



Western Australia

## **Criminal Investigation (Covert Powers) Regulations 2013**

Compare between:

[20 Aug 2014, 00-c0-02] and [13 Jul 2016, 00-d0-00]



## **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. 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);
- (h) [the \*Police \(Special Investigative and Other Powers\) Act \(Northern Territory\) Part 2.\*](#)

- (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);
  - (h) [the \*Police \(Special Investigative and Other Powers\) Act \(Northern Territory\) Part 3.\*](#)

- (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);
- (g) [the \*Police \(Special Investigative and Other Powers\) Act\* \(Northern Territory\) Part 4.](#)

[\[Regulation 4 amended in Gazette 12 Jul 2016 p. 2863.\]](#)

## 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), 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.

*[Regulation 5 amended in Gazette 19 Aug 2014 p. 2995.]*

**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**

- <sup>1</sup> This is a compilation of the *Criminal Investigation (Covert Powers) Regulations 2013* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Criminal Investigation (Covert Powers) Regulations 2013</i>	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))
<i>Criminal Investigation (Covert Powers) Amendment Regulations 2014</i>	19 Aug 2014 p. 2995	r. 1 and 2: 19 Aug 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Aug 2014 (see r. 2(b))
<a href="#"><i>Criminal Investigation (Covert Powers) Amendment Regulations 2016</i></a>	<a href="#">12 Jul 2016</a> <a href="#">p. 2862-3</a>	<a href="#">r. 1 and 2: 12 Jul 2016</a> <a href="#">(see r. 2(a));</a> <a href="#">Regulations other than r. 1 and 2:</a> <a href="#">13 Jul 2016 (see r. 2(b))</a>