



Western Australia

Criminal Code Amendment Act 1999

No. 35 of 1999

An Act to amend *The Criminal Code*.

[Assented to 18 October 1999]

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*.

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 570 amended

Section 570(1) is amended as follows:

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

“

“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*;

“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;

”;

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

“

“interview” means an interview with a suspect by —

- (a) a member of the Police Force; or

(b) an Anti-Corruption Commission official;

”

4. Section 570B amended

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

“

(da) a member of the Anti-Corruption Commission or an Anti-Corruption Commission official;

(db) the Parliamentary Commissioner;

”

(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 —

“

(3a) Subsection (3) does not apply to —

(a) a member of the Police Force;

(b) an Anti-Corruption Commission official; or

(c) the Parliamentary Commissioner,

when acting in the course of duty.

”

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

“

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

”

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

“ , (da), (db) ”.

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

5. Section 570D amended

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

“ or an Anti-Corruption Commission official ”.

6. Section 570G amended

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

“

- (4) In this section —

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

”.

7. Section 570GA inserted

After section 570G the following section is inserted —

“

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

- (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.

”

8. Section 570H amended

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

“

(ba) an Anti-Corruption Commission official;

”

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