

**MAGISTRATES COURT OF WESTERN AUSTRALIA  
CIVIL PROCEEDINGS  
FACT SHEET 36**

**ORDER FOR ARREST AND IMPRISONMENT FOR CONTEMPT  
OF COURT WHERE IMPRISONMENT PREVIOUSLY  
SUSPENDED**

This fact sheet provides information for both the judgment creditor and judgment debtor.

**When can the court issue an order for arrest and imprisonment for contempt**

When it is satisfied that the judgment debtor has not complied with an order made at a default inquiry.

See Fact Sheet:

No. 32 Default inquiry (information for the judgment creditor)

No. 33 Default inquiry (information for the judgment debtor)

**How the judgment creditor applies for an order for arrest  
Role of the bailiff**

Complete and lodge **Form 6**, and pay the prescribed bailiff enforcement fees.

The bailiff will arrest and take the judgment debtor to the appropriate prison to serve the period of imprisonment order.

**Effect of imprisonment**

The imprisonment of the judgment debtor does not:

- a) Extinguish or reduce the judgment debt; or
- b) Terminate an instalment order, unless the court orders otherwise.

**Judgment creditor's responsibilities regarding imprisonment of the judgment debtor**

The judgment creditor must immediately advise the bailiff:

- a) If you receive or recover any amount in respect of the judgment debt; or
- b) If you accept part payment of the judgment debt in full satisfaction of the judgment debt.

**Penalty for failure to comply**

Imprisonment for 12 months.

**Further information**

Any further questions concerning the operation and effect of an order for arrest and imprisonment for contempt of court where imprisonment was previously suspended 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.