

LAW COURTS (MAINTENANCE OF ORDER) ACT, 1928.

No. 1881 of 1928.

An Act to confer upon courts of law additional powers
for securing the orderly and expeditious conduct of
legal proceedings therein.

[Assented to 7th November, 1928.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

Short title.

1. This Act may be cited as the "Law Courts (Maintenance of Order) Act, 1928."

Interpretation.

2. In this Act the term "court" means any court, Judge, magistrate, justice, or other person before whom any legal proceedings are held or taken, including any justice or justices of the peace holding the preliminary examination in the case of an information for an indictable offence, and any coroner.

Power of
court to
refuse to
hear persons
in certain
cases.

3. (1) If in any proceedings before any court any person whether a legal practitioner or not, appearing for a party behaves towards the court or any member thereof, or towards any witness, in a manner which in the opinion of the court is abusive, insulting, threatening, or disrespectful, or is guilty of any persistent and unnecessary repetition or prolixity either in questioning any witness or in addressing the court, the court may refuse to hear that person any further in those proceedings.

(2) When the court refuses to hear a person as aforesaid, the court shall, unless the party for whom the person was appearing is present in court and consents to the case proceeding forthwith, adjourn the case for such reasonable time as the interests of justice require. If a court adjourns

a case pursuant to this subsection it may in its discretion order that the offending person shall pay to any party prejudicially affected by the adjournment such costs of the adjournment as the court thinks just. If the offending person makes to the court a satisfactory apology for his misbehaviour the court may rescind its refusal to hear him and any order for adjournment or costs or any part of any such order; and may continue the hearing of the case.

(3) After the court has intimated to any person that it refuses to hear him further in the proceedings then before the court, that person shall not continue or attempt to continue to address the court or to question any witness in those proceedings. Any person contravening this section shall be guilty of an offence and shall be liable to imprisonment for one month, or a fine of not more than fifty pounds.

(4) The court before which an offence under subsection (3) of this section is committed may forthwith convict the person guilty of the offence either on its own view, or on the oath of some credible witness, and may issue its warrant of commitment accordingly. Every such warrant shall be good and valid in law without any written complaint or other written statement of the charge, or any other order, summons or adjudication whatever.

4. (1) The payment of any fine or costs ordered by any court to be paid under this Act may be enforced as follows:—

Mode of
enforcing
orders under
this Act.

(a) If the order is made by a court of summary jurisdiction or by a justice or justices on the preliminary hearing of a charge for an indictable offence, in any way in which an order of a court of summary jurisdiction for payment of a sum of money may be enforced under the Justices Act, 1921:

(b) If the order is made by a local court, in any way in which a judgment of a local court for payment of a sum of money may be enforced under the Local Courts Act, 1926:

(c) If the order is made by the Supreme Court, in any way in which a judgment for payment of a sum of money in an action in the Supreme Court may be enforced:

(d) In any other case by action in any court of competent jurisdiction.

(2) Proceedings under this section for enforcing payment of a fine may be taken by the Attorney-General on behalf of the Crown, and for enforcing payment of any costs, by the person entitled to be paid those costs.

Saving of
other powers
of court.

5. The powers conferred by this Act are in addition to and not in substitution for any powers vested in any court by any other Act or at common law.