

# Criminal Investigation Amendment Bill 2014

## EXPLANATORY MEMORANDUM

### Outline

The Criminal Investigation Amendment Bill 2014 amends the *Criminal Investigation Act 2006* in order to remove the current requirement imposed by section 139(3) of that Act for an “arrested suspect” to be “detained in the company of a police officer and not in a lock-up or other place of confinement, unless the circumstances make it impractical to do so” and allows an arrested suspect to be detained in custody.

### Clause Notes

#### Clause 1 Short title

This clause cites the short title of the Act as the *Criminal Investigation Amendment Act 2014*.

#### Clause 2 Commencement

This clause provides that section 1 and 2 of the Bill will commence operation when the Act receives the Royal Assent.

The remainder of the Bill will commence operation on a day to be fixed by proclamation. This is to allow the Government of Western Australia to undertake the measures necessary to ensure its operational readiness.

#### Clause 3 Act amended

This clause provides that the *Criminal Investigation Act 2006* is amended.

#### Clause 4 Section 139 amended

Clause 4(1) inserts the words “in custody” into section 139(2) to make it clear that an arrested suspect may be held in police custody.

Clause 4(2) deletes section 139(3) of the *Criminal Investigation Act 2006*.

#### Clause 5 Section 142 amended

Clause 5(1) amends section 142(4), (5) and (6) to ensure that it is clear that an arrested suspect who is held in police custody, once it is decided the arrested suspect will be charged, must be held in

accordance with sections 142(7) and (8) of *Criminal Investigation Act 2006*.

Clause 5(2) deletes section 142(7) and replaces it with a new section 142(7). The new section is required as the existing reference to allowing an arrested suspect, once charged, to be held in “a lockup or other place of confinement” is redundant due to the deletion of section 139(3) by Clause 4.