



Western Australia

Criminal Investigation (Covert Powers) Regulations 2013

Compare between:

[25 Jan 2013, 00-a0-01] and [01 Mar 2013, 00-b0-01]

Western Australia

Criminal Investigation (Covert Powers) Act 2012

Criminal Investigation (Covert Powers) Regulations 2013

1. Citation

These regulations are the *Criminal Investigation (Covert Powers) Regulations 2013*.

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 1 March 2013.

~~{3-7. — Have not come into operation².}~~

Notes

¹—This is a compilation of the *Criminal Investigation (Covert Powers) Regulations 2013*^{1a}. The following table contains information about those regulations.

Compilation table

Citation	Gazettal	Commencement
<i>Criminal Investigation (Covert Powers) Regulations 2013</i> r. 1 and 2	25 Jan 2013 p. 278-80	25 Jan 2013 (see r. 2(a))

^{1a}—On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Criminal Investigation (Covert Powers) Regulations 2013</i> r. 3-7 ²	25 Jan 2013 p. 278-80	1 Mar 2013 (see r. 2(b))

²—On the date as at which this compilation was prepared, the *Criminal Investigation (Covert Powers) Regulations 2013* r. 3-7 had not come into operation. They read as follows:

3. Fisheries officers who are law enforcement officers (Act, s. 3)

For the purposes of the definition of *law enforcement officer* paragraph (d) in section 3 of the Act, a fisheries officer employed in the fisheries department's Serious Offences Unit holds a prescribed office.

4. Corresponding laws (Act, s. 5, 44 and 80)

- (1) For the purposes of the definition of *corresponding law* in section 5 of the Act, each of these is a prescribed law —
- (a) the *Crimes Act 1914* (Commonwealth) Part IAB;

- (b) the *Law Enforcement (Controlled Operations) Act 1997* (New South Wales);
 - (c) the *Crimes (Controlled Operations) Act 2004* (Victoria);
 - (d) the *Police Powers and Responsibilities Act 2000* (Queensland) Chapter 11;
 - (e) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 2;
 - (f) the *Police Powers (Controlled Operations) Act 2006* (Tasmania);
 - (g) the *Crimes (Controlled Operations) Act 2008* (Australian Capital Territory).
- (2) For the purposes of the definition of **corresponding law** in section 44 of the Act, each of these is a prescribed law —
- (a) the *Crimes Act 1914* (Commonwealth) Part IAC;
 - (b) the *Law Enforcement and National Security (Assumed Identities) Act 2010* (New South Wales);
 - (c) the *Crimes (Assumed Identities) Act 2004* (Victoria);
 - (d) the *Police Powers and Responsibilities Act 2000* (Queensland) Chapter 12;
 - (e) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 3;
 - (f) the *Police Powers (Assumed Identities) Act 2006* (Tasmania);
 - (g) the *Crimes (Assumed Identities) Act 2009* (Australian Capital Territory).
- (3) For the purposes of the definition of **corresponding law** in section 80 of the Act, each of these is a prescribed law —
- (a) the *Crimes Act 1914* (Commonwealth) Part IACA;
 - (b) the *Evidence (Miscellaneous Provisions) Act 1958* (Victoria) Part IIAA;
 - (c) the *Evidence Act 1977* (Queensland) Part 2 Division 5;

- (d) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 4;
- (e) the *Witness (Identity Protection) Act 2006* (Tasmania) Part 2;
- (f) the *Crimes (Protection of Witness Identity) Act 2011* (Australian Capital Territory).

5. Relevant offences (Act, s. 5)

- (1) For the purposes of the definition of *relevant offence* in section 5 of the Act, an offence under any of these provisions is a prescribed offence —
 - (a) the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* sections 59, 61, 62, 65D(1) and (2) and 88;
 - (b) *The Criminal Code* sections 69, 191, 206, 338E(2), 428, 436, 440A(3)(c), 557E and 557J;
 - (c) the *Fish Resources Management Act 1994* sections 51, 74, 77, 96, 155(2), 173 and 199;
 - (d) the *Fish Resources Management Regulations 1995* regulation 64(7);
 - (e) the *Misuse of Drugs Act 1981* section 5(1)(e);
 - (f) the *Prostitution Act 2000* sections 5, 6, 9, 15, 20 and 21.
- (2) Subregulation (1)(c) does not apply to an offence under the *Fish Resources Management Act 1994* section 74, 77 or 155(2) to the extent that the offence is punishable by imprisonment for 3 years or more.
- (3) Subregulation (1)(f) does not apply to an offence under the *Prostitution Act 2000* section 5 or 6 to the extent that the offence is punishable by imprisonment for 3 years or more.

6. Senior officers (Act, s. 43(1), 79(1) and 105(1))

- (1) For the purposes of the definition of *senior officer* paragraph (b)(ii) in sections 43(1), 79(1) and 105(1) of the Act, the person performing functions as the Western Australian state manager (however described) of the Australian Crime Commission holds a prescribed office in that Commission.
- (2) For the purposes of the definition of *senior officer* paragraph (c) in sections 43(1), 79(1) and 105(1) of the Act, the fisheries officer employed in the fisheries department as the Executive Director, Regional Services holds a prescribed office in that department.

7. Fisheries officers who are supervisors (Act, s. 48(4)(c))

For the purposes of section 48(4)(c) of the Act, a fisheries officer employed in the fisheries department's Serious Offences Unit at or above the level of Supervising Fisheries and Marine Officer holds a prescribed office in that department.

Notes

¹ [This is a compilation of the *Criminal Investigation \(Covert Powers\) Regulations 2013*. The following table contains information about those regulations.](#)

Compilation table

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
Criminal Investigation (Covert Powers) Regulations 2013	25 Jan 2013 p. 278-80	r. 1 and 2: 25 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2013 (see r. 2(b))