Western Australia

Court Jurisdiction Legislation Amendment Bill 2017

Contents

Western Australia

<u>LEGISLATIVE ASSEMBLY</u>

Court Jurisdiction Legislation Amendment Bill 2017

A Bill for

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.

The Parliament of Western Australia enacts as follows:

1   # Part 1 — Preliminary

2   **1.**   **Short title**

3   This is the *Court Jurisdiction Legislation Amendment Act 2017*.

4   **2.**   **Commencement**

5   This Act comes into operation as follows —

6   (a)   Part 1 — on the day on which this Act receives the
7   Royal Assent;

8   (b)   the rest of the Act — on a day fixed by proclamation,
9   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.

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

3   Without limiting subsection (1A), the
4

5   (3)   In section 89A(2) delete "subsection (1)," and insert:
6

7   subsection (1A) or (1),
8

9   Note: The heading to amended section 89A is to read:
10   **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

════════════