Western Australia

Criminal Investigation Act 2006

Criminal Investigation Amendment Regulations 2025

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Criminal Investigation Amendment Regulations 2025

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Criminal Investigation Act 2006

Criminal Investigation Amendment Regulations 2025

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Investigation Amendment Regulations 2025*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on 1 December 2025.

3. Regulations amended

These regulations amend the *Criminal Investigation Regulations 2007*.

4. Regulation 3 amended

(1) In regulation 3 delete "regulations, unless the contrary intention appears —" and insert:

regulations —

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(2) In regulation 3 insert in alphabetical order:

electronic address means an email address or mobile telephone number;

Note: The heading to amended regulation 3 is to read:

Terms used

5. Regulations 3A and 3B inserted

After regulation 3 insert:

3A. Consent to giving move on order by electronic means (Act s. 27B)

(1) For the purposes of section 27B(1)(c) of the Act, consent to a police officer giving a move on order to a person by electronic means must be given by the person indicating in any of the following ways that the person consents to the move on order being given by sending it to an electronic address provided by the person —

(a) in writing;

(b) orally;

(c) by non-verbal actions that a reasonable person would consider to indicate consent (for example, by gestures).

(2) The police officer giving a move on order and the person to whom the order is being given must be in one another's physical presence when consent under section 27B(1)(c) of the Act is given.

(3) A person does not give consent under section 27B(1)(c) of the Act merely because the person

gives their personal details following a request under section 27(4) of the Act.

(4) Consent is taken not to be given by a person under section 27B(1)(c) of the Act if —

(a) the person was coerced or pressured to give consent; or

(b) the person did not have the capacity to give consent (including as a result of a physical or mental disability, illness or impairment); or

(c) due to a limited understanding of the language used in communications about consent, the person did not understand the communications.

3B. Time when move on order given (Act s. 27B)

(1) A move on order given in accordance with section 27B(1)(a) or (b) of the Act is taken to be given to a person at the time the order is handed to or left near the person under that provision.

(2) A move on order given to a person by sending it to an electronic address provided by the person with the consent of the person under section 27B(1)(c) of the Act is taken to be given at the time the order is sent to the electronic address, unless it is proved that the order was not delivered to the electronic address.

K. COLLERAN, Clerk of the Executive Council

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