

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, February 2020*



Queensland

**No.
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 Public Safety Preservation Act 1986, the Weapons Act 1990, the Weapons Categories Regulation 1997 and the Weapons Regulation 2016 for particular purposes



Queensland

Police Powers and Responsibilities and Other Legislation Amendment Bill 2020

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2020

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 *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—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Police Powers and Responsibilities and Other Legislation Amendment Act 2020*.

Part 2 Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

2 Act amended

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

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

(1) Section 51B, heading, ‘storage’—

omit, insert—

digital

(2) Section 51B(2), ‘storage’—

omit, insert—

digital

(3) Section 51B(2)(b)—

omit, insert—

- (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
- (4) Section 51B(2)(c)(i) and (ii), ‘the information stored on’—
omit, insert—
device information from
- (5) Section 51B(2)(c)(iii) and (iv), ‘information stored on’—
omit, insert—
device information from
- (6) Section 51B(10), definitions *access information, storage device* and *stored—*
omit.
- (7) Section 51B(10)—
insert—

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

Examples—

userid, username, passcode, password

device information, from a digital device, means—

- (a) information stored on the device; or
- (b) information accessed, communicated or distributed by using the device, including by using an application on the device.

Examples—

- images stored on a computer
- location data stored on or sent from a mobile phone
- emails or text messages sent from a smart phone
- messages or videos distributed from a social media application on a tablet computer

digital device—

- (a) means a device on which information may be stored or accessed electronically; and
- (b) includes a computer, memory stick, portable hard drive, smart phone and tablet computer.

4 Insertion of new pt 7, div 6

Part 7—

insert—

Division 6 Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2020

92 Definitions for division

In this division—

amending Act means the *Police Powers and Responsibilities and Other Legislation Amendment Act 2020*.

former section 51B means section 51B as in force from time to time before it was amended by part 2 of the amending Act.

93 Saving of former s 51B

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.

[s 6]

Examples—

- images stored on a computer
- location data stored on or sent from a mobile phone
- emails or text messages sent from a smart phone
- messages or videos distributed from a social media application on a tablet computer

digital device—

- (a) means a device on which information may be stored or accessed electronically; and
- (b) includes a computer, memory stick, portable hard drive, smart phone and tablet computer.

specified person—

- 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, means any of the following persons—
 - (a) a person reasonably suspected of having committed an offence for which the search warrant is or was issued;
 - (b) the owner of the device;
 - (c) a person in possession of the device;
 - (d) an employee of the owner or person in possession of the device;
 - (e) a person who uses or has used the device;
 - (f) a person who is or was a system administrator for the computer network of which the device forms or formed a part.
- 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.

- 3 A person mentioned in paragraph (1)(f) is a *specified person* 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.

7 Amendment of s 88A (Order in search warrant about information necessary to access information stored electronically)

- (1) Section 88A, heading, from ‘information necessary’—
omit, insert—
device information from digital device
- (2) Section 88A(1), from ‘storage device’ to ‘access,’—
omit, insert—
digital device
- (3) Section 88A(1)(b) and (c)—
omit, insert—
- (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;
 - (c) allow a commission officer to—
 - (i) use access information for the device to gain access to device information from the device; or
 - (ii) examine device information from the device to find out whether the information may be relevant evidence; or
 - (iii) make a copy of device information from the device that may be relevant evidence, including by using another digital device; or

[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.

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

- (4) Section 88B(4)(a), after ‘assistance’—

insert—

mentioned in section 88A(1)(b)

- (5) Section 88B(4)(d), ‘, without reasonable excuse,’—

omit.

- (6) Section 88B(5), ‘information stored on the storage device’—

omit, insert—

device information from the digital device

9 Amendment of s 88C (Compliance with order about information necessary to access information stored electronically)

- (1) Section 88C, heading, from ‘information necessary’—

omit, insert—

device information from digital device

- (2) Section 88C, from ‘ground’—

omit, insert—

basis that complying with the order might tend to incriminate the person or expose the person to a penalty.

10 Insertion of new ch 8, pt 17

Chapter 8—

insert—

Part 17

**Police Powers and
Responsibilities and
Other Legislation
Amendment Act 2020**

[s 10]

454 Definitions for part

In this part—

amending Act means the *Police Powers and Responsibilities and Other Legislation Amendment Act 2020*.

former, 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.

455 Particular applications or orders made before commencement

- (1) This section applies in relation to—
 - (a) an application for an order under former section 88A or 88B that was made but not decided before the commencement; or
 - (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.
- (2) Each of the following may happen under the former section as if part 3 of the amending Act had not commenced—
 - (a) a proceeding relating to the application or order may be continued or decided;
 - (b) a power under the order mentioned in subsection (1)(b) may be exercised.

456 Declaratory provision about effect of amending Act

- (1) This section applies for deciding, after the commencement, a matter to which a provision of former chapter 3, part 2 applies.
- (2) The amendment of the former provision by the amending Act is to be disregarded.

11 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *specified person*, *storage device* and *stored*—
omit.
- (2) Schedule 2—
insert—

device information, from a digital device, for chapter 3, part 2, see section 85A.

digital device, for chapter 3, part 2, see section 85A.

specified person, 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.

Part 4 Amendment of Criminal Code

12 Code amended

This part amends the Criminal Code.

13 Amendment of s 205A (Contravening order about information necessary to access information stored electronically)

- (1) Section 205A, heading, from ‘information necessary’—
omit, insert—

device information from digital device

- (2) Section 205A, ‘who contravenes’—
omit, insert—

who, without reasonable excuse, contravenes

- (3) Section 205A—

[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.

14 Insertion of new ch 101

After section 742—

insert—

Chapter 101 Transitional provision for Police Powers and Responsibilities and Other Legislation Amendment Act 2020

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 2020*.

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**

15 **Act amended**

This part amends the *Domestic and Family Violence Protection Act 2012*.

16 **Amendment of s 134A (Power to give direction)**

(1) Section 134A—

insert—

(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.

(4B) Before the person is transported to the other location, the police officer may—

(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

Note—

See the *Police Powers and Responsibilities Act 2000*, chapter 20, part 3 for safeguards that apply to a search under this paragraph.

(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

(c) if, during the search, the police officer finds a thing the officer reasonably suspects is

[s 16]

evidence of the commission of an offence—
seize the thing.

- (4C) A thing seized under subsection (6)(c) is, for the *Police Powers and Responsibilities Act 2000*, section 622, taken to have been seized under that Act.

Note—

See also the *Police Powers and Responsibilities Act 2000*, chapter 21, part 3.

- (2) Section 134A(5)(b)(ii)—

omit, insert—

- (ii) how the person is to move to the other location, including that a police officer will remain in the presence of the person; and
- (iii) that the person may be searched before moving to the other location; and
- (iv) that the person may be directed to leave, at the person's current location, anything found in the search that may be used to cause harm to the person or another person; and
- (v) that anything found in the search may be seized if the officer reasonably suspects the thing may be evidence of the commission of an offence;

- (3) Section 134A(1) and (5), 'subsection (2) or (4)'—

omit, insert—

subsection (2), (4) or (6)(b)

- (4) Section 134A(6), 'subsection (5)'—

omit, insert—

subsection (8)

- (5) Section 134A(7), 'subsection (6)'—

omit, insert—

subsection (9)

- (6) Section 134A(4A) to (7)—
renumber as section 134A(5) to (10).

17 Amendment of s 169H (Who may give or receive information on behalf of entity)

Section 169H(3)(b), ‘a police officer’—

omit, insert—

a police officer or a staff member of the police service under the *Police Service Administration Act 1990*

Part 6 Amendment of Police Powers and Responsibilities Act 2000

18 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

20 Amendment of s 21B (Power to inspect storage devices for the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004)

- (1) Section 21B(6), definition *storage device*—

omit.

- (2) Section 21B, ‘storage’—

omit, insert—

digital

[s 21]

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

(1) Section 41(m)—

omit.

(2) Section 41(n) to (p)—

renumber as section 41(m) to (o).

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

(1) Section 42(1)(c)(vii)—

omit.

(2) Section 42(1)(c)(viii)—

renumber as section 42(1)(c)(vii).

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

Chapter 2, part 6A, note after part heading, ‘section 41(p)’—

omit, insert—

section 41(o)

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

Section 106A(1), from ‘an vehicle production’—

omit, insert—

a vehicle production notice.

25 Replacement of s 119 (Voluntary transfer of ownership of motorbike to State)

Section 119—

omit, insert—

119 Voluntary transfer of ownership of motor vehicle to State

- (1) This section applies to a motor vehicle that is—
 - (a) impounded under this chapter and held at a holding yard; or
 - (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.
- (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.
- (3) The agreement must be written and witnessed by a person who may witness a statutory declaration.
- (4) If the commissioner agrees in writing to the transfer of the motor vehicle—
 - (a) the following end—
 - (i) the impoundment period for the motor vehicle;
 - (ii) the application for the impounding order or forfeiture order; and
 - (b) the motor vehicle becomes the property of the State; and
 - (c) the commissioner may sell or dispose of the motor vehicle and anything in or on it in the way the commissioner considers appropriate.

26 Amendment of s 121 (Application of proceeds of sale)

- (1) Section 121(1), ‘118A or 120’—
omit, insert—

118A, 119 or 120

[s 27]

- (2) Section 121(2)(d), ‘section 118’—
omit, insert—
section 118 or 119

27 Insertion of new ch 7, pt 1A

Chapter 7, before part 1—

insert—

Part 1A Preliminary

149A Definitions for chapter

In this chapter—

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

Examples—

userid, username, passcode, password

device information, from a digital device, means—

- (a) information stored on the device; or
- (b) information accessed, communicated or distributed by using the device, including by using an application on the device.

Examples—

- images stored on a computer
- location data stored on or sent from a mobile phone
- emails or text messages sent from a smart phone
- messages or videos distributed from a social media application on a tablet computer

digital device—

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

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

specified person—

- 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—
 - (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;
 - (b) the owner of the device;
 - (c) a person in possession of the device;
 - (d) an employee of the owner or person in possession of the device;
 - (e) a person who uses or has used the device;
 - (f) a person who is or was a system administrator for the computer network of which the device forms or formed a part.
- 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.
- 3 A person mentioned in paragraph (1)(f) is a *specified person* 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.

[s 28]

28 Amendment of s 150AA (Definitions)

Section 150AA, definitions *control order property*, *employee*, *issuer*, *relevant evidence* and *warrant evidence or property*—
relocate to section 149A as inserted by this Act.

29 Omission of s 150AA (Definitions)

Section 150AA, as amended by this Act—
omit.

30 Amendment of s 154 (Order in search warrant about information necessary to access information stored electronically)

(1) Section 154, heading, from ‘information necessary’—
omit, insert—

device information from digital device

(2) Section 154(1), from ‘storage device’ to ‘access,’
omit, insert—

digital device

(3) Section 154(1)(a) and (b)—
omit, insert—

(a) give a police officer access to the device;

(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;

(c) allow a police officer to—

(i) use access information for the device to gain access to device information from the device; or

(ii) examine device information from the device to find out whether the

information may be relevant evidence;
or

(iii) make a copy of device information from the device that may be relevant evidence, including by using another digital device; or

(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.

(4) Section 154(2), from ‘, if the storage’ to ‘subsection (1)(a) or (b)’—

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 154(3)(a), after ‘assistance’—

insert—

mentioned in subsection (1)(b)

(6) Section 154(3)(b), ‘and assistance’—

omit, insert—

or assistance

(7) Section 154(3)—

insert—

(d) that failure to comply with the order may be dealt with under the Criminal Code, section 205A.

[s 31]

31 Amendment of s 154A (Order for access information after storage device has been seized)

(1) Section 154A, heading—

omit, insert—

154A Order after digital device has been seized

(2) Section 154A(1)(a), ‘storage’—

omit, insert—

digital

(3) Section 154A(1)(b)(ii), ‘information stored on’—

omit, insert—

device information from

(4) Section 154A(2), ‘section 154(1)(a) or (b)’—

omit, insert—

section 154(1)(b) or (c)

(5) Section 154A(3)(b), before ‘judge’—

insert—

Supreme Court

(6) Section 154A(4)(a), after ‘assistance’—

insert—

mentioned in section 154(1)(b)

(7) Section 154A(4)(d), ‘, without reasonable excuse,’—

omit.

(8) Section 154A(5), ‘information stored on the storage device’—

omit, insert—

device information from the digital device

32 Amendment of s 154B (Compliance with order about information necessary to access information stored electronically)

(1) Section 154B, heading, from ‘information necessary’—
omit, insert—

device information from digital device

(2) Section 154B, from ‘ground’—
omit, insert—

basis that complying with the order might tend to incriminate the person or expose the person to a penalty.

33 Amendment of s 156 (What search warrant must state)

Section 156(3), ‘, without reasonable excuse,’—
omit.

34 Amendment of s 178A (Order for access information for a storage device at or seized from a crime scene)

(1) Section 178A, heading—
omit, insert—

178A Order about digital device at or seized from a crime scene

(2) Section 178A(1), from ‘access information’ to ‘storage device’—
omit, insert—

order requiring a specified person to do a thing mentioned in subsection (2) in relation to a digital device

(3) Section 178A—
insert—

(1A) The specified person may be required to—

[s 34]

- (a) give a police officer access to the device; or
 - (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
 - (c) allow a police officer to—
 - (i) use access information for the device to gain access to device information from the device; or
 - (ii) examine device information from the device to find out whether the information may be evidence of the commission of a crime scene threshold offence; or
 - (iii) make a copy of device information from the device that may be evidence of the commission of a crime scene threshold offence, including by using another digital device; or
 - (iv) convert device information from the device that may be evidence of the commission of a crime scene threshold offence into documentary form, or another form, that enables the information to be understood by a police officer.
- (4) Section 178A(2), (3) and (4), ‘access information’—
omit.
- (5) Section 178A(2), ‘information stored on the storage device’—
omit, insert—
device information from the digital device
- (6) Section 178A(3)(a), from ‘the police officer’ to ‘assistance’—
omit, insert—

a police officer the information or assistance mentioned in subsection (2)(b)

(7) Section 178A(3)(b), ‘and assistance’—

omit, insert—

or assistance

(8) Section 178A(5)—

omit.

(9) Section 178A(1A) to (4)—

renumber as section 178A(2) to (5).

35 Replacement of s 178B (Compliance with access information order)

Section 178B—

omit, insert—

178B Compliance with order about device information from digital device

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.

36 Amendment of s 224 (Authorised controlled activities)

Section 224(1)(b)(i)—

omit, insert—

(i) the police officer communicating with the person in any way, whether on 1 or more occasions;

37 Amendment of s 274 (Delegation—commissioner)

Section 274(a) and (b)—

[s 38]

omit, insert—

- (a) a deputy commissioner of the police service;
or
- (b) an assistant commissioner of the police
service; or
- (c) the detective chief superintendent
responsible for Statewide crime operations.

38 Amendment of s 332 (What a surveillance device warrant authorises)

- (1) Section 332(2)(c)(i), after ‘on premises’—

insert—

, or in or on a vehicle,

- (2) Section 332(2)(c)(ii), from ‘onto the premises’ to ‘those premises,’—

omit, insert—

onto the premises, or into the vehicle, mentioned in subparagraph (i), or onto other premises adjoining or providing access to those premises or that vehicle,

39 Amendment of s 378 (Additional case when arrest for being intoxicated in a public place may be discontinued)

Section 378(3)(c)—

omit.

40 Omission of s 378A (Additional case when arrest may be discontinued to take person to sober safe centre)

Section 378A—

omit.

41 Omission of ch 14, pt 5, div 1, hdg (General provisions)

Chapter 14, part 5, division 1, heading—
omit.

42 Omission of ch 14, pt 5, div 2 (Sober Safe Centre Trial)

Chapter 14, part 5, division 2—
omit.

43 Amendment of s 442 (Application of ch 16)

- (1) Section 442(ca)—
omit.
- (2) Section 442(cb) to (d)—
renumber as section 442(d) to (f).

44 Amendment of s 602F (Extended police banning notice)

- (1) Section 602F(4)(e)—
omit.
- (2) Section 602F(4)(f) to (h)—
renumber as section 602F(4)(e) to (g).

45 Amendment of s 718 (Order for forfeiture of particular relevant things)

- (1) Section 718(1)—
omit.
- (2) Section 718(2), ‘the relevant thing’—
omit, insert—
a relevant thing, after it has been in the possession
of the police service for at least 30 days,
- (3) Section 718(5), ‘Subsections (3) and (4)’—

[s 46]

omit, insert—

Subsections (2) and (3)

(4) Section 718(2) to (6)—

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

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

Section 784(4), ‘State agrees’—

omit, insert—

commissioner agrees

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

Section 808A(3), ‘storage’—

omit, insert—

digital

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

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

omit, insert—

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

49 Insertion of new ch 24, pt 18

Chapter 24—

insert—

Part 18 **Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2020**

884 Definitions for part

In this part—

amending Act means the *Police Powers and Responsibilities and Other Legislation Amendment Act 2020*.

former, 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.

885 Particular applications or orders made before commencement

- (1) This section applies in relation to—
 - (a) an application for an order under former section 21B, 154, 154A or 178A that was made but not decided before the commencement; or
 - (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.
- (2) Each of the following may happen under the former section as if part 6 of the amending Act had not commenced—
 - (a) a proceeding relating to the application or order may be continued or decided;

[s 50]

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

886 Declaratory provision about effect of amending Act

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

887 Saving of operation of s 390P

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.

50 Amendment of sch 6 (Dictionary)

- (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*—
omit.
- (2) Schedule 6—
insert—

access information, for a digital device, for chapter 7, see section 149A.

control order property, for chapter 7, see section 149A.

device information, from a digital device, for chapter 7, see section 149A.

digital device see section 149A.

employee, for chapter 7, see section 149A.

issuer, for chapter 7, see section 150(7).

premises—

- (a) for chapter 13, see section 322; or
- (b) otherwise, includes—
 - (i) a building or structure, or part of a building or structure, of any type; and
 - (ii) a group of buildings or structures, or part of a group of buildings or structures, of any type; and
 - (iii) the land or water where a building or structure, or a group of buildings or structures, is situated; and
 - (iv) a vehicle or a caravan; and
 - (v) a tent or cave; and
 - (vi) premises held under 2 or more titles or owners.

relevant evidence, for chapter 7, see section 149A.

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, for chapter 7, see section 149A.

warrant evidence or property, for chapter 7, see section 149A.

- (3) Schedule 6, definitions *body art tattooing business*, *detection dog* and *tattoo parlour*, ‘ch 2, pt 3’—

omit, insert—

chapter 2, part 3

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

69 **Act amended**

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

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

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

omit, insert—

information or assistance

(2) Section 8AZE(1)(a) and (6), ‘storage’—

omit, insert—

digital

(3) Section 8AZE(1)(b)—

omit, insert—

(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

(4) Section 8AZE(1)(c), ‘an emergency’—

omit, insert—

the emergency

(5) Section 8AZE(1)(c), after ‘access information’—

insert—

or assistance

(6) Section 8AZE(2)—

omit, insert—

(2) The emergency situation officer may require the person to give the officer—

(a) the access information for the digital device;
or

(b) any assistance necessary for the officer to gain access to device information from the device.

(7) Section 8AZE(5), ‘that complying’—

omit, insert—

on the basis that complying with the requirement

71 **Amendment of s 8AZF (What power to search or seize a storage device includes)**

(1) Section 8AZF, heading, ‘storage’—

omit, insert—

digital

(2) Section 8AZF, ‘that is a storage device’—

omit, insert—

that is a digital device

(3) Section 8AZF(a), (b) and (d), ‘storage’—

omit.

(4) Section 8AZF(a), (b) and (d), ‘information stored on’—

omit, insert—

device information from

(5) Section 8AZF(c), from ‘another device’ to ‘a device’—

omit, insert—

another digital device to make a copy of device

[s 72]

information from the device, or send the information to another digital device

72 Amendment of s 8PAB (Power to require access information)

(1) Section 8PAB, heading, ‘information’—

omit, insert—

information or assistance

(2) Section 8PAB(1)(a) and (6), ‘storage’—

omit, insert—

digital

(3) Section 8PAB(1)(b)—

omit, insert—

(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

(4) Section 8PAB(1)(c), ‘a terrorist’—

omit, insert—

the terrorist

(5) Section 8PAB(1)(c), after ‘access information’—

insert—

or assistance

(6) Section 8PAB(2)—

omit, insert—

(2) The terrorist emergency officer may require the person to give the officer—

(a) the access information for the digital device;
or

(b) any assistance necessary for the officer to gain access to device information from the device.

(7) Section 8PAB(5), ‘that complying’—

omit, insert—

on the basis that complying with the requirement

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

(1) Section 8PAC, heading, ‘storage’—

omit, insert—

digital

(2) Section 8PAC, ‘that is a storage device’—

omit, insert—

that is a digital device

(3) Section 8PAC(a), (b) and (d), ‘storage’—

omit.

(4) Section 8PAC(a), (b) and (d), ‘information stored on’—

omit, insert—

device information from

(5) Section 8PAC(c), from ‘another device’ to ‘a device’—

omit, insert—

another digital device to make a copy of device information from the device, or send the information to another digital device

74 Amendment of s 47C (Use of particular evidence in proceedings)

(1) Section 47C(1)(a), from ‘in relation’ to ‘storage’—

omit, insert—

[s 75]

for a digital

(2) Section 47C(1)(b), from ‘particular’ to ‘device’—

omit, insert—

particular device information from the digital
device (the *prescribed information*)

75 Insertion of new pt 5

After section 50—

insert—

Part 5

Transitional provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2020

51 Definitions for part

In this part—

amending Act means the *Police Powers and Responsibilities and Other Legislation Amendment Act 2020*.

former, 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.

52 Saving of former provisions

- (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.
- (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.

53 Declaratory provision about effect of amending Act

- (1) This section applies for deciding, after the commencement, a matter to which a provision of former part 2 or 2A applies.
- (2) The amendment of the former provision by the amending Act is to be disregarded.

76 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *access information*, *storage device* and *stored*—
omit.
- (2) Schedule—
insert—

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

Examples—

userid, username, passcode, password

device information, from a digital device, means—

- (a) information stored on the device; or
- (b) information accessed, communicated or distributed by using the device, including by using an application on the device.

Examples—

- images stored on a computer
- location data stored on or sent from a mobile phone

- (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.

Maximum penalty—100 penalty units.

80 Amendment of s 71 (Licensed dealers and armourers to keep register)

- (1) Section 71(2) and (5), ‘under a’—

omit, insert—

by

- (2) Section 71—

insert—

- (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.

Maximum penalty—20 penalty units or 6 months imprisonment.

- (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.

Maximum penalty—20 penalty units or 6 months imprisonment.

- (3) Section 71(5), ‘subsection (4)’—

omit, insert—

subsection (6)

- (4) Section 71(3A) to (6)—

renumber as section 71(4) to (8).

[s 81]

81 Amendment of s 132 (Conditions for concealable firearms licence)

Section 132(1)(d) and (e)—

omit, insert—

- (d) a weapon with a magazine capacity of more than 10 rounds.

82 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *magazine*—

omit.

(2) Schedule 2—

insert—

detachable magazine, 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.

integral magazine, 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.

magazine, in relation to a weapon, means—

- (a) a detachable magazine; or
- (b) an integral magazine.

magazine capacity, of a weapon, means the maximum number of rounds of ammunition of a particular calibre that are designed to be held in—

- (a) if the weapon has an integral magazine—the integral magazine; and
- (b) if the weapon has a detachable magazine—the detachable magazine.

Part 10 **Amendment of Weapons Categories Regulation 1997**

83 **Regulation amended**

This part amends the *Weapons Categories Regulation 1997*.

84 **Omission of s 1A (Definition)**

Section 1A—
omit.

85 **Amendment of s 3 (Category B weapons)**

Section 3(1)(f), ‘not greater’—
omit, insert—
not more

86 **Amendment of s 4 (Category C weapons)**

Section 4, ‘no greater’—
omit, insert—
of not more

87 **Amendment of s 5 (Category D weapons)**

Section 5, ‘greater’—
omit, insert—
more

Maximum penalty—10 penalty units.

91 Replacement of s 34 (Prohibition on possession of magazine for particular category B weapons)

Section 34—

omit, insert—

34 Prohibition on possession of particular detachable magazines

- (1) This section applies to the holder of a firearms licence who is the registered owner of a category B weapon held under the licence.
- (2) The holder must not possess a detachable magazine for the weapon that is capable of holding more than—
 - (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
 - (b) for a weapon that is a repeating centre fire rifle—15 rounds of ammunition.

Maximum penalty—10 penalty units.

- (3) However, subsection (2) does not apply in relation to a detachable magazine for a category B weapon if—
 - (a) a condition of the firearms licence authorises the holder to possess the magazine; or
 - (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.

92 Amendment of s 37 (Conditions of minor's licence)

- (1) Section 37(1)(c) and (d)—

[s 93]

omit, insert—

- (c) a category H weapon with a magazine capacity of more than 10 rounds;

(2) Section 37(1)(e)—

renumber as section 37(1)(d).

(3) Section 37(2), ‘subsection (1)(e)’—

omit, insert—

subsection (1)(d)

93 Amendment of s 57 (Other particulars licensed dealer or licensed armourer to enter in weapons register)

Section 57(1)(c)—

omit, insert—

- (c) the chamber capacity and magazine capacity of the weapon.

94 Amendment of s 59 (Particulars to be entered in collection register kept by licensed collector)

Section 59(1)(c)—

omit, insert—

- (c) the chamber capacity and magazine capacity of the weapon;

95 Amendment of s 103 (Information licensed dealer involved in acquisition of weapon to give to authorised officer)

Section 103(1)(e)—

omit, insert—

- (e) the chamber capacity and magazine capacity of the weapon.

96 Amendment of s 104 (Information particular persons who have sold or otherwise disposed of weapon to give authorised officer)

Section 104(1)(e)—

omit, insert—

- (e) the chamber capacity and magazine capacity of the weapon;

97 Amendment of s 161 (Handgun shooting competition that is prescribed to be an accredited event)

Section 161(a), ‘magazine with a maximum capacity’—

omit, insert—

magazine capacity

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