

# CRIMINAL CODE.

No. 35 of 1976.

## AN ACT to amend the Criminal Code.

[Assented to 9th June, 1976.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Criminal Code Amendment Act, 1976.* Short title.

(2) In this Act—

“the Code” means the Criminal Code set out in the Schedule to the Criminal Code Act, 1913, appearing in Appendix B to the Criminal Code Compilation Act, 1913 as

reprinted with amendments up to and including Act No. 19 of 1973, and amended by Acts Nos. 58 of 1974 and 49 of 1975.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be proclaimed.

(2) Sections 4, 5 and 6 of this Act shall come into operation on the date on which the Justices Act Amendment Act, 1976 comes into operation.

Section 19  
amended.

3. Subsection (6a) of section 19 of the Code is amended by deleting the words "on indictment" in line two.

Section 579  
amended.

4. Section 579 of the Code is amended by deleting the words "taken before the committing magistrates or coroner", in lines ten and eleven of the fourth paragraph.

Section 617A  
added.

5. The Code is amended by adding after section 617 a section as follows—

Recital of  
facts by  
Crown.

617A. When a person has, under the Justices Act, 1902, been committed for trial or sentence without a preliminary hearing and has pleaded guilty of the offence charged in the indictment or of any other offence of which he might be convicted on the indictment, before the Court passes sentence on him the material facts of the case shall be stated aloud to the Court by the Crown. .

Section 635B  
added.

6. The Code is amended by adding after section 635A a section as follows—

Depositions  
and  
statements  
produced  
at trial.

635B. (1) At the trial of an accused person—

(a) a deposition of a witness; and

(b) a written statement of a person that is made, at any time, in accordance

with the conditions of paragraphs (a), (b), (d), (e), (f) and (g) of subsection (3) of section sixty-nine of the Justices Act, 1902,

is admissible as evidence to the like extent as oral evidence to the like effect if all the parties consent and the trial Judge is satisfied that the presence of such witness is not necessary in the interests of justice.

(2) So much of any deposition or statement as is to be admitted in evidence by virtue of subsection (1) of this section shall be read aloud in Court. .

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