



Queensland

Crime and Corruption Regulation 2015

Subordinate Legislation 2015 No. 80

made under the

Crime and Corruption Act 2001

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Crime and Corruption Regulation 2015*.

2 Commencement

This regulation commences on 1 September 2015.

Part 2 Search warrants, surveillance warrants and covert search warrants

3 Information for search warrant application

For section 86(4)(c) of the Act, the information about any search warrants issued within the previous year that must be included in a search warrant application is as follows—

- (a) when and where the warrant was issued, and the court that issued it;
- (b) the type of major crime or corruption or the confiscation related activity or the qualifying offence or suspected qualifying offence for which the warrant was issued;
- (c) whether any evidence was seized under the warrant;
- (d) whether a proceeding was started because of a search under the search warrant.

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4 Information for surveillance warrant application

For section 121(4)(c) of the Act, the information about any warrants issued within the previous year that must be included in a surveillance warrant application is as follows—

- (a) the type of warrant;
- (b) when and where the warrant was issued, and the court that issued it;
- (c) how long the warrant was in force;
- (d) whether the warrant related to a person or a place;
- (e) the type of major crime or corruption or the confiscation related activity or the qualifying offence or suspected qualifying offence for which the warrant was issued;
- (f) if the warrant was a search warrant or a covert search warrant—
 - (i) any evidence seized under the warrant; and
 - (ii) whether a proceeding was started because of a search under the warrant; and
 - (iii) how the search helped in any investigation;
- (g) if the warrant was a surveillance warrant—
 - (i) whether a proceeding was started because of the use of a surveillance device under the warrant; and
 - (ii) how any surveillance under the warrant helped in any investigation.

5 Information for covert search warrant application

For section 148(3)(d) of the Act, the information about any warrants issued within the previous year that must be included in a covert search warrant application is as follows—

- (a) the type of warrant;
- (b) when and where the warrant was issued, and the court that issued it;

- (c) how long the warrant was in force;
- (d) whether the warrant related to a person or a place;
- (e) the type of major crime or corruption or the confiscation related activity or the qualifying offence or suspected qualifying offence for which the warrant was issued;
- (f) if the warrant was a search warrant or a covert search warrant—
 - (i) any evidence seized under the warrant; and
 - (ii) whether a proceeding was started because of a search under the warrant; and
 - (iii) how the search helped in any investigation;
- (g) if the warrant was a surveillance warrant—
 - (i) whether a proceeding was started because of the use of a surveillance device under the warrant; and
 - (ii) how any surveillance under the warrant helped in any investigation.

6 Report on covert search

A report under section 156(1) of the Act on the exercise of the powers under a covert search warrant must state the following—

- (a) the name of the person who prepared the report and, if the person is a police officer, the officer's rank and registered number;
- (b) if and when powers were exercised under the warrant;
- (c) the facts and circumstances of compliance with the warrant and its conditions;
- (d) particulars of anything seized, photographed, inspected or tested under the warrant;
- (e) a description of any order sought in relation to anything seized or photographed under the warrant and the reason for the order.

- (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 financial institution is to be required to give.

8 Information for suspension order application

- (1) For section 119I(2)(b)(ii) of the Act, the information about any suspension orders issued within the previous year that must be included in an application for a suspension order is as follows—
 - (a) when and where the order was issued;
 - (b) how long the order was in force;
 - (c) the type of serious crime related activity or serious crime derived property to which the order relates;
 - (d) how the order helped in the investigation or another investigation;
 - (e) whether a proceeding was started because of the use of the order.
- (2) The application must also state the following information—
 - (a) the applicant's name and, if the applicant is a police officer, the officer's rank and registered number;
 - (b) the person about whom the application is made (the *named person*);
 - (c) the name of the financial institution;
 - (d) the serious crime related activity or serious crime derived property to which the application relates;
 - (e) the information or evidence relied on to support a reasonable suspicion that the named person—
 - (i) has been, or is about to be, involved in a serious crime related activity; or

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- (ii) has acquired directly or indirectly, or is about to acquire directly or indirectly, 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 financial institution is to be required to give.

Part 4

Register of prescribed information

9 Information prescribed

This part prescribes information for section 166(6) of the Act.

10 Search warrant application

For an application for a search warrant, the information is as follows—

- (a) when and where the application was made;
- (b) if known, the name of the person suspected of being involved in the major crime or corruption or the confiscation related activity or the qualifying offence or suspected qualifying offence to which the application relates;
- (c) the type of major crime or corruption or the confiscation related activity or the qualifying offence or suspected qualifying offence to which the application relates;
- (d) whether or not the warrant was issued;
- (e) if the warrant was issued—
 - (i) when and where it was issued, and the court that issued it; and

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- (ii) how long the warrant was in force; and
 - (iii) the benefits derived from exercising powers under the warrant; and

Examples of benefits derived from exercising powers under a search warrant—

- evidence seized under the warrant
 - a proceeding started because of a search under the warrant
- (iv) information about the return, destruction or disposal of any evidence seized under the warrant.

11 Surveillance warrant application

For an application for a surveillance warrant, the information is as follows—

- (a) when and where the application was made;
- (b) if known, the name of the person the chairman reasonably believes has been, or is likely to be, involved in corruption being investigated by the commission;
- (c) a description of the place mentioned in the application;
- (d) the type of corruption to which the application relates;
- (e) whether or not the warrant was issued;
- (f) if the warrant was issued—
 - (i) when and where it was issued, and the court that issued it; and
 - (ii) how long the warrant was in force; and
 - (iii) the benefits derived from exercising powers under the warrant; and

Examples of benefits derived from exercising powers under a surveillance warrant—

- a proceeding started because of the use of a surveillance device under the warrant

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- a brief description of how using a surveillance device under the warrant helped in the investigation of the corruption
- (iv) if and when powers were exercised under the warrant; and
- (v) if a surveillance device was not installed under the warrant—why it was not installed.

12 Extension of surveillance warrant application

For an application for an extension of a surveillance warrant, the information is as follows—

- (a) if and when powers were exercised under the warrant before the application;
- (b) if a surveillance device was not installed under the warrant before the application—why it was not installed;
- (c) whether or not the warrant was extended;
- (d) if the warrant was extended—
- (i) the date to which the warrant was extended; and
 - (ii) the benefits derived from exercising powers under the warrant after it was extended.

Note—

See section 11(f)(iii) for examples of benefits derived under a surveillance warrant.

13 Covert search warrant application

For an application for a covert search warrant, the information is as follows—

- (a) when and where the application was made;
- (b) if known, the name of the person suspected of being involved in the major crime to which the application relates;

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- (c) a description of the place mentioned in the application;
 - (d) the type of major crime to which the application relates;
 - (e) whether or not the warrant was issued;
 - (f) if the warrant was issued—
 - (i) when and where it was issued, and the court that issued it; and
 - (ii) how long the warrant was in force; and
 - (iii) the benefits derived from exercising powers under the warrant.

Examples of benefits derived from exercising powers under a covert search warrant—

- evidence seized under the warrant
- a proceeding started because of a search under the warrant

14 Extension of covert search warrant application

For an application for an extension of a covert search warrant, the information is as follows—

- (a) if and when powers were exercised under the warrant before the application;
- (b) if the powers under the warrant were not exercised before the application—why the powers were not exercised;
- (c) whether or not the warrant was extended;
- (d) if the warrant was extended—
 - (i) the date to which the warrant was extended; and
 - (ii) the benefits derived from exercising powers under the warrant after it was extended.

Note—

See section 13(f)(iii) for examples of benefits derived under a covert search warrant.

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15 Additional powers warrant application

For an application for an additional powers warrant, the information is as follows—

- (a) when and where the application was made;
- (b) if known, the name of the person being investigated and the name of any suspected associate of the person;
- (c) a description of the place mentioned in the application;
- (d) the type of corruption or crime investigation relating to terrorism to which the application relates;
- (e) whether or not the warrant was issued;
- (f) if the warrant was issued—
 - (i) when and where it was issued, and the court that issued it; and
 - (ii) how long the warrant was in force; and
 - (iii) the benefits derived from exercising powers under the warrant.

Examples of benefits derived from exercising powers under an additional powers warrant—

- evidence copied or seized under the warrant
- a proceeding started because of the exercise of powers under the warrant

16 Extension of additional powers warrant application

For an application for an extension of an additional powers warrant, the information is as follows—

- (a) if the warrant conferred power to make copies of records under section 165 of the Act and no records were copied under the warrant—why no records were copied;
- (b) if the warrant conferred power to seize documents under section 165 of the Act and no documents were seized under the warrant—why no documents were seized;

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- (c) if the warrant conferred power to require a person to give to the commission or a commission officer 1 or more sworn affidavits or statutory declarations under section 165 of the Act and no sworn affidavit or statutory declaration was required under the warrant—why they were not required;
 - (d) whether or not the warrant was extended;
 - (e) if the warrant was extended—
 - (i) the date to which it was extended; and
 - (ii) the benefits derived from exercising powers under the warrant after it was extended.

Note—

See section 15(f)(iii) for examples of benefits derived under an additional powers warrant.

17 Disclosure of information under Act, s 130(2)(f)(ii) or (g)

For a disclosure of information under section 130(2)(f)(ii) or (g) of the Act, the information is as follows—

- (a) the name of—
 - (i) the commission officer who disclosed the information or authorised its disclosure; and
 - (ii) the officer or declared agency to whom the information was disclosed;
- (b) brief particulars of the information disclosed and the reason for disclosing it;
- (c) when the information was disclosed.

Part 5 **Miscellaneous**

18 **Receipt for seized property**

For section 112(2) of the Act, a receipt for a thing seized must include the following information—

- (a) the date and time the thing was seized;
- (b) if the thing was seized from a person—the name, address and contact telephone number of the person, if known;
- (c) if the thing was seized from an occupied place—the name, address and contact telephone number of the occupier of the place, if known;
- (d) the name and contact telephone number of the commission officer who seized the thing and, if the commission officer is a police officer, the officer's rank;
- (e) where the thing will be taken, if known;
- (f) the date the receipt is issued.

19 **Declared agencies**

- (1) For schedule 2 of the Act, definition *declared agency*, an entity mentioned in schedule 1 is a declared agency.
- (2) Subsection (1) is subject to any restriction stated in schedule 1 for the entity.

20 **Entities declared to be criminal organisations**

An entity mentioned in schedule 2 is declared to be a criminal organisation.

Part 6 **Repeal and transitional provisions**

Division 1 **Repeal provision**

21 **Repeal**

The Crime and Corruption Regulation 2005, SL No. 108 is repealed.

Division 2 **Transitional provisions**

22 **Definition**

In this division—

repealed regulation means the repealed *Crime and Corruption Regulation 2005*.

23 **Applications made before commencement**

- (1) This section applies to an application—
 - (a) for a warrant or an extension of a warrant for which the repealed regulation made provision; and
 - (b) that was made, but not decided, before the commencement.
- (2) The repealed regulation continues to apply to the application.

24 **References to repealed regulation**

In a document, a reference to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Notes—

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- 1 For references to the repealed regulation in an Act, see the *Acts Interpretation Act 1954*, section 14H.
- 2 For references to the repealed regulation in a statutory instrument, see the *Acts Interpretation Act 1954*, section 14H and the *Statutory Instruments Act 1992*, section 14(1) and schedule 1.

Schedule 1 Declared agencies

section 19

- 1 a police force or police service of another State or the Commonwealth
- 2 the following Commonwealth entities—
 - the Australian Crime Commission under the *Australian Crime Commission Act 2002* (Cwlth)
 - the Australian Border Force under the *Australian Border Force Act 2015* (Cwlth)
 - ASIC
 - the Australian Security Intelligence Organisation under the *Australian Security Intelligence Organisation Act 1979* (Cwlth)
 - the Australian Taxation Office
 - the Australian Transaction Reports and Analysis Centre (also known as AUSTRAC) under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cwlth)
 - the Commonwealth department in which the *Migration Act 1958* (Cwlth) is administered
 - the unit of the Australian Defence Force known as the Special Air Service, but only when helping the commission reduce the risk of serious injury to a person, and to the extent disclosure of the information under the Act is necessary to help reduce the risk
- 3 the following New South Wales entities—
 - the Independent Commission Against Corruption under the *Independent Commission Against Corruption Act 1988* (NSW)
 - the New South Wales Crime Commission under the *Crime Commission Act 2012* (NSW)

Schedule 1

- the Police Integrity Commission under the *Police Integrity Commission Act 1996* (NSW)
- 4 the Queensland Police Service
 - 5 the Independent Commissioner Against Corruption under the *Independent Commissioner Against Corruption Act 2012* (SA)
 - 6 the Independent Broad-based Anti-corruption Commission under the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic)
 - 7 the Corruption and Crime Commission under the *Corruption and Crime Commission Act 2003* (WA)
 - 8 the Integrity Commission under the *Integrity Commission Act 2009* (Tas)
 - 9 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 criminal offences

Schedule 2 Entities declared to be criminal organisations

section 20

- the motorcycle club known as the Bandidos
- the motorcycle club known as the Black Uhlans
- the motorcycle club known as the Coffin Cheaters
- the motorcycle club known as the Comancheros
- the motorcycle club known as the Finks
- the motorcycle club known as the Fourth Reich
- the motorcycle club known as the Gladiators
- the motorcycle club known as the Gypsy Jokers
- the motorcycle club known as the Hells Angels
- the motorcycle club known as the Highway 61
- the motorcycle club known as the Iron Horsemen
- the motorcycle club known as the Life and Death
- the motorcycle club known as the Lone Wolf
- the motorcycle club known as the Mobshitters
- the motorcycle club known as the Mongols
- the motorcycle club known as the Muslim Brotherhood Movement
- the motorcycle club known as the Nomads
- the motorcycle club known as the Notorious
- the motorcycle club known as the Odins Warriors
- the motorcycle club known as the Outcasts
- the motorcycle club known as the Outlaws
- the motorcycle club known as the Phoenix

- the motorcycle club known as the Rebels
 - the motorcycle club known as the Red Devils
 - the motorcycle club known as the Renegades
 - the motorcycle club known as the Scorpions
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ENDNOTES

- 1 Made by the Governor in Council on 6 August 2015.
- 2 Notified on the Queensland legislation website on 7 August 2015.
- 3 The administering agency is the Department of Justice and Attorney-General.

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Authorised by the Parliamentary Counsel