Western Australia

Witness Protection (Western Australia) Regulations 1996

Compare between:

[16 Jan 2004, 01-a0-06] and [26 Sep 2009, 01-b0-03]



Western Australia

Witness Protection (Western Australia) Act 1996

Witness Protection (Western Australia) Regulations 1996

##### 1. Citation

These regulations may be cited as the *Witness Protection (Western Australia) Regulations 1996*1.

##### 2. Commencement

These regulations come into operation on the day on which the *Witness Protection (Western Australia) Act 1996* comes into operation1.

##### 3. Prescribed authorities (s. 3)

These persons are prescribed authorities for the purposes of the Act —

(a) the person who, under the *Curriculum Council Act 1997*, is empowered to issue a certificate to a student;

(b) the person who, under the *Vocational Education and Training Act 1996*, is empowered to confer an approved VET qualification or a prescribed VET qualification;

(c) the person who, under the *Road Traffic Act 1974*, is empowered to grant or renew a driver’s licence, learner’s permit or vehicle licence;

(d) the person who, under an Act that establishes a University, is empowered to award, confer or grant a degree, diploma or other qualification.

[Regulation 3 inserted in Gazette 25 Sep 2009 p. 3749-50.]

##### 4. Prescribed registers (s. 3)

These records or registers of information are prescribed as prescribed registers for the purposes of the Act:

(a) any record or register of information as to the matters referred to in regulation 3 and required to be kept under an Act referred to in that regulation;

(b) any record or register of the names of persons that is required to be kept under an Act referred to in that regulation.

##### 5. Information to be provided (s. 10)

Under section 10 of the Act, a witness must provide this information to the Commissioner:

(a) details of all the witness’s outstanding legal obligations;

(b) details of all the witness’s outstanding debts, including amounts outstanding under any judgment in this State or elsewhere or for any tax, including a tax under the law of the State, another State, a Territory or the Commonwealth;

(c) details of any offences of which the witness has been convicted in this State or elsewhere;

(d) details of any civil proceedings that have been instituted by or against the witness and that are pending;

(e) details of any bankruptcy proceedings that have been instituted against the witness and that are pending;

(f) whether the witness is an undischarged bankrupt under the *Bankruptcy Act 1966* of the Commonwealth and if the witness is, copies of all documents relating to the bankruptcy;

(g) whether the witness has entered into or intends to enter into a composition with creditors, a deed of arrangement or a deed of assignment under Part X of the *Bankruptcy Act 1966* of the Commonwealth and, if the witness has or intends to, copies of all relevant documents;

(h) whether the witness is restricted as to holding positions in companies, whether public or private and if so, copies of documents relevant to the restriction;

(i) details of the witness’s immigration status;

(j) details of the witness’s assets (whether real or personal) and financial liabilities in relation to which —

(i) a record is kept under a law of the State, another State or a Territory; or

(ii) the witness has entered into a contractual arrangement;

(k) details of any cash held by the witness or any of the witness’s dependants, whether in accounts or otherwise;

(l) details of any reparation order (including any compensation or restitution order) that is in force against or in favour of the witness;

(m) whether any of the witness’s property (whether real or personal) is liable to forfeiture or confiscation or is subject to restraint under a law of the State, another State, a Territory or the Commonwealth;

(n) the witness’s general medical and mental condition;

(o) the general medical and mental condition of the witness’s dependants;

(p) details of any relevant court orders or arrangements —

(i) relating to custody of or access to children;

(ii) restraining the activities of the witness;

(q) details of any business dealings in which the witness is involved;

(r) details of any sentence or other order imposed on the witness for an offence and to which the witness is subject, together with copies of any relevant documents;

(s) details of any order releasing the witness from custody such as an order as to bail or a parole order and to which the witness is subject, together with copies of any relevant documents;

(t) details of any arrangements that the witness has made for —

(i) the service of documents on the witness;

(ii) representation in court proceedings;

(iii) enforcement of judgments in the witness’s favour;

(iv) compliance with the enforcement of any judgments against the witness;

(u) details of any threats or incidents, whether real or perceived, that could be regarded as a danger to the witness or to a person related to (including a de facto partner of the witness) or associated with the witness.

[Regulation 5 amended in Gazette 30 Jun 2003 p. 2636.]

##### 6. Forms

(1) For the purposes of section 33(1) of the Act, Form 1 in Schedule 1 is the prescribed form.

(2) For the purposes of section 33(3) of the Act, Form 2 in Schedule 1 is the prescribed form.

Schedule 1

**Forms**

[r. 6]

Form 1

*Witness Protection (Western Australia) Act 1996*  
[s. 33(1)]

**Permission to participant not to disclose former identity**

Under the above Act [*new identity of participant*], a participant in the State Witness Protection Program, has been given a new identity.

Under a law of this State the participant would, apart from section 33 of the above Act, be required to disclose his or her former identity for the purpose of [*state purpose*].

I, [*name of Commissioner or approved authority*], [*title*], acting under section 33(1) of the above Act, give the participant permission not to disclose his or her identity for that purpose.

Dated:

Signature:

Form 2

*Witness Protection (Western Australia) Act 1996*  
[s. 33(3)]

**Permission under a complementary witness protection law to participant not to disclose former identity**

Under the [*short title of complementary witness protection law*] [*new identity of participant*], a participant in the witness protection program established under that Act, has been given a new identity.

Under a law of this State the participant would, apart from section 33 of the *Witness Protection (Western Australia) Act 1996*, be required to disclose his or her former identity for the purpose of [*state purpose*].

I, [*name of Commissioner*], Commissioner of Police, acting under section [*number*] of the above complementary witness protection law, give the participant permission not to disclose his or her identity for that purpose.

Dated:

Signature:

Notes

1 This is a compilation of the *Witness Protection (Western Australia) Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Witness Protection (Western Australia) Regulations 1996* | 6 Dec 1996 p. 6779‑82 | 7 Dec 1996 (see r. 2 and *Gazette* 6 Dec 1996 p. 6699) |
| *Equality of Status Subsidiary Legislation Amendment Regulations 2003* Pt. 41 | 30 Jun 2003 p. 2581‑638 | 1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579) |
| **Reprint 1: The *Witness Protection (Western Australia) Regulations 1996* as at 16 Jan 2004** (includes amendments listed above) | | |

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| --- | --- | --- |
| *Witness Protection (Western Australia) Amendment Regulations 2009* | 25 Sep 2009 p. 3749-50 | r. 1 and 2: 25 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Sep 2009 (see r. 2(b)) |