

WESTERN AUSTRALIA

ACTS AMENDMENT (PENALTIES FOR CONTEMPT OF COURT) ACT

No. 71 of 1986

AN ACT to make provision for the enhancement of the penalties relating to contempt of court by amending the *District Court of Western Australia Act 1969*, the *Local Courts Act 1904*, and the *Justices Act 1902*.

[Assented to 4 December 1986]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Penalties for Contempt of Court) Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

PART II—*DISTRICT COURT OF WESTERN AUSTRALIA ACT 1969*

Principal Act

3. In this Part the *District Court of Western Australia Act 1969** is referred to as the principal Act.

[*Reprinted as approved 5 September 1980 and amended by Acts Nos. 118 of 1981, 7 of 1982, 52 and 122 of 1984, and 74, 98 and 109 of 1985.]

Section 63 amended

4. Section 63 of the principal Act is amended, in subsection (1), by deleting “to the prison nearest to the Court for any time not exceeding one month, or may impose on the person a fine not exceeding one hundred dollars, and in default of immediate payment thereof may so commit the person to prison for any time not exceeding one month unless the fine is sooner paid” and substituting the following—

“ to imprisonment for a term not exceeding 5 years, or may impose on the person a fine not exceeding \$50 000, or may so commit the person and impose such a fine, or in default of immediate payment of the fine imposed may commit the person to imprisonment—

(a) until the fine is paid; or

(b) for a term not exceeding 5 years,

whichever may be the shorter period ”.

PART III—*LOCAL COURTS ACT 1904*

Principal Act

5. In this Part the *Local Courts Act 1904** is referred to as the principal Act.

[*Reprinted as approved 11 April 1984 and amended by Acts Nos. 69 of 1984 and 13 of 1985.]

Section 155 amended

6. Section 155 of the principal Act is amended—

(a) by deleting “twenty dollars” and substituting the following—

“ \$5 000 ”; and

(b) by deleting “three months” and substituting the following—

“ 12 months ”.

Section 156 amended

7. Section 156 of the principal Act is amended by deleting “to the prison nearest to the court for any time not exceeding fourteen days, or may impose on the offender a fine not exceeding twenty dollars, and in default of payment may commit the offender to prison for any time not exceeding fourteen days, unless the fine is sooner paid” and substituting the following—

“ to imprisonment for a term not exceeding 12 months, or may impose on the offender a fine not exceeding \$5 000, or may so commit the offender and impose such a fine, or may in default of immediate payment of the fine imposed commit the offender to imprisonment—

(a) until the fine is paid; or

(b) for a term not exceeding 12 months,

whichever may be the shorter period ”.

PART IV—JUSTICES ACT 1902

Principal Act

8. In this Part the *Justices Act 1902** is referred to as the principal Act.

[*Reprinted as approved 9 November 1984 and amended by Acts Nos. 69 of 1984, and 15 and 119 of 1985.]

Section 41 amended

9. Section 41 of the principal Act is amended by deleting “to a penalty not exceeding ten dollars, and in default of payment to be imprisoned for a period not exceeding seven days” and substituting the following—

“ to imprisonment for a term not exceeding 12 months, or to a fine not exceeding \$5 000, or to both, or in default of immediate payment of the fine imposed to imprisonment—

(a) until the fine is paid; or

(b) for a term not exceeding 12 months,

whichever may be the shorter period ”.
