

JU301*

Criminal Investigation Act 2006

Criminal Investigation Amendment Regulations 2008

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Investigation Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day or on the day on which the *Acts Amendment (Justice) Act 2008* section 36 comes into operation, whichever is the later.

3. The regulations amended

The amendment in these regulations is to the *Criminal Investigation Regulations 2007*.

4. Schedule 1 amended

Schedule 1 is amended by inserting before Form 1 the following —

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1A. Move on order (Act s. 27)

Western Australia <i>Criminal Investigation Act 2006 s. 27</i>		Move on order¹		Serial Number MO
To	Given names:		Surname:	
	Address	No. & Street		
		Town/suburb	Postcode:	
	Date of birth	/ /	<input type="checkbox"/> M <input type="checkbox"/> F	MDL/ID No.
Order	Under the <i>Criminal Investigation Act 2006 s. 27</i> , I order you to leave— ²			
[Optional. Tick whichever apply]	In addition— ³ <input type="checkbox"/> I order you to go— <input type="checkbox"/> beyond m/km from the above place; or <input type="checkbox"/> beyond the area bounded by— ⁴ <input type="checkbox"/> I order you to obey the above order(s) until p.m./a.m. on / /20			
Warning	If you do not obey this order you may be liable to a fine of \$12 000 and imprisonment for 12 months.			
Issuing officer's signature and details	I issue this order on this date and at this time		Date / /20	
	Signature		Time	
	Rank & surname			
Witnessing officer	Registered No.	Station/squad		
	Rank & surname			
Recipient's signature	Registered No.	Station/squad		
	I acknowledge receiving this order. I understand what it says. [Optional]			

Conduct giving rise to order [Tick whichever apply]	The recipient— <input type="checkbox"/> (a) was doing an act— <input type="checkbox"/> (i) that involved the use of violence against a person; or <input type="checkbox"/> (ii) that will cause a person to use violence against another person; or <input type="checkbox"/> (iii) that will cause a person to fear violence will be used by a person against another person; or <input type="checkbox"/> (b) was just about to do an act likely to— <input type="checkbox"/> (i) involve the use of violence against a person; or <input type="checkbox"/> (ii) cause a person to use violence against another person; or <input type="checkbox"/> (iii) cause a person to fear violence will be used by a person against another person; or <input type="checkbox"/> (c) was committing any other breach of the peace; or <input type="checkbox"/> (d) was hindering, obstructing or preventing any lawful activity being, or about to be, carried out by another person; or <input type="checkbox"/> (e) was intending to commit an offence; or <input type="checkbox"/> (f) had just committed or was committing an offence. Description of any offence that was or was about to be committed— <input type="checkbox"/> Disorderly behaviour in public (<i>The Criminal Code</i> s. 74A) <input type="checkbox"/> Obstructing public officer (<i>The Criminal Code</i> s. 172) <input type="checkbox"/> Consuming liquor contrary to the <i>Liquor Control Act 1988</i> s. 119 <input type="checkbox"/> Other:			
Recipient's other details				
Identifying information	Height:	cm	Build:	Hair colour:
	Facial hair:			
	Other: ⁵			
Dress				
Ethnic appearance ⁶	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Arab/Middle Eastern <input type="checkbox"/> Caucasian <input type="checkbox"/> East Asian <input type="checkbox"/> Indian/Pakistani <input type="checkbox"/> African/Afro-American <input type="checkbox"/> Pacific Islander/Maori <input type="checkbox"/> South/Central American <input type="checkbox"/> Southern European <input type="checkbox"/> Other:			
Additional information	Vehicle involved? Yes/No. If yes, recipient was driver/passenger. Reg No: Colour, make & model: Other information:			
Officer's notes				

Notes and instructions for move on order form —

1. The *Criminal Investigation Act 2006* s. 27(1) allows a police officer to order a person who is in a public place, or in a vehicle used for public transport, to leave it, or a part of it if the officer reasonably suspects that the person is doing one of the things listed in s. 27(1) (see the conduct part of the form).

An officer giving a move on order to a person must take into account the likely effect of the order on the person, including but not limited to the effect on the person's access to the places where he or she usually resides, shops and works, and to transport, health, education or other essential services. (See s. 27(3)).

2. Specify the public place, or vehicle used for public transport, or the part of it, from which the person is being ordered to move.
3. This distance or area must be reasonable (see s. 27(2)(a)).

4. This period must be reasonable and not longer than 24 hours (see s. 27(2)(b)).
5. E.g. tattoos, scars, marks, piercings.
6. Ethnic appearance must be stated and recorded on IMS.

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By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
