

Queensland



**JUSTICES (WARRANTS)
AMENDMENT ACT 1996**

Act No. 30 of 1996

Queensland



**JUSTICES (WARRANTS) AMENDMENT
ACT 1996**

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Queensland



Justices (Warrants) Amendment Act 1996

Act No. 30 of 1996

An Act to enable warrants to be created, stored and managed in computers, and for other purposes

[Assented to 18 September 1996]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Justices (Warrants) Amendment Act 1996*.

Act amended

2. This Act amends the *Justices Act 1886*.

Amendment of s 4 (Meaning of terms)

3.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4—

insert—

‘**“approved procedures”**, for computer warrants, see section 67(1).

“computer warrant” see section 67(1).¹’.

Renumbering of ss 65 and 69

4. Sections 65 and 69—

renumber as sections 64 and 65.

Insertion of new pt 4, divs 6A and 6B

5. Part 4—

insert—

¹ Section 67 (Approved procedures for computer warrants)

Division 6A—Procedures for computer warrants**‘Purpose and application of division**

‘66.(1) This division authorises procedures under which computers may be used to create, store and otherwise manage warrants.

‘(2) The objective of the procedures is to reduce the handling of warrants in the form of written documents.

‘(3) For this division, it is immaterial whether a warrant is a type that is issued—

- (a) by a justice or anyone else; or
- (b) under this or another Act.

‘(4) However, the warrant must be of a type prescribed under a regulation.

‘Approved procedures for computer warrants

‘67.(1) A warrant (“**computer warrant**”) may be created in the form of computer stored information under procedures (“**approved procedures**”)—

- (a) prescribed under a regulation; or
- (b) made by the chief executive, by the commissioner of the police service, or jointly by the chief executive and commissioner, and approved under a regulation; or
- (c) partly prescribed under a regulation, and partly made as mentioned in paragraph (b) and approved under a regulation.

‘(2) Approved procedures may include provision for the following—

- (a) the use of computer systems for computer warrants;
- (b) the generation and management of written versions of computer warrants;
- (c) security of, and access to, information about warrants that is kept in computer systems;
- (d) any matter required or permitted to be prescribed under approved

procedures;

- (e) any matter necessary or convenient to be prescribed for carrying out or giving effect to this division.

‘Creation of a computer warrant

‘68.(1) The creation of a computer warrant by a person under the approved procedures has the same effect as the issue of the same type of warrant under the person’s hand.

‘(2) Without limiting subsection (1), a requirement under an Act that a warrant be issued by a person, issued under a person’s hand, or signed by a person, is taken to be complied with if the person creates the warrant as a computer warrant.

‘(3) A computer warrant may be created even though the warrant is authorised under a provision of an Act authorising the issue of a warrant on application made by telephone or other form of distance communication.

‘(4) For a computer warrant mentioned in subsection (3)—

- (a) a requirement that a form or copy of the warrant be completed or made for execution or otherwise may be complied with by making a written version of the warrant or, if the form or copy is made for execution, a document mentioned in section 69B(1)(b); and
- (b) a requirement that the warrant or a form or copy of the warrant be dealt with in a particular way may be complied with by dealing with a written version of the warrant in that way or by completing another process stated in the approved procedures.

Example of paragraph (b)—

A requirement that a form of a warrant be sent to the issuing magistrate may be complied with by sending a written version of the warrant to the magistrate.

‘(5) Subsections (3) and (4) do not limit the application of other provisions of this division to the type of warrant to which the subsections apply or to another type of warrant.

‘Computer version of computer warrant

‘**69.(1)** This section applies to information stored in a computer for a computer warrant.

‘**(2)** The information must include, for the creation of the warrant or any step in the warrant’s use—

- (a) information that would have been included or endorsed on the warrant were the warrant issued in writing; and
- (b) any information prescribed under a regulation.

‘**(3)** The information may include directions and conditions.

‘Written version of computer warrant

‘**69A.(1)** A written version of a computer warrant may be generated under the approved procedures.

‘**(2)** The written version must state the following—

- (a) the time the written version was made;
- (b) the time the written version is taken to be cancelled under subsection (4);
- (c) information that would have been included on the warrant were the warrant issued in writing;
- (d) any information prescribed under a regulation.

‘**(3)** The written version is taken to be an original warrant issued at the time of computer warrant’s creation by the person who created the computer warrant.

‘**(4)** The written version—

- (a) may be cancelled by endorsement of anyone entitled to execute the warrant; and
- (b) is taken to be cancelled 8 hours after it is made, if it has not been executed by that time.

‘**(5)** The making or cancellation of the written version does not affect the existence of the computer warrant.

‘Execution of a computer warrant

‘69B.(1) A computer warrant may be executed by using—

- (a) a written version of the warrant; or
- (b) information about the warrant in another document made under the approved procedures.

‘(2) A document mentioned in subsection (1)(b) used to execute a computer warrant must include information prescribed under a regulation.

‘(3) The execution of a computer warrant by using a document mentioned in subsection (1)(b) has the same effect as if the document were the computer warrant.

‘(4) If anyone is arrested on execution of a computer warrant using a document mentioned in subsection (1)(b), a written version of the warrant, made before or after the execution, must then be dealt with as if the written version of the warrant had been used.

‘(5) In a proceeding before a court in which execution of a computer warrant is relevant—

- (a) a document purporting to be a written version of the warrant certified by the person who made it under the approved procedures is admissible as proof of the warrant it purports to be; and
- (b) unless the court requires a written version to be produced, a document purporting to be a document mentioned in subsection (1)(b), certified under a regulation, is admissible as proof of a warrant it purports to contain information about.

‘Further procedure on execution of warrant

‘69C.(1) If a particular type of warrant is required on execution to be endorsed, returned, filed or otherwise dealt with, the requirement may be complied with for a computer warrant of that type in a way stated in the approved procedures.

Example—

The approved procedures may provide for a return or endorsement to be made by—

- (a) storing information in a computer in a way stated in the procedures; or

- (b) using, in a way stated in the procedures, a document used to execute the warrant or another document.

‘(2) The endorsement, return, filing or other dealing under the procedures has the same effect as if the warrant were endorsed, returned, filed or otherwise dealt with in the way a written warrant would have been dealt with.

Division 6B—Execution of written warrants using electronic copies or a computer document

‘Application of division

‘69D.(1) This division applies to a written warrant issued by a justice or anyone else under any Act.

‘(2) The purpose of this division is to facilitate the execution of written warrants.

‘Facilitation of execution of written warrant

‘69E.(1) A written warrant may be executed by using—

- (a) a copy of the warrant printed from a fax machine or computer; or
- (b) a document prescribed under a regulation containing information about outstanding warrants.

‘(2) The warrant copy mentioned in subsection (1)(a) must contain, in the text printed from the fax machine or computer—

- (a) a certificate of a person using the fax machine or computer to send or make available the copy that the person has seen the original warrant and the copy is a copy of the original warrant; and
- (b) a statement specifying the time the copy was sent or made available.

‘(3) The copy may be used to execute the original warrant for only 8 hours after the specified time.

‘(4) In a proceeding before a court in which execution of the warrant is relevant—

- (a) a document purporting to be a warrant copy mentioned in subsection (1)(a) certified by the person receiving the copy is admissible as proof of the warrant it purports to be; and.
- (b) a document purporting to be a prescribed document mentioned in subsection (1)(b), certified under a regulation, is admissible as proof of the warrants it purports to contain information about.

‘(5) However, the court may require the original warrant to be produced as soon as practicable or at a later specified time.’.