



Western Australia

Criminal Investigation Amendment (Validation) Act 2023

As at 29 Mar 2023

No. 8 of 2023

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Criminal Investigation Amendment (Validation) Act 2023

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Criminal Investigation Amendment (Validation) Act 2023

No. 8 of 2023

An Act to amend the *Criminal Investigation Act 2006*.

[Assented to 29 March 2023]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Criminal Investigation Amendment (Validation) Act 2023*.

2. Commencement

- (1) This Act (other than section 4) comes into operation on the day on which this Act receives the Royal Assent.
- (2) Section 4 comes into operation on the day after that day.

3. Act amended

This Act amends the *Criminal Investigation Act 2006*.

4. Section 128 amended

In section 128(1) in the definition of *serious offence* paragraph (b) delete “61(1)” and insert:

61(1), (1A)

5. Part 15 inserted

After section 157 insert:

Part 15 — Validation

158. Validation relating to definition of *serious offence* in s. 128(1)

- (1) In this section —
validation period means the period beginning on 7 April 2020 and ending on the day on which the *Criminal Investigation Amendment (Validation) Act 2023* section 5 comes into operation.

- (2) The definition of *serious offence* in section 128(1) is taken to have included, at all times during the validation period, an offence under the *Restraining Orders Act 1997* section 61(1A).
- (3) Subsections (4), (5), (6), (8) and (9) —
 - (a) supplement subsection (2); but
 - (b) are not to be construed as limiting the effect of subsection (2) or the effect of each other.
- (4) This Act and any other written law as in force at any time on or after 7 April 2020 are taken to have, or to have had, the same effect at that time as if the definition of *serious offence* in section 128(1) had been as provided in subsection (2) at all times during the validation period.
- (5) Anything done, or purportedly done, on or after 7 April 2020 is taken to be, and to have always been, as lawful, valid and effective as it would be, or would have been, had the definition of *serious offence* in section 128(1) been as provided in subsection (2) at all times during the validation period.
- (6) Subsection (5) applies, for example, to the exercise, or purported exercise, of any of the following powers on or after 7 April 2020 —
 - (a) a power to arrest a person under section 128;
 - (b) another power that may be exercised under this Act or another written law in relation to a person who is, or may be, arrested under section 128.
- (7) In subsection (5), a reference to the doing of anything includes a reference to an omission to do anything.

- (8) The functions, rights, obligations and liabilities of the State, and of all persons and bodies, are taken to be, and to have always been, the same as if the definition of *serious offence* in section 128(1) had been as provided in subsection (2) at all times during the validation period.
- (9) An act done or omission made on or after 7 April 2020 is taken to be, and to have always been —
- (a) an offence, or other contravention of a written law, if it would be, or would have been, an offence or other contravention had the definition of *serious offence* in section 128(1) been as provided in subsection (2) at all times during the validation period; and
 - (b) subject to the same punishment or other penalty or consequences, whether criminal or civil, as it would be, or would have been, had the definition of *serious offence* in section 128(1) been as provided in subsection (2) at all times during the validation period.
- (10) This section has effect despite section 6 and *The Criminal Code* section 11.

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