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