

NOTICE OF COMMITTEE STAGE AMENDMENT

THE CRIMINAL EVIDENCE (WITNESS ANONYMITY) BILL, 2010

In accordance with the provisions of Standing Order 52(1) and (2), I the Honourable Second Official Member, give notice to move the following amendments to the Criminal Evidence (Witness Anonymity) Bill, 2010:

That the Bill be amended as follows -

- (a) in clause 6 -
 - (i) by deleting in subclause (2) the numeral “(9)” and substituting the numeral “(8)”;
 - (ii) by deleting subclause (3); and
 - (iii) by renumbering subclauses (4) to (9) as (3) to (8) respectively;
- (b) in clause 9(3) -
 - (i) by inserting after the word “shall” the word “nonetheless”;
 - (ii) by inserting after the words “by the applicant” the words “and that order shall be endorsed with the words “subject to appeal””;
- (c) by inserting after clause 14 the following -

“Appeal
against refusal
by court to
make an order

14A. (1) Where a court refuses an application for a witness anonymity order, the applicant may appeal to the Court of Appeal against that refusal.

(2) An applicant may not appeal under subsection (1) unless the applicant indicates -

- (a) in the application for the order; or
- (b) if there is a hearing of the application before the court, at the hearing,

that the applicant intends to appeal a refusal.

(3) If an applicant has indicated an intention to appeal a refusal, the court which refuses an application for a witness anonymity order shall nonetheless make the order as requested by the applicant and that order shall be endorsed with the words “subject to appeal”.

(4) An order made under subsection (3) has effect until the appeal is determined or otherwise disposed of.

(5) The Court of Appeal shall consider afresh the application for a witness anonymity order and section 12(2) to (8) applies accordingly to the determination of the application by that court.”;

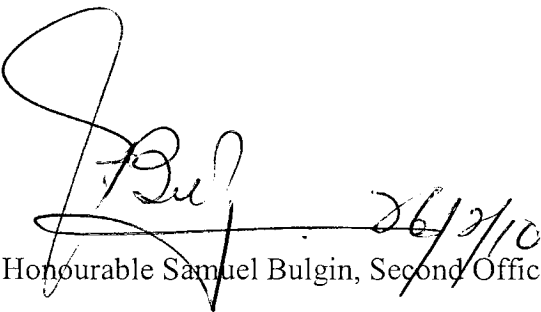
- (d) in clause 18 and the marginal note thereto by deleting the words “appeal court” wherever they appear and substituting the words “Court of Appeal”;
- (e) in clause 21 -
 - (i) by deleting the words “an appeal court” and substituting the words “the Court of Appeal”; and
 - (ii) by deleting the words “appeal court” and substituting the words “Court of Appeal”;
- (f) by inserting after clause 23 the following -

“Penalties 24. A person who discloses information in contravention of -

 - (a) an investigation anonymity order; or
 - (b) a witness anonymity order

commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for ten years or both.”; and
- (g) by renumbering clause 24 as clause 25.

MOVED BY:


The Honourable Samuel Bulgin, Second Official Member.

PASSED/REJECTED by the Legislative Assembly the day of , 2010.

Clerk of the Legislative Assembly.