

**MAGISTRATES COURT OF WESTERN AUSTRALIA
FACT SHEET 37**

CONTEMPT OF COURT

This fact sheet provides information on the process relating to contempt of court.

When is a person guilty of contempt of court?

A person is guilty of a contempt of the court if while the court is sitting, wilfully:

- a) interrupts the proceedings;
- b) misbehaves before the court;
- c) insults a person constituting the court.

A person is guilty of contempt of the court if they wilfully insults or obstruct:

- a) a person going to a courtroom for the purpose of constituting the court;
- b) a person leaving a courtroom having constituted the court.

A person is guilty of contempt of the court when they do not take an oath or affirmation as requested by the court.

A person is guilty of contempt of the court when they refuse give evidence, which they are competent and compellable to give.

A person is guilty of contempt of the court if they do not, in the face of the court, comply with a lawful direction of the court.

A person who:

- a) having been served with a summons to attend as a witness, without reasonable excuse, does not attend as required by the summons; or
- b) having been required by the court to produce a record or thing to the court, without reasonable excuse, does not do so

is guilty of a contempt of court unless the omission is an offence.

A person is guilty of a contempt of the court if:

- a) the court makes a lawful order ordering a person to do an act (other than to pay money) or to cease (temporarily or permanently) doing an act;
- b) the person, without reasonable excuse, does

- not comply with the order; and
- c) another written law does not provide a means for punishing non-compliance with or enforcing the order.

Court Orders

A person guilty of contempt is liable to a fine of not more than \$12,000 or imprisonment for not more than 12 months or both.

If the court fines a person for contempt it may order that if the person does not pay the fine immediately, the person is to be imprisoned:

- a) until the fine is paid; or
- b) for not more than 12 months

whichever is the shorter period.

If a person who has been punished for contempt apologises to the court for the contempt, the court may amend or cancel the order imposing the punishment and, if it does, may order the refund of some or all of a fine that has been paid.

Further information

Further information concerning contempt of court can be answered by contacting a registry of the magistrates court or by seeking legal advice .

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.