

Western Australia

LEGISLATIVE COUNCIL

Criminal Code Amendment Bill 1999

A Bill for

An Act to amend *The Criminal Code*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment Act 1999*.

2. Criminal Code amended

The amendments in this Act are to *The Criminal Code**.

[* Reprinted as at 21 April 1997 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.

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For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 58, and Acts Nos. 15, 29, 38 and 48 of 1998.]

3. Section 400 amended

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Section 400(4)(b) and “and” after it are deleted and the following is inserted instead —

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(b) conviction means a finding of guilt whether after a plea of guilty or otherwise and whether or not a conviction is recorded; and

”.

4. Section 570 amended

Section 570(1) is amended as follows:

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(a) by inserting, in the appropriate alphabetical positions, the following definitions —

“

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“Anti-Corruption Commission official” means an officer of the Commission, a seconded officer, service provider, or a special investigator, within the meaning of section 3(1) of the *Anti-Corruption Commission Act 1988*;

5 **“Parliamentary Commissioner”** means the
 Parliamentary Commissioner for Administrative
 Investigations appointed under the *Parliamentary*
 Commissioner Act 1971 and includes an Acting
 Commissioner, Deputy Commissioner or officer of
 the Commissioner, within the meaning of section 4
 of that Act;

10 (b) by deleting the definition of “interview” and inserting
 instead —

15 **“interview”** means an interview with a suspect by —
 (a) a member of the Police Force; or
 (b) an Anti-Corruption Commission official;

5. Section 570B amended

(1) Section 570B(1) is amended in the definition of “authorized
person” by inserting after paragraph (d) the following —

20 “
 (da) a member of the Anti-Corruption Commission
 or an Anti-Corruption Commission official;
 (db) the Parliamentary Commissioner;

25 (2) Section 570B(3) is amended by deleting “, other than a member
of the Police Force acting in the course of duty, ”.

(3) After section 570B(3) the following subsection is inserted —

30 “
 (3a) Subsection (3) does not apply to —
 (a) a member of the Police Force;
 (b) an Anti-Corruption Commission official; or

s. 6

(c) the Parliamentary Commissioner,
when acting in the course of duty.

”.

(4) Section 570B(4) is amended by inserting after “duty” —

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“

or an Anti-Corruption Commission official acting in
the course of duty

”.

(5) Section 570B(5) is amended by inserting after “(d)” —

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“ , (da), (db) ”.

(6) Section 570B(6)(b) is amended by inserting after “570G(3)” —

“ or 570GA(3) ”.

6. Section 570D amended

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Section 570D(1) is amended, in the definition of “admission”,
by inserting after “Force” —

“ or an Anti-Corruption Commission official ”.

7. Section 570G amended

After section 570G(3) the following subsection is inserted —

“

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(4) In this section —

“**interview**” means an interview with a suspect by a
member of the Police Force.

”.

8. **Section 570GA inserted**

After section 570G the following section is inserted —

“

570GA. Videotapes to be retained by the Anti-Corruption Commission

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- (1) If an interview is videotaped, the Anti-Corruption Commission shall ensure that a videotape of the interview is kept in safe custody for at least 5 years.
- (2) If the Supreme Court is satisfied there is good cause for keeping a videotape of an interview for more than 5 years, it may order the Anti-Corruption Commission to keep a videotape of the interview for such additional period as the Court thinks fit.
- (3) Subject to subsection (1), the Anti-Corruption Commission may, in writing, authorize a person to erase videotapes of interviews.
- (4) In this section —
“**interview**” means an interview with a suspect by an Anti-Corruption Commission official.

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9. **Section 570H amended**

Section 570H(2) is amended after paragraph (b) by inserting the following paragraph —

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- (ba) an Anti-Corruption Commission official;

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