



Queensland

Police Powers and Responsibilities and Other Legislation Amendment Bill 2019

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2019

A Bill

for

An Act to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, the *Crime and Corruption Act 2001*, the Criminal Code, the *Domestic and Family Violence Protection Act 2012*, the *Police Powers and Responsibilities Act 2000*, the *Prostitution Act 1999*, the *Public Safety Preservation Act 1986*, the *Weapons Act 1990*, the *Weapons Categories Regulation 1997* and the *Weapons Regulation 2016* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Police Powers and Responsibilities and Other Legislation Amendment Act 2019*. 4
5

Part 2 Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 6
7
8
9

Clause 2 Act amended 10

This part amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*. 11
12

Clause 3 Amendment of s 51B (Access information for storage devices) 13
14

(1) Section 51B, heading, ‘storage’— 15

omit, insert— 16

digital 17

(2) Section 51B(2), ‘storage’— 18

omit, insert— 19

digital 20

(3) Section 51B(2)(b)— 21

omit, insert— 22

-
- (b) give a police officer access information for the device or any assistance necessary for the officer to gain access to device information from the device; or 1
2
3
4
- (4) Section 51B(2)(c)(i) and (ii), ‘the information stored on’— 5
omit, insert— 6
device information from 7
- (5) Section 51B(2)(c)(iii) and (iv), ‘information stored on’— 8
omit, insert— 9
device information from 10
- (6) Section 51B(10), definitions *access information, storage device* and *stored*— 11
omit. 12
13
- (7) Section 51B(10)— 14
insert— 15
- access information***, for a digital device, means 16
information necessary for a person to access or 17
read device information from the device. 18
- Examples*— 19
userid, username, passcode, password 20
- device information***, from a digital device, 21
means— 22
- (a) information stored on the device; or 23
- (b) information accessed, communicated or 24
distributed by using the device, including by 25
using an application on the device. 26
- Examples*— 27
- images stored on a computer 28
 - location data stored on or sent from a mobile phone 29
 - emails or text messages sent from a smart phone 30
 - messages or videos distributed from a social media 31
application on a tablet computer 32

	<i>digital device</i> —	1
	(a) means a device on which information may be stored or accessed electronically; and	2 3
	(b) includes a computer, memory stick, portable hard drive, smart phone and tablet computer.	4 5
Clause 4	Insertion of new pt 7, div 6	6
	Part 7—	7
	<i>insert</i> —	8
	Division 6	Transitional provisions for
		Police Powers and
		Responsibilities and Other
		Legislation Amendment
		Act 2019
		9 10 11 12 13
	92 Definitions for division	14
	In this division—	15
	<i>amending Act</i> means the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> .	16 17 18
	<i>former section 51B</i> means section 51B as in force from time to time before it was amended by part 2 of the amending Act.	19 20 21
	93 Saving of former s 51B	22
	Former section 51B continues to apply, as if part 2 of the amending Act had not commenced, in relation to a requirement imposed under former section 51B(2) before the commencement.	23 24 25 26

-
- 94 Declaratory provision about effect of amending Act** 1
2
- (1) This section applies for deciding, after the commencement, a matter to which former section 51B applies. 3
4
5
- (2) The amendment of former section 51B by the amending Act is to be disregarded. 6
7

Part 3 Amendment of Crime and Corruption Act 2001 8
9

- Clause 5 Act amended** 10
- This part amends the *Crime and Corruption Act 2001*. 11

- Clause 6 Amendment of s 85A (Definitions for part)** 12
- (1) Section 85A, definitions *access information*, *specified person*, *storage device* and *stored*— 13
14
omit. 15
- (2) Section 85A— 16
insert— 17
- access information*, for a digital device, means 18
information necessary for a person to access or 19
read device information from the device. 20
- Examples*— 21
- userid, username, passcode, password 22
- device information*, from a digital device, 23
means— 24
- (a) information stored on the device; or 25
- (b) information accessed, communicated or 26
distributed by using the device, including by 27
using an application on the device. 28

[s 6]

<i>Examples—</i>	1
• images stored on a computer	2
• location data stored on or sent from a mobile phone	3
• emails or text messages sent from a smart phone	4
• messages or videos distributed from a social media application on a tablet computer	5 6
<i>digital device—</i>	7
(a) means a device on which information may be stored or accessed electronically; and	8 9
(b) includes a computer, memory stick, portable hard drive, smart phone and tablet computer.	10 11
<i>specified person—</i>	12
1 A <i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, means any of the following persons—	13 14 15 16
(a) a person reasonably suspected of having committed an offence for which the search warrant is or was issued;	17 18 19
(b) the owner of the device;	20
(c) a person in possession of the device;	21
(d) an employee of the owner or person in possession of the device;	22 23
(e) a person who uses or has used the device;	24 25
(f) a person who is or was a system administrator for the computer network of which the device forms or formed a part.	26 27 28 29
2 A person mentioned in any of paragraphs (1)(a) to (e) is a <i>specified person</i> only if the person has, or is likely to have, knowledge about how to gain access to the digital device.	30 31 32 33 34

3	A person mentioned in paragraph (1)(f) is a <i>specified person</i> only if the person has, or is likely to have, knowledge about how to gain access to the computer network of which the device forms or formed a part.	1 2 3 4 5
Clause 7	Amendment of s 88A (Order in search warrant about information necessary to access information stored electronically)	6 7 8
(1)	Section 88A, heading, from ‘information necessary’— <i>omit, insert</i> — device information from digital device	9 10 11
(2)	Section 88A(1), from ‘storage device’ to ‘access,’— <i>omit, insert</i> — digital device	12 13 14
(3)	Section 88A(1)(b) and (c)— <i>omit, insert</i> —	15 16
	(b) give a commission officer access information for the device or any assistance necessary for the officer to gain access to device information from the device;	17 18 19 20
	(c) allow a commission officer to—	21
	(i) use access information for the device to gain access to device information from the device; or	22 23 24
	(ii) examine device information from the device to find out whether the information may be relevant evidence; or	25 26 27 28
	(iii) make a copy of device information from the device that may be relevant evidence, including by using another digital device; or	29 30 31 32

[s 8]

- (iv) convert device information from the device that may be relevant evidence into documentary form, or another form, that enables the information to be understood by a commission officer.
- (4) Section 88A(2), from ‘, if the storage’ to ‘subsection (1)(b) or (c)’—
omit, insert—
a specified person is required to do a thing mentioned in subsection (1)(b) or (c) in relation to a digital device seized and removed from the place,
- (5) Section 88A(3)(a), after ‘assistance’—
insert—
mentioned in subsection (1)(b)
- (6) Section 88A(3)—
insert—
(d) that failure to comply with the order may be dealt with under the Criminal Code, section 205A.

- Clause 8 Amendment of s 88B (Order for access information after storage device has been seized)**
- (1) Section 88B, heading—
omit, insert—
88B Order after digital device has been seized
- (2) Section 88B(1)(a), ‘storage’—
omit, insert—
digital
- (3) Section 88B(1)(b)(ii), ‘information stored on’—
omit, insert—

	device information from	1
(4)	Section 88B(4)(a), after ‘assistance’—	2
	<i>insert</i> —	3
	mentioned in section 88A(1)(b)	4
(5)	Section 88B(4)(d), ‘, without reasonable excuse,’—	5
	<i>omit</i> .	6
(6)	Section 88B(5), ‘information stored on the storage device’—	7
	<i>omit, insert</i> —	8
	device information from the digital device	9
Clause 9	Amendment of s 88C (Compliance with order about information necessary to access information stored electronically)	10
		11
		12
(1)	Section 88C, heading, from ‘information necessary’—	13
	<i>omit, insert</i> —	14
	device information from digital device	15
(2)	Section 88C, from ‘ground’—	16
	<i>omit, insert</i> —	17
	basis that complying with the order might tend to	18
	incriminate the person or expose the person to a	19
	penalty.	20
Clause 10	Insertion of new ch 8, pt 17	21
	Chapter 8—	22
	<i>insert</i> —	23
	Part 17	24
	Police Powers and	25
	Responsibilities and	26
	Other Legislation	26
	Amendment Act 2019	27

[s 10]

454 Definitions for part	1
In this part—	2
<i>amending Act</i> means the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> .	3 4 5
<i>former</i> , in relation to a provision, means as in force from time to time before the provision was amended by part 3 of the amending Act.	6 7 8
455 Particular applications or orders made before commencement	9 10
(1) This section applies in relation to—	11
(a) an application for an order under former section 88A or 88B that was made but not decided before the commencement; or	12 13 14
(b) an order made before the commencement under former section 88A or 88B to the extent a power under the order was not exercised before the commencement.	15 16 17 18
(2) Each of the following may happen under the former section as if part 3 of the amending Act had not commenced—	19 20 21
(a) a proceeding relating to the application or order may be continued or decided;	22 23
(b) a power under the order mentioned in subsection (1)(b) may be exercised.	24 25
456 Declaratory provision about effect of amending Act	26 27
(1) This section applies for deciding, after the commencement, a matter to which a provision of former chapter 3, part 2 applies.	28 29 30
(2) The amendment of the former provision by the amending Act is to be disregarded.	31 32

Clause 11	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>specified person</i> , <i>storage device</i> and <i>stored</i> —	2
	<i>omit.</i>	3
	<i>omit.</i>	4
(2)	Schedule 2—	5
	<i>insert</i> —	6
	<i>device information</i> , from a digital device, for chapter 3, part 2, see section 85A.	7
	<i>digital device</i> , for chapter 3, part 2, see section 85A.	8
	<i>digital device</i> , for chapter 3, part 2, see section 85A.	9
	<i>digital device</i> , for chapter 3, part 2, see section 85A.	10
	<i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, for chapter 3, part 2, see section 85A.	11
	<i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, for chapter 3, part 2, see section 85A.	12
	<i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, for chapter 3, part 2, see section 85A.	13
	<i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, for chapter 3, part 2, see section 85A.	14

Part 4 **Amendment of Criminal Code** 15

Clause 12	Code amended	16
	This part amends the Criminal Code.	17

Clause 13	Amendment of s 205A (Contravening order about information necessary to access information stored electronically)	18
(1)	Section 205A, heading, from ‘information necessary’—	19
	<i>omit, insert</i> —	20
	device information from digital device	21
(2)	Section 205A, ‘who contravenes’—	22
	<i>omit, insert</i> —	23
	who, without reasonable excuse, contravenes	24
(3)	Section 205A—	25
		26
		27

[s 14]

insert—

- (2) It is not a reasonable excuse to contravene the order on the basis that complying with the order might tend to incriminate the person or expose the person to a penalty.

Clause 14 Insertion of new ch 101

After section 742—

insert—

**Chapter 101 Transitional
provision for Police
Powers and
Responsibilities and
Other Legislation
Amendment Act
2019**

743 Saving of former s 205A

- (1) Former section 205A continues to apply, as if part 4 of the amending Act had not commenced, in relation to an offence against the section committed before the commencement.
- (2) In this section—
- amending Act* means the *Police Powers and Responsibilities and Other Legislation Amendment Act 2019*.
- former section 205A* means section 205A as in force from time to time before it was amended by part 4 of the amending Act.

Part 5	Amendment of Domestic and Family Violence Protection Act 2012	1 2 3
Clause 15	Act amended	4
	This part amends the <i>Domestic and Family Violence Protection Act 2012</i> .	5 6
Clause 16	Amendment of s 134A (Power to give direction)	7
	(1) Section 134A—	8
	<i>insert—</i>	9
	(4A) Subsection (6) applies if the police officer gives a direction under subsection (4) and the person is to be transported by a police officer to the other location.	10 11 12 13
	(4B) Before the person is transported to the other location, the police officer may—	14 15
	(a) search the person for anything in the person’s possession that may be used to cause harm to the person or another person; and	16 17 18 19
	<i>Note—</i>	20
	See the <i>Police Powers and Responsibilities Act 2000</i> , chapter 20, part 3 for safeguards that apply to a search under this paragraph.	21 22 23
	(b) if, during the search, the police officer finds a thing mentioned in paragraph (a)—direct the person to leave the thing at the person’s current location before being transported to the other location; and	24 25 26 27 28
	(c) if, during the search, the police officer finds a thing the officer reasonably suspects is	29 30

[s 16]

evidence of the commission of an offence—	1
seize the thing.	2
(4C) A thing seized under subsection (6)(c) is, for the	3
<i>Police Powers and Responsibilities Act 2000</i> ,	4
section 622, taken to have been seized under that	5
Act.	6
<i>Note—</i>	7
See also the <i>Police Powers and Responsibilities Act</i>	8
<i>2000</i> , chapter 21, part 3.	9
(2) Section 134A(5)(b)(ii)—	10
<i>omit, insert—</i>	11
(ii) how the person is to move to the other	12
location, including that a police officer will	13
remain in the presence of the person; and	14
(iii) that the person may be searched before	15
moving to the other location; and	16
(iv) that the person may be directed to leave, at	17
the person’s current location, anything	18
found in the search that may be used to	19
cause harm to the person or another person;	20
and	21
(v) that anything found in the search may be	22
seized if the officer reasonably suspects the	23
thing may be evidence of the commission of	24
an offence;	25
(3) Section 134A(1) and (5), ‘subsection (2) or (4)’—	26
<i>omit, insert—</i>	27
subsection (2), (4) or (6)(b)	28
(4) Section 134A(6), ‘subsection (5)’—	29
<i>omit, insert—</i>	30
subsection (8)	31
(5) Section 134A(7), ‘subsection (6)’—	32
<i>omit, insert—</i>	33

	subsection (9)	1
(6)	Section 134A(4A) to (7)—	2
	<i>renumber</i> as section 134A(5) to (10).	3
Clause 17	Amendment of s 169H (Who may give or receive information on behalf of entity)	4
	Section 169H(3)(b), ‘a police officer’—	5
	<i>omit, insert—</i>	6
	a police officer or a staff member of the police service under the <i>Police Service Administration Act 1990</i>	7
		8
		9
		10
Part 6	Amendment of Police Powers and Responsibilities Act 2000	11
		12
Clause 18	Act amended	13
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	14
		15
Clause 19	Amendment of s 19 (General power to enter to make inquiries, investigations or serve documents)	16
	Section 19(2), note, ‘section 59’—	17
	<i>omit, insert—</i>	18
	part 3A, division 2	19
		20
Clause 20	Amendment of s 21B (Power to inspect storage devices for the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004)	21
	(1) Section 21B(6), definition <i>storage device</i> —	22
	<i>omit.</i>	23
		24
		25

[s 21]

- (2) Section 21B, ‘storage’— 1
omit, insert— 2
digital 3

Clause 21 Amendment of s 41 (Prescribed circumstances for requiring name and address) 4
5

- (1) Section 41(m)— 6
omit. 7
(2) Section 41(n) to (p)— 8
renumber as section 41(m) to (o). 9

Clause 22 Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes) 10
11

- (1) Section 42(1)(c)(vii)— 12
omit. 13
(2) Section 42(1)(c)(viii)— 14
renumber as section 42(1)(c)(vii). 15

Clause 23 Amendment of ch 2, pt 6A (Prevention of criminal consorting) 16
17

- Chapter 2, part 6A, note after part heading, ‘section 41(p)’— 18
omit, insert— 19
section 41(o) 20

Clause 24 Amendment of s 106A (Offence to modify, sell or dispose of motor vehicle subject to vehicle production notice) 21
22

- Section 106A(1), from ‘an vehicle production’— 23
omit, insert— 24
a vehicle production notice. 25

Clause 25	Replacement of s 119 (Voluntary transfer of ownership of motorbike to State)	1 2
	Section 119—	3
	<i>omit, insert—</i>	4
	119 Voluntary transfer of ownership of motor vehicle to State	5 6
	(1) This section applies to a motor vehicle that is—	7
	(a) impounded under this chapter and held at a holding yard; or	8 9
	(b) a motorbike the subject of an application for an impounding order or a forfeiture order, released to the owner of the motorbike before the application is decided.	10 11 12 13
	(2) Despite another section of this chapter, the owner of the motor vehicle may agree to transfer ownership of the motor vehicle to the State.	14 15 16
	(3) The agreement must be written and witnessed by a person who may witness a statutory declaration.	17 18
	(4) If the commissioner agrees in writing to the transfer of the motor vehicle—	19 20
	(a) the following end—	21
	(i) the impoundment period for the motor vehicle;	22 23
	(ii) the application for the impounding order or forfeiture order; and	24 25
	(b) the motor vehicle becomes the property of the State; and	26 27
	(c) the commissioner may sell or dispose of the motor vehicle and anything in or on it in the way the commissioner considers appropriate.	28 29 30 31

[s 26]

Clause 26	Amendment of s 121 (Application of proceeds of sale)	1
(1)	Section 121(1), ‘118A or 120’—	2
	<i>omit, insert—</i>	3
	118A, 119 or 120	4
(2)	Section 121(2)(d), ‘section 118’—	5
	<i>omit, insert—</i>	6
	section 118 or 119	7
Clause 27	Insertion of new ch 7, pt 1A	8
	Chapter 7, before part 1—	9
	<i>insert—</i>	10
	Part 1A Preliminary	11
	149A Definitions for chapter	12
	In this chapter—	13
	<i>access information</i> , for a digital device, means	14
	information necessary for a person to access or	15
	read device information from the device.	16
	<i>Examples—</i>	17
	userid, username, passcode, password	18
	<i>device information</i> , from a digital device,	19
	means—	20
	(a) information stored on the device; or	21
	(b) information accessed, communicated or	22
	distributed by using the device, including by	23
	using an application on the device.	24
	<i>Examples—</i>	25
	• images stored on a computer	26
	• location data stored on or sent from a mobile phone	27
	• emails or text messages sent from a smart phone	28

-
- messages or videos distributed from a social media application on a tablet computer 1
2
- digital device**— 3
- (a) means a device on which information may be stored or accessed electronically; and 4
5
 - (b) includes a computer, memory stick, portable hard drive, smart phone and tablet computer. 6
7
- specified person**— 8
- 1 A *specified person*, in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, or for which a crime scene is or was established, means any of the following persons— 9
10
11
12
13
 - (a) a person reasonably suspected of having committed an offence for which the search warrant is or was issued, or the crime scene is or was established; 14
15
16
17
 - (b) the owner of the device; 18
 - (c) a person in possession of the device; 19
 - (d) an employee of the owner or person in possession of the device; 20
21
 - (e) a person who uses or has used the device; 22
23
 - (f) a person who is or was a system administrator for the computer network of which the device forms or formed a part. 24
25
26
27
 - 2 A person mentioned in any of paragraphs (1)(a) to (e) is a *specified person* only if the person has, or is likely to have, knowledge about how to gain access to the digital device. 28
29
30
31
32
 - 3 A person mentioned in paragraph (1)(f) is a *specified person* only if the person has, or is 33
34
-

[s 28]

	likely to have, knowledge about how to gain	1
	access to the computer network of which the	2
	device forms or formed a part.	3
Clause 28	Amendment of s 150AA (Definitions)	4
	Section 150AA, definitions <i>control order property, employee,</i>	5
	<i>issuer, relevant evidence and warrant evidence or property—</i>	6
	<i>relocate</i> to section 149A as inserted by this Act.	7
Clause 29	Omission of s 150AA (Definitions)	8
	Section 150AA, as amended by this Act—	9
	<i>omit.</i>	10
Clause 30	Amendment of s 154 (Order in search warrant about information necessary to access information stored electronically)	11
	(1) Section 154, heading, from ‘information necessary’—	12
	<i>omit, insert—</i>	13
	device information from digital device	14
	(2) Section 154(1), from ‘storage device’ to ‘access,’	15
	<i>omit, insert—</i>	16
	digital device	17
	(3) Section 154(1)(a) and (b)—	18
	<i>omit, insert—</i>	19
	(a) give a police officer access to the device;	20
	(b) give a police officer access information for	21
	the device or any assistance necessary for	22
	the officer to gain access to device	23
	information from the device;	24
	(c) allow a police officer to—	25
		26
		27

(i)	use access information for the device to gain access to device information from the device; or	1 2 3
(ii)	examine device information from the device to find out whether the information may be relevant evidence; or	4 5 6 7
(iii)	make a copy of device information from the device that may be relevant evidence, including by using another digital device; or	8 9 10 11
(iv)	convert device information from the device that may be relevant evidence into documentary form, or another form, that enables the information to be understood by a police officer.	12 13 14 15 16
(4)	Section 154(2), from ‘, if the storage’ to ‘subsection (1)(a) or (b)’— <i>omit, insert—</i>	17 18 19
	a specified person is required to do a thing mentioned in subsection (1)(b) or (c) in relation to a digital device seized and removed from the place,	20 21 22 23
(5)	Section 154(3)(a), after ‘assistance’— <i>insert—</i>	24 25
	mentioned in subsection (1)(b)	26
(6)	Section 154(3)(b), ‘and assistance’— <i>omit, insert—</i>	27 28
	or assistance	29
(7)	Section 154(3)— <i>insert—</i>	30 31

[s 31]

	(d) that failure to comply with the order may be dealt with under the Criminal Code, section 205A.	1 2 3
Clause 31	Amendment of s 154A (Order for access information after storage device has been seized)	4 5
	(1) Section 154A, heading— <i>omit, insert—</i>	6 7
	154A Order after digital device has been seized	8
	(2) Section 154A(1)(a), ‘storage’— <i>omit, insert—</i> digital	9 10 11
	(3) Section 154A(1)(b)(ii), ‘information stored on’— <i>omit, insert—</i> device information from	12 13 14
	(4) Section 154A(2), ‘section 154(1)(a) or (b)’— <i>omit, insert—</i> section 154(1)(b) or (c)	15 16 17
	(5) Section 154A(3)(b), before ‘judge—’— <i>insert—</i> Supreme Court	18 19 20
	(6) Section 154A(4)(a), after ‘assistance’— <i>insert—</i> mentioned in section 154(1)(b)	21 22 23
	(7) Section 154A(4)(d), ‘, without reasonable excuse,’— <i>omit.</i>	24 25
	(8) Section 154A(5), ‘information stored on the storage device’— <i>omit, insert—</i> device information from the digital device	26 27 28

Clause 32	Amendment of s 154B (Compliance with order about information necessary to access information stored electronically)	1
		2
		3
(1)	Section 154B, heading, from ‘information necessary’—	4
	<i>omit, insert—</i>	5
	device information from digital device	6
(2)	Section 154B, from ‘ground’—	7
	<i>omit, insert—</i>	8
	basis that complying with the order might tend to	9
	incriminate the person or expose the person to a	10
	penalty.	11
Clause 33	Amendment of s 156 (What search warrant must state)	12
	Section 156(3), ‘, without reasonable excuse,’—	13
	<i>omit.</i>	14
Clause 34	Amendment of s 178A (Order for access information for a storage device at or seized from a crime scene)	15
		16
(1)	Section 178A, heading—	17
	<i>omit, insert—</i>	18
	178A Order about digital device at or seized from a crime scene	19
		20
(2)	Section 178A(1), from ‘access information’ to ‘storage device’—	21
		22
	<i>omit, insert—</i>	23
	order requiring a specified person to do a thing	24
	mentioned in subsection (2) in relation to a digital	25
	device	26
(3)	Section 178A—	27
	<i>insert—</i>	28
	(1A) The specified person may be required to—	29

[s 34]

- (a) give a police officer access to the device; or 1
- (b) give a police officer access information for 2
the device or any assistance necessary for 3
the officer to gain access to device 4
information from the device; or 5
- (c) allow a police officer to— 6
 - (i) use access information for the device to 7
gain access to device information from 8
the device; or 9
 - (ii) examine device information from the 10
device to find out whether the 11
information may be evidence of the 12
commission of a crime scene threshold 13
offence; or 14
 - (iii) make a copy of device information 15
from the device that may be evidence 16
of the commission of a crime scene 17
threshold offence, including by using 18
another digital device; or 19
 - (iv) convert device information from the 20
device that may be evidence of the 21
commission of a crime scene threshold 22
offence into documentary form, or 23
another form, that enables the 24
information to be understood by a 25
police officer. 26
- (4) Section 178A(2), (3) and (4), ‘access information’— 27
omit. 28
- (5) Section 178A(2), ‘information stored on the storage device’— 29
omit, insert— 30
device information from the digital device 31
- (6) Section 178A(3)(a), from ‘the police officer’ to ‘assistance’— 32
omit, insert— 33

	a police officer the information or assistance	1
	mentioned in subsection (2)(b)	2
(7)	Section 178A(3)(b), ‘and assistance’—	3
	<i>omit, insert—</i>	4
	or assistance	5
(8)	Section 178A(5)—	6
	<i>omit.</i>	7
(9)	Section 178A(1A) to (4)—	8
	<i>renumber</i> as section 178A(2) to (5).	9
Clause 35	Replacement of s 178B (Compliance with access information order)	10
	Section 178B—	11
	<i>omit, insert—</i>	12
	178B Compliance with order about device information from digital device	13
	A person is not excused from complying with an order made under section 178A(1) on the basis that complying with the order might tend to incriminate the person or expose the person to a penalty.	14
		15
		16
		17
		18
		19
		20
Clause 36	Amendment of s 224 (Authorised controlled activities)	21
	Section 224(1)(b)(i)—	22
	<i>omit, insert—</i>	23
	(i) the police officer communicating with the person in any way, whether on 1 or more occasions;	24
		25
		26
Clause 37	Amendment of s 274 (Delegation—commissioner)	27
	Section 274(a) and (b)—	28

Clause 41	Omission of ch 14, pt 5, div 1, hdg (General provisions)	1
	Chapter 14, part 5, division 1, heading—	2
	<i>omit.</i>	3
Clause 42	Omission of ch 14, pt 5, div 2 (Sober Safe Centre Trial)	4
	Chapter 14, part 5, division 2—	5
	<i>omit.</i>	6
Clause 43	Amendment of s 442 (Application of ch 16)	7
	(1) Section 442(ca)—	8
	<i>omit.</i>	9
	(2) Section 442(cb) to (d)—	10
	<i>renumber</i> as section 442(d) to (f).	11
Clause 44	Amendment of s 602F (Extended police banning notice)	12
	(1) Section 602F(4)(e)—	13
	<i>omit.</i>	14
	(2) Section 602F(4)(f) to (h)—	15
	<i>renumber</i> as section 602F(4)(e) to (g).	16
Clause 45	Amendment of s 718 (Order for forfeiture of particular relevant things)	17
	(1) Section 718(1)—	18
	<i>omit.</i>	19
	(2) Section 718(2), ‘the relevant thing’—	20
	<i>omit, insert—</i>	21
	a relevant thing, after it has been in the possession	22
	of the police service for at least 30 days,	23
	(3) Section 718(5), ‘Subsections (3) and (4)’—	24
		25

[s 46]

omit, insert— 1

Subsections (2) and (3) 2

(4) Section 718(2) to (6)— 3

renumber as section 718(1) to (5). 4

Clause 46 Amendment of s 784 (Voluntary transfer of ownership of motor vehicle to State) 5
6

Section 784(4), ‘State agrees’— 7

omit, insert— 8

commissioner agrees 9

Clause 47 Amendment of s 808A (Annual report about use of device inspection powers) 10
11

Section 808A(3), ‘storage’— 12

omit, insert— 13

digital 14

Clause 48 Amendment of sch 3 (Relevant offences for chapter 13 disclosure of information provisions) 15
16

Schedule 3, section 11, ‘section 71(1), (2), (3) or (4)’— 17

omit, insert— 18

section 71(1), (2), (3), (4), (5) or (6) 19

Clause 49 Insertion of new ch 24, pt 18 20

Chapter 24— 21

insert— 22

Part 18	Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2019	1 2 3 4 5
884	Definitions for part	6
	In this part—	7
	<i>amending Act</i> means the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> .	8 9 10
	<i>former</i> , in relation to a provision, means as in force from time to time before the provision was amended by part 6 of the amending Act.	11 12 13
885	Particular applications or orders made before commencement	14 15
(1)	This section applies in relation to—	16
(a)	an application for an order under former section 21B, 154, 154A or 178A that was made but not decided before the commencement; or	17 18 19 20
(b)	an order made before the commencement under former section 21B, 154, 154A or 178A to the extent a power under the order was not exercised before the commencement.	21 22 23 24 25
(2)	Each of the following may happen under the former section as if part 6 of the amending Act had not commenced—	26 27 28
(a)	a proceeding relating to the application or order may be continued or decided;	29 30

[s 50]

- (b) a power under the order mentioned in subsection (1)(b) may be exercised. 1
2

886 Declaratory provision about effect of amending Act 3
4

- (1) This section applies for deciding, after the commencement, a matter to which any of the following provisions applies— 5
6
7
(a) former section 21B; 8
(b) former chapter 7, part 1; 9
(c) former chapter 7, part 3, division 3. 10
(2) The amendment of the former provision by the amending Act is to be disregarded. 11
12

887 Saving of operation of s 390P 13

The repeal of former section 390P does not affect the protection from liability for a health care professional under the provision for an act done, or omission made, by the professional before the commencement. 14
15
16
17
18

Clause 50 Amendment of sch 6 (Dictionary) 19

- (1) Schedule 6, definitions *access information*, *centre officer*, *control order property*, *employee*, *health care professional*, *issuer*, *manager*, *premises* (both entries), *prescribed safe night precinct*, *relevant evidence*, *responsible person*, *sober safe centre*, *specified person*, *storage device*, *stored* and *warrant evidence or property*— 20
21
22
23
24
25
omit. 26
(2) Schedule 6— 27
insert— 28
access information, for a digital device, for chapter 7, see section 149A. 29
30

<i>control order property</i> , for chapter 7, see section 149A.	1 2
<i>device information</i> , from a digital device, for chapter 7, see section 149A.	3 4
<i>digital device</i> see section 149A.	5
<i>employee</i> , for chapter 7, see section 149A.	6
<i>issuer</i> , for chapter 7, see section 150(7).	7
<i>premises</i> —	8
(a) for chapter 13, see section 322; or	9
(b) otherwise, includes—	10
(i) a building or structure, or part of a building or structure, of any type; and	11 12
(ii) a group of buildings or structures, or part of a group of buildings or structures, of any type; and	13 14 15
(iii) the land or water where a building or structure, or a group of buildings or structures, is situated; and	16 17 18
(iv) a vehicle or a caravan; and	19
(v) a tent or cave; and	20
(vi) premises held under 2 or more titles or owners.	21 22
<i>relevant evidence</i> , for chapter 7, see section 149A.	23 24
<i>specified person</i> , in relation to a digital device at, or seized from, a place for which a search warrant is or was issued, or for which a crime scene is or was established, for chapter 7, see section 149A.	25 26 27 28
<i>warrant evidence or property</i> , for chapter 7, see section 149A.	29 30
(3) Schedule 6, definitions <i>body art tattooing business</i> , <i>detection dog</i> and <i>tattoo parlour</i> , ‘ch 2, pt 3’—	31 32

[s 51]

omit, insert— 1
chapter 2, part 3 2

Part 7 **Amendment of Prostitution Act** 3
1999 4

Clause 51 **Act amended** 5
This part amends the *Prostitution Act 1999*. 6

Clause 52 **Amendment of s 8 (Who is ineligible for a brothel licence)** 7
Section 8, before the note— 8
insert— 9
(2) However, subsection (1)(f) and (g) does not apply 10
if the licence or other authority under this Act or a 11
corresponding law, or the certificate or other 12
authority under this Act or a corresponding law, 13
was automatically cancelled for failure to pay a 14
fee. 15

Clause 53 **Amendment of s 26 (Investigating disciplinary action)** 16
Section 26(2), ‘officer’— 17
omit, insert— 18
official 19

Clause 54 **Amendment of s 34 (Who is ineligible for a certificate)** 20
Section 34— 21
insert— 22
(2) However, subsection (1)(f) and (g) does not apply 23
if the licence or other authority under this Act or a 24
corresponding law, or the certificate or other 25

	authority under this Act or a corresponding law,	1
	was automatically cancelled for failure to pay a	2
	fee.	3
Clause 55	Amendment of s 52 (Investigating disciplinary action)	4
	Section 52(2), ‘authorised officer’—	5
	<i>omit, insert—</i>	6
	authorised official	7
Clause 56	Omission of pt 3, div 3 (Powers of entry)	8
	Part 3, division 3—	9
	<i>omit.</i>	10
Clause 57	Insertion of new pt 3A	11
	After section 58—	12
	<i>insert—</i>	13
	Part 3A Enforcement	14
	Division 1 Authorised officers	15
	59 Meaning of <i>authorised officer</i>	16
	An <i>authorised officer</i> is any of the following—	17
	(a) a police officer of at least the rank of	18
	inspector;	19
	(b) a police officer authorised by a police officer	20
	of at least the rank of inspector to exercise	21
	enforcement powers;	22
	(c) a staff member authorised under section 60	23
	by the executive director to exercise	24
	enforcement powers.	25

[s 57]

60	Executive director may authorise staff member to exercise enforcement powers	1 2
(1)	The executive director may authorise an appropriately qualified staff member, or a class of appropriately qualified staff members, to exercise enforcement powers.	3 4 5 6
(2)	The executive director must issue an identity card to a staff member authorised under subsection (1).	7 8
(3)	The identity card must—	9
(a)	contain a recent photograph of the staff member; and	10 11
(b)	be in a form approved by the executive director.	12 13
(4)	If the staff member stops being authorised under subsection (1), the staff member must, as soon as practicable, return the staff member’s identity card to the executive director.	14 15 16 17
	Maximum penalty—25 penalty units.	18
Division 2	Powers of entry	19
61	Production of authorised officer’s identity card	20
(1)	In exercising an enforcement power in relation to a person in the person’s presence, an authorised officer must—	21 22 23
(a)	produce the authorised officer’s identity card for the person’s inspection before exercising the power; or	24 25 26
(b)	have the identity card displayed so it is clearly visible to the person when exercising the power.	27 28 29
(2)	However, if it is not practicable to comply with subsection (1), the authorised officer must	30 31

produce the identity card for the person's
inspection at the first reasonable opportunity. 1
2

(3) For subsection (1), an authorised officer does not
exercise an enforcement power in relation to a
person only because the authorised officer has
entered premises as mentioned in section
61A(1)(c). 3
4
5
6
7

(4) Also, subsections (1) and (2) do not apply to an
authorised officer who, after entering premises as
mentioned in section 61A(1)(c), exercises a
power under section 61C(2)(d) or (f) at the
premises. 8
9
10
11
12

Example for subsection (4)— 13

An authorised officer may enter premises while the
premises are open for business and covertly film a thing
in the premises. 14
15
16

61A Entry of premises by authorised officer 17

(1) An authorised officer may at any reasonable time
enter premises that are a licensed brothel, or that
the authorised officer suspects on reasonable
grounds are being used for prostitution, if— 18
19
20
21

(a) the occupier of the premises consents to the
entry; or 22
23

(b) the entry is authorised by a warrant; or 24

(c) the premises are open for business or
otherwise open for entry. 25
26

(2) This section does not confer a power to enter
premises or a part of premises used only for
residential purposes without the occupier's
consent or the authority of a search warrant. 27
28
29
30

(3) Before asking for the consent of an occupier, an
authorised officer must— 31
32

[s 57]

- (a) explain to the occupier the purpose of the entry, including the powers intended to be exercised; and
- (b) tell the occupier that—
 - (i) the occupier is not required to consent; and
 - (ii) the consent may be given subject to conditions and may be withdrawn at any time.
- (4) If premises are entered under subsection (1)(a) or (c) by a police officer who is not of at least the rank of inspector the police officer must be specifically authorised in writing for the particular entry.

61B Warrants

- (1) An authorised officer may apply to a magistrate for a warrant for a place.
- (2) The application must—
 - (a) be sworn; and
 - (b) set out the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

Example—

The magistrate may require that additional information supporting the application be given by a statutory declaration.
- (4) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—

-
- (a) there is a particular thing (the *evidence*) that may provide evidence of the commission of an offence against this Act; and
- (b) the evidence is, or may be within the next 7 days, at the place.
- (5) The warrant must state—
- (a) that the authorised officer is authorised, with assistance and force that may be necessary and reasonable—
- (i) to enter the place; and
- (ii) to exercise enforcement powers; and
- (b) the evidence for which the warrant is issued; and
- (c) the hours of the day when entry may be made; and
- (d) the day, within 14 days after the warrant’s issue, on which the warrant stops having effect.
- 61C Authorised officer’s general powers in premises**
- (1) After entering premises under this division, an authorised officer may exercise a power mentioned in subsection (2) only if—
- (a) the occupier of the premises consents to the exercise of the power; or
- (b) the entry was authorised by a warrant.
- (2) The authorised officer may—
- (a) search any part of the premises; or
- (b) if entry was authorised by a warrant—seize the evidence for which the warrant was issued; or

[s 57]

- (c) seize a thing if the authorised officer believes on reasonable grounds—
 - (i) the thing is evidence of the commission of an offence against this Act; and
 - (ii) the seizure is necessary to prevent—
 - (A) the concealment, loss or destruction of the thing; or
 - (B) the use of the thing in committing, continuing or repeating an offence against this Act; or
- (d) inspect, examine, record, photograph or film anything in or on the premises; or
- (e) take extracts from, or make copies of, any documents in or on the premises; or
- (f) take into or onto the premises any person, equipment and materials that the authorised officer reasonably requires for the purpose of exercising any powers in relation to the premises.

61D Procedure after thing seized 20

- (1) As soon as practicable after a thing is seized by an authorised officer, the authorised officer must give a receipt for it to the person from whom it was seized. 21-24
- (2) The authorised officer must allow a person who would be entitled to the seized thing if it were not in the authorised officer's possession— 25-27
 - (a) to inspect it; or 28
 - (b) if it is a document—to take extracts from it or make copies of it. 29-30
- (3) The authorised officer must return the seized thing to the person at the end of— 31-32

-
- (a) 12 months; or 1
 - (b) if a proceeding for an offence, or a disciplinary proceeding, involving it is started within 12 months—the proceeding for the offence and any appeal from the proceeding. 2
3
4
5
6
 - (4) Despite subsection (3), the authorised officer must return the seized thing to the person if the authorised officer is satisfied that— 7
8
9
 - (a) its retention as evidence is no longer necessary; and 10
11
 - (b) its return is not likely to result in its use in repeating the offence. 12
13

61E Power to require production of documents 14

- (1) An authorised officer may require a person, by written notice given to the person, to produce to the authorised officer, at a reasonable time and place stated in the notice, any documents the authorised officer believes, on reasonable grounds— 15
16
17
18
19
20
 - (a) the person has possession or control of; and 21
 - (b) are relevant to the administration or enforcement of this Act. 22
23
- (2) An authorised officer may require the person to give the authorised officer reasonable assistance in relation to the exercise of the power mentioned in subsection (1). 24
25
26
27
- (3) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1) or (2). 28
29
30
Maximum penalty—50 penalty units. 31
- (4) It is a reasonable excuse for a person to fail to produce a document, other than a document 32
33

[s 57]

- required to be kept by the person under this Act, 1
on the basis that producing the document might 2
tend to incriminate the person or expose the 3
person to a penalty. 4
- (5) An authorised officer may examine the document 5
and— 6
- (a) make a copy of, or take an extract from, the 7
document; or 8
- (b) if the authorised officer considers, on 9
reasonable grounds, it is necessary to 10
remove the document to examine or copy 11
it—remove the document from the person’s 12
possession or control. 13
- (6) Subsection (7) applies if a document removed 14
under subsection (5) is— 15
- (a) a record made and kept under this Act; or 16
- (b) an accounting record or other record about a 17
business conducted under a brothel licence. 18
- (7) The authorised officer must permit, at all 19
reasonable times, a person who, if the record had 20
not been removed, would be entitled to inspect the 21
record or make additions to the record to— 22
- (a) inspect the record; and 23
- (b) make additions to the record. 24
- (8) An authorised officer who has removed a 25
document under subsection (5) must, as soon as is 26
practicable after the removal— 27
- (a) examine and, if the authorised officer 28
considers it necessary, copy the document; 29
and 30
- (b) return the document to the person from 31
whom it was removed. 32

61F Authority to be given particulars after entry 1

As soon as practicable after an authorised officer 2
enters premises under section 61A, or enters a 3
place under a warrant issued under section 61B, 4
the authorised officer must give the Authority the 5
particulars in relation to the entry prescribed by 6
regulation. 7

61G Obstructing authorised officer 8

(1) A person must not obstruct an authorised officer 9
exercising an enforcement power, or someone 10
helping an authorised officer exercising an 11
enforcement power, unless the person has a 12
reasonable excuse. 13

Maximum penalty—60 penalty units. 14

(2) If a person has obstructed an authorised officer, or 15
someone helping an authorised officer, and the 16
authorised officer decides to proceed with the 17
exercise of the enforcement power, the authorised 18
officer must warn the person that— 19

(a) it is an offence to cause an obstruction 20
unless the person has a reasonable excuse; 21
and 22

(b) the authorised officer considers the person’s 23
conduct an obstruction. 24

(3) In this section— 25

obstruct includes assault, hinder, resist, attempt to 26
obstruct and threaten to obstruct. 27

Clause 58 Amendment of s 65 (Application to Magistrates Court) 28

Section 65(1), ‘authorised officer’— 29

omit, insert— 30

authorised official 31

[s 59]

Clause 59	Amendment of s 71 (Rescission of declaration)	1
	Section 71(1)(d), ‘authorised officer’—	2
	<i>omit, insert—</i>	3
	authorised official	4
Clause 60	Amendment of s 78 (Brothel offences)	5
	(1) Section 78(1)(c)—	6
	<i>omit.</i>	7
	(2) Section 78—	8
	<i>insert—</i>	9
	(2A) A person who is a licensee or an approved manager of a licensed brothel must not provide prostitution at the brothel in contravention of any condition or restriction of a licence or a certificate.	10 11 12 13 14
	Maximum penalty—20 penalty units.	15
	(3) Section 78(1)(d)—	16
	<i>renumber</i> as section 78(1)(c).	17
	(4) Section 78(2A) and (3)—	18
	<i>renumber</i> as section 78(3) and (4).	19
Clause 61	Omission of s 84 (Complying with police requirement)	20
	Section 84—	21
	<i>omit.</i>	22
Clause 62	Amendment of s 111 (Licence and certificate register)	23
	Section 111(2)(a)—	24
	<i>omit, insert—</i>	25
	(a) free of charge, by the police service, an authorised	26

	officer, an agency of government prescribed by regulation or an authorised official of a relevant local government; or	1 2 3
Clause 63	Amendment of s 132 (Evidentiary provision)	4
	Section 132(2) and (3), ‘or an authorised officer’—	5
	<i>omit, insert</i> —	6
	, an authorised officer or an authorised official	7
Clause 64	Amendment of s 133 (Disclosure of information)	8
	(1) Section 133(3), definition <i>official</i> —	9
	<i>insert</i> —	10
	(fa) an authorised officer; or	11
	(2) Section 133(3), definition <i>official</i> , paragraph (g), ‘officer’—	12
	<i>omit, insert</i> —	13
	official	14
	(3) Section 133(3), definition <i>official</i> , paragraphs (fa) and (g)—	15
	<i>renumber</i> as paragraphs (g) and (h).	16
Clause 65	Renumbering of s 164 (Application of Act to application for variation not decided before commencement)	17 18
	Section 164, first occurrence—	19
	<i>renumber</i> as section 163A.	20
Clause 66	Renumbering of pt 9, div 8 (Provisions for Planning (Consequential) and Other Legislation Amendment Act 2016)	21 22 23
	Part 9, division 8, second occurrence—	24
	<i>renumber</i> as part 9, division 9.	25

[s 67]

Clause 67	Insertion of new pt 9, div 10	1
	Part 9—	2
	<i>insert—</i>	3
	Division 10	4
	Provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2019	5
		6
		7
		8
	168 Proceedings for particular offences	9
	(1) This section applies in relation to an offence against former section 78(1)(c) or former section 84 committed by a person before the commencement.	10 11 12 13
	(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> , sections 60 and 61 had not commenced.	14 15 16 17 18 19 20
	(3) Subsection (2) applies despite the Criminal Code, section 11.	21 22
	(4) In this section—	23
	<i>former</i> , in relation to a provision, means as in force from time to time before the provision was amended by the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> .	24 25 26 27 28
Clause 68	Amendment of sch 4 (Dictionary)	29
	(1) Schedule 4, definition <i>authorised officer of a relevant local government—</i>	30 31

omit. 1

(2) Schedule 4— 2

insert— 3

authorised officer see section 59. 4

authorised official of a relevant local government means an officer of the relevant local government who is authorised in writing by the local government for this Act. 5
6
7
8

enforcement power means a power under part 3A, division 2. 9
10

occupier, of premises, includes the following— 11

(a) if there is more than 1 person who apparently occupies the premises—any 1 of the persons; 12
13
14

(b) any person at the premises who is apparently acting with the authority of a person who apparently occupies the premises; 15
16
17
18

(c) if no-one apparently occupies the premises—any person who is an owner of the premises. 19
20
21

Part 8 **Amendment of Public Safety Preservation Act 1986** 22 23

Clause 69 **Act amended** 24

This part amends the *Public Safety Preservation Act 1986*. 25

Clause 70 **Amendment of s 8AZE (Power to require access information)** 26
27

(1) Section 8AZE, heading, ‘information’— 28

[s 70]

<i>omit, insert—</i>	1
information or assistance	2
(2) Section 8AZE(1)(a) and (6), ‘storage’—	3
<i>omit, insert—</i>	4
digital	5
(3) Section 8AZE(1)(b)—	6
<i>omit, insert—</i>	7
(b) an emergency situation officer can gain access to device information from the device only with access information for the device or other assistance; and	8 9 10 11
(4) Section 8AZE(1)(c), ‘an emergency’—	12
<i>omit, insert—</i>	13
the emergency	14
(5) Section 8AZE(1)(c), after ‘access information’—	15
<i>insert—</i>	16
or assistance	17
(6) Section 8AZE(2)—	18
<i>omit, insert—</i>	19
(2) The emergency situation officer may require the person to give the officer—	20 21
(a) the access information for the digital device; or	22 23
(b) any assistance necessary for the officer to gain access to device information from the device.	24 25 26
(7) Section 8AZE(5), ‘that complying’—	27
<i>omit, insert—</i>	28
on the basis that complying with the requirement	29

Clause 71	Amendment of s 8AZF (What power to search or seize a storage device includes)	1 2
(1)	Section 8AZF, heading, ‘storage’— <i>omit, insert—</i> digital	3 4 5
(2)	Section 8AZF, ‘that is a storage device’— <i>omit, insert—</i> that is a digital device	6 7 8
(3)	Section 8AZF(a), (b) and (d), ‘storage’— <i>omit.</i>	9 10
(4)	Section 8AZF(a), (b) and (d), ‘information stored on’— <i>omit, insert—</i> device information from	11 12 13
(5)	Section 8AZF(c), from ‘another device’ to ‘a device’— <i>omit, insert—</i> another digital device to make a copy of device information from the device, or send the information to another digital device	14 15 16 17 18
Clause 72	Amendment of s 8PAB (Power to require access information)	19 20
(1)	Section 8PAB, heading, ‘information’— <i>omit, insert—</i> information or assistance	21 22 23
(2)	Section 8PAB(1)(a) and (6), ‘storage’— <i>omit, insert—</i> digital	24 25 26
(3)	Section 8PAB(1)(b)— <i>omit, insert—</i>	27 28

[s 73]

- (b) a terrorist emergency officer can gain access to device information from the device only with access information for the device or other assistance; and 1
2
3
4
- (4) Section 8PAB(1)(c), ‘a terrorist’— 5
omit, insert— 6
the terrorist 7
- (5) Section 8PAB(1)(c), after ‘access information’— 8
insert— 9
or assistance 10
- (6) Section 8PAB(2)— 11
omit, insert— 12
- (2) The terrorist emergency officer may require the person to give the officer— 13
14
- (a) the access information for the digital device; 15
or 16
- (b) any assistance necessary for the officer to gain access to device information from the device. 17
18
19
- (7) Section 8PAB(5), ‘that complying’— 20
omit, insert— 21
on the basis that complying with the requirement 22

Clause 73 Amendment of s 8PAC (What power to search or seize a storage device includes) 23
24

- (1) Section 8PAC, heading, ‘storage’— 25
omit, insert— 26
digital 27
- (2) Section 8PAC, ‘that is a storage device’— 28
omit, insert— 29

	that is a digital device	1
(3)	Section 8PAC(a), (b) and (d), ‘storage’— <i>omit.</i>	2 3
(4)	Section 8PAC(a), (b) and (d), ‘information stored on’— <i>omit, insert—</i>	4 5
	device information from	6
(5)	Section 8PAC(c), from ‘another device’ to ‘a device’— <i>omit, insert—</i>	7 8
	another digital device to make a copy of device information from the device, or send the information to another digital device	9 10 11
Clause 74	Amendment of s 47C (Use of particular evidence in proceedings)	12 13
(1)	Section 47C(1)(a), from ‘in relation’ to ‘storage’— <i>omit, insert—</i>	14 15
	for a digital	16
(2)	Section 47C(1)(b), from ‘particular’ to ‘device’— <i>omit, insert—</i>	17 18
	particular device information from the digital device (the <i>prescribed information</i>)	19 20
Clause 75	Insertion of new pt 5	21
	After section 50— <i>insert—</i>	22 23

[s 75]

Part 5	Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2019	1 2 3 4 5
51	Definitions for part	6
	In this part—	7
	<i>amending Act</i> means the <i>Police Powers and Responsibilities and Other Legislation Amendment Act 2019</i> .	8 9 10
	<i>former</i> , in relation to a provision, means as in force from time to time before the provision was amended by part 8 of the amending Act.	11 12 13
52	Saving of former provisions	14
(1)	Former sections 8AZE and 8AZF continue to apply, despite the commencement of part 8 of the amending Act, in relation to a requirement imposed under former section 8AZE(2) before the commencement.	15 16 17 18 19
(2)	Former sections 8PAB and 8PAC continue to apply, despite the commencement of part 8 of the amending Act, in relation to a requirement imposed under former section 8PAB(2) before the commencement.	20 21 22 23 24
53	Declaratory provision about effect of amending Act	25 26
(1)	This section applies for deciding, after the commencement, a matter to which a provision of former part 2 or 2A applies.	27 28 29
(2)	The amendment of the former provision by the	30

amending Act is to be disregarded. 1

Clause 76 Amendment of schedule (Dictionary) 2

(1) Schedule, definitions *access information*, *storage device* and *stored*— 3
4

omit. 5

(2) Schedule— 6

insert— 7

access information, for a digital device, means 8
information necessary for a person to access or 9
read device information from the device. 10

Examples— 11

userid, username, passcode, password 12

device information, from a digital device, 13
means— 14

(a) information stored on the device; or 15

(b) information accessed, communicated or 16
distributed by using the device, including by 17
using an application on the device. 18

Examples— 19

• images stored on a computer 20

• location data stored on or sent from a mobile phone 21

• emails or text messages sent from a smart phone 22

• messages or videos distributed from a social media 23
application on a tablet computer 24

digital device— 25

(a) means a device on which information may 26
be stored or accessed electronically; and 27

(b) includes a computer, memory stick, portable 28
hard drive, smart phone and tablet computer. 29

[s 77]

Part 9	Amendment of Weapons Act 1990	1 2
Clause 77	Act amended	3
	This part amends the <i>Weapons Act 1990</i> .	4
Clause 78	Amendment of s 28 (Suspension of licence by giving suspension notice)	5 6
	Section 28(2)(c)(ii), ‘30 days’—	7
	<i>omit, insert—</i>	8
	90 days	9
Clause 79	Insertion of new s 70A	10
	After section 70—	11
	<i>insert—</i>	12
	70A Obligations of armourers when modifying firearm to become different category of weapon	13 14 15
	(1) This section applies if a person asks a licensed armourer to modify a firearm so that the firearm becomes a different category of weapon (the <i>new weapons category</i>).	16 17 18 19
	(2) Before modifying the firearm, the licensed armourer must be satisfied the person holds a licence authorising the person to possess a firearm in the new weapons category.	20 21 22 23
	Maximum penalty—100 penalty units.	24
Clause 80	Amendment of s 71 (Licensed dealers and armourers to keep register)	25 26
	(1) Section 71(2) and (5), ‘under a’—	27

<i>omit, insert—</i>	1
by	2
(2) Section 71—	3
<i>insert—</i>	4
(3A) A licensed armourer must, for each modification of a firearm under section 70A, enter immediately in the weapons register the particulars prescribed by regulation.	5 6 7 8
Maximum penalty—20 penalty units or 6 months imprisonment.	9 10
(3B) A licensed armourer must notify an authorised officer in the approved form of each modification of a firearm under section 70A within 14 days after the modification happens.	11 12 13 14
Maximum penalty—20 penalty units or 6 months imprisonment.	15 16
(3) Section 71(5), ‘subsection (4)’—	17
<i>omit, insert—</i>	18
subsection (6)	19
(4) Section 71(3A) to (6)—	20
<i>renumber</i> as section 71(4) to (8).	21 22
Clause 81 Amendment of s 132 (Conditions for concealable firearms licence)	23 24
Section 132(1)(d) and (e)—	25
<i>omit, insert—</i>	26
(d) a weapon with a magazine capacity of more than 10 rounds.	27 28

[s 82]

Clause 82	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definition <i>magazine</i> —	2
	<i>omit.</i>	3
(2)	Schedule 2—	4
	<i>insert</i> —	5
	<i>detachable magazine</i> , in relation to a weapon, means a receptacle for holding ammunition, that can be detached from the weapon, from which ammunition is loaded into the chamber of the weapon.	6 7 8 9 10
	<i>integral magazine</i> , in relation to a weapon, means a receptacle for holding ammunition, that can not be easily removed from the weapon, from which ammunition is loaded into the chamber of the weapon.	11 12 13 14 15
	<i>magazine</i> , in relation to a weapon, means—	16
	(a) a detachable magazine; or	17
	(b) an integral magazine.	18
	<i>magazine capacity</i> , of a weapon, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in—	19 20 21
	(a) if the weapon has an integral magazine—the integral magazine; and	22 23
	(b) if the weapon has a detachable magazine—the detachable magazine.	24 25
Part 10	Amendment of Weapons Categories Regulation 1997	26 27
Clause 83	Regulation amended	28
	This part amends the <i>Weapons Categories Regulation 1997</i> .	29

Clause 84	Omission of s 1A (Definition)	1
	Section 1A—	2
	<i>omit.</i>	3
Clause 85	Amendment of s 3 (Category B weapons)	4
	Section 3(1)(f), ‘not greater’—	5
	<i>omit, insert—</i>	6
	not more	7
Clause 86	Amendment of s 4 (Category C weapons)	8
	Section 4, ‘no greater’—	9
	<i>omit, insert—</i>	10
	of not more	11
Clause 87	Amendment of s 5 (Category D weapons)	12
	Section 5, ‘greater’—	13
	<i>omit, insert—</i>	14
	more	15
Part 11	Amendment of Weapons Regulation 2016	16 17
Clause 88	Regulation amended	18
	This part amends the <i>Weapons Regulation 2016</i> .	19
Clause 89	Amendment of s 8 (Additional particulars to accompany application for licence)	20 21
	(1) Section 8, from ‘prescribed’ to ‘follows’—	22

[s 90]

<i>omit, insert—</i>	1
the following particulars for each firearm owned by the applicant are prescribed	2 3
(2) Section 8(a), from ‘each’—	4
<i>omit, insert—</i>	5
the firearm;	6
(3) Section 8(b)—	7
<i>omit, insert—</i>	8
(b) the chamber capacity and magazine capacity of the firearm;	9 10

Clause 90	Amendment of s 24 (Prohibition on possession of particular magazine for category H weapons)	11 12
(1) Section 24, heading, from ‘magazine’—		13
<i>omit, insert—</i>		14
	detachable magazines	15
(2) Section 24(2)—		16
<i>omit, insert—</i>		17
(2) The holder must not possess a detachable magazine for the weapon that is capable of holding more than 10 rounds of ammunition.		18 19 20
Maximum penalty—10 penalty units.		21

Clause 91	Replacement of s 34 (Prohibition on possession of magazine for particular category B weapons)	22 23
Section 34—		24
<i>omit, insert—</i>		25
	34 Prohibition on possession of particular detachable magazines	26 27
(1) This section applies to the holder of a firearms		28

	licence who is the registered owner of a category B weapon held under the licence.	1 2
(2)	The holder must not possess a detachable magazine for the weapon that is capable of holding more than—	3 4 5
	(a) for a weapon that has a lever action but is not a lever action shotgun, or has a pump action—10 rounds of ammunition; or	6 7 8
	(b) for a weapon that is a repeating centre fire rifle—15 rounds of ammunition.	9 10
	Maximum penalty—10 penalty units.	11
(3)	However, subsection (2) does not apply in relation to a detachable magazine for a category B weapon if—	12 13 14
	(a) a condition of the firearms licence authorises the holder to possess the magazine; or	15 16 17
	(b) the holder is the registered owner of a category D or R weapon, held by the holder under another licence, in which the magazine may be lawfully used.	18 19 20 21
Clause 92	Amendment of s 37 (Conditions of minor's licence)	22
(1)	Section 37(1)(c) and (d)—	23
	<i>omit, insert—</i>	24
	(c) a category H weapon with a magazine capacity of more than 10 rounds;	25 26
(2)	Section 37(1)(e)—	27
	<i>renumber</i> as section 37(1)(d).	28
(3)	Section 37(2), 'subsection (1)(e)'—	29
	<i>omit, insert—</i>	30
	subsection (1)(d)	31

[s 93]

Clause 93	Amendment of s 57 (Other particulars licensed dealer or licensed armourer to enter in weapons register)	1 2
	Section 57(1)(c)—	3
	<i>omit, insert—</i>	4
	(c) the chamber capacity and magazine capacity of the weapon.	5 6
Clause 94	Amendment of s 59 (Particulars to be entered in collection register kept by licensed collector)	7 8
	Section 59(1)(c)—	9
	<i>omit, insert—</i>	10
	(c) the chamber capacity and magazine capacity of the weapon;	11 12
Clause 95	Amendment of s 103 (Information licensed dealer involved in acquisition of weapon to give to authorised officer)	13 14 15
	Section 103(1)(e)—	16
	<i>omit, insert—</i>	17
	(e) the chamber capacity and magazine capacity of the weapon.	18 19
Clause 96	Amendment of s 104 (Information particular persons who have sold or otherwise disposed of weapon to give authorised officer)	20 21 22
	Section 104(1)(e)—	23
	<i>omit, insert—</i>	24
	(e) the chamber capacity and magazine capacity of the weapon;	25 26

Clause 97	Amendment of s 161 (Handgun shooting competition that is prescribed to be an accredited event)	1
		2
	Section 161(a), ‘magazine with a maximum capacity’—	3
	<i>omit, insert—</i>	4
	magazine capacity	5

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