

CRIMINAL CODE.

No. 49 of 1975.

AN ACT to amend Chapters III and LXIX and section 719 of The Criminal Code.

[Assented to 18th September, 1975.]

BE 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, 1975*.

Short title.

(2) In this Act "the Code" means The Criminal Code set out in 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

Section 14A
added.

2. Chapter III of the Code is amended by adding after section 14 the following new section—

Offences
committed
on high
seas.

14A. (1) Any person connected with Western Australia who, while in on under or over the high seas within one hundred miles of Western Australia, does any act or makes any omission of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia is guilty of an offence and shall be liable to arrest, prosecution and punishment in all respects as if such act or omission had occurred in Western Australia and the courts of Western Australia shall have jurisdiction accordingly.

(2) For the purposes of this section a person connected with Western Australia includes a person who—

- (a) is or is normally resident or is domiciled in Western Australia; or
- (b) is on or operating from a vessel, aircraft, rig or other structure or installation of any kind licensed or required to be licensed or operating or functioning pursuant to the authority of, or as regulated by, a law of Western Australia.

(3) Any person who, having while in on under or over the high seas within one hundred miles of Western Australia done any act or made any omission affecting the person or property of a person connected with Western Australia of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia afterwards comes into Western Australia, is by such coming into Western Australia guilty of an offence of the same kind and is liable to the same punishment as if he had done the act or made the omission in Western Australia. .

3. Section 688 of the Code is amended—

Section 688
amended.

- (a) by deleting the passage “indictment.” in the last line of paragraph (c) of subsection (2) and substituting the passage “indictment; or”; and
- (b) by deleting paragraph (d) of subsection (2) and substituting the following paragraph—
 - (d) against any punishment or order imposed or made on the conviction of a person on indictment. .

4. Chapter LXIX of the Code is amended by adding after section 693 the following new section—

Section 693A
added.

693A. (1) Where a person has been tried on indictment, the Attorney General may, within sixty days of the judgment of the Court before which the person was tried, request the judge before whom the person was tried to refer to the Court of Criminal Appeal any question of law which arose at the trial.

References
of points
of law to
Court of
Criminal
Appeal.

(2) The question shall be referred by the judge before whom the person was tried to the Court of Criminal Appeal, together with a statement of the circumstances out of which the question arose, or such further or other statement as the Court of Criminal Appeal may require, and the Court of Criminal Appeal shall, in accordance with this section, consider the question and give its opinion on it.

(3) The determination by the Court of Criminal Appeal of any question referred to it under this section shall not in any way affect or invalidate any verdict or decision given at the trial at which the question arose.

(4) Any person charged at the trial or affected by the decision is entitled to be heard before the Court of Criminal Appeal upon the determination of the question referred, and if it appears that that person does not propose to be represented upon the determination of the question, the Attorney General shall instruct counsel to argue the question referred before the Court of Criminal Appeal on behalf of that person, and the reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this subsection shall be paid by the Crown.

(5) There shall not be published—

- (a) any report of any request made pursuant to subsection (1) of this section; or
- (b) any report of proceedings under this section which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial,

and any publication in contravention of this subsection shall be punishable as a contempt of the Court.

Section 695
amended.

5. Subsection (1) of section 695 of the Code is amended—

- (a) by deleting the word “ten” in line six and substituting the word “twenty-one”; and
- (b) by deleting the word “ten” in line thirteen and substituting the word “twenty-one”.

Section 698
amended.

6. Section 698 of the Code is amended—

- (a) by adding after the word “appellant” in line two the passage “or a respondent to an appeal made pursuant to paragraph (d) of subsection (2) of section six hundred and eighty-eight of this Code”; and

- (b) by adding after the word “appellant” in line six, the word “or respondent”.

7. Section 699 of the Code is amended—

Section 699
amended.

- (a) by adding after the word “appellant” in line three of subsection (1), the passage “or a respondent to an appeal made pursuant to paragraph (d) of subsection (2) of section six hundred and eighty-eight of this Code”; and
- (b) by adding after the word “appellant” in line three of subsection (2) the words “or respondent”.

8. Subsection (1) of section 719 of the Code is amended by deleting the passage “, but the sum awarded shall not exceed five hundred dollars” in lines ten and eleven.

Section 719
amended.
