

LEGISLATIVE COUNCIL

Crime Commission Bill 2012

First print

Proposed amendments

- No. 1 Page 13, clause 22 (2), lines 13–17. Omit all words on those lines. Insert instead:
- (2) Despite subsection (1), the Supreme Court may, on the application of the Commission, order that one or more specified Australian legal practitioners may not represent specified witnesses in an investigation.
 - (3) The Supreme Court may make such an order only if satisfied by the Commission that there are reasonable grounds to believe that allowing representation by the Australian legal practitioners concerned will, or is likely to, prejudice its investigation.
 - (4) The Commission is to give each legal practitioner to whom an order made under this section relates notice in writing of the making of the order in sufficient time for each witness concerned to obtain representation from another Australian legal practitioner.
- No. 2 Page 21, clause 36. Insert after line 16:
- (6) A person may not be detained under this section for more than 24 hours after the person is arrested (the *maximum detention period*) or such longer period as the maximum detention period may be extended by an order made by the Supreme Court.
 - (7) Nothing in subsection (6) prevents the Supreme Court from making an order under section 38 (3) before the end of the maximum detention period.
 - (8) A person must not be detained under this section on more than one occasion within a 7-day period.
 - (9) Despite subsection (8), the Supreme Court may, by order, authorise a person to be detained on than one occasion within a 7- day period.
 - (10) The Supreme Court must not make an order under:
 - (a) subsection (6)—unless satisfied that circumstances exist that make it impracticable to bring the witness before the Commission within the maximum detention period, or
 - (b) subsection (9)— unless satisfied that there is no reasonable alternative means of completing the hearing than by

detaining the witness on more than one occasion in the 7-day period.

- No. 3 Page 22, clause 37 (1), line 4. Omit “(or to any other conditions)”.
- No. 4 Page 30, clause 51 (2). Insert at the end of line 10:
 , and
 (d) ordinary police methods of investigation into the relevant criminal activity or serious crime concern are unlikely to be effective.
- No. 5 Page 35, clause 66. Insert after line 34:
 (3) Without limiting subsection (2), the Inspector has the right to make reasonable use of the services of the staff or facilities of the Police Integrity Commission.
- No. 6 Page 66, Schedule 5.2 [13], proposed section 62, lines 23–29. Omit all words on those lines. Insert instead:
 (2) Before making an order under this Act by a consent order, the Supreme Court may take into consideration such matters that it would, but for the consent of the parties, have otherwise taken into account in making such an order and any practice notes issued by the Court concerning the evidence to be available before the Court makes such an order by a consent order.