



Queensland

*Police Powers and Responsibilities Act 2000*

# Police Powers and Responsibilities Regulation 2000

Reprinted as in force on 17 September 2012

Reprint No. 6E

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This regulation is reprinted as at 17 September 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

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.**

## Spelling

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Queensland

# Police Powers and Responsibilities Regulation 2000

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	7
2	Commencement . . . . .	7
3	Dictionary . . . . .	7
<b>Part 2A</b>	<b>Forensic procedure provisions</b>	
<b>Division 1</b>	<b>QDNA indexes</b>	
8C	QDNA indexes . . . . .	7
8D	Crime scene index . . . . .	8
8E	Missing persons index . . . . .	8
8F	Serious offenders index . . . . .	9
8G	Suspects index . . . . .	9
8H	Unknown deceased persons index . . . . .	9
8I	Volunteers (limited purpose) index . . . . .	10
8J	Volunteers (unlimited purpose) index . . . . .	11
8K	Statistical index . . . . .	11
<b>Division 2</b>	<b>Northern Territory database indexes</b>	
8KA	Definitions for div 2 . . . . .	12
8KB	Non-volunteers (NT) index . . . . .	12
8KC	Volunteers (NT) index . . . . .	12
<b>Division 3</b>	<b>Permissible comparisons</b>	
8L	Table of permissible comparisons . . . . .	13
8M	Exemption . . . . .	13
<b>Part 2B</b>	<b>Provisions for Act, ss 604–607</b>	
8N	Declared localities—Act, s 604 . . . . .	14
8O	Particulars for register under Act, s 605 . . . . .	14

Contents

---

<b>Part 3</b>	<b>Other provisions</b>	
9	Relevant laws . . . . .	15
10	Prescribed circumstances for requiring name and address . . . . .	15
10A	Prescribed way of giving directions to regulate traffic . . . . .	15
10B	Declared sections for Act, s 69A, definition type 2 vehicle related offence, paragraph (e) . . . . .	16
10C	Application of Act, ch 4 to type 2 vehicle related offences—Act, s 73A(3) . . . . .	17
11	Corresponding laws . . . . .	17
12	Acts restricting starting of proceedings . . . . .	17
13	Declared agencies . . . . .	17
14	Legal aid organisations . . . . .	17
15	Relevant diseases . . . . .	18
16	Responsibilities code . . . . .	18
16A	Amendment of regulation . . . . .	18
45A	Detentions under the Domestic and Family Violence Protection Act 2012 . . . . .	18
<b>Part 4</b>	<b>Transitional regulations for relevant offences for surveillance device warrants</b>	
<b>Schedule 1</b>	<b>Table of permissible comparisons . . . . .</b>	<b>21</b>
<b>Schedule 2</b>	<b>Relevant laws . . . . .</b>	<b>23</b>
<b>Schedule 3</b>	<b>Acts for which name and address may be required . . . . .</b>	<b>24</b>
<b>Schedule 4</b>	<b>Traffic signals . . . . .</b>	<b>25</b>
<b>Schedule 5</b>	<b>Corresponding laws . . . . .</b>	<b>28</b>
<b>Schedule 6</b>	<b>Acts restricting starting of proceedings . . . . .</b>	<b>30</b>
<b>Schedule 7</b>	<b>Declared agencies . . . . .</b>	<b>31</b>
<b>Schedule 8</b>	<b>Legal aid organisations . . . . .</b>	<b>33</b>
<b>Schedule 9</b>	<b>Relevant diseases . . . . .</b>	<b>34</b>
<b>Schedule 10</b>	<b>Responsibilities code . . . . .</b>	<b>35</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	35
2	Code does not generally apply to covert operations . . . . .	35
2A	Definitions . . . . .	35
<b>Part 2</b>	<b>Provisions about search warrants, obtaining documents, and crime scenes</b>	
<b>Division 1</b>	<b>Search warrants</b>	
3	Search warrant application . . . . .	35

4	Statement to accompany copy of search warrant . . . . .	38
<b>Division 2</b>	<b>Post-search approval</b>	
5	Post-search approval application . . . . .	38
6	Appeal . . . . .	40
<b>Division 3</b>	<b>Crime scenes</b>	
7	Who is an authorised assistant for crime scene powers . . . . .	40
8	Crime scene warrant application . . . . .	41
9	Crime scene warrant extension application . . . . .	42
10	Statement to accompany copy of crime scene warrant . . . . .	42
<b>Division 4</b>	<b>Production notices</b>	
11	Production notice application . . . . .	43
12	Access order application . . . . .	44
<b>Division 5</b>	<b>Production orders</b>	
13	Production order application. . . . .	45
<b>Part 3</b>	<b>Covert evidence gathering powers</b>	
<b>Division 1</b>	<b>Monitoring orders and suspension orders</b>	
14	Monitoring order and suspension order application . . . . .	46
<b>Division 2</b>	<b>Use of surveillance devices under surveillance warrants</b>	
15	Applications to Supreme Court judge to be made with help of lawyer . . . . .	48
22	Security of facilities used under a surveillance device warrant . .	48
<b>Division 3</b>	<b>Covert search</b>	
25	Applications to be made with help of lawyer. . . . .	49
26	Covert search warrant application . . . . .	49
27	Covert search warrant extension application . . . . .	50
28	Report on covert search. . . . .	51
<b>Part 4</b>	<b>Arrest and custody powers</b>	
30	DNA sample order application—child. . . . .	52
31	Disease test order application . . . . .	52
<b>Part 5</b>	<b>Powers and responsibilities relating to investigations and questioning for indictable offences</b>	
<b>Division 1</b>	<b>Questioning relevant persons about indictable offences</b>	
32	Application of div 1 . . . . .	53
33	Asking persons to attend for questioning . . . . .	54
34	Right to communicate with friend, relative or lawyer . . . . .	55
35	Right to remain silent not affected . . . . .	56

Contents

---

36	Questioning of Aboriginal people and Torres Strait Islanders . . .	57
37	Cautioning relevant persons about the right to silence. . . . .	58
38	Provision of information relating to a relevant person. . . . .	59
39	Right to interpreter . . . . .	60
40	Right of visiting foreign national to communicate with embassy etc. . . . .	60
41	Rights of a person to be electronically recorded . . . . .	61
42	Procedure for reading back a written record . . . . .	61
<b>Division 2</b>	<b>Questioning etc. of persons detained</b>	
43	Removal order application . . . . .	62
44	Detention period extension application . . . . .	63
<b>Division 3</b>	<b>Provisions about support persons</b>	
44A	Ensuring support persons understand role . . . . .	65
<b>Part 6</b>	<b>Powers in relation to persons in custody</b>	
<b>Division 1</b>	<b>General requirements for witness identification</b>	
45	Management of witnesses during identification procedure . . . . .	66
<b>Division 2</b>	<b>Identification parades</b>	
46	Application of div 2 . . . . .	67
47	Recording of identification parade . . . . .	67
48	Explanation of procedure . . . . .	67
49	Identification parade conditions . . . . .	68
50	Conducting the identification parade . . . . .	68
51	Use of suitable persons in the identification parade. . . . .	69
<b>Division 3</b>	<b>Identification using photographs</b>	
52	General requirements for identification using photographs . . . . .	69
53	Conducting a photoboard identification . . . . .	69
<b>Part 7</b>	<b>The register</b>	
54	Searches of persons . . . . .	70
55	Searches of vehicles . . . . .	71
56	Searches of places other than vehicles . . . . .	71
57	Arrests and detentions . . . . .	72
58	Search warrants . . . . .	72
59	Production notices . . . . .	73
60	Production orders . . . . .	73
61	Monitoring orders and suspension orders . . . . .	74
64	Things seized other than during a search . . . . .	75

---

65	Directions given . . . . .	75
65A	Exclusions of support persons from questioning . . . . .	76
<b>Part 8</b>	<b>Dealing with things in the possession of police service</b>	
66	Receipt for seized property . . . . .	76
67	Functions of property officer. . . . .	77
68	Order after property seized . . . . .	78
<b>Schedule 12</b>	<b>Dictionary . . . . .</b>	<b>79</b>
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	80
2	Date to which amendments incorporated. . . . .	80
3	Key . . . . .	80
4	Table of reprints . . . . .	81
5	List of legislation. . . . .	83
6	List of annotations . . . . .	88





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# Police Powers and Responsibilities Regulation 2000

[as amended by all amendments that commenced on or before 17 September 2012]

## 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, definition *QDNA index*—

[s 8D]

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- (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; 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—

[s 8I]

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

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**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.

[s 8KA]

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## **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.

### **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.

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## **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—

[s 8N]

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- (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 604 of the Act—

- (a) “Place of Safety Trial” Map 1 Mount Isa;
- (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.

*Editor’s note—*

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.

### **8O       Particulars for register under Act, s 605**

For section 605 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
    - (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.
- (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).

### **10A                      Prescribed way of giving directions to regulate traffic**

- (1) This section applies in relation to the giving of directions under section 59 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—

[s 10B]

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- (a) by giving the driver or pedestrian an appropriate signal;  
or
  - (b) by displaying a sign.
- (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 whole State.

**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 799 applies.

**13 Declared agencies**

- (1) Each entity mentioned in schedule 7 is a declared agency for the Act, schedule 6, 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*.

[s 15]

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## **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.

## **45A Detentions under the Domestic and Family Violence Protection Act 2012**

The following information about an enforcement act consisting of the detention of a person under the *Domestic and Family Violence Protection Act 2012*, part 4, division 3 must be included in the register of enforcement acts—

- (a) the name and address of the person;
- (b) when the person was detained;
- (c) the name, rank, registered number, if any, and station of the police officer who took the person into custody;
- (d) the grounds the police officer has for suspecting the matters mentioned in the *Domestic and Family Violence Protection Act 2012*, section 116;
- (e) if the *Domestic and Family Violence Protection Act 2012*, section 119(2)(a), (b) or (c) applies—the grounds for the police officer's reasonable belief as mentioned in that subsection;

- 
- (f) if an application is made under the *Domestic and Family Violence Protection Act 2012*, section 121—the grounds on which the application was made, when the application was made, and the results of the application;
  - (g) each place to which the person is taken to or held for the detention, and when;
  - (h) any apparent injury the person received during the detention;
  - (i) if the *Domestic and Family Violence Protection Act 2012*, section 119(2)(a) applies—the date and time at which arrangements to safeguard the aggrieved were completed;
  - (j) if the *Domestic and Family Violence Protection Act 2012*, section 119(2)(b) applies—the date and time at which the police officer reasonably believed the person was capable of understanding the nature and effect of the document mentioned in that subsection;
  - (k) if the *Domestic and Family Violence Protection Act 2012*, section 119(2)(c) applies—the date and time at which the police officer reasonably believed the person's behaviour no longer presented a continuing danger of personal injury or property damage;
  - (l) when the person was released from custody;
  - (m) if the *Domestic and Family Violence Protection Act 2012*, section 127(1) applies—each place the person is taken for treatment, and the date and time the person is taken to each place;
  - (n) if the *Domestic and Family Violence Protection Act 2012*, section 127(2) applies—the date, time and place at which the person is released from custody;
  - (o) if the *Domestic and Family Violence Protection Act 2012*, section 128 applies—the date, time and place of safety at which the person is released from custody, and the name of the person at the place who gave a signed undertaking to provide care for the person.

[s 45A]

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## **Part 4**

# **Transitional regulations for relevant offences for surveillance device warrants**

# Schedule 1 Table of permissible comparisons

section 8L

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
	<b>Crime scene</b>	<b>Suspect</b>	<b>Volunteer (limited purpose)</b>	<b>Volunteer (unlimited purpose)</b>	<b>Serious offender</b>	<b>Missing person</b>	<b>Unknown deceased person</b>	<b>Non-volunteers (NT) index</b>	<b>Volunteers (NT) index</b>	
crime scene	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	yes
suspect	yes	yes	if within purpose	yes	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	if within purpose
volunteer (unlimited purpose)	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	yes
serious offender	yes	yes	if within purpose	yes	yes	yes	yes	yes	yes	yes

Schedule 1

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



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## 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 and Rooming Accommodation Act 2008*

*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*

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## Schedule 4 Traffic signals

section 10A

### 1 Stop signal for person facing signal Figure 1

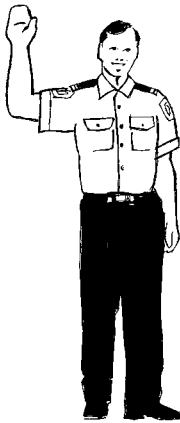


figure 1(a)  
from the front

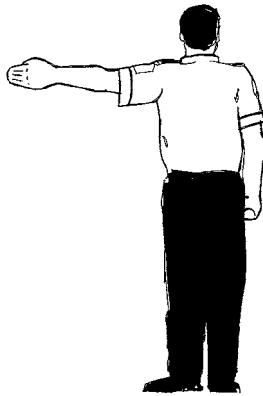


figure 1(b)  
from the rear



figure 1(c)  
from left side



figure 1(d)  
from right side

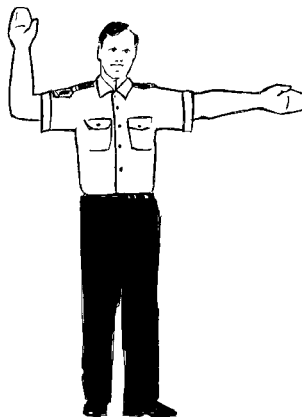


figure 1(e)  
combination from front and rear

**2 Proceed signal for person facing signal**

Figure 2

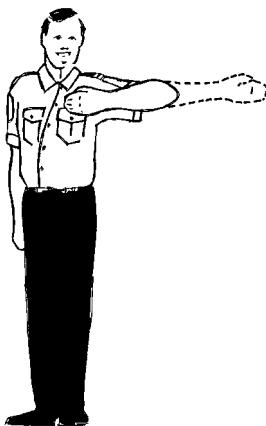


figure 2(a)  
from left side

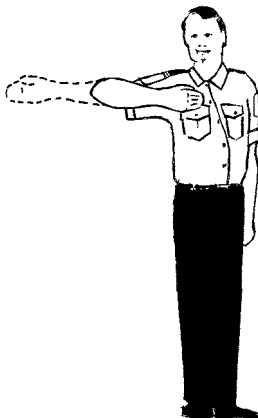


figure 2(b)  
from right side

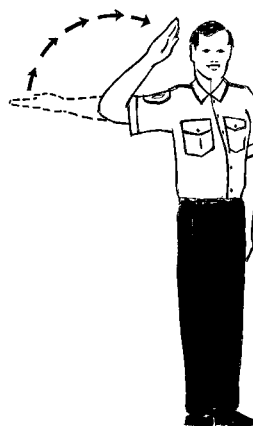


figure 2(c)  
from right side

**3 Signal to stop at place indicated for person facing signal**

Figure 3



figure 3(a)  
in front



figure 3(b)  
behind

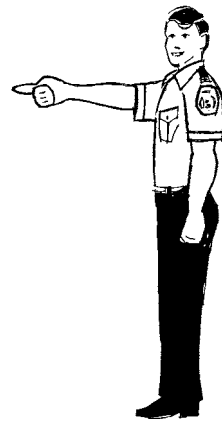


figure 3(c)  
at kerb etc.

## **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)*

*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*



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## 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.

- 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.

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## **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 warrant must state the following—

Schedule 10

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- (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 relates—
  - (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;

*Editor's note—*

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

- (h) if authority to exercise any of the following powers is being sought—why it is necessary to exercise the power—

- 
- (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 documents—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.

*Editor's note—*

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

*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.

*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.

*Editor's note—*

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

#### **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 warrant 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.

*Editor's note—*

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

## **Division 2 Post-search approval**

### **5 Post-search approval application**

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



- 
- (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 offence 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;

*Editor's note—*

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

- (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, for the retention, disposal, return or destruction of anything seized is sought, why the order should be made.

*Editor's note—*

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

## **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.

*Editor's note—*

See the Act, section 163 (Appeal).

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

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## 8 Crime scene warrant application

An application for a crime scene warrant 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;
- (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;
- (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.

*Editor's note—*

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

## **9 Crime scene warrant extension application**

An application for the extension of a crime scene warrant 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.

*Editor's note—*

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

## **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 warrant must state the following—

- (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.

*Editor's note—*

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

## **Division 4                      Production notices**

### **11            Production notice application**

An application for a production notice 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;

*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 relates—
  - (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.

*Editor's note—*

See the Act, section 180 (Production notices).

## **12 Access order application**

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

*Editor's note—*

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

- (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 order 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;
- (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 relates—
  - (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.

*Editor's note—*

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

## **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 order must state the following—

- (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 person—
- (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.

*Editor's note—*

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

## **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—
  - (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;
- (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—

- (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;
- (f) a description of any order sought in relation to anything seized or photographed under the warrant and the reason for the order.

*Examples of an order—*

- an order that anything seized and any photograph taken be retained for the purpose of the investigation of the organised crime related offence or another serious indictable offence
- an order that anything seized and any photograph taken be retained for the purpose of a proceeding started under the *Criminal Proceeds Confiscation Act 2002* relating to an offence arising out of the investigation
- an order that anything seized and any photograph taken be retained for use as evidence in the prosecution of the persons named in the application

- an order that a thing seized be destroyed in a way the commissioner considers appropriate

## **Part 4**

### **Arrest and custody powers**

#### **30 DNA sample order application—child**

An application for an order of a Childrens Court authorising a DNA sampler to take a DNA sample from a child for DNA analysis must state the following—

- (a) the applicant's name, rank, registered number and station;
- (b) the name of the child;
- (c) a stated indictable offence has been committed;
- (d) information or evidence that may be relied on to support a reasonable suspicion that the child has committed the indictable offence;
- (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.

*Editor's note—*

Applications are made under the Act, section 488 (Taking DNA sample from child).

#### **31 Disease test order application**

An application for a disease test order 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.

*Editor's note—*

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

## **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).

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, 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?’.

*Editor’s note—*

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

- (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.

*Editor's note—*

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

### **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—
  - (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 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'.

*Editor's note—*

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

- (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.

*Editor’s note—*

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

### **37 Cautioning relevant persons about the right to silence**

- (1) A police officer must caution a relevant person about the person’s right to silence 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?’.

*Editor’s note—*

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

- (2) If the police officer reasonably suspects the relevant person does not understand the caution, the police officer may ask the

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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—
  - (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.

*Editor's note—*

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

- (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.

*Editor's note—*

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

- (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.

### **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.

*Editor's note—*

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

- (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.

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- (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.

*Editor’s note—*

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

- (2) The police officer must make the record as if the Act, section 437 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.

*Editor’s note—*

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

- (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.
- (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 order 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;



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- (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 questioning the person or the investigation of the offence.

*Editor's note—*

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

#### **44 Detention period extension application**

- (1) An application by a police officer for the extension of a detention period 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.

*Editor's note—*

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

- (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* or the *Youth Justice Act 1992* for an offence that has not been decided or under a sentence for a term of imprisonment or, for a child, a detention order;  
*Editor's note—*  
Now see the *Corrective Services Act 2006*, section 470.
    - (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;

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- (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—
- (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 430 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.

## **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.

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- (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.

## **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;
  - (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.

#### **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
    - (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;
- (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 questioning or a relevant person under section 415 of the Act must be included in the register of enforcement acts—

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

*Editor's note—*

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

## **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.

## 59 Production notices

The following information about a production notice 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.

*Editor's note—*

See the Act, section 180 (Production notices).

## 60 Production orders

The following information about a production order 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;
- (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.

*Editor's note—*

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

## **61 Monitoring orders and suspension orders**

The following information about applications for monitoring orders or suspension orders 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 serious crime derived property in relation to which the order was issued.

*Editor's note—*

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

#### **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 48 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 5 must be included in the register of enforcement acts—

- (a) the excluded person's name;
- (b) when and why the person was excluded;
- (c) whether an electronic record was made of the reason for the exclusion and if not, why not;
- (d) if questioning resumed after the person's exclusion—when questioning resumed;
- (e) if another support person was present during questioning when questioning resumed—that person's name.

## **Part 8 Dealing with things in the possession of police service**

### **66 Receipt for seized property**

A receipt given for a thing seized must include the following—

- (a) the date and time the thing was seized;
- (b) if taken from a person—the name, address and telephone contact number of the person, if known;
- (c) if taken from an occupied place—the name, address and telephone contact number of the occupier of the place, if known;
- (d) a description of the thing seized;
- (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.

*Editor's note—*

See the Act, section 622 (Receipt for seized property).

## **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 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 695 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.



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## 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

	Page
2 Date to which amendments incorporated . . . . .	80
3 Key . . . . .	80
4 Table of reprints . . . . .	81
5 List of legislation . . . . .	83
6 List of annotations . . . . .	88

### 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 17 September 2012. 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

Police Powers and Responsibilities Regulation 2000

Endnotes

Reprint No.	Amendments included	Effective	Notes
3H	2004 SL No. 272	10 December 2004	
3I	2004 SL No. 297	17 December 2004	
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	
6B	2008 SL No. 176	1 July 2008	
6C	2008 Act No. 73	1 July 2009	
6D	2009 Act No. 34	29 March 2010	
6E	2012 Act No. 5	17 September 2012	

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## 5 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 31 August 2013 (see SIA s 56A(2) and SIR s 4 sch 2 pt 2)

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 date of 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 (amtds 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

Endnotes

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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.

**Police Powers and Responsibilities Amendment Regulation (No. 1) 2008 SL No. 176**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

Note—An explanatory note was prepared.

**Residential Tenancies and Rooming Accommodation Act 2008 No. 73 ss 1–2, 55A sch 1**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 40)

**Juvenile Justice and Other Acts Amendment Act 2009 No. 34 ss 1, 2(2), 45(1) sch pt 1 amdt 28**

date of assent 17 September 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 29 March 2010 (2010 SL No. 37)

**Domestic and Family Violence Protection Act 2012 No. 5 ss 1–2, pt 11 div 4**

date of assent 17 February 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 17 September 2012 (see s 2)

## 6 List of annotations

### Dictionary

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

### PART 2—NOTIFIED AREAS

pt hdg om 2006 SL No. 291 s 3

### Applying for notified area declaration

s 4 amd 2001 SL No. 133 s 3; 2005 SL No. 299 s 3

om 2006 SL No. 291 s 3

### Content of approved form

s 5 amd 2002 SL No. 270 s 4

om 2006 SL No. 291 s 3

### Steps before applying for a temporary declaration

s 6 om 2006 SL No. 291 s 3

**Steps before applying for an extended declaration**

s 7           amd 2005 SL No. 299 s 4  
              om 2006 SL No. 291 s 3

**Information to be included in notice**

s 8           om 2006 SL No. 291 s 3

**Extension of period for which an area is a notified area**

s 8A          ins 2001 SL No. 133 s 5  
              om 2006 SL No. 291 s 3

**Declaration of notified areas—Act, s 41**

s 8B          (prev s 8A) ins 2000 SL No. 209 s 3  
              sub 2001 SL No. 53 s 4  
              renum 2001 SL No. 133 s 4  
              amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 4  
              om 2006 SL No. 291 s 3

**PART 2A—FORENSIC PROCEDURE PROVISIONS****Division 1—QDNA indexes**

div hdg      ins 2004 SL No. 297 s 3

**QDNA indexes**

s 8C          ins 2003 SL No. 355 s 4

**Crime scene index**

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

**Missing persons index**

s 8E          ins 2003 SL No. 355 s 4  
              amd 2006 SL No. 145 s 10 sch

**Serious offenders index**

s 8F          ins 2003 SL No. 355 s 4  
              amd 2005 SL No. 226 s 3; 2006 SL No. 145 s 10 sch

**Suspects index**

s 8G          ins 2003 SL No. 355 s 4  
              amd 2006 SL No. 145 s 10 sch

**Unknown deceased persons index**

s 8H          ins 2003 SL No. 355 s 4  
              amd 2006 SL No. 145 s 10 sch

**Volunteers (limited purpose) index**

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

**Volunteers (unlimited purpose) index**

prov hdg    amd 2004 SL No. 297 s 6(1)  
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

Endnotes

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**Statistical index**

**s 8K** ins 2003 SL No. 355 s 4  
amd 2006 SL No. 145 s 10 sch

**Division 2—Northern Territory database indexes**

**div 2 (ss 8KA–8KC)** ins 2004 SL No. 297 s 7

**Division 3—Permissible comparisons**

**div hdg** ins 2004 SL No. 297 s 7

**Table of permissible comparisons**

**s 8L** ins 2003 SL No. 355 s 4  
amd 2006 SL No. 145 s 10 sch

**Exemption**

**s 8M** ins 2003 SL No. 355 s 4  
amd 2006 SL No. 145 s 10 sch

**PART 2B—PROVISIONS FOR ACT, ss 604–607**

**pt hdg** prev pt 2B hdg ins 2004 SL No. 95 s 4  
exp 30 June 2005 (see prev s 8P)  
pres pt 2B hdg ins 2005 SL No. 167 s 3  
amd 2007 SL No. 179 s 4

**Declared localities—Act, s 604**

**s 8N** prev s 8N ins 2004 SL No. 95 s 4  
exp 30 June 2005 (see prev s 8P)  
pres s 8N ins 2005 SL No. 167 s 3  
amd 2006 SL No. 131 s 4

**Particulars for register under Act, s 605**

**s 8O** prev s 8O ins 2004 SL No. 95 s 4  
exp 30 June 2005 (see prev s 8P)  
pres s 8O ins 2005 SL No. 167 s 3

**Extension of operation of ss 604–608 of Act—Act, s 608**

**s 8P** prev s 8P ins 2004 SL No. 95 s 4  
exp 30 June 2005 (see prev s 8P)  
pres s 8P ins 2005 SL No. 84 s 4  
amd 2006 SL No. 131 s 5; 2006 SL No. 306 s 3  
om 2007 SL No. 179 s 5

**Expiry of part**

**s 8Q** ins 2005 SL No. 84 s 4  
amd 2006 SL No. 131 s 6; 2006 SL No. 306 s 4  
om 2007 SL No. 179 s 5

**Relevant laws**

**s 9** amd 2003 SL No. 355 s 3 sch

**Prescribed circumstances for requiring name and address**

**s 10** amd 2003 SL No. 355 s 3 sch

**Prescribed way of giving directions to regulate traffic**

**s 10A** ins 2003 SL No. 356 s 3

amd 2003 SL No. 355 s 3 sch

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

**s 10B** ins 2006 Act No. 57 s 45

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

**s 10C** ins 2007 SL No. 291 s 4  
amd 2008 SL No. 176 s 4

**Corresponding laws**

**s 11** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 5  
sub 2006 SL No. 145 s 11

**Acts restricting starting of proceedings**

**s 12** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 6

**Declared agencies**

**prov hdg** sub 2006 SL No. 145 s 12

**s 13** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 7; 2006 SL No. 145 s 12

**Legal aid organisations**

**s 14** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 8

**Relevant diseases**

**s 15** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 9

**Responsibilities code**

**s 16** amd 2003 SL No. 355 s 3 sch; 2004 SL No. 5 s 10

**Amendment of regulation**

**s 16A** ins 2006 SL No. 291 s 4

**Detentions under the Domestic and Family Violence Protection Act 2012**

**s 45A** ins 2012 Act No. 5 s 229

**PART 4—TRANSITIONAL REGULATIONS FOR RELEVANT OFFENCES FOR SURVEILLANCE DEVICE WARRANTS**

**pt hdg** prev pt 4 hdg om R1 (see RA s 40)  
pres pt 4 hdg ins 2006 SL No. 145 s 13

**Relevant offences for Act, s 351**

**s 17** orig s 17 om R1 (see RA s 40)  
prev s 17 ins 2006 SL No. 145 s 13  
exp 30 June 2007 (see s 17(3))

**Regulation amended in pt 4**

**s 18** om R1 (see RA s 40)

**SCHEDULE 1—TABLE OF PERMISSIBLE COMPARISONS**

ins 2003 SL No. 355 s 9  
sub 2004 SL No. 297 s 8

**SCHEDULE 2—RELEVANT LAWS**

(prev sch 1) amd 2002 SL No. 131 s 3; 2002 SL No. 270 s 5

Endnotes

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renum 2003 SL No. 355 s 8  
amd 2004 SL No. 119 s 14 sch 3; 2004 SL No. 221 s 2 sch; 2005 SL No. 143 s  
4

**SCHEDULE 3—ACTS FOR WHICH NAME AND ADDRESS MAY BE  
REQUIRED**

(prev sch 2) amd 2002 SL No. 270 s 6; 2003 SL No. 354 s 3  
renum 2003 SL No. 355 s 8  
amd 2004 SL No. 119 s 14 sch 3; 2004 SL No. 221 s 2 sch; 2004 SL No. 272 s  
10; 2006 SL No. 145 s 10 sch; 2008 Act No. 73 s 554 sch 1

**SCHEDULE 4—TRAFFIC SIGNALS**

(prev sch 2A) ins 2003 SL No. 356 s 5  
renum 2003 SL No. 355 s 8

**SCHEDULE 5—CORRESPONDING LAWS**

(prev sch 3) renum 2003 SL No. 355 s 8  
amd 2006 SL No. 15 s 3  
sub 2006 SL No. 145 s 14

**SCHEDULE 6—ACTS RESTRICTING STARTING OF PROCEEDINGS**

(prev sch 4) amd 2001 SL No. 267 s 14 sch 4; 2001 SL No. 269 s 10 sch 3;  
2002 SL No. 80 s 10 sch 3; 2002 SL No. 82 s 60 sch 2; 2002 SL No. 131 s  
4  
renum 2003 SL No. 355 s 8  
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

**SCHEDULE 7—DECLARED AGENCIES**

**sch hdg** amd 2006 SL No. 145 s 15  
**sch 7** (prev sch 5) amd 2002 SL No. 131 s 5; 2003 SL No. 6 s 3; 2003 SL No. 355 s  
5  
renum 2003 SL No. 355 s 8

**SCHEDULE 8—LEGAL AID ORGANISATIONS**

(prev sch 6) renum 2003 SL No. 355 s 8

**SCHEDULE 9—RELEVANT DISEASES**

(prev sch 7) amd 2003 SL No. 356 s 4  
renum 2003 SL No. 355 s 8

**SCHEDULE 10—RESPONSIBILITIES CODE**

(prev sch 8) renum 2003 SL No. 355 s 8

**Definitions**

**s 2A** ins 2004 SL No. 5 s 11  
def “**interceptor**” om 2006 SL No. 306 s 6(1)

**Search warrant application**

**s 3** amd 2003 SL No. 354 s 4

**Who is an authorised assistant for crime scene powers**

**s 7** amd 2005 SL No. 299 s 5(1)

**Production notice application**

s 11 amd 2003 SL No. 354 s 5; 2005 SL No. 299 s 5(2)–(3)

**Production order application**

s 13 amd 2003 SL No. 354 s 6

**PART 3—COVERT EVIDENCE GATHERING POWERS****Division 1—Monitoring orders and suspension orders**

div hdg sub 2003 SL No. 354 s 7

**Monitoring order and suspension order application**

prov hdg sub 2003 SL No. 354 s 8(1)

s 14 amd 2003 SL No. 354 s 8(2)–(5)

**Surveillance warrant application—Supreme Court judge**

s 16 amd 2005 SL No. 299 s 5(4)–(6)

om 2006 SL No. 145 s 16(1)

**Surveillance warrant application—Magistrate**

s 17 amd 2005 SL No. 299 s 5(7)–(8)

om 2006 SL No. 145 s 16(1)

**Surveillance warrant extension application**

s 18 om 2006 SL No. 145 s 16(1)

**Approval of emergency use of surveillance devices application**

s 19 om 2006 SL No. 145 s 16(1)

**Powers relating to use of surveillance device**

s 20 amd 2004 SL No. 221 s 2 sch

om 2006 SL No. 145 s 16(1)

**Report on activities under a surveillance warrant**

s 21 om 2006 SL No. 145 s 16(1)

**Security of facilities used under a surveillance device warrant**

prov hdg amd 2006 SL No. 145 s 16(2)

s 22 amd 2006 SL No. 145 s 16(3)–(5)

**Storage of recordings made under a surveillance warrant**

s 23 om 2006 SL No. 145 s 16(1)

**Destruction of recordings made under a surveillance warrant**

s 24 om 2006 SL No. 145 s 16(1)

**Covert search warrant application**

s 26 amd 2005 SL No. 143 s 6; 2006 SL No. 145 s 16(6)–(7)

**Report on covert search**

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

**Medical or dental procedure order application**

s 29 om 2003 SL No. 355 s 6(1)

Endnotes

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**DNA sample order application—child**

s 30 amd 2003 SL No. 355 s 6(2)

**PART 5—POWERS AND RESPONSIBILITIES RELATING TO INVESTIGATIONS AND QUESTIONING FOR INDICTABLE OFFENCES**

**Questioning of Aboriginal people and Torres Strait Islanders**

s 36 amd 2004 SL No. 221 s 2 sch

**Detention period extension application**

s 44 amd 2002 SL No. 131 s 6; 2009 Act No. 34 s 45(1) sch pt 1 amdt 28

**Division 3—Provisions about support persons**

div 3 (s 44A) ins 2005 SL No.143 s 7

**Arrests and detentions**

s 57 amd 2004 SL No. 221 s 2 sch

**Search warrants**

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

**Production notices**

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

**Production orders**

s 60 amd 2003 SL No. 354 s 11

**Monitoring orders and suspension orders**

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

s 61 amd 2003 SL No. 354 s 12(2)–(3)

**Surveillance warrants**

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

**Disclosure of information about covert acts**

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

**Exclusions of support persons from questioning**

s 65A ins 2005 SL No.143 s 8

**Functions of property officer**

s 67 amd 2006 SL No. 145 s 10 sch

**SCHEDULE 11—NOTIFIED AREAS**

(prev sch 8A) amd 2001 SL No. 133 s 6(1)

renum 2003 SL No. 355 s 8

amd 2003 SL No. 355 s 3 sch (amdt could not be given effect)

om 2006 SL No. 291 s 5

**Boyne Island—Bray Park**

prov hdg ins 2003 SL No. 325 s 2 sch

s 1 (prev s 3) ins 2001 SL No. 162 s 4

amd 2003 SL No. 208 s 4; 2003 SL No. 325 s 2 sch

reloc and renum 2003 SL No. 325 s 2 sch

amd 2005 SL No. 226 s 4(1)



om 2006 SL No. 291 s 5

**Brisbane—City**

**s 1A** orig s 1A ins 2003 SL No. 286 s 4  
exp 1 December 2003 (see sch 8A s 1A(2))  
prev s 1A ins 2006 SL No. 15 s 4  
om 2006 SL No. 291 s 5

**Brisbane—Goodwill Bridge and area at its South Bank end**

**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  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 211 s 3  
exp 7 October 2006 (see sch 11 s 2(3))

**Burleigh Heads—John Laws Park and Justin Park**

**s 3** ins 2003 SL No. 325 s 4(1)  
amd 2005 SL No. 299 s 6  
om 2006 SL No. 291 s 5

**Cairns—Cairns library**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 4** (prev s 12) ins 2002 SL No. 270 s 7(2)  
amd 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 221 s 2 sch  
exp 27 October 2006 (see sch 11 s 4(2))

**Cairns—in the vicinity of the Esplanade**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 5** (prev s 11) ins 2002 SL No. 270 s 7(2)  
amd 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 221 s 2 sch  
exp 27 October 2006 (see sch 11 s 5(2))

**Kingaroy—bus terminal**

**s 6** ins 2003 SL No. 325 s 4(2)  
amd 2005 SL No. 299 s 6  
om 2006 SL No. 291 s 5

**Kingaroy—civic centre**

**s 7** ins 2003 SL No. 325 s 4(2)  
amd 2005 SL No. 299 s 6  
om 2006 SL No. 291 s 5

**Kingaroy—O'Neill Square**

**s 8** ins 2003 SL No. 325 s 4(2)  
amd 2005 SL No. 299 s 6  
om 2006 SL No. 291 s 5

Endnotes

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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)  
amd 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 225 s 3  
exp 26 October 2006 (see sch 11 s 9(2))

**New Farm—New Farm Park and Brisbane Powerhouse Centre for the Arts**

**s 9A** ins 2006 SL No. 15 s 4  
om 2006 SL No. 291 s 5

**Port Douglas—Esplanade and Jalun Park**

**s 9B** ins 2006 No. 88 s 4  
exp 28 May 2006 (see sch 11 s 9B(2))

**Rockhampton—in the vicinity of the Alexandra Bridge**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 10** (prev s 6) ins 2002 SL No. 270 s 7(2)  
amd 2003 SL No. 251 s 4(1); 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2005 SL No. 257 s 3(1)  
om 2006 SL No. 291 s 5

**Rockhampton—Bencke Park**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 11** (prev s 9) ins 2002 SL No. 270 s 7(2)  
amd 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 221 s 2 sch  
exp 27 October 2006 (see sch 11 s 11(2))

**Rockhampton—central business district**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 12** (prev s 7) ins 2002 SL No. 270 s 7(2)  
amd 2003 SL No. 251 s 4(1); 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2005 SL No. 257 s 3(2)  
om 2006 SL No. 291 s 5

**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)  
amd 2003 SL No. 325 s 2 sch  
reloc and renum 2003 SL No. 325 s 2 sch  
amd 2004 SL No. 221 s 2 sch  
exp 27 October 2006 (see sch 11 s 13(2))

**Rockhampton—Kershaw Gardens**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 14** (prev s 10) ins 2002 SL No. 270 s 7(2)  
 amd 2003 SL No. 325 s 2 sch  
 reloc and renum 2003 SL No. 325 s 2 sch  
 amd 2004 SL No. 221 s 2 sch  
 exp 27 October 2006 (see sch 11 s 14(2))

**South Brisbane—Kurilpa Point**

**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  
 amd 2005 SL No. 270 s 4(1)  
**s 15** (prev s 1) ins 2000 SL No. 209 s 4  
 sub 2001 SL No. 53 s 5  
 amd 2001 SL No. 133 s 6(2); 2002 SL No. 196 s 3; 2003 SL No. 325 s 2 sch  
 reloc and renum 2003 SL No. 325 s 2 sch  
 amd 2004 SL No. 149 s 4  
 exp 10 August 2006 (see sch 11 s 15(2))

**Surfers Paradise—between Esplanade and low water mark**

**s 15A** ins 2005 SL No. 270 s 4(2)  
 exp 2 December 2005 (see sch 11 s 15A(2))

**Tannum Sands—Millennium Esplanade Recreation Area**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 16** (prev s 4) ins 2001 SL No. 162 s 4  
 amd 2002 SL No. 270 s 7(1); 2003 SL No. 208 s 4; 2003 SL No. 325 s 2 sch  
 reloc and renum 2003 SL No. 325 s 2 sch  
 amd 2005 SL No. 226 s 4(2)  
 om 2006 SL No. 291 s 5

**Townsville—Dean Park**

**s 16A** ins 2005 SL No. 90 s 3(2)  
 om 2006 SL No. 291 s 5

**Townsville—Echlin Street and West End Quarry Reserve**

**s 16B** ins 2005 SL No. 90 s 3(2)  
 om 2006 SL No. 291 s 5

**Townsville—Flinders Street**

**s 16C** ins 2005 SL No. 90 s 3(2)  
 om 2006 SL No. 291 s 5

**Townsville—Palmer Street**

**s 16D** ins 2005 SL No. 90 s 3(2)  
 om 2006 SL No. 291 s 5

Endnotes

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**Townsville—Perfume Gardens and Old Magistrates Court**

**s 16E** ins 2005 SL No. 90 s 3(2)  
om 2006 SL No. 291 s 5

**Townsville—The Strand**

**prov hdg** ins 2003 SL No. 325 s 2 sch  
**s 17** (prev s 2) ins 2001 SL No. 53 s 5  
amd 2001 SL No. 133 s 6(3); 2003 SL No. 92 s 4; 2003 SL No. 325 s 2 sch  
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