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Mr David Driscoll
Senior Committee Clerk
Standing Committee on Legislation
Parliament House
PERTH WA 6000

Dear Mr Driscoll

**INQUIRY INTO THE CRIMINAL INVESTIGATION BILL 2005; THE
CRIMINAL INVESTIGATION (CONSEQUENTIAL PROVISIONS) BILL 2005;
AND THE CRIMINAL AND FOUND PROPERTY DISPOSAL BILL 2005**

In response to your letter of 24 July 2006 enclosing a copy of the transcript of evidence of the hearing on 19 July 2006, I return that copy with marked corrections of what I believe were errors. Do not hesitate to ring me if you wish to discuss those corrections.

There is a statement in the transcript on page 14 where, in my fifth answer on the page I am recorded as saying "He would place a notice of application on the relevant provisions of the Evidence Act on the admissibility of the document in due course." I do not believe that I said those words, but I am not sure precisely what I did say. My intended meaning was, so far as I remember, that the officer would then rely on the application of the relevant provisions of the Evidence Act. I have not marked this passage of the transcript.

On page 17 of the transcript I have marked a correction which I have made on the basis of an assumption that I would not have said the word "not" in that context. I cannot remember whether I said it or not. If I did say it, it was clearly in error.

I have since discovered that I did give the Committee the following incorrect factual information:

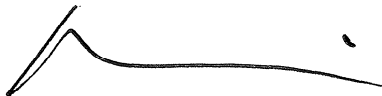
1. On page 11 of the transcript is my evidence that "hundreds of search warrants are issued every day". I now understand that the word "hundreds" must have been incorrect. I have learned that over the last financial year WAPOL has executed close to 4000 search warrants under the *Criminal Code* and the *Misuse of Drugs Act 1981*. While the number of warrants actually issued would be higher than 4000 and while it is conceivable that a hundred warrants could have been issued in one day, it was clearly incorrect to say that hundreds are issued every day.

2. In my second answer on page 13 of the transcript is "It is merely to draw a line between the powers under this legislation and the powers under other legislation. It is made clear that any power to obtain identifying particulars come under this legislation." (underlying added) The legislation to which I was referring was other legislation, namely the *Criminal Investigation (Identifying People) Act 2002*, so in that context I should have said "that legislation".
3. At about half-way down page 16 of the transcript is recorded my evidence that "I am told that the Interpretation Act applies to a list of this nature." I have since learned that the reference to the *Interpretation Act* was incorrect. Instead, I should have referred to the text *Statutory Interpretation in Australia 5th Ed.* by Pearce and Geddes at paragraph 12.2.

Enclosed is a separate submission addressing some of the issues raised by the Committee in the course of the hearing.

Thank you for this opportunity.

Yours sincerely

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke.

Barry King
Senior Assistant State Counsel

28 July 2006

Encl