

# The Crimes Act 1914:

## Fast forward to the future

AFP preparations for the introduction of video tape interview recording are well advanced as new legislation covering the investigation of Commonwealth offences nears implementation.

The *Crimes (Investigation of Commonwealth Offences) Amendment Act 1991* was given Royal Assent in May and is expected to be proclaimed shortly.

The new legislation amends the *Crimes Act 1914*. It will introduce a pre-charge detention regime and require the tape recording of questions and admissions made to investigating officials.

The changes impact significantly on traditional investigative practices and will affect all AFP members, State police officers and Commonwealth officers with powers of arrest involved in the investigation of Commonwealth offences.

The provisions also will apply to AFP members investigating offences against those laws of the Australian Capital Territory punishable by imprisonment for a period exceeding twelve months.

The introduction of tape recording of interviews with crime suspects has been the subject of increasing interest over many years with a variety of law reform bodies and commissions of inquiry advocating its introduction.

Other State jurisdictions and the Northern Territory have introduced, or are considering, electronic recording of interviews.

Although the new Commonwealth legislation refers only to tape recording specifically, the AFP has sought and has received Commonwealth funding to acquire and instal equipment for simultaneous audio and video recordings.

The new facilities are being made available in all Regions and at AFP Headquarters. Members thus have the opportunity to use



*A fully-equipped audio/video tape recording unit. The system has been made tamper proof to maintain its credibility.*

equipment and become fully familiar with its operation before the legislation takes effect.

Interview rooms are being fitted with composite units comprising two video recorders, triple-deck audio cassettes, a screen monitor, a control panel with in-built microphones, a digital display showing the time elapsed and time remaining during an interview, and a warning alarm to indicate when tapes are running low.

A wall-mounted video camera is set in a fixed position to keep as much of the room as possible in view. The system is completely tamper-proof to maintain its credibility. Video tapes last two hours and audio tapes 45 minutes.

A package of comprehensive instruction including a video, a

lesson plan and a flow-chart has been developed by Training Division, and an AFP Instruction Manual prepared, co-ordinated by Operations Policy Branch. A concerted effort has been made to introduce AFP members around Australia to the new legislation and taping facilities.

The legislation varies considerably from that originally proposed by the (Gibbs) Review of Commonwealth Criminal Law in its Interim Report on Detention Before Charge of March 1989.

It has been the subject of widespread debate and discussion, both before and after its introduction to Parliament in November 1990. It also was examined during public hearings by the Senate Standing Committee on Legal and Constitutional Affairs, which resulted in further amendments being made.