



Western Australia

Witness Protection (Western Australia) Act 1996

Witness Protection (Western Australia) Regulations 1996

As at 16 Jan 2004

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Western Australia

Witness Protection (Western Australia) Regulations 1996

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at 16 January 2004

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 as prescribed authorities for the purposes of the Act:

- (a) the person who under the *Education Act 1928*² is empowered to issue a certificate, award or qualification to a teacher or a student;
- (b) the person who under the *Industrial Training Act 1975* is empowered to issue a certificate to an apprentice or industrial trainee;

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- (c) the person who under the *Road Traffic Act 1974* is empowered to issue or renew a driver's licence, learner's permit or vehicle licence;
- (d) the person who under the *Secondary Education Authority Act 1984*³ is empowered to issue any certificate of student performance;
- (e) the person who under the statutes of a university established under an Act is empowered to issue a degree, diploma or other qualification.

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;

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- (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:

Schedule 1 Forms

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 reprint is a compilation as at 16 January 2004 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
<i>Witness Protection (Western Australia) Regulations 1996</i>	6 Dec 1996 p. 6779-82	7 Dec 1996 (see r. 2 and <i>Gazette</i> 6 Dec 1996 p. 6699)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003</i> Pt. 41	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
Reprint 1: The <i>Witness Protection (Western Australia) Regulations 1996</i> as at 16 Jan 2004 (includes amendments listed above)		

- ² Repealed by the *School Education Act 1999*.

- ³ Repealed by the *Curriculum Council Act 1997*.