

Western Australia

**Acts Amendment (Criminal Investigation) Act
2001**

As at 07 Jan 2002

No. 35 of 2001

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Acts Amendment (Criminal Investigation) Act 2001

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Acts Amendment (Criminal Investigation) Act 2001

No. 35 of 2001

An Act to amend —

- **the *Coroners Act 1996*; and**
- **the *Surveillance Devices Act 1998*.**

[Assented to 7 January 2002]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Acts Amendment (Criminal Investigation) Act 2001*.

2. Commencement

This Act comes into operation on the seventh day after the day on which it receives the Royal Assent.

3. Coroners Act 1996 amended

- (1) The *Coroners Act 1996** section 46(3) and the penalty provision at the foot of it are repealed.

[* *Reprinted as at 3 August 2001.*]

- (2) After section 46 of that Act, the following section is inserted —

“

46A. Crime of disobeying coroner

- (1) A person who does not obey a summons, order, or direction of a coroner under section 46(1) commits an offence that is a crime.

Penalty: Imprisonment for 5 years and a fine of \$100 000.

- (2) If the offence is dealt with summarily under subsection (3), the maximum penalty for the offence that may be imposed by the court in the summary proceedings is imprisonment for 2 years and a fine of \$40 000.

- (3) If a person charged before a court of summary jurisdiction with an offence under subsection (1) elects to have the charge dealt with summarily and the prosecutor consents, the charge is to be dealt with summarily.

- (4) Despite subsection (3) —
- (a) if the court hearing the charge is, for any reason, of the opinion that the charge should be prosecuted on indictment, the court is to abstain

from dealing with the charge summarily and commit the defendant for trial on indictment;

- (b) if the court, having convicted the defendant in summary proceedings, is, for any reason, of the opinion that the penalty that it is empowered to impose would be inadequate, the court may, instead of passing sentence, commit the convicted person for sentence.

- (5) Proceedings for an offence under subsection (1) can be commenced at any time.

”.

4. *Surveillance Devices Act 1998* amended

After the *Surveillance Devices Act 1998** section 4, in Part 1, the following section is inserted —

“

4A. State police working for National Crime Authority

A power under this Act may be exercised in a person’s capacity as a member of the police force of the State even if the person is also a member of the staff of the National Crime Authority.

”.

[* *Act No. 56 of 1998.*]

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