

WESTERN AUSTRALIA

**CRIMINAL CODE AMENDMENT
ACT 1996**

No. 34 of 1996

AN ACT to amend *The Criminal Code*.

[Assented to 27 September 1996.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Criminal Code Amendment Act 1996*.

Commencement

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

The Code

3. In this Act *The Criminal Code** is referred to as the Code.

[* Reprinted as at 17 December 1993 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 53-5.]

Section 1 amended

4. Section 1 (1) of the Code is amended in the definition of the term “public officer” —

(a) by inserting after paragraph (a) the following paragraphs —

“

(aa) a Minister of the Crown;

(ab) a Parliamentary Secretary appointed under section 44A of the *Constitution Acts Amendment Act 1899*;

(ac) a member of either House of Parliament;

”;

and

(b) in paragraph (c) by inserting after “officer” the following —

“ or employee ”.

Section 81 amended

5. Section 81 of the Code is amended —

- (a) by inserting after “**81.**” the subsection designation “(1)”; and
- (b) by inserting the following subsections —

“

(2) Any person who, having been employed in the Public Service, publishes or communicates any fact which came to his knowledge by virtue of his office and which it was at the time when he ceased to be so employed his duty to keep secret, or any document which came to his possession by virtue of his office and which it was at the time when he ceased to be so employed his duty to keep secret, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

(3) Subsection (2) does not apply where the person publishes or communicates any fact or document referred to in that subsection in circumstances in which the publication or communication would not constitute an offence against subsection (1) if, at the time of the publication or communication, the person were still employed in the Public Service.

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