

LEGISLATIVE COUNCIL

Read 1° 27 March 1984

(Brought in by the Honourable J. H. Kennan)

A BILL

To amend the law relating to the Investigation of Crimes by the Police, to amend the *Crimes Act 1958* and for other purposes.

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. This Act may be cited as the *Crimes (Criminal Investigations) Act 1984*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

3. In this Act the *Crimes Act 1958* is called the Principal Act.

Principal Act No. 6231.
Reprinted to No. 9427.
Since amended by Nos. 9498, 9509, 9549, 9554, 9576, 9719, 9848, 9902, 9921, 9945, 9966 and 10 026.

4. (1) For section 460 of the Principal Act there shall be substituted the following section:

'460. (1) Every person taken into custody for an offence (whether committed in Victoria or elsewhere) shall be brought before a justice, an authorized officer or a magistrates' court within the prescribed period unless he is sooner released whether on bail or otherwise.

(2) Every person taken into custody in connexion with what appears to be a case of homicide shall be taken as soon as practicable to the nearest police district headquarters. 5

(3) Notwithstanding any rule of law or practice to the contrary evidence of or in relation to—

(a) any voluntary statement made by a person in custody; and 10

(b) any inquiries or investigations carried out with the consent of a person in custody—

within the prescribed period or within any further time that he has been remanded in the custody of a police officer shall not by reason only of the fact that that person was in custody be inadmissible. 15

(4) A police officer may from time to time within the prescribed period or within any further period that a person has been remanded in the custody of a police officer apply to an authorized officer for the person who is in custody to be remanded into his custody or into the custody of a nominated police officer for the purpose of enabling that person to be questioned or to take part in any other inquiries or investigations relating to a criminal offence. 20

(5) Where a member of the police force believes on reasonable grounds that any person who has been remanded in custody to a prison or who is serving a sentence of imprisonment in a prison has committed an indictable offence in Victoria or has committed an offence outside Victoria which if committed in Victoria would be an indictable offence against the law of Victoria he may apply to a stipendiary magistrate for such firstmentioned person to be remanded into his custody or into the custody of a nominated police officer. 25 30

(6) An officer in charge of a prison shall on delivery to him of an office copy of an order under this section remanding a person to the custody of a police officer cause the person named in the order to be delivered to the custody of the police officer named in the order and where a person is in the custody of a police officer pursuant to the provisions of this section the person shall be deemed to be in the legal custody of the police officer and such police officer shall in due course return such person into the custody from which he was brought or otherwise deal with him in accordance with the order. 35 40

(7) An application under this section— 40

(a) shall be made by a police officer of or above the rank of sergeant or by a police officer who has been authorized in that behalf by the Chief Commissioner;

(b) shall be made at a place appointed for the holding of a Magistrates' Court. 45

(8) No order shall be made under this section without the consent of the person against whom the order is sought.

(9) No application shall be made under sub-section (4) unless reasonable notice of the nature and grounds of the application has been served upon the prisoner.

(10) The authorized officer may order that no reports of the proceedings on any application under this section shall be published.

(11) An application under this section may be granted for such term not exceeding six hours and subject to such conditions as the authorized officer thinks fit.

(12) If no information is laid against the person arrested the justice an authorized officer or a Magistrates' Court may discharge him out of custody but the discharge shall not affect any proceedings which may subsequently be taken in respect of the offence.

(13) The justice authorized officer or court may make such order as to the justice officer or court appears necessary for the preservation or safe keeping of any property brought with the person arrested.

(14) For the purposes of this section—

“Authorized officer” means a stipendiary magistrate or a clerk of a Magistrates' Court who has been appointed to be an authorized officer for the purposes of this section.

“Prescribed period” means—

(a) in relation to a person taken into custody in connexion with what appears to be a case of homicide the period of six hours immediately after that person has been taken to the nearest police district headquarters; and

(b) in relation to any other person taken into custody the period of six hours immediately after the person has been taken into custody.

(2) The provisions of section 460 (2) of the Principal Act as enacted by this Act apply to statements made and to inquiries and investigations carried out whether before or after the commencement of this Act.

