



Queensland

Police Powers and Responsibilities Act 2000

Police Powers and Responsibilities Regulation 2000

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Reprint No. 6A

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Police Powers and Responsibilities Regulation 2000

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Police Powers and Responsibilities Regulation 2000

[as amended by all amendments that commenced on or before 30 November 2007]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Police Powers and Responsibilities Regulation 2000*.

2 Commencement

This regulation commences on 1 July 2000.

3 Dictionary

The dictionary in schedule 12 defines words used in this regulation.

Part 2A Forensic procedure provisions

Division 1 QDNA indexes

8C QDNA indexes

Each of the following indexes is a QDNA index for the Act, schedule 6,¹ definition *QDNA index*—

1 The Act, schedule 6 (Dictionary)

- (a) the crime scene index;
- (b) the missing persons index;
- (c) the serious offenders index;
- (d) the suspects index;
- (e) the unknown deceased persons index;
- (f) the volunteers (limited purpose) index;
- (g) the volunteers (unlimited purpose) index;
- (h) the statistical index.

8D Crime scene index

(1) *Crime scene index* means—

- (a) an index of the results of a DNA analysis of material obtained from a person or thing at a crime scene or other place that is, or may be, evidence of the commission of an offence; or
- (b) a declared agency's index of the results of a DNA analysis of material of a kind mentioned in paragraph (a).

(2) In this section—

crime scene means—

- (a) any place where an offence was committed or is reasonably suspected of having been committed; or
- (b) any place associated with, or relevant to, the commission or suspected commission of an offence.

8E Missing persons index

Missing persons index means—

- (a) an index of the results of a DNA analysis of material known to relate, or that may relate, to a missing person; or
- (b) a declared agency's index of the results of a DNA analysis of material known to relate, or that may relate, to a missing person.

8F Serious offenders index

Serious offenders index means—

- (a) an index of the results of a DNA analysis of a sample taken from a person or a prisoner under the following provisions of the Act—
 - (i) section 485;
 - (ii) section 487;² or
- (b) an index of the results of a DNA analysis of a sample taken from a person convicted of an indictable offence that is not already included because of paragraph (a); or
- (c) a declared agency's index of the results of a DNA analysis of a sample relating to a person convicted of an offence under the law of the Commonwealth or another State.

8G Suspects index

Suspects index means—

- (a) an index of the results of a DNA analysis of a sample taken, under a forensic procedure order or otherwise, from a person who is charged with or suspected of having committed an indictable offence; or
- (b) a declared agency's index of the results of a DNA analysis of a sample taken from a person who is charged with or suspected of having committed an offence against a law of the Commonwealth or another State.

8H Unknown deceased persons index

Unknown deceased persons index means—

- (a) an index of the results of a DNA analysis of a sample taken from an unknown deceased person; or

² The Act, section 485 (Taking DNA sample after finding of guilt) or 487 (Taking DNA sample from transferred prisoner)

- (b) a declared agency's index of the results of a DNA analysis of a sample taken from an unknown deceased person.

8I Volunteers (limited purpose) index

Volunteers (limited purpose) index means—

- (a) an index of the results of a DNA analysis of a sample taken from a person under a forensic procedure consent, or a consent obtained before 2 February 2004—
 - (i) that limited the purposes for which the results of the analysis may be used; or
 - (ii) that is otherwise subject to a limitation under the Act on the purposes for which the results of the analysis may be used; or

Note for subparagraph (ii)—

Under section 479(2)³ of the Act, a DNA sample taken from a child under 14 may only be used for the purpose for which consent to take the sample was given.

- (b) an index of the results of a DNA analysis of a sample that are not subject to a limitation under the Act but are to be used for a limited purpose; or
- (c) a declared agency's index of the results of a DNA analysis of a sample taken from a person under a consent given under a law of the Commonwealth or another State—
 - (i) that limited the purpose for which the result of the analysis may be used; or
 - (ii) that is otherwise subject to a limitation, under the law under which the consent was given, on the purposes for which the results of the analysis may be used.

3 Section 479 (Use of DNA analysis of DNA sample taken from child under 14) of the Act

8J Volunteers (unlimited purpose) index

Volunteers (unlimited purpose) index means—

- (a) an index of the results of a DNA analysis of a sample taken from a person under a forensic procedure consent, or a consent obtained before 2 February 2004, that did not limit the purposes for which the results of the analysis may be used; or
- (b) an index of the results of a DNA analysis of a sample taken from a known deceased person; or
- (c) a declared agency's index of the results of a DNA analysis of a sample taken from a person under a consent given under a law of the Commonwealth or another State—
 - (i) that did not limit the purpose for which the results of the analysis may be used; or
 - (ii) that is not otherwise subject to a limitation, under the law under which the consent was given, on the purposes for which the results of the analysis may be used.

8K Statistical index

Statistical index means—

- (a) an index of the results of DNA analyses—
 - (i) from which it is not possible to identify the person to whom the results relate; and
 - (ii) that is used only to gather statistical information; or
- (b) a declared agency's index of the results of DNA analyses—
 - (i) from which it is not possible to identify the person to whom the results relate; and
 - (ii) that is used only to gather statistical information.

Division 2 Northern Territory database indexes

8KA Definitions for div 2

In this division—

intimate procedure means an intimate procedure carried out under the *Police Administration Act* (NT).

non-intimate procedure means a non-intimate procedure carried out under the *Police Administration Act* (NT).

NT database means a database maintained under the *Police Administration Act* (NT), section 147.⁴

8KB Non-volunteers (NT) index

Non-volunteers (NT) index means that part of an NT database containing the results of a DNA analysis of a sample obtained from—

- (a) a person who was, or could have been, required to undergo an intimate procedure or a non-intimate procedure; or
- (b) a place; or
- (c) a thing.

8KC Volunteers (NT) index

Volunteers (NT) index means that part of an NT database containing the results of a DNA analysis of a sample obtained from a person—

- (a) who has consented to the carrying out of an intimate procedure or a non-intimate procedure; and
- (b) who could not have been required to undergo the procedure.

4 *Police Administration Act* (NT), section 147 (Databases)

Division 3 Permissible comparisons

8L Table of permissible comparisons

- (1) This section applies to a comparison of a result of a DNA analysis in an index with the results of other DNA analyses in an index or indexes using the CrimTrac database.
- (2) The table in schedule 1 and subsections (3) and (4) state when a result of a DNA analysis included in a QDNA index mentioned in column 1 of the table may be compared with the results of DNA analyses in an index mentioned in another column of the table.
- (3) The comparison is permitted if the word ‘yes’ appears in the relevant column of the table.
- (4) The comparison is also permitted if—
 - (a) the words ‘if within purpose’ appear in a column of the table; and
 - (b) the purpose for the proposed comparison is consistent with the purpose for which the sample to which the results relate was taken.
- (5) A comparison permitted under subsection (3) or (4) may be made whether or not—
 - (a) a name stated in the table for an index is identical to the name of a declared agency’s index; or
 - (b) for a comparison with a declared agency’s index—what may be included in an index under this part differs from what may be included in the declared agency’s index.

8M Exemption

A comparison of the results of a DNA analysis included in a QDNA index with another result of a DNA analysis is exempt from section 494(2) of the Act if the comparison is made using—

- (a) QDNA only; or
- (b) a database of a declared agency without using CrimTrac.

Part 2B Provisions for Act, ss 604–607

8N Declared localities—Act, s 604

Each locality shown as a place of safety trial area on the following maps is declared for section 604⁵ of the Act—

- (a) “Place of Safety Trial” Map 1 Mount Isa;⁶
- (b) “Place of Safety Trial” Map 2 Cairns;
- (c) “Place of Safety Trial” Map 3 Townsville;
- (d) “Place of Safety Trial” Map 4 Inner Brisbane;
- (e) “Place of Safety Trial” Map 5 Logan;
- (f) “Place of Safety Trial” Map 6 Rockhampton;
- (g) “Place of Safety Trial” Map 6A
Gracemere–Rockhampton;
- (h) “Place of Safety Trial” Map 7 Caboolture.

8O Particulars for register under Act, s 605

For section 605⁷ of the Act, the particulars are as follows—

- (a) the name and address of the person released under section 605(1) or (3) of the Act, if known;
- (b) the person’s age and date of birth, if known;
- (c) when and where the person was initially detained under section 604 of the Act;
- (d) the date of the person’s release;
- (e) if the person was released at a place of safety—
 - (i) the place of safety; and

5 Section 604 (Dealing with persons affected by potentially harmful things) of the Act

6 The map for a declared locality is available for inspection at each police station in the locality between 8a.m. and 4p.m. Monday to Friday. All of the maps are available for inspection at Police Headquarters, 200 Roma Street, Brisbane between 8a.m. and 4p.m. Monday to Friday.

7 Section 605 (Duties in relation to person detained under s 604) of the Act

- (ii) the person apparently in possession or in charge of the place of safety.

Part 3 Other provisions

9 Relevant laws

- (1) Each Act mentioned in schedule 2 is a relevant law for the Act, chapter 2, part 1.⁸
- (2) Subsection (1) is subject to any restriction stated in schedule 2 for the relevant law.

10 Prescribed circumstances for requiring name and address

Each Act mentioned in schedule 3 is an Act for the enforcement of which a police officer may require a person to state the person's name and address under the Act, section 41(g).⁹

10A Prescribed way of giving directions to regulate traffic

- (1) This section applies in relation to the giving of directions under section 59¹⁰ of the Act to—
 - (a) the driver of a vehicle, animal or train; or
 - (b) a pedestrian.
- (2) A police officer may give a direction—
 - (a) by giving the driver or pedestrian an appropriate signal; or
 - (b) by displaying a sign.

8 The Act, chapter 2 (General enforcement powers), part 1 (Entry, inquiries and inspection)

9 The Act, section 41 (Prescribed circumstances for requiring name and address)

10 Section 59 (Power for regulating vehicular and pedestrian traffic) of the Act

- (3) Without limiting subsection (2)(a), a police officer may give a direction to the driver or pedestrian by signalling in a way stated in schedule 4—
- (a) for the driver of a vehicle or animal—
 - (i) to stop the vehicle or animal; or
 - (ii) to proceed; or
 - (iii) to stop the vehicle or animal at the place indicated; or
 - (b) for the driver of a train—
 - (i) to stop the train; or
 - (ii) to proceed; or
 - (c) for the pedestrian—
 - (i) to stop; or
 - (ii) to proceed.
- (4) A signal shown in schedule 4 may be given by using a single traffic wand to signal in a way that is as near as practicable to the signal.
- (5) In this section—
- traffic wand* means a device, whether or not illuminated, commonly known as a traffic wand.

10B Declared sections for Act, s 69A, definition *type 2 vehicle related offence*, paragraph (e)

Each of the following provisions of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* is an offence prescribed for the Act, section 69A, definition *type 2 vehicle related offence*, paragraph (e)—

- (a) section 5(1)(a), (b), (f) and (g);
- (b) section 9;
- (c) section 30.

10C Application of Act, ch 4 to type 2 vehicle related offences—Act, s 73A(3)

For section 73A(3) of the Act, the application of chapter 4 of the Act to type 2 vehicle related offences is extended to the South Eastern Police region.

Note—

The South Eastern Police Region comprises the Gold Coast and Logan Police Districts. An indicative map of the region may be located on the police service website at <www.police.qld.gov.au>.

11 Corresponding laws

Each Act mentioned in schedule 5 is a corresponding law for the provision of the Act mentioned in the part heading for the part of the schedule in which the Act is mentioned.

12 Acts restricting starting of proceedings

Each Act mentioned in schedule 6 is an Act to which the Act, section 799¹¹ applies.

13 Declared agencies

- (1) Each entity mentioned in schedule 7 is a declared agency for the Act, schedule 6,¹² definition *declared agency*.
- (2) Subsection (1) is subject to any restriction stated in schedule 7 for the entity.

14 Legal aid organisations

Each organisation mentioned in schedule 8 is a legal aid organisation for the Act, schedule 6, definition *legal aid organisation*.

11 The Act, section 799 (Provisions restricting starting of proceeding)

12 The Act, schedule 6 (Dictionary)

15 Relevant diseases

Each communicable disease mentioned in schedule 9 is a relevant disease for the Act, schedule 6, definition *relevant disease*.

16 Responsibilities code

The responsibilities code is in schedule 10.

16A Amendment of regulation

On the commencement of this section, a reference in this regulation to a number of a provision of the Act (the *old number*) that now has a new number following the commencement of section 810 of the Act is amended by omitting the old number and inserting the new number.

Part 4**Transitional regulations for
relevant offences for
surveillance device warrants**

Schedule 1 Table of permissible comparisons

section 8L

QDNA index result to be compared	Is comparison permitted									
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	
	Crime scene	Suspect	Volunteer (limited purpose)	Volunteer (unlimited purpose)	Serious offender	Missing person	Unknown deceased person	Non-volunteers (NT) index	Volunteers (NT) index	
crime scene	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	
suspect	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	
volunteer (limited purpose)	if within purpose	if within purpose	if within purpose	if within purpose	if within purpose	if within purpose	if within purpose	if within purpose	if within purpose	
volunteer (unlimited purpose)	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	
serious offender	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	

Schedule 1 (continued)

GDNA index result to be compared	Is comparison permitted									
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	
missing person	Crime scene	Suspect	Volunteer (limited purpose)	Volunteer (unlimited purpose)	Serious offender	Missing person	Unknown deceased person	Non-volunteers (NT) index	Volunteers (NT) index	
unknown deceased person	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	

Schedule 2 Relevant laws

section 9

Collections Act 1966

Drugs Misuse Act 1986

Explosives Act 1999

Lotteries Act 1997

Nature Conservation Act 1992

Property Agents and Motor Dealers Act 2000

Racing Act 2002

Second-hand Dealers and Pawnbrokers Act 2003

Security Providers Act 1993

Tow Truck Act 1973

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Weapons Act 1990, but only in relation to a place used for 1 of the following purposes under a licence or other authority under that Act—

- (a) approved range;
- (b) approved shooting club;
- (c) armourer;
- (d) collector;
- (e) dealer;
- (f) security guard;
- (g) security organisation;
- (h) shooting gallery;
- (i) theatrical ordnance supplier.

Schedule 3 Acts for which name and address may be required

section 10

*Animal Care and Protection Act 2001**Casino Control Act 1982**Classification of Computer Games and Images Act 1995**Classification of Films Act 1991**Classification of Publications Act 1991**Gaming Machine Act 1991**Health Act 1937**Liquor Act 1992**Nature Conservation Act 1992**Plant Protection Act 1989**Public Safety Preservation Act 1986**Racing Act 2002**Residential Tenancies Act 1994**Second-hand Dealers and Pawnbrokers Act 2003**Summary Offences Act 2005**Tobacco and Other Smoking Products Act 1998**Transport Operations (Road Use Management) Act 1995*

Schedule 4 Traffic signals

section 10A

1 Stop signal for person facing signal

Figure 1



figure 1(a)
from the front

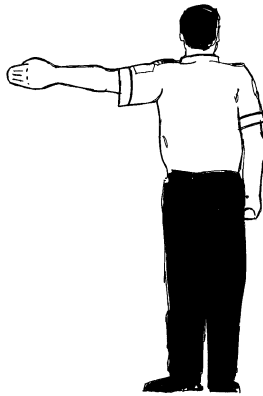


figure 1(b)
from the rear



figure 1(c)
from left side



figure 1(d)
from right side

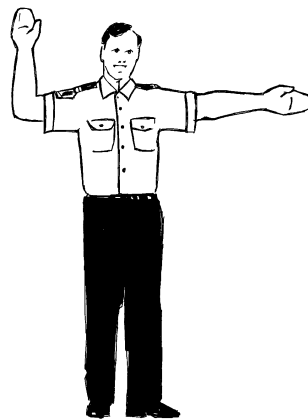


figure 1(e)
combination from front and rear

Schedule 4 (continued)

2 Proceed signal for person facing signal

Figure 2

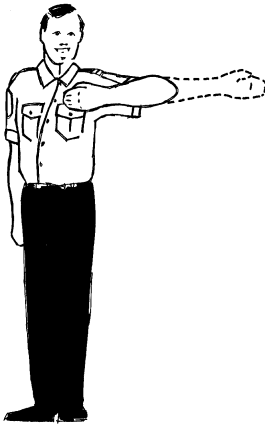


figure 2(a)
from left side

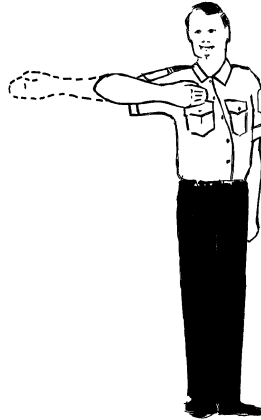


figure 2(b)
from right side



figure 2(c)
from right side

3 Signal to stop at place indicated for person facing signal

Figure 3



figure 3(a)
in front



figure 3(b)
behind



figure 3(c)
at kerb etc.

Schedule 5 Corresponding laws

section 11

**Part 1 Corresponding laws for Act,
chapter 12***Crimes (Assumed Identities) Act 2004 (Vic)***Part 2 Corresponding laws for Act,
chapter 13***Surveillance Devices Act 1999 (Vic)***Part 3 Corresponding laws for Act,
s 722***Crimes Act 1900 (ACT)**Crimes Act 1958 (Vic)**Criminal Investigation (Extra-territorial Offences) Act 1984
(SA)**Criminal Investigation (Extra-territorial Offences) Act 1985
(NT)**Criminal Investigation (Extra-territorial Offences) Act 1987
(Tas)*

Schedule 5 (continued)

Criminal Investigation (Extra-territorial Offences) Act 1987
(WA)

Law Enforcement (Powers and Responsibilities) Act 2002
(NSW)

Schedule 6 Acts restricting starting of proceedings

section 12

Adoption of Children Act 1964

Classification of Computer Games and Images Act 1995

Classification of Films Act 1991

Classification of Publications Act 1991

Corrective Services Act 2006

Education (General Provisions) Act 2006

Education (Queensland College of Teachers) Act 2005

Exotic Diseases in Animals Act 1981

Explosives Act 1999

Gaming Machine Act 1991

Motor Accident Insurance Act 1994

Petroleum Products Subsidy Act 1965

Public Trustee Act 1978

Queensland Building Services Authority Act 1991

Queensland Heritage Act 1992

Soil Conservation Act 1986

Timber Utilisation and Marketing Act 1987

Tobacco Products (Licensing) Act 1988

Travel Agents Act 1988

Schedule 7 Declared agencies

section 13

- 1 a police force or police service of another State or the Commonwealth
- 2 The following Commonwealth entities—
 - the Australian Crime Commission
 - the Australian Customs Service
 - the Australian Securities and Investments Commission
 - the Australian Taxation Office
 - the Commonwealth department within which the *Migration Act 1958* (Cwlth) is administered
 - Australian Security Intelligence Organization
 - Austrac
 - the unit of the Australian Defence Force known as the Special Air Service, but only when helping the police service reduce the risk of serious injury to a person, and to the extent disclosure of information under the Act is necessary to help reduce the risk.
- 3 The following New South Wales entities—
 - the New South Wales Crime Commission
 - the Police Integrity Commission
 - ICAC.
- 4 CMC
- 5 A Royal Commission or another commission of inquiry, not already mentioned in this schedule, established under a law of the Commonwealth or a State for inquiring into allegations involving the commission of serious indictable offences.

Schedule 7 (continued)

- 6 Interpol, but only—
 - (a) for the transmission for comparison, and the comparison, of the results of a DNA analysis with the results of other DNA analyses; and
 - (b) for the communication between the police service and the relevant agency of the results of the comparison and any information about the results.
- 7 A law enforcement agency of a foreign country, but only—
 - (a) for the transmission for comparison, and the comparison, of the results of a DNA analysis with the results of other DNA analyses; and
 - (b) for the communication between the police service and the relevant agency of the results of the comparison and any information about the results.

Schedule 8 Legal aid organisations

section 14

Aboriginal and Torres Strait Islander Corporation (QEA for Legal Services)

Aboriginal and Torres Strait Islanders Legal Services

Bidjara and South West Queensland Aboriginal Legal Service

Ipswich Regional Aboriginal and Torres Strait Islander Legal Services

Mackay and District Aboriginal and Torres Strait Islanders Legal Service

Njiku Jowan Legal Service

Queensland Aboriginal and Torres Strait Islander Legal Services Secretariat

South East Queensland Legal Service

Tharpuntoo Legal Service

Townsville and Districts Aboriginal and Torres Strait Islander Legal Service

Wakka Wakka Legal Aboriginal Corporation

West Queensland Aboriginal and Torres Strait Islander Legal Service

Schedule 9 Relevant diseases

section 15

Chancroid

Chlamydia

Donovanosis

Gonorrhoea

Hepatitis B

Hepatitis C

Hepatitis D

Human immunodeficiency virus (HIV)

Lymphogranuloma venereum

Syphilis

Schedule 10 Responsibilities code

section 16

Part 1 Preliminary

1 Short title

This code may be cited as the *Police Responsibilities Code 2000*.

2 Code does not generally apply to covert operations

Unless this code otherwise expressly provides, this code does not apply to functions of a police officer performed as part of a covert operation.

2A Definitions

In this code—

suspect, for part 6, division 2, see section 46.

Part 2 Provisions about search warrants, obtaining documents, and crime scenes

Division 1 Search warrants

3 Search warrant application

An application for a search warrant¹³ must state the following—

¹³ Applications are made under the Act, section 150 (Search warrant application).

Schedule 10 (continued)

- (a) the applicant's name, rank, registered number and station;
- (b) a description of the place to be searched;
- (c) for an occupied place, the name of the occupier of the place, if known;
- (d) the offence, suspected offence or confiscation related activity to which the application relates or, for a forfeiture proceeding, the Act under which the proceeding may be started;
- (e) a description of the nature of the thing sought that is reasonably suspected of being evidence of the commission of the offence or confiscation related evidence in relation to the confiscation related activity;
- (f) information or evidence being relied on to support a reasonable suspicion evidence of the commission of an offence or the confiscation related evidence is at the place, or is likely to be taken to the place within the next 72 hours;
- (g) for each search warrant issued in the previous year in relation to the place or a person suspected of being involved in the commission of the offence or suspected offence, or the confiscation related activity, to which the application relates¹⁴—
 - (i) when and where the warrant was issued; and
 - (ii) the type of offence or confiscation related activity to which the warrant related; and
 - (iii) whether anything was seized under the warrant or a proceeding was started after a search;
- (h) if authority to exercise any of the following powers is being sought—why it is necessary to exercise the power—

14 See the Act, section 150(5)(b) (Search warrant application).

Schedule 10 (continued)

- (i) power to search anyone found at the place for anything sought under the warrant that can be concealed on the person;
- (ii) power to search anyone or anything in on or about to board, or be put on, a transport vehicle;
- (iii) power to take a vehicle to, and search for evidence of the commission of an offence that may be concealed in a vehicle at, a place with appropriate facilities for searching the vehicle;
- (i) if authority to execute the warrant at night is being sought, why it is necessary to execute the warrant at night;
- (j) for an application for an order requiring a stated person to give to a police officer stated documents¹⁵—the name or position of the person to be ordered to produce the documents and a description of the documents the person is to be required to produce.

Examples for paragraph (h)—

- 1 Power to search anyone found at the place may be necessary because the nature of the thing sought may be concealed on a person.
- 2 Power to search anyone or anything in on or about to board, or be put on, a transport vehicle may be necessary because the offence relates to a transport vehicle and involves the safety of the vehicle or anyone who may be in or on it.
- 3 Power to take a vehicle to a place with appropriate facilities for searching the vehicle may be necessary because the nature of the thing sought may be concealed in a vehicle or because the vehicle needs to be scientifically examined.

Example for paragraph (i)—

It may be necessary to execute the warrant at night for an early morning search to prevent the loss or destruction of evidence, or because the occupier is only at the place at night.

15 See the Act, section 153 (Order in search warrants about documents).

Schedule 10 (continued)

Example for paragraph (j)—

An order requiring a person to give stated types of documents to a police officer may be necessary because the place contains many documents unrelated to the offence or forfeiture proceeding or because the documents are stored electronically, and accessing the relevant documents is difficult.

4 Statement to accompany copy of search warrant

The statement to be given to the occupier of a place with a copy of a search warrant¹⁶ must state the following—

- (a) the nature of the powers a police officer may exercise under the warrant;
- (b) the senior police officer present during the search must, as soon as reasonably practicable, state the officer's name, rank and station or, if not in uniform, state he or she is a police officer and produce his or her identity card for inspection;
- (c) the occupier may ask another police officer present for his or her name, rank and station and, if not in uniform, he or she, if asked, must produce an identity card for inspection;
- (d) the effect of the Act, sections 622, 623, 626, 681 and 691.¹⁷

Division 2 Post-search approval

5 Post-search approval application

An application for a post-search approval order¹⁸ must state the following—

16 See the Act, section 158 (Copy of search warrant to be given to occupier).

17 The Act, sections 622 (Receipt for seized property), 623 (Right to inspect seized documents), 626 (Limitation on period of detention for search), 681 (Persons to be given copy of information in register) and 691 (Return of relevant things)

18 Applications are made under the Act, section 161 (Post-search approval).

Schedule 10 (continued)

- (a) the applicant's name, rank, registered number and station;
- (b) information or evidence relied on to support a reasonable suspicion—
 - (i) in the circumstances existing before the search, evidence of the commission of an offence was at or about the place, or in the possession of a person at or about the place and would have been concealed or destroyed unless the place was immediately entered and searched; or
 - (ii) a part 2 offence¹⁹ has been, is being, or may be committed in, on or in relation to a transport vehicle and involves the safety of the vehicle or anyone who may be in or on it;
- (c) in relation to the thing sought—the type of offence in relation to which the search was conducted, or the Act under which a forfeiture proceeding may be started;
- (d) the nature of the thing sought that was reasonably suspected of being evidence of the commission of an offence;
- (e) the time, date and place of the search;
- (f) a description of anything seized because of the search;
- (g) if known, the name, age and address of each person detained or searched;
- (h) information about any proceeding started against a person, before or because of the search, for an offence in relation to which the search was conducted;
- (i) if an order under the Act, section 693 or 694,²⁰ for the retention, disposal, return or destruction of anything seized is sought, why the order should be made.

19 See the Act, section 159 for what is a part 2 offence.

20 The Act, section 693 (Application by owner etc. for court order for return of relevant thing) or 694 (Application by police officer for order if ownership dispute)

Schedule 10 (continued)**6 Appeal**

- (1) This section applies if a police officer considers the commissioner should appeal against a decision of a magistrate to order the disposal, destruction or return of a thing seized because of a search to prevent loss of evidence.²¹
- (2) The police officer must give to the commissioner a report explaining the reasons for appealing against the order.
- (3) The report must be accompanied by—
 - (a) a copy of the application; and
 - (b) a copy of any transcript of the proceeding; and
 - (c) an affidavit identifying any relevant document and stating anything else relevant to the appeal.

Division 3 Crime scenes**7 Who is an authorised assistant for crime scene powers**

For the Act, schedule 6, definition *authorised assistant*, a person who is not a police officer is an authorised assistant if—

- (a) in the opinion of the responsible officer at a crime scene, the person has specialised knowledge or skills of a kind necessary for exercising a power mentioned in the Act, section 176(1)²² at the crime scene; and
- (b) the person is asked by the responsible officer or an investigating police officer to exercise the power.

Examples—

- a doctor, pathologist or forensic scientist
- a photographer or fingerprint expert

21 See the Act, section 163 (Appeal).

22 The Act, section 176 (Powers at crime scene)

Schedule 10 (continued)

- an electrician or carpenter
- a person who can operate an excavator or another machine

8 Crime scene warrant application

An application for a crime scene warrant²³ must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) a description of the place to which the application relates;
- (c) for a crime scene that is an occupied place—
 - (i) the name of the occupier of the place, if known; and
 - (ii) when the occupier was given notice of the application or, if the occupier has not been given notice, why notice has not been given;
- (d) information or evidence being relied on to reasonably satisfy the issuer of the warrant—
 - (i) a seven year imprisonment offence or an offence involving deprivation of liberty happened at the place; or
 - (ii) there may be at the place evidence, of a significant probative value, of the commission of a serious violent offence that happened somewhere else;
- (e) whether the application is to establish a crime scene or relates to a crime scene established under the Act, section 165;²⁴
- (f) the suspected offence to which the application relates;
- (g) if the crime scene is a secondary crime scene, when and where the relevant offence was committed, if known;

²³ See the Act, section 170 (Application for crime scene warrant).

²⁴ The Act, section 165 (Initial establishment of crime scene)

Schedule 10 (continued)

- (h) why it is necessary to protect the place to search for and gather evidence of the commission of the suspected offence;
- (i) information about any proceeding started against a person for the offence for which the crime scene is, or is to be, established.

9 Crime scene warrant extension application

An application for the extension of a crime scene warrant²⁵ must be accompanied by a copy of the original warrant and state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) when and where the crime scene was established;
- (c) for a crime scene that is an occupied place—when the occupier was given notice of the application or, if the occupier has not been given notice, why notice has not been given;
- (d) what investigations have been conducted at the crime scene;
- (e) why it is necessary to extend the warrant;
- (f) information about any proceeding started against a person for the offence for which the crime scene was established;
- (g) the time for which the extension is sought.

10 Statement to accompany copy of crime scene warrant

The statement to be given to the occupier of a place with a copy of a crime scene warrant²⁶ must state the following—

25 Under the Act, section 173(2), the application must be made before the warrant stops having effect.

26 See the Act, section 175 (Copy of crime scene warrant to be given to occupier).

Schedule 10 (continued)

- (a) the nature of the powers a police officer may exercise at the crime scene;
- (b) the responsible officer at the crime scene must, as soon as reasonably practicable, state the officer's name, rank and station, and, if not in uniform, state he or she is a police officer and produce an identity card for inspection;
- (c) the occupier may ask another police officer present for his or her name, rank and station and, if not in uniform, the officer, if asked, must produce an identity card for inspection;
- (d) the effect of the Act, sections 179, 622, 623, 626, 681 and 691.²⁷

Division 4 Production notices**11 Production notice application**

An application for a production notice²⁸ must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) the name of the cash dealer to be given the notice;
- (c) the offence, suspected offence or confiscation related activity to which the application relates or, for a forfeiture proceeding, the Act under which the proceeding may be started;
- (d) the nature of the documents sought;

²⁷ The Act, sections 179 (Alternative accommodation to be provided in some cases), 622 (Receipt for seized property), 623 (Right to inspect seized documents), 626 (Limitation on period of detention for search), 681 (Persons to be given copy of information in register) and 691 (Return of relevant things)

²⁸ See the Act, section 180 (Production notices).

Schedule 10 (continued)*Examples—*

- documents relating to transactions conducted by B between 31 December 1993 and 1 July 1995
 - documents relating to mortgages or property sales to which B is a party
- (e) information or evidence being relied on to support a reasonable suspicion documents held by the cash dealer may be—
- (i) evidence of the commission of the offence; or
 - (ii) confiscation related evidence in relation to the confiscation related activity;
- (f) the applicant suspects that someone other than the cash dealer committed the offence or suspected offence or was involved in the confiscation related activity;
- (g) for each production notice issued within the previous year in relation to the person suspected of being involved in the commission of the offence or suspected offence or the confiscation related activity, to which the application relates²⁹—
- (i) when and where the notice was issued; and
 - (ii) the type of offence or confiscation related activity to which the notice related; and
 - (iii) whether anything was seized or a proceeding started because of the notice.

12 Access order application

- (1) An application for an access order³⁰ must state the following—
- (a) the applicant's name, rank, registered number and station;

²⁹ See the Act, section 180(3)(b).

³⁰ See the Act, section 185 (If cash dealer claims documents contain privileged communications).

Schedule 10 (continued)

- (b) the name of the cash dealer to whom the application relates;
 - (c) the nature of the documents sought under the production notice to which the application relates;
 - (d) the cash dealer has produced documents it claims contain privileged communications;
 - (e) an outline of any reason given by the cash dealer for claiming the documents contain privileged communications;
 - (f) when notice of the application was given to the cash dealer;
 - (g) why access to the documents is necessary;
 - (h) the type of order sought.
- (2) The application must be accompanied by a copy of the application for the production notice, a copy of the production notice given to the cash dealer, and the sealed container or envelope containing the relevant documents.

Division 5 Production orders**13 Production order application**

An application for a production order³¹ must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) the name of the person to whom the application relates;
- (c) the name of the person to be given the production order (the *named person*);
- (d) the confiscation offence or serious crime related activity to which the application relates;

³¹ See the Act, section 189 (Production order applications).

Schedule 10 (continued)

- (e) the nature of the property tracking documents sought under the production order;
- (f) information or evidence being relied on to support a reasonable suspicion the named person possesses a document that may be a relevant property tracking document;
- (g) for each production order issued within the previous year in relation to the person to whom the application relates³²—
 - (i) when and where the order was issued; and
 - (ii) how long the order was in force; and
 - (iii) the type of confiscation offence or serious crime related activity to which the order related; and
 - (iv) how the order helped in the investigation or another investigation; and
 - (v) information about any proceeding started because of the use of the production order.

Part 3 Covert evidence gathering powers

Division 1 Monitoring orders and suspension orders

14 Monitoring order and suspension order application

An application for a monitoring order or suspension order³³ must state the following—

³² See the Act, section 189(3)(b).

³³ See section 199 (Monitoring order applications) or 205 (Suspension order application) of the Act.

Schedule 10 (continued)

- (a) the applicant's name, rank, registered number and station;
- (b) the name of the financial institution to be given the order;
- (c) the name of the person about whom the application is made (the *named person*);
- (d) the confiscation offence, serious crime related activity or serious crime derived property to which the application relates;
- (e) information or evidence being relied on to support a reasonable suspicion that the named person—
 - (i) has committed, or is about to commit, the confiscation offence; or
 - (ii) was involved in the commission, or is about to be involved in the commission, of the confiscation offence; or
 - (iii) has benefited directly or indirectly, or is about to benefit directly or indirectly, from the commission of the confiscation offence; or
 - (iv) has been, or is about to be, involved in the serious crime related activity; or
 - (v) has acquired directly or indirectly, or is about to acquire directly or indirectly, the serious crime derived property;
- (f) the name or names in which each relevant account with the financial institution is believed to be held;
- (g) the type of information the institution is to be required to give;
- (h) for each monitoring order or suspension order issued in the previous year in relation to an account held with the financial institution by the named person³⁴—

34 See the Act, section 199(2)(b).

Schedule 10 (continued)

- (i) when and where the order was issued; and
- (ii) how long the order was in force; and
- (iii) the type of confiscation offence, serious crime related activity or serious crime derived property to which the order related; and
- (iv) how the order helped in the investigation or another investigation; and
- (v) information about any proceeding started because of the use of the order.

Division 2 Use of surveillance devices under surveillance warrants

15 Applications to Supreme Court judge to be made with help of lawyer

An application to a Supreme Court judge for a surveillance warrant must, if reasonably practicable, be made with the help of a lawyer approved by the commissioner.

22 Security of facilities used under a surveillance device warrant

- (1) This section applies to premises containing equipment being used by an interceptor to electronically record a conversation or visual images under a surveillance device warrant.
- (2) The premises must—
 - (a) be capable of being locked; and
 - (b) have suitable facilities for securely storing recordings made under the warrant; and
 - (c) be used in a way that prevents anyone outside it from hearing or seeing anything being listened to or monitored.
- (3) The interceptor must take reasonable steps to ensure—

Schedule 10 (continued)

- (a) only police officers helping or involved in the investigation, other interceptors, and persons authorised under subsection (4) enter the premises; and
 - (b) when the premises are unattended, the premises are locked and any recordings made under the warrant are securely stored at the premises or another secure place.
- (4) The following persons are also authorised to enter the premises—
- (a) the police officer who applied for the surveillance device warrant;
 - (b) persons responsible for the management of the premises;
 - (c) persons appointed by the commissioner to investigate misconduct;
 - (d) anyone else the interceptor permits to be present for helping in or monitoring the investigation.
- (5) This section does not apply to the exercise of powers in Queensland under a corresponding warrant or corresponding emergency authorisation.

Division 3 Covert search**25 Applications to be made with help of lawyer**

An application to a Supreme Court judge for a covert search warrant must, if reasonably practicable, be made with the help of a lawyer approved by the commissioner.

26 Covert search warrant application

The application must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) a description of the place to be searched;

Schedule 10 (continued)

- (c) the type of organised crime related offence, designated offence or terrorism to which the application relates;
- (d) for an occupied place—if known, the name of the occupier of the place and any person reasonably suspected of being involved in the offence;
- (e) a description of the nature of the thing sought that is reasonably suspected of being evidence of the commission of an organised crime related offence, designated offence or terrorism;
- (f) information or evidence being relied on to satisfy a judge there are reasonable grounds for believing there is evidence of the organised crime, designated offence or terrorism at the place;
- (g) for each warrant issued in the previous year in relation to the place or person suspected of being involved in the organised crime to which the application relates—
 - (i) the type of warrant; and
 - (ii) when and where the warrant was issued; and
 - (iii) for a surveillance device warrant or covert search warrant, how long the warrant was in force; and
 - (iv) whether the warrant related to a person or a place; and
 - (v) the type of offence to which the warrant related; and
 - (vi) any evidence seized during a search; and
 - (vii) how a previous covert search or surveillance device warrant helped in the investigation or another investigation; and
 - (viii) information about any proceeding started after the search or use of the surveillance device.

27 Covert search warrant extension application

An application for an extension of a covert search warrant must state the following—

Schedule 10 (continued)

- (a) the applicant's name, rank, registered number and station;
- (b) a description of the place to be searched;
- (c) for an occupied place—if known, the name of the occupier of the place and any person reasonably suspected of being involved in the offence;
- (d) the type of organised crime related offence to which the warrant relates;
- (e) a description of the nature of the thing sought that is reasonably suspected of being evidence of the commission of an organised crime related offence;
- (f) information or evidence being relied on to satisfy a judge there are reasonable grounds for believing there is evidence of organised crime at the place;
- (g) information included in the application for the covert search warrant about each warrant issued in the previous year in relation to the place or person suspected of being involved in the organised crime to which the application relates.

28 Report on covert search

A report on the exercise of powers under a covert search warrant must be accompanied by a copy of the warrant and state the following—

- (a) the reporting police officer's name, rank, registered number and station;
- (b) the organised crime related offence to which the warrant relates;
- (c) when the powers under the warrant were exercised;
- (d) the facts and circumstances of compliance with the warrant and the conditions of its issue;
- (e) particulars of anything seized, inspected or photographed under the warrant;

Schedule 10 (continued)

- (e) taking a DNA sample for DNA analysis may tend to prove or disprove the child's involvement in the offence;
- (f) notice of the making of the application has been given under the Act, section 488 and when the notice was given.

31 Disease test order application

An application for a disease test order³⁶ must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) the name of the person to whom the application relates;
- (c) a stated relevant offence has been committed;
- (d) taking a blood or urine sample may help find out whether the person may have transmitted a relevant disease to the victim of the offence or another person;
- (e) information supporting the application and indicating semen, blood, saliva or another bodily fluid may have been transmitted to another person during or soon after the commission of the offence;
- (f) the person has been advised of the person's right to have a lawyer present at the hearing of the application;
- (g) if the person is a child—notice of the application has been given under the Act, section 541(2) and when the notice was given.

³⁶ Applications are made under the Act, section 540 (Application for order for blood and urine testing of person).

Schedule 10 (continued)

Part 5 **Powers and responsibilities
relating to investigations and
questioning for indictable
offences****Division 1** **Questioning relevant persons about
indictable offences****32** **Application of div 1**

This division only applies to indictable offences.

33 **Asking persons to attend for questioning**

- (1) This section applies if a police officer wants to question a person as a suspect, other than a person mentioned in the Act, section 398.
- (2) If the police officer approaches the person when not at a police station or police establishment, the police officer must caution the person in a way substantially complying with the following—

‘I am (name and rank) of (name of police station or police establishment).

I wish to question you about (briefly describe offence).

Are you prepared to come with me to (place of questioning)?

Do you understand that you are not under arrest and you do not have to come with me?’.
- (3) If the person, while not in the company of a police officer, attends a police station or police establishment for questioning, the caution must substantially comply with the following—

‘I am (name and rank) of (name of police station or police establishment).

Schedule 10 (continued)

I wish to question you about (briefly describe offence).

Did you come here of your own free will?'

- (4) Before the police officer starts to question the person, the police officer must caution the person in a way substantially complying with the following—

'Do you understand you are not under arrest?

Do you understand you are free to leave at any time unless you are arrested?'

- (5) If the police officer reasonably suspects the person does not understand the caution, the officer may ask the person to explain the meaning of the caution in the person's own words.
- (6) If necessary, the police officer must further explain the caution.

34 Right to communicate with friend, relative or lawyer

- (1) If a police officer must advise a relevant person of his or her right to contact a friend, relative or lawyer,³⁷ the advice the police officer gives must substantially comply with the following—

'You have the right to telephone or speak to a friend or relative to inform that person where you are and to ask him or her to be present during questioning.

You also have the right to telephone or speak to a lawyer of your choice to inform the lawyer where you are and to arrange or attempt to arrange for the lawyer to be present during questioning.

If you want to telephone or speak to any of these people, questioning will be delayed for a reasonable time for that purpose.

Is there anyone you wish to telephone or speak to?'

³⁷ See the Act, section 418 (Right to communicate with friend, relative or lawyer).

Schedule 10 (continued)

- (2) If the police officer reasonably suspects the relevant person does not understand the advice, the police officer may ask the relevant person to explain the meaning of the advice in the person's own words.
- (3) If necessary, the police officer must further explain the advice.
- (4) If the relevant person wants to speak to a lawyer, the police officer must, without unreasonable delay, make available to the person—
 - (a) if there is a regional lawyer list available and the person has not asked to speak to a particular lawyer—the regional lawyer list; or
 - (b) a telephone directory for the region.
- (5) A police officer must not do or say anything with the intention of—
 - (a) dissuading the relevant person from obtaining legal advice; or
 - (b) persuading a relevant person to arrange for a particular lawyer to be present.³⁸

35 Right to remain silent not affected

- (1) This section applies if a person, the person's lawyer, or someone whose presence is required during questioning of a person indicates to the police officer questioning or intending to question the person—
 - (a) if questioning has not started—the person does not want to answer questions; or
 - (b) if questioning has started—the person does not want to answer any further questions.
- (2) The police officer must clarify the person's intention to exercise his or her right to silence by asking the person—

³⁸ For circumstances where this may not apply see the Act, section 441 (When sections 418–422, 432 and 434 do not apply).

Schedule 10 (continued)

- (a) whether the person does not want to answer any questions generally or only questions about the offence for which the person is being questioned; and
 - (b) if any further question was asked relating to the offence or another offence, whether the person would not answer the question.
- (3) If the person confirms that he or she does not want to answer any questions, the police officer must not question or continue to question the person.
- (4) However, if the person later indicates he or she is prepared to answer questions, a police officer must, before questioning or continuing to question the person, ask the person—
- (a) why he or she has decided to answer questions; and
 - (b) if a police officer or someone else in authority has told the person to answer questions.

36 Questioning of Aboriginal people and Torres Strait Islanders

- (1) A police officer who is about to question a relevant person the police officer reasonably suspects is an adult Aborigine or Torres Strait Islander must, unless he or she already knows the relevant person, first ask questions necessary to establish the person's level of education and understanding.
- (2) The questions the police officer may ask include questions, not related to the relevant person's involvement in the offence, that may help the police officer decide if the person—
- (a) is capable of understanding the questions put to him or her, what is happening to him or her, and his or her rights at law; and
 - (b) is capable of effectively communicating answers to the questions; and
 - (c) is aware of the reason the questions are being asked.
- (3) If the police officer considers it is necessary to notify a representative of a legal aid organisation that the relevant

Schedule 10 (continued)

person is about to be questioned in relation to an offence, the police officer must inform the relevant person of the intention to notify the legal aid organisation, in a way substantially complying with the following—

‘As you have not arranged for a lawyer to be present, a legal aid organisation will be notified you are here to be questioned about your involvement in an indictable offence’.³⁹

- (4) If the relevant person has indicated he or she does not wish to telephone or speak to a support person or arrange for a support person to be present during questioning, the police officer conducting the questioning must inform the relevant person that he or she may have a support person present during the questioning.

- (5) The information given under subsection (4) must substantially comply with the following—

‘Is there any reason why you don’t want to telephone or speak to a support person and arrange for a person to be present during questioning?

Do you understand that arrangements can be made for a support person to be present during the questioning?

Do you also understand that you do not have to have a support person present during questioning?

Do you want to have a support person present?’.

- (6) If the police officer reasonably suspects the person is at a disadvantage in comparison with members of the Australian community generally, and the person has not arranged for a support person to be present during the questioning, the police officer must arrange for a support person to be present.⁴⁰

39 For the obligation to notify the legal aid organisation, see the Act, section 420.

40 See the Act, section 440 (List of support persons and interpreters).

Schedule 10 (continued)

37 Cautioning relevant persons about the right to silence

- (1) A police officer must caution a relevant person about the person's right to silence⁴¹ in a way substantially complying with the following—

‘Before I ask you any questions I must tell you that you have the right to remain silent.

This means you do not have to say anything, answer any question or make any statement unless you wish to do so.

However, if you do say something or make a statement, it may later be used as evidence.

Do you understand?’.

- (2) If the police officer reasonably suspects the relevant person does not understand the caution, the police officer may ask the person to explain the meaning of the caution in his or her own words.
- (3) If necessary, the police officer must further explain the caution.
- (4) If questioning is suspended or delayed, the police officer must ensure the relevant person is aware he or she still has the right to remain silent and, if necessary, again caution the person when questioning resumes.
- (5) If a police officer cautions a relevant person in the absence of someone else who is to be present during the questioning, the caution must be repeated in the other person's presence.

38 Provision of information relating to a relevant person

- (1) If a person who is a relative, friend or lawyer of a relevant person asks for information about the relevant person's whereabouts, the police officer receiving the request must, if the person asking for the information is not known to the police officer, ask the person—

41 See the Act, section 431 (Cautioning of persons).

Schedule 10 (continued)

- (a) if he or she is a relative, friend or lawyer of the relevant person; and
 - (b) for his or her name and address or, for a lawyer, place of business; and
 - (c) if the person makes the request personally—for proof of his or her identity.⁴²
- (2) The police officer may also ask any other question the police officer considers necessary to establish that the person is a relative, friend or lawyer of the relevant person.
- (3) Also, the police officer must make or cause to be made a check of the register for information about the relevant person.

39 Right to interpreter

- (1) This section applies for deciding whether to arrange for the presence of an interpreter during questioning of a relevant person.⁴³
- (2) A police officer may ask the relevant person a question, other than a question related to the person's involvement in the offence for which the person is to be questioned, that will help the police officer decide if an interpreter should be present.
- (3) In particular, the police officer may ask questions that may help the police officer decide whether or not the relevant person—
- (a) is capable of understanding the questions put to him or her, what is happening to him or her, and his or her rights at law; and
 - (b) is capable of effectively communicating answers to the questions; and
 - (c) is aware of the reason the questions are being asked.

42 See the Act, section 432 (Provision of information relating to a relevant person).

43 See the Act, section 433 (Right to interpreter).

Schedule 10 (continued)

40 Right of visiting foreign national to communicate with embassy etc.

- (1) This section applies if a police officer reasonably suspects a relevant person may have the right to telephone or attempt to telephone the embassy or consular office of the country of which the person is a citizen.⁴⁴
- (2) For deciding whether the relevant person has the right to telephone or attempt to telephone an embassy or consular office, a police officer may ask the relevant person a question, other than a question related to the person's involvement in the offence for which the person is to be questioned.
- (3) If the police officer reasonably suspects the person has the right to telephone or attempt to telephone an embassy or consular office, the police officer must inform the relevant person of the right in a way substantially complying with the following—

‘Before I ask you any questions I must tell you that you have the right to telephone, or attempt to telephone, the embassy or consular office of the country of which you are a citizen.

Do you want to telephone your embassy or consular office?’.
- (4) If the police officer reasonably suspects the relevant person does not understand the advice, the police officer may ask the person to explain the advice in his or her own words.
- (5) If necessary, the police officer must further explain the advice.

41 Rights of a person to be electronically recorded

- (1) If it is not reasonably practicable for a police officer to electronically record the giving to a relevant person of information, including a caution, the police officer must make a written record of the giving of the information and the person's response.⁴⁵

44 See the Act, section 434 (Right of visiting foreign national to communicate with embassy etc.).

45 See the Act, section 435 (Rights of a person to be electronically recorded).

Schedule 10 (continued)

- (2) The police officer must make the record as if the Act, section 437⁴⁶ applied to the giving of the information and the response.

42 Procedure for reading back a written record

- (1) This section applies if a police officer makes a written record of things said by or to a relevant person during questioning because it is not reasonably practicable to electronically record the things said.⁴⁷

- (2) Before reading to the relevant person the written record of the things said, the police officer questioning the person must explain the procedure in a way substantially complying with the following—

‘Some of the questions I have asked you and your responses have not been electronically recorded.

I have made a written record of the unrecorded conversation. This is your copy of the record. I will now read the written record aloud.

If you consider there is an error in the record or there is something left out of the record, you should say so after I read that part of the record aloud.

You will then be asked to say what the record should read.

Do you understand this is your opportunity to disagree with anything in the written record?

Do you understand this procedure?’.

- (3) If the police officer reasonably suspects the relevant person does not understand the explanation, the police officer may ask the person to explain the procedure in his or her own words.

46 The Act, section 437 (Requirements for written record of confession or admission)

47 See the Act, sections 436 (Recording of questioning etc.) and 437 (Requirements for written record of confession or admission).

Schedule 10 (continued)

- (4) If necessary, the police officer must further explain the procedure.

**Division 2 Questioning etc. of persons
detained****43 Removal order application**

An application for a removal order⁴⁸ must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) the name and age of the person to whom the application relates;
- (c) where the person is held in custody;
- (d) whether the person is in custody for an offence that has not been decided, or under sentence for a term of imprisonment or, for a child, under a detention order;
- (e) the type of indictable offence to which the questioning or investigation relates;
- (f) whether the removal of the person into police custody is for questioning the person or for a stated investigative procedure;
- (g) whether the person has been advised of the application;
- (h) information or evidence about the nature and seriousness of the offence;
- (i) information or evidence that may be relied on—
 - (i) to support a suspicion the person has committed the offence mentioned in the application; and
 - (ii) to satisfy a magistrate removal of the person from a prison or detention centre is necessary for

48 See the Act, section 399 (Application for removal of person from lawful custody).

Schedule 10 (continued)

questioning the person or the investigation of the offence.

44 Detention period extension application

- (1) An application by a police officer for the extension of a detention period⁴⁹ must be made in a way that allows the relevant person or the person's lawyer to make submissions about the application.

Example for subsection (1)—

If the application is faxed to a magistrate, the relevant person may speak to the magistrate by telephone.

- (2) Before the application is made, the police officer must—
- (a) tell the relevant person or the person's lawyer of the application; and
 - (b) give the person a copy of the application; and
 - (c) ask the person or the person's lawyer if he or she—
 - (i) agrees to the application or wants to oppose it; and
 - (ii) wants to make submissions or say anything to the justice or magistrate hearing the application.
- (3) The application must state the following—
- (a) the applicant's name, rank, registered number and station;
 - (b) the following information about the person to whom the application relates—
 - (i) the person's name, age and address;
 - (ii) whether the person is in custody under the *Corrective Services Act 2000*⁵⁰ or the *Juvenile Justice Act 1992* for an offence that has not been

⁴⁹ Applications are made under the Act, section 405 (Application for extension of detention period).

⁵⁰ Now see the *Corrective Services Act 2006*, section 470.

Schedule 10 (continued)

- decided or under a sentence for a term of imprisonment or, for a child, a detention order;
- (iii) whether the person is an Aborigine, a Torres Strait Islander, a child, or a person with impaired capacity;
 - (iv) if the person is a child—whether a parent of the child has been advised of the child’s detention;
- (c) whether, since the questioning or detention started, the person has asked to telephone or speak to a relative, friend or lawyer and has since spoken to a relative, friend, lawyer or support person;
 - (d) when the detention period started, how long the person has been questioned, and what delays to questioning have happened;
 - (e) the offence to which the questioning or investigation relates and information and evidence about the nature and seriousness of the offence;
 - (f) information or evidence supporting a reasonable suspicion the relevant person has committed the offence mentioned in the application;
 - (g) what investigations have taken place;
 - (h) why further detention of the person is necessary;
 - (i) the time sought for time out, the purpose of the time out, and the period of time sought for questioning.
- (4) The applicant must tell the justice or magistrate whether or not the relevant person or the person’s lawyer wants to make submissions or say anything to the justice or magistrate.

Division 3 Provisions about support persons**44A Ensuring support persons understand role**

- (1) Before a police officer questions a relevant person in the presence of a support person, the police officer must—

Schedule 10 (continued)

- (a) give the support person information in the approved form about the role of support persons during questioning; and
 - (b) ensure, as far as practicable, that the person understands the nature of the support person's role; and
 - (c) if the support person asks, give an explanation of anything relevant to the person's role as a support person; and
 - (d) inform the support person of the identity of the relevant person and why the person is being questioned.
- (2) The information must include the following—
- (a) a summary of sections 427, 428, 429 and 430⁵¹ of the Act;
 - (b) a statement that the support person must act in the best interests of the relevant person;
 - (c) a statement that, unless the support person is a lawyer, the support person must not provide legal advice to the relevant person but may ask the relevant person questions to ensure the relevant person understands—
 - (i) that the person may ask for a lawyer to be present during questioning or at any time before questioning ends; and
 - (ii) that the person is not obliged to say anything during questioning; and
 - (iii) that anything the relevant person says during questioning may be used in evidence in a court; and
 - (iv) what is said by a police officer during questioning.

51 Sections 427 (Application of div 5), 428 (When is a person unable to properly perform the role of a support person), 429 (Police officer may exclude support person from questioning) and 430 (If police officer excludes support person from questioning of relevant person) of the Act

Schedule 10 (continued)

Part 6 Powers in relation to persons in custody**Division 1 General requirements for witness identification****45 Management of witnesses during identification procedure**

- (1) The way an identification procedure is conducted must allow only 1 witness involved in the procedure to see or hear the procedure at a time.
- (2) Also, after a witness has taken part in the procedure, the witness must, as far as reasonably practicable, be prevented from speaking about the procedure to any other witness until the procedure ends.
- (3) Also, if reasonably practicable, the way a witness identifies a person during an identification procedure must be electronically recorded.
- (4) A police officer must not stop a person being present during the procedure to support the witness unless—
 - (a) the other person is a witness involved in the procedure; or
 - (b) the officer suspects the person will influence the witness's decision or disrupt the procedure.
- (5) If a police officer stops someone being present during the procedure to support a witness, the police officer must—
 - (a) give to the witness the reasons for stopping the person being present; and
 - (b) advise the witness he or she may arrange for someone else to be present to support the witness; and
 - (c) if asked, allow someone else to be present.

Schedule 10 (continued)

Division 2 Identification parades**46 Application of div 2**

This division applies if a police officer conducts an identification parade that includes a person reasonably suspected of having committed an offence (the *suspect*).

47 Recording of identification parade

If reasonably practicable, a police officer must cause the behaviour and position of each person in an identification parade to be photographed or otherwise electronically recorded.

48 Explanation of procedure

- (1) A police officer must explain the procedure for an identification parade to a suspect before conducting the identification parade.
- (2) If the police officer reasonably suspects the suspect does not understand the procedure, the police officer must ask the suspect to explain the procedure in his or her own words.
- (3) If necessary, the police officer must further explain the procedure.
- (4) The explanation must include the police officer telling the suspect the following—
 - (a) the identification parade can not be conducted unless the suspect agrees;
 - (b) the suspect may have a friend, relative or lawyer present at the identification parade if that person can attend within a reasonable time;
 - (c) anyone present may not interfere with the procedure in any way;

Schedule 10 (continued)

- (d) the suspect may choose a position in the parade and change position in the parade after each witness has viewed the parade;
- (e) the suspect's identity will not be given to a witness unless the witness identifies the person and a proceeding is started against the person.

49 Identification parade conditions

A police officer conducting an identification parade must, as far as reasonably practicable, replicate the conditions, described by the witness, when the witness saw a person involved in the offence, for example, by—

- (a) changing the lighting in the room; or
- (b) varying the distance from which the witness views the identification parade; or
- (c) concealing aspects of the participants in the identification parade.

50 Conducting the identification parade

- (1) Each witness must view the identification parade separately.
- (2) The police officer conducting the identification parade must ask the witness to carefully view the parade and to state whether the witness recognises anyone in the parade.
- (3) The police officer must ask the question in a way that does not suggest the identity of any participant in the identification parade.
- (4) If the witness indicates he or she recognises a person in the identification parade, the police officer conducting the parade must ask the witness to clearly identify the person recognised, for example, by stating the number of the person identified or describing his or her position in the parade.

Schedule 10 (continued)

51 Use of suitable persons in the identification parade

An identification parade must include the suspect and at least 11 other people of similar physical appearance and wearing similar clothing.

Division 3 Identification using photographs**52 General requirements for identification using photographs**

To avoid directing the attention of the witness to a particular photograph, the police officer must ensure nothing is marked on any photograph or the backing board on which the photograph is mounted.

53 Conducting a photoboard identification

- (1) A police officer showing witnesses a photoboard must show the photoboard to each witness separately.
- (2) Also, the police officer must ask the witness to carefully view the photoboard and to state whether the witness recognises anyone whose photo is on the photoboard.
- (3) The police officer must ask the question in a way that does not suggest the identity of a person whose photograph is on the photoboard.
- (4) If the witness indicates he or she recognises a person in a photo on the photoboard, the police officer must ask the witness to—
 - (a) clearly state the number of the photograph the witness has identified as being that of the person alleged to be responsible for committing the relevant offence; and
 - (b) write the photograph number and the date the photoboard was shown to the witness—
 - (i) on the front of an unmarked photocopy of the photoboard; or

Schedule 10 (continued)

- (ii) on the back of the photoboard or the selected photograph; and
- (c) sign the photoboard, photocopy or photograph where the person has written on it.

Part 7 The register**54 Searches of persons**

The following information about an enforcement act consisting of a search of a person must be included in the register of enforcement acts—

- (a) if known, the name of the person;
- (b) when and where the person was searched;
- (c) the purpose of the search;
- (d) whether the search involved the removal of outer clothing in circumstances requiring the search to be conducted out of public view;
- (e) for a search because of a reasonable suspicion—how long the person was detained for the search;
- (f) a description of anything seized because of the search;
- (g) information about the return, destruction or disposal of anything seized.

55 Searches of vehicles

The following information about an enforcement act consisting of a search of a vehicle must be included in the register of enforcement acts—

- (a) if known, the name of the person in possession of the vehicle and anyone detained;
- (b) the registration number or a description of the vehicle;

Schedule 10 (continued)

- (c) when and where the search took place;
- (d) the purpose of the search;
- (e) how long the vehicle was detained for the search;
- (f) a description of anything seized because of the search;
- (g) whether anything was damaged because of the search;
- (h) information about the return, destruction or disposal of anything seized.

56 Searches of places other than vehicles

The following information about an enforcement act consisting of a search of a place other than a vehicle must be included in the register of enforcement acts—

- (a) if known, the name of the person in possession of the place and anyone detained;
- (b) when and where the search took place;
- (c) the purpose of the search;
- (d) a description of anything seized because of the search;
- (e) whether anything was damaged because of the search;
- (f) information about the return, destruction or disposal of anything seized.

57 Arrests and detentions

The following information about an enforcement act consisting of an arrest, the detention of a person detained for investigations or questioning⁵² or a relevant person under section 415⁵³ of the Act must be included in the register of enforcement acts—

- (a) if known, the name of the person;

52 See the Act, section 403 (Initial period of detention for investigation or questioning).

53 Section 415 (When does this part apply to a person) of the Act

Schedule 10 (continued)

- (b) when the person was arrested or detained;
- (c) for an arrest, where a person is held;
- (d) for a person detained, each place to which the person is taken to or held for the investigation or questioning, and when;
- (e) any significant event affecting the time for which questioning was suspended or delayed, for example, because of a time out period and the purpose of the time out;
- (f) any apparent injury the person received during the arrest or detention.

58 Search warrants

The following details about search warrants must be included in the register of enforcement acts—

- (a) when and where the warrant was issued;
- (b) if known, the name of the person mentioned in the application for the search warrant as the person suspected of being involved in the offence, suspected offence or confiscation related activity to which the application relates;
- (c) the type of offence or the confiscation related activity to which the warrant related;
- (d) if the search warrant related to an existing or proposed forfeiture proceeding—the type of forfeiture proceeding to which the warrant related;
- (e) the benefits derived from the warrant, including, for example, anything seized during the search and any proceeding started after the search.

Schedule 10 (continued)

59 Production notices

The following information about a production notice⁵⁴ must be included in the register of enforcement acts—

- (a) when and where the notice was issued;
- (b) if known, the name of the person mentioned in the application for the production notice as the person suspected of being involved in the offence, suspected offence or confiscation related activity to which the application relates;
- (c) the type of offence or the confiscation related activity to which the production notice related;
- (ca) if the production notice related to an existing or proposed forfeiture proceeding—the type of forfeiture proceeding to which the production notice related;
- (d) the benefits derived from the production notice, including, for example, any document produced under the notice and any proceeding started after the document was produced;
- (e) information about the return of any document produced.

60 Production orders

The following information about a production order⁵⁵ must be included in the register of enforcement acts—

- (a) when and where the order was issued;
- (b) if known, the name of the person mentioned in the application for the production order as the person who was found guilty of the confiscation offence, is suspected of having committed the confiscation offence or is suspected of having engaged in the serious crime related activity to which the application relates;

54 See the Act, section 180 (Production notices).

55 See the Act, section 189 (Production order applications).

Schedule 10 (continued)

- (c) the type of confiscation offence or serious crime related activity to which the production order related;
- (d) the benefits derived from the production order, including, for example, any document produced under the order and any proceeding started after the document was produced;
- (e) information about the return of any document produced.

61 Monitoring orders and suspension orders

The following information about applications for monitoring orders or suspension orders⁵⁶ must be recorded in the register of covert acts—

- (a) when and where the application for the order was made;
- (b) the name of the financial institution mentioned in the application;
- (c) the name of the person in relation to whom the application was made;
- (d) whether or not the order was issued;
- (e) if the order was issued—
 - (i) the type of information the financial institution was required to give; and
 - (ii) how long the order was in force;
- (f) the benefits derived from the order, including, for example—
 - (i) any proceeding started; and
 - (ii) a brief description of how using the order helped in the investigation of the suspected confiscation offence or serious crime related activity or in identifying, locating or quantifying the suspected

⁵⁶ See section 199 (Monitoring order applications) or 205 (Suspension order application) of the Act.

Schedule 10 (continued)

serious crime derived property in relation to which the order was issued.

64 Things seized other than during a search

The following information about things seized other than during a search must be included in the register of enforcement acts—

- (a) if known, the name of the person from whom the thing was seized;
- (b) when and where it was seized;
- (c) the reason it was seized;
- (d) a description of the thing seized;
- (e) information about the return, destruction or disposal of the thing.

65 Directions given

The following information about a direction given to a person under the Act, section 48⁵⁷ must be included in the register of enforcement acts—

- (a) when the direction was given;
- (b) the location of the person when given the direction;
- (c) the name of the person given the direction, if known;
- (d) the reason for giving the direction;
- (e) the apparent demographic category of the person.

65A Exclusions of support persons from questioning

The following information about support persons excluded from questioning under the Act, chapter 15, part 3, division

⁵⁷ The Act, section 48 (Direction may be given to person)

Schedule 10 (continued)

- (e) the name, rank, station and telephone contact number of the police officer who seized the thing;
- (f) where the thing will be taken, if known;
- (g) the date the receipt is issued.

67 Functions of property officer

- (1) A property officer has the following functions—
 - (a) to receive anything seized by a police officer under the Act;
 - (b) to keep records of anything received at the property point or by the property officer, including—
 - (i) the date the thing was received; and
 - (ii) the particulars of the police officer who seized the thing; and
 - (iii) a description of the thing seized; and
 - (iv) if it is removed from the property officer's custody—when and why it left the property officer's custody and when it was returned;
 - (c) to ensure the safe and secure storage at the property point of the thing seized;
 - (d) if appropriate, to transfer or arrange the transfer of the thing seized to—
 - (i) another property point for its safe and secure storage; or
 - (ii) another place for destruction or disposal; or
 - (iii) a declared agency;
 - (e) if required under the Act or any other Act—to destroy or dispose of the thing seized in the way decided by the commissioner;
 - (f) if the thing is money other than money that must be retained so it can be used as an exhibit in a

Schedule 10 (continued)

court—depositing the money in a financial institution account operated by the police service.

- (2) Also, as soon as reasonably practicable after the property officer receives a seized thing, the property officer must ensure the thing is capable of being easily identified.

Example for subsection (2)—

The thing may have attached to it a label or tag with a number or other identifier identical to the number or identifier the property officer has assigned to the thing in the record.

68 Order after property seized

An application under the Act, section 694 or 695⁶⁰ for an order relating to a seized thing must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) a description of the thing;
- (c) the circumstances of the seizure, including, for example, if the thing was seized under a search warrant;
- (d) relevant information about the thing, including, for example, the following—
 - (i) the nature of any interest a person has in the thing;
 - (ii) the approximate value of the thing;
 - (iii) whether the thing may be needed as evidence in a proceeding and the type of offence or forfeiture proceeding for which it may be evidence;
- (e) the order sought;
- (f) the reasons for seeking the order.

⁶⁰ The Act, section 694 (Application by police officer for order if ownership dispute) or 695 (Application for order in relation to seized things)

Schedule 12 Dictionary

section 3

Austrac means the Australian Transaction Reports and Analysis Centre under the *Financial Transaction Reports Act 1988* (Cwlth).

crime scene index see section 8D.

ICAC means the Independent Commission Against Corruption under the *Independent Commission Against Corruption Act 1988* (NSW).

intimate procedure, for part 2A, division 2, see section 8KA.

missing persons index see section 8E.

New South Wales Crime Commission means the New South Wales Crime Commission under the *New South Wales Crime Commission Act 1985* (NSW).

non-intimate procedure, for part 2A, division 2, see section 8KA.

non-volunteers (NT) index, for part 2A, see section 8KB.

NT database, for part 2A, division 2, see section 8KA.

Police Integrity Commission means the Police Integrity Commission under the *Police Integrity Commission Act 1996* (NSW).

serious offenders index see section 8F.

statistical index see section 8K.

suspects index see section 8G.

unknown deceased persons index see section 8H.

volunteers (limited purpose) index see section 8I.

volunteers (NT) index, for part 2A, see section 8KC.

volunteers (unlimited purpose) index see section 8J.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 30 November 2007. Future amendments of the Police Powers and Responsibilities Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 2000	7 July 2000
1A	2000 SL No. 209	11 August 2000	18 August 2000
1B	2001 SL No. 53	1 June 2001	10 August 2001
1C	2001 SL No. 133	10 August 2001	17 August 2001
1D	2001 SL No. 162	21 September 2001	28 September 2001
1E	2001 SL No. 181	8 October 2001	12 October 2001
1F	2001 SL No. 269	1 February 2002	1 February 2002
1G	2002 SL No. 82	1 May 2002	15 May 2002
1H	2002 SL No. 131	7 June 2002	21 June 2002
2	2002 SL No. 131	7 June 2002	5 July 2002

Reprint No.	Amendments included	Effective	Notes
2A	2002 SL No. 196	9 August 2002	
2B	2002 SL No. 265	4 October 2002	
2C	2002 SL No. 270	28 October 2002	
2D	2003 SL No. 6	31 January 2003	
2E	2003 SL No. 28	28 February 2003	
2F rv	2003 SL No. 92	31 May 2003	
2G	2003 SL No. 208	20 September 2003	
2H	2003 SL No. 251	27 October 2003	
2I	2003 SL No. 286	22 November 2003	
2J	—	2 December 2003	prov exp 1 December 2003
2K	2003 SL No. 325	12 December 2003	
2L	2003 SL No. 354 2003 SL No. 356	19 December 2003	
2M	2003 SL No. 355	2 February 2004	
3 rv	2004 SL No. 5	20 February 2004	Revision notice issued for R3
3A	2004 SL No. 95	1 July 2004	
3B	2004 SL No. 119	5 July 2004	
3C	2004 SL No. 149	10 August 2004	
3D	2004 SL No. 211	8 October 2004	
3E	2004 SL No. 221 2004 SL No. 225	22 October 2004	
3F	2004 SL No. 246	20 November 2004	
3G	—	4 December 2004	prov exp 3 December 2004
3H	2004 SL No. 272	10 December 2004	
3I	2004 SL No. 297	17 December 2004	

Police Powers and Responsibilities Regulation 2000

Reprint No.	Amendments included	Effective	Notes
3J	2005 SL No. 90	20 May 2005	
3K	2005 SL No. 84 2005 SL No. 143	1 July 2005	provs exp 30 June 2005
3L	2005 SL No. 167	22 July 2005	
3M	2005 SL No. 143	1 August 2005	
3N	2005 SL No. 226	16 September 2005	
4	2005 SL No. 257	21 October 2005	
4A	2005 SL No. 270	19 November 2005	
4B	—	3 December 2005	prov exp 2 December 2005
4C	2005 SL No. 299	9 December 2005	
4D	2005 SL No. 310	1 January 2006	
4E	2006 SL No. 15	17 February 2006	
4F	2006 SL No. 88	15 May 2006	
4G	—	29 May 2006	prov exp 28 May 2006
4H	2006 SL No. 131	16 June 2006	
4I	2006 SL No. 145	30 June 2006	
4J	2006 SL No. 131 2006 SL No. 145	1 July 2006	
4K	—	11 August 2006	prov exp 10 August 2006
4L	2006 SL No. 145	28 August 2006	
4M	—	8 October 2006	prov exp 7 October 2006
4N	—	27 October 2006	prov exp 26 October 2006
4O	—	28 October 2006	prov exp 27 October 2006
4P	2006 SL No. 246	30 October 2006	
5	2006 SL No. 291	1 December 2006	
5A	2006 Act No. 57	7 December 2006	
5B	2006 SL No. 306	15 December 2006	
5C	—	1 July 2007	provs exp 30 June 2007
5D	2007 SL No. 179	30 July 2007	
5E	2007 SL No. 201	27 August 2007	R5E withdrawn, see R6
6	—	27 August 2007	
6A	2007 SL No. 291	30 November 2007	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	3

6 List of legislation

Police Powers and Responsibilities Regulation 2000 SL No. 175

made by the Governor in Council on 29 June 2000

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Police Powers and Responsibilities Amendment Regulation (No. 1) 2000 SL No. 209

notfd gaz 11 August 2000 pp 1322–3

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 1) 2001 SL No. 53

notfd gaz 25 May 2001 pp 334–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 June 2001 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 2) 2001 SL No. 133

notfd gaz 10 August 2001 pp 1390–1

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 3) 2001 SL No. 162

notfd gaz 14 September 2001 pp 139–40

ss 1–2 commenced on date of notification

remaining provisions commenced 21 September 2001 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 4) 2001 SL No. 181

notfd gaz 5 October 2001 pp 411–12

ss 1–2 commenced on date of notification

remaining provisions commenced 8 October 2001 (see s 2)

Pharmacists Registration Regulation 2001 SL No. 267 ss 1–2, 14 sch 4

notfd gaz 14 December 2001 pp 1351–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 2002 (see s 2)

Speech Pathologists Registration Regulation 2001 SL No. 269 ss 1–2, 10 sch 3

notfd gaz 14 December 2001 pp 1351–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 2002 (see s 2)

Podiatrists Registration Regulation 2002 SL No. 80 ss 1–2, 10 sch 3

notfd gaz 26 April 2002 pp 1540–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 May 2002 (see s 2)

Psychologists Registration Regulation 2002 SL No. 82 ss 1–2, 60 sch 2

notfd gaz 26 April 2002 pp 1540–3

ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 2002 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 1) 2002 SL No. 131
notfd gaz 7 June 2002 pp 575–8
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 2) 2002 SL No. 196
notfd gaz 9 August 2002 pp 1362–3
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 3) 2002 SL No. 265
notfd gaz 4 October 2002 pp 423–4
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 4) 2002 SL No. 270
notfd gaz 11 October 2002 pp 526–7
ss 1–2 commenced on date of notification
remaining provisions commenced 28 October 2002 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 1) 2003 SL No. 6
notfd gaz 31 January 2003 pp 318–19
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 2) 2003 SL No. 28
notfd gaz 28 February 2003 pp 774–5
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 3) 2003 SL No. 92
notfd gaz 23 May 2003 pp 287–8
ss 1–2 commenced on date of notification
remaining provisions commenced 31 May 2003 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 4) 2003 SL No. 208
notfd gaz 12 September 2003 pp 128–31
ss 1–2 commenced on date of notification
remaining provisions commenced 20 September 2003 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 5) 2003 SL No. 251
notfd gaz 24 October 2003 pp 624–5
ss 1–2 commenced on date of notification
remaining provisions commenced 27 October 2003 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 6) 2003 SL No. 286
notfd gaz 21 November 2003 pp 963–4
ss 1–2 commenced on date of notification
remaining provisions commenced 22 November 2003 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 7) 2003 SL No. 325
notfd gaz 12 December 2003 pp 1203–7
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 8) 2003 SL No. 354
notfd gaz 19 December 2003 pp 1307–13
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 9) 2003 SL No. 355

notfd gaz 19 December 2003 pp 1307–13

ss 1–2 commenced on date of notification

s 3 sch amdt 12 commenced 2 February 2004 (see s 2) (amdt could not be given effect)

remaining provisions commenced 2 February 2004 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 10) 2003 SL No. 356

notfd gaz 19 December 2003 pp 1307–13

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 1) 2004 SL No. 5

notfd gaz 20 February 2004 pp 703–4

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 2) 2004 SL No. 95

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Second-hand Dealers and Pawnbrokers Regulation 2004 SL No. 119 ss 1–2, 14 sch 3

notfd gaz 2 July 2004 pp 705–7

ss 1–2 commenced on date of notification

remaining provisions commenced 5 July 2004 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared.

Police Powers and Responsibilities Amendment Regulation (No. 3) 2004 SL No. 149

notfd gaz 6 August 2004 pp 1080–1

ss 1–2 commenced on date of notification

remaining provisions commenced 10 August 2004 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 4) 2004 SL No. 211

notfd gaz 8 October 2004 pp 477–8

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 5) 2004 SL No. 221

notfd gaz 22 October 2004 pp 657–8

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 6) 2004 SL No. 225

notfd gaz 22 October 2004 pp 657–8

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 7) 2004 SL No. 246

notfd gaz 19 November 2004 pp 955–6

ss 1–2 commenced on date of notification

remaining provisions commenced 20 November 2004 (see s 2)

Tobacco and Other Smoking Products Amendment Regulation (No. 1) 2004 SL No.**272 s 1, pt 4**

notfd gaz 10 December 2004 pp 1195–8

commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 8) 2004 SL No. 297
notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 1) 2005 SL No. 84
notfd gaz 13 May 2005 pp 149–50
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)
Note—An explanatory note was prepared.

Police Powers and Responsibilities Amendment Regulation (No. 2) 2005 SL No. 90
notfd gaz 20 May 2005 pp 224–6
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 3) 2005 SL No. 143
notfd gaz 1 July 2005 pp 763–6
ss 7–8 commenced 1 August 2005 (see s 2)
remaining provisions commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 4) 2005 SL No. 167
notfd gaz 22 July 2005 pp 988–9
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 5) 2005 SL No. 226
notfd gaz 16 September 2005 pp 226–7
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 6) 2005 SL No. 257
notfd gaz 21 October 2005 pp 690–1
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 7) 2005 SL No. 270
notfd gaz 18 November 2005 pp 1052–3
ss 1–2 commenced on date of notification
remaining provisions commenced 19 November 2005 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 8) 2005 SL No. 299
notfd gaz 9 December 2005 pp 1375–8
commenced on date of notification

Education and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 310
pts 1, 4
notfd gaz 16 December 2005 pp 1490–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2006 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 1) 2006 SL No. 15
notfd gaz 17 February 2006 pp 699–700
commenced on date of notification

Police Powers and Responsibilities Amendment Regulation (No. 2) 2006 SL No. 88
notfd gaz 11 May 2006 pp 159–60
ss 1–2 commenced on date of notification
remaining provisions commenced 15 May 2006 (see s 2)

Police Powers and Responsibilities Amendment Regulation (No. 3) 2006 SL No. 131

notfd gaz 16 June 2006 pp 787–90
 ss 1–2 commenced on date of notification
 s 4 commenced 1 July 2006 (see s 2)
 remaining provisions commenced on notification
 Note—An explanatory note was prepared.

Police Powers and Responsibilities and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 145 pts 1, 3 s 10 sch

notfd gaz 23 June 2006 pp 898–902
 ss 1–2 commenced on date of notification
 ss 11, 14 commenced 1 July 2006 (see s 2(1)–(2))
 s 18 commenced 28 August 2006 on the day s 124 of the Corrective Services Act 2006 commenced (see s 2(3) and 2006 SL No. 213)
 remaining provisions commenced 30 June 2006 (see s 2(1))

Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1

notfd gaz 6 October 2006 pp 577–80
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 October 2006 (see s 2(3))

Police Powers and Responsibilities Amendment Regulation (No. 4) 2006 SL No. 291

notfd gaz 1 December 2006 pp 1587–90
 commenced on date of notification

Police Powers and Responsibilities and Other Legislation Amendment Act 2006 No. 57 s 1, pt 3

date of assent 7 December 2006
 commenced on date of assent

Police Powers and Responsibilities and Other Legislation Amendment Regulation (No. 2) 2006 SL No. 306 pts 1–2

notfd gaz 15 December 2006 pp 1861–5
 ss 6(3), 7(3) commenced on date of notification (amtdts could not be given effect)
 commenced on date of notification

Summary Offences and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 179 ss 1–2(1), pt 2

notfd gaz 27 July 2007 pp 1645–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 July 2007 (see s 2(1))

Recreation Areas Management Regulation 2007 SL No. 201 ss 1–2, 67 sch 1

notfd gaz 17 August 2007 pp 2023–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 27 August 2007 (see s 2)
 Note—A regulatory impact statement and explanatory note were prepared.

Police Powers and Responsibilities Amendment Regulation (No. 1) 2007 SL No. 291

notfd gaz 30 November 2007 pp 1824–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 November 2007 (see s 2)
 Note—An explanatory note was prepared.

7 List of annotations

Dictionary

s 3 amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 3

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om 2006 SL No. 291 s 3

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s 8F ins 2003 SL No. 355 s 4
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amd 2004 SL No. 297 s 5; 2006 SL No. 145 s 10 sch

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s 8J ins 2003 SL No. 355 s 4
amd 2004 SL No. 297 s 6(2)–(3); 2006 SL No. 145 s 10 sch

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exp 30 June 2005 (see prev s 8P)
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amd 2006 SL No. 131 s 4

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exp 30 June 2005 (see prev s 8P)
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amd 2003 SL No. 355 s 3 sch

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amd 2005 SL No. 143 s 5; 2005 SL No. 310 s 8; 2006 SL No. 131 s 7; 2006 SL No. 246 s 90(1) sch 1; 2006 SL No. 306 s 5; 2007 SL No. 201 s 67 sch 1

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s 28 amd 2003 SL No. 325 s 3; 2004 SL No. 221 s 2 sch; 2005 SL No. 299 s 5(9)

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s 58 amd 2003 SL No. 28 s 3; 2003 SL No. 354 s 9; 2006 SL No. 306 s 6(2)

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s 59 amd 2003 SL No. 354 s 10; 2006 SL No. 306 s 6(3) (amdt could not be given effect)

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s 60 amd 2003 SL No. 354 s 11

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prov hdg sub 2003 SL No. 354 s 12(1)

s 61 amd 2003 SL No. 354 s 12(2)–(3)

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s 62 om 2006 SL No. 145 s 16(1)

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s 63 om 2006 SL No. 145 s 16(1)

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- prov hdg** ins 2003 SL No. 325 s 2 sch
s 2 (prev s 5) ins 2001 SL No. 181 s 4
 amd 2002 SL No. 265 s 3; 2003 SL No. 325 s 2 sch
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 exp 7 October 2006 (see sch 11 s 2(3))

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- s 3** ins 2003 SL No. 325 s 4(1)
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- prov hdg** ins 2003 SL No. 325 s 2 sch
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- prov hdg** ins 2003 SL No. 325 s 2 sch
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 amd 2003 SL No. 325 s 2 sch
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- s 6** ins 2003 SL No. 325 s 4(2)
 amd 2005 SL No. 299 s 6
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- s 7** ins 2003 SL No. 325 s 4(2)
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Kingaroy—O'Neill Square

s 8 ins 2003 SL No. 325 s 4(2)
 amd 2005 SL No. 299 s 6
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Mount Isa—central business district

prov hdg ins 2003 SL No. 325 s 2 sch
s 9 (prev s 13) ins 2003 SL No. 251 s 4(2)
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s 9A ins 2006 SL No. 15 s 4
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s 9B ins 2006 No. 88 s 4
 exp 28 May 2006 (see sch 11 s 9B(2))

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prov hdg ins 2003 SL No. 325 s 2 sch
s 10 (prev s 6) ins 2002 SL No. 270 s 7(2)
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 exp 27 October 2006 (see sch 11 s 11(2))

Rockhampton—central business district

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Rockhampton—Central Park

prov hdg ins 2003 SL No. 325 s 2 sch
s 13 (prev s 8) ins 2002 SL No. 270 s 7(2)
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 amd 2004 SL No. 221 s 2 sch
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prov hdg ins 2003 SL No. 325 s 2 sch
s 14 (prev s 10) ins 2002 SL No. 270 s 7(2)
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s 14A orig s 14A ins 2004 SL No. 246 s 4
 exp 3 December 2004 (see sch 11 s 14A(2))
 prev s 14A ins 2006 SL No. 15 s 4
 om 2006 SL No. 291 s 5

Surfers Paradise—Esplanade

prov hdg ins 2003 SL No. 325 s 2 sch
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s 15 (prev s 1) ins 2000 SL No. 209 s 4
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s 15A ins 2005 SL No. 270 s 4(2)
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s 16B ins 2005 SL No. 90 s 3(2)
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s 16C ins 2005 SL No. 90 s 3(2)
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Townsville—Palmer Street

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s 16E ins 2005 SL No. 90 s 3(2)
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reloc and renum 2003 SL No. 325 s 2 sch
amd 2005 SL No. 90 s 3(1)
om 2006 SL No. 291 s 5

Townsville—Victoria Bridge

s 17A ins 2005 SL No. 90 s 3(2)
om 2006 SL No. 291 s 5

Townsville—West End Park

s 17B ins 2005 SL No. 90 s 3(2)
om 2006 SL No. 291 s 5

SCHEDULE 11A—RELEVANT OFFENCES FOR CHAPTER 13 DISCLOSURE OF INFORMATION PROVISIONS

ins 2006 SL No. 145 s 17
exp 30 June 2007 (see s 17(3))

Child Protection (Offender Reporting) Act 2004

s 1 ins 2006 SL No. 145 s 17'
exp 30 June 2007 (see s 17(3))

Corrective Services Act 2006

s 2 (prev s 3) ins 2006 SL No. 145 s 18(2)
renum and reloc 2006 SL No. 306 s 7(1)
exp 30 June 2007 (see s 17(3))

Criminal Code

s 3 (prev s 2) renum and reloc 2006 SL No. 306 s 7(1)
exp 30 June 2007 (see s 17(3))

Criminal Proceeds Confiscation Act 2002

s 4 (prev s 3) ins 2006 SL No. 145 s 17
renum 2006 SL No. 145 s 18(1)
exp 30 June 2007 (see s 17(3))

Explosives Act 1999

s 5 (prev s 4) ins 2006 SL No. 145 s 17
renum 2006 SL No. 145 s 18(1)
amd 2006 SL No. 306 s 7(2)
exp 30 June 2007 (see s 17(3))

Juvenile Justice Act 1992

s 6 (prev s 5) ins 2006 SL No. 145 s 17
renum 2006 SL No. 145 s 18(1)
exp 30 June 2007 (see s 17(3))

Terrorism (Preventative Detention) Act 2005

- s 7** (prev s 6) ins 2006 SL No. 145 s 17
 renum 2006 SL No. 145 s 18(1)
 amd 2006 SL No. 306 s 7(3) (amdt could not be given effect)
 exp 30 June 2007 (see s 17(3))

Weapons Act 1990

- s 8** (prev s 7) ins 2006 SL No. 145 s 17
 renum 2006 SL No. 145 s 18(1)
 amd 2006 SL No. 306 s 7(4)
 exp 30 June 2007 (see s 17(3))

SCHEDULE 12—DICTIONARY

- (prev sch 9) renum 2003 SL No. 355 s 8
 def “**applicant**” om 2006 SL No. 291 s 6
 def “**crime scene index**” ins 2003 SL No. 355 s 7
 def “**extended declaration**” om 2006 SL No. 291 s 6
 def “**interceptor**” om 2004 SL No. 5 s 12
 def “**intimate procedure**” ins 2004 SL No. 297 s 9
 def “**missing persons index**” ins 2003 SL No. 355 s 7
 def “**New South Wales Crime Commission**” amd 2004 SL No. 221 s 2 sch
 def “**non-intimate procedure**” ins 2004 SL No. 297 s 9
 def “**non-volunteers (NT) index**” ins 2004 SL No. 297 s 9
 def “**NT database**” ins 2004 SL No. 297 s 9
 def “**serious offenders index**” ins 2003 SL No. 355 s 7
 def “**statistical index**” ins 2004 SL No. 221 s 2 sch
 def “**suspect**” om 2004 SL No. 5 s 12
 def “**suspects index**” ins 2003 SL No. 355 s 7
 def “**temporary declaration**” om 2006 SL No. 291 s 6
 def “**unknown deceased persons index**” ins 2003 SL No. 355 s 7
 def “**volunteers (limited purpose) index**” ins 2003 SL No. 355 s 7
 def “**volunteers (NT) index**” ins 2004 SL No. 297 s 9
 def “**volunteers (unlimited purpose) index**” ins 2003 SL No. 355 s 7