



Queensland

Police Powers and Responsibilities and Other Legislation Amendment Bill 2011



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2011

A Bill

for

An Act to amend the *Police Powers and Responsibilities Act 2000*, the *Police Powers and Responsibilities Regulation 2000*, the *Evidence Act 1977* and the *State Penalties Enforcement Act 1999* for particular purposes, and to make minor and consequential amendments to the legislation mentioned in the schedule

[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 2011*. 4
5

Clause 2 Commencement 6

(1) Sections 9 to 11 and part 5 commence on a day to be fixed by proclamation. 7
8

(2) The rest of this Act commences on the day that is 3 months after the date of assent. 9
10

Part 2 Amendment of Police Powers and Responsibilities Act 2000 11
12

Clause 3 Act amended 13

This part amends the *Police Powers and Responsibilities Act 2000*. 14
15

Note— 16

See also the schedule. 17

Clause 4 Amendment of s 30 (Prescribed circumstances for searching persons without warrant) 18
19

Section 30(c), from ‘an implement’— 20

omit, insert— 21

-
- ‘an implement— 1
- (i) of housebreaking; or 2
 - (ii) for unlawfully using or stealing a vehicle; or 3
 - (iii) for the administration, consumption or smoking of a 4
dangerous drug;’. 5

- Clause 5 Amendment of s 32 (Prescribed circumstances for 6
searching vehicle without warrant) 7**
- Section 32(f), from ‘an implement’— 8
- omit, insert— 9*
- ‘an implement— 10
- (i) of housebreaking; or 11
 - (ii) for unlawfully using or stealing a vehicle; or 12
 - (iii) for the administration, consumption or smoking of 13
a dangerous drug; or’. 14

- Clause 6 Insertion of new s 52A 15**
- After section 52— 16
- insert— 17*
- ‘52A Power to conduct pat-down search for ss 50–52 18**
- ‘(1) This section applies if a person is detained as a result of steps 19
taken lawfully by a police officer under section 50, 51 or 52. 20
 - ‘(2) A police officer may, without a warrant— 21
 - (a) conduct a pat-down search of the person; and 22
 - (b) search any personal property in the person’s possession. 23

Note— 24

See chapter 20, part 3 for safeguards. 25

 - ‘(3) A police officer may seize from the person anything found 26
that the police officer reasonably suspects may provide 27
evidence of the commission of an offence. 28

[s 7]

- ‘(4) Also, the police officer may take and retain, while the person is detained as mentioned in subsection (1), anything that may ordinarily be used—
- (a) to endanger the safety of a person, including the person detained or the police officer; or
 - (b) for an escape.
- ‘(5) If a thing is taken from the person under subsection (4), the thing must be returned to the person on his or her release from the detention mentioned in subsection (1).
- ‘(6) This section does not limit a police officer’s powers under sections 50 to 52.’.

- Clause 7 Amendment of s 53 (Prevention of particular offences relating to liquor)**
- (1) Section 53(3) and (4)—
omit.
 - (2) Section 53(5), ‘(2A)’—
omit, insert—
‘(3)’.
 - (3) Section 53(2A) to (6)—
renumber as section 53(3) to (5).

- Clause 8 Insertion of new ss 53C and 53D**
- Chapter 2, part 6—
insert—
- ‘53C Power to conduct pat-down search of minor**
- ‘(1) This section applies if—
 - (a) a police officer reasonably suspects a minor has committed, is committing or is about to commit an offence against the *Liquor Act 1992*, section 157(2); and

-
- (b) the police officer reasonably suspects the minor is in possession of liquor that—
- (i) relates to, is contributing to, or is likely to contribute to, the commission of the offence by the minor; and
 - (ii) can not be seized under section 53(2) or (3) without a search of the minor being conducted.
- ‘(2) The police officer may, without a warrant—
- (a) stop and detain the minor; and
 - (b) conduct a pat-down search of the minor, and a search of any personal property in the minor’s possession, for liquor.
- ‘(3) The police officer may seize any liquor found in the minor’s possession that the police officer reasonably suspects relates to, is contributing to, or is likely to contribute to, the commission by the minor of an offence mentioned in subsection (1)(a).
- ‘(4) This section does not limit a police officer’s powers under section 53, 53A or 53B.
- ‘(5) In this section—
liquor has the meaning given under section 53.
- ‘53D Disposal of liquor seized under s 53 or 53C**
- ‘(1) This section applies if a police officer seizes a thing under section 53(2) or (3) or 53C(3).
- ‘(2) A police officer may dispose of the thing in the way the police officer considers reasonably necessary to prevent the commission, continuation or repetition of the offence.
- Example of disposing of a thing seized under section 53(2)—*
- The police officer may empty an opened can of beer found by the police officer being consumed by a person in contravention of a provision mentioned in section 53(1) or an unopened can of beer likely to be consumed in contravention of a provision mentioned in section 53(1).
-

[s 9]

- ‘(3) The thing is taken to have been forfeited to the State immediately after the police officer seizes it. 1
2
- ‘(4) Chapter 21, part 2, division 3 and chapter 21, part 3 do not apply to the thing.’. 3
4

Clause 9 Insertion of new s 101A 5

Chapter 4, part 5, division 4, subdivision 1— 6

insert— 7

‘101A Definitions for sdiv 1 8

‘In this subdivision— 9

applied section see section 102A(1). 10

deemed fine option order see section 102(2). 11

non-performance amount means an amount that is not more than the equivalent of $\frac{1}{5}$ of a penalty unit.’. 12
13

**Clause 10 Amendment of s 102 (Community service instead of impounding or forfeiture order) 14
15**

- (1) Section 102(2), ‘order the driver to perform not more than 240 hours’— 16
17

omit, insert— 18

‘make an order (a *deemed fine option order*) requiring the driver to perform a stated number of hours of’. 19
20

- (2) Section 102— 21

insert— 22

- ‘(2A) The number of hours stated in the order must, in the opinion of the court, satisfy the justice of the case but may not be more than 240 hours. 23
24
25

- ‘(2B) The order must state a non-performance amount for each hour of community service that is not performed under the order.’. 26
27

- (3) Section 102(3), ‘An order’ — 28

omit, insert— 29

‘A deemed fine option order’.

(4) Section 102(2A) to (3)—

renumber as section 102(3) to (5).

Clause 11 Insertion of new ss 102A–102C

Chapter 4, part 5, division 4, subdivision 1—

insert—

‘102A Applying Penalties and Sentences Act 1992

‘(1) For section 102(5)(a), the following provisions of the *Penalties and Sentences Act 1992* (each an *applied section*) apply—

(a) section 64 other than paragraph (c)(ii) and (iii);

(b) section 66;

(c) section 67;

(d) section 71;

(e) section 79;

(f) section 81 other than the following—

(i) subsection (1)(a)(iii);

(ii) subsection (2) to the extent it requires notice to be given to the director of public prosecutions or the prosecutor before the court;

(iii) subsection (3) to the extent it requires notice to be given to the director of public prosecutions;

(iv) subsection (4);

(v) subsection (5);

(g) section 84 other than subsection (1)(c) and (2)(a);

(h) section 88(1)(a) and (e) to the extent paragraph (e) refers to section 74.

‘(2) However, a reference in an applied section to—

[s 11]

- (a) a fine is taken to be a reference to the amount worked out by multiplying the number of hours of community service not performed under a deemed fine option order by the non-performance amount stated in the order; and
- (b) a fine option order is taken to be a reference to a deemed fine option order; and
- (c) the court or proper officer of the court is taken to be a reference to the court that made a deemed fine option order; and
- (d) an offender or the offender is taken to be a reference to the driver.
- ‘(3) Also, a reference in applied section 66(3) or 71 to a fine option order includes a reference to a fine option order made under the *Penalties and Sentences Act 1992*, section 60(1)(a).
- Example—*
- A court makes a fine option order for an offender (the *relevant person*) under the *Penalties and Sentences Act 1992*, section 60(1)(a). On the same day, the same court makes a deemed fine option order against the relevant person under section 102(2) of this Act. A direction given under the *Penalties and Sentences Act 1992*, section 66(1)(b)(ii) applies to both the fine option order and the deemed fine option order made against the relevant person.
- ‘(4) In addition, a reference in applied section 79(c) to is no longer willing to comply with the order includes a reference to is contravening, or has contravened, a deemed fine option order.
- ‘102B Deemed fine option order to be explained**
- ‘(1) If the relevant court makes a deemed fine option order against the driver, the court must explain, or cause to be explained, to the driver—
- (a) the purpose and effect of the order; and
- (b) what may follow if the driver fails to comply with the order.
- ‘(2) The explanation must be made in language or in a way likely to be readily understood by the driver.

‘102C Revoking deemed fine option order	1
‘(1) If a deemed fine option order is revoked under applied section 79, the revocation order must order that the driver pay the amount worked out by multiplying—	2 3 4
(a) the number of hours of community service not performed under the deemed fine option order; and	5 6
(b) the non-performance amount stated in the deemed fine option order.	7 8
‘(2) The amount ordered to be paid under the revocation order is taken to be a fine under the <i>Penalties and Sentences Act 1992</i> .	9 10
<i>Note—</i>	11
See also the <i>Acts Interpretation Act 1954</i> , section 43, which applies to amounts recovered because of the imposition of a penalty.	12 13
‘(3) In this section—	14
<i>revocation order</i> means the order revoking the deemed fine option order under applied section 79.’.	15 16
Clause 12 Amendment of s 118 (Sale of motor vehicle if not recovered after impounding ends)	17 18
(1) Section 118(3)—	19
<i>omit, insert—</i>	20
‘(3) For subsection (2)—	21
(a) the motor vehicle and anything in or on it is taken to have been forfeited to the State; and	22 23
(b) any right of a person to take possession of the motor vehicle, under a security interest registered under the <i>Motor Vehicles and Boats Securities Act 1986</i> , is extinguished.’.	24 25 26 27
(2) Section 118(4), from ‘but may’ to ‘website’—	28
<i>omit.</i>	29
(3) Section 118—	30
<i>insert—</i>	31

[s 13]

- ‘(4A) The advertisement mentioned in subsection (4) must include a statement that a description of the vehicle and anything in or on it is published on the QPS website. 1
2
3
- ‘(4B) Also, the commissioner must ensure that the description mentioned in subsection (4A) is published on the QPS website.’. 4
5
6

- Clause 13 Amendment of s 121 (Application of proceeds of sale) 7**
- (1) Section 121(2)(d) and (e)— 8
renumber as section 121(2)(e) and (f). 9
- (2) Section 121(2)— 10
insert— 11
- ‘(d) if the owner is an enforcement debtor for an enforcement order under the *State Penalties Enforcement Act 1999* and has taken no action under section 41 of that Act—in payment to SPER of the amount stated in the enforcement order;’. 12
13
14
15
16

- Clause 14 Amendment of s 126 (Steps after seizing a vehicle, load or other thing) 17
18**
- Section 126, after subsection (3)— 19
insert— 20
- ‘(3AA) The advertisement mentioned in subsection (3) must include a statement that a description of the vehicle, load or other thing is published on the QPS website. 21
22
23
- ‘(3AB) Also, the commissioner must ensure that the description mentioned in subsection (3AA) is published on the QPS website.’. 24
25
26

- Clause 15 Amendment of s 127 (Disposal of seized or moved vehicle, load or other thing) 27
28**
- Section 127— 29

insert—

‘(3) The advertisement mentioned in subsection (2) must include a statement that a description of the vehicle, load or other thing is published on the QPS website.

‘(4) Also, the commissioner must ensure that the description mentioned in subsection (3) is published on the QPS website.’.

Clause 16 Amendment of s 139 (Steps after seizing animal)

Section 139—

insert—

‘(3A) The advertisement mentioned in subsection (3) must include a statement that a description of the animal is published on the QPS website.

‘(3B) Also, the commissioner must ensure that the description mentioned in subsection (3A) is published on the QPS website.’.

Clause 17 Amendment of s 140 (Recovery of seized animal)

Section 140—

insert—

‘(3) The advertisement mentioned in subsection (2) must include a statement that a description of the animal and anything in or on it is published on the QPS website.

‘(4) Also, the commissioner must ensure that the description mentioned in subsection (3) is published on the QPS website.’.

Clause 18 Amendment of s 147 (Powers to provide relief to animal)

(1) Section 147—

insert—

[s 19]

- ‘(3A) However, subsection (3) does not apply if, in all the
circumstances, it is not reasonably practicable to leave the
notice. 1
2
3
*Example of circumstances in which it might not be reasonably practicable
to leave the notice—* 4
5
The animal is in a remote location and the police officer would have to
travel a long distance to leave the notice.’. 6
7
- (2) Section 147(5), ‘subsection (4)’— 8
omit, insert— 9
‘subsection (5)’. 10
- (3) Section 147(3A) to (6)— 11
renumber as section 147(4) to (7). 12

- Clause 19 Amendment of s 212 (Covert search warrant applications)** 13
Section 212(2)— 14
insert— 15
‘(c) if reasonably practicable, be made with the help of a
lawyer approved by the commissioner.’. 16
17

- Clause 20 Insertion of new s 220A** 18
Chapter 10— 19
insert— 20
‘220A Definitions for ch 10 21
‘In this chapter— 22
ancillary conduct, for a controlled activity authorised under 23
section 224— 24
(a) means conduct that amounts to— 25
(i) aiding or enabling a police officer to commit a
controlled activity offence; or 26
27
(ii) conspiring with a police officer for the police
officer to commit a controlled activity offence; but 28
29

(b) does not include conduct that amounts to actually doing
an act or making an omission that constitutes a
controlled activity offence.

civilian participant means an adult who is not a police
officer.’.

Clause 21 Amendment of s 223 (Lawfulness of particular actions) 6

Section 223— 7

insert— 8

‘(c) that it is lawful for a police officer of at least the rank of
chief superintendent, acting in accordance with policies
or procedures established by the commissioner, to
authorise a civilian participant to engage in ancillary
conduct for a controlled activity authorised under
section 224, for the police service; and 14

‘(d) that it is lawful for a person acting under an authority
given under section 224A to engage in ancillary conduct
for a controlled activity in accordance with the authority
and policies or procedures established by the
commissioner.’. 19

Clause 22 Amendment of s 224 (Authorised controlled activities) 20

Section 224(1)(b)(i), from ‘meetings’, first mention— 21

omit, insert— 22

‘written or oral communications between the police officer
and a person;’. 24

Clause 23 Insertion of new s 224A 25

After section 224— 26

insert— 27

‘224A Authorised ancillary conduct for a controlled activity 28

‘(1) This section applies if — 29

[s 24]

- (a) section 224(1) applies; and 1
- (b) a police officer considers it is reasonably necessary for a 2
civilian participant to engage in ancillary conduct for a 3
controlled activity authorised, or to be authorised, under 4
section 224. 5
- ‘(2) A police officer of at least the rank of chief superintendent (a 6
senior police officer) may, in accordance with any policy or 7
procedure of the police service, authorise the civilian 8
participant to engage in ancillary conduct for the controlled 9
activity. 10
- ‘(3) However, the senior police officer may authorise the civilian 11
participant to engage in the ancillary conduct only if, having 12
regard to the nature and extent of the controlled activity to be 13
authorised under section 224, authorising the ancillary 14
conduct is appropriate in the particular circumstances. 15
- ‘(4) The authority must be written and state— 16
 - (a) the controlled activity a police officer is authorised to 17
engage in under section 224; and 18
 - (b) details of the ancillary conduct for the controlled 19
activity authorised under section 224 that the civilian 20
participant is authorised to engage in; and 21
 - (c) the period, of not more than 7 days, for which the 22
authority is in force. 23
- ‘(5) A civilian participant authorised to engage in ancillary 24
conduct for a controlled activity must— 25
 - (a) act under the lawful instructions of a police officer in 26
engaging in the ancillary conduct; and 27
 - (b) comply with a policy or procedure established by the 28
commissioner relevant to the authority.’. 29

Clause 24 Amendment of s 225 (Protection from liability) 30

Section 225(1)— 31

insert— 32

-
- ‘(c) a person who authorised, under section 224A, ancillary
conduct for a controlled activity; 1
2
- (d) a person who is or was authorised, under section 224A,
to engage in ancillary conduct for a controlled activity.’. 3
4

**Clause 25 Amendment of s 226 (Admissibility of evidence obtained
through controlled activities) 5
6**

Section 226, after ‘controlled activity’— 7

insert— 8

‘, or ancillary conduct for a controlled activity,’. 9

Clause 26 Amendment of s 227 (Evidentiary provision) 10

Section 227, after ‘controlled activity’— 11

insert— 12

‘, or ancillary conduct for a controlled activity,’. 13

Clause 27 Insertion of new s 282A 14

After section 282— 15

insert— 16

**‘282A Application to use multiple assumed identities
recorded in motor vehicle register 17
18**

‘(1) The purpose of this section is to allow a law enforcement
officer who has acquired an assumed identity to represent that
another assumed identity that is recorded in a motor vehicle
register as the registered owner of a motor vehicle is real when
it is not. 19
20
21
22
23

‘(2) An application under section 282(1) may include an
application for the law enforcement officer to use 1 or more
assumed identities that are recorded in a motor vehicle
register as the registered owner of a motor vehicle. 24
25
26
27

[s 28]

- ‘(3) This chapter applies to an application under section 282(1) that includes an application mentioned in subsection (2) with any necessary modifications. 1
2
3
- ‘(4) This section applies despite section 282(2). 4
- ‘(5) In this section— 5
- motor vehicle register* means a register kept by the chief executive of a law enforcement agency that records— 6
7
- (a) the details, including the registration details, of motor vehicles that have been acquired by the law enforcement agency for investigations and intelligence gathering in relation to criminal activity; and 8
9
10
11
- (b) the assumed identities that have been nominated as the registered owners of the motor vehicles mentioned in paragraph (a). 12
13
14
- use*, an assumed identity, means represent, whether expressly or impliedly, or by saying or doing something, that the identity is real when it is not.’. 15
16
17

- Clause 28 Amendment of s 328 (Application for surveillance device warrant)** 18
19
- (1) Section 328— 20
- insert—* 21
- ‘(8A) The application must, if reasonably practicable, be made with the help of a lawyer approved by the commissioner.’. 22
23
- (2) Section 328(8A) and (9)— 24
- renumber* as section 328(9) and (10). 25

- Clause 29 Amendment of s 332 (What a surveillance device warrant authorises)** 26
27
- (1) Section 332(2)(a)(ii)— 28
- renumber* as section 332(2)(a)(iii). 29
- (2) Section 332(2)(a)— 30

-
- insert—* 1
- ‘(ii) any act that is preparatory to, and reasonably 2
necessary for, the installation of the surveillance 3
device mentioned in subparagraph (i); and 4
- Example of an act for subparagraph (ii)—* 5
- taking photographs or video images inside the stated 6
premises before the installation of the surveillance 7
device’. 8
- (3) Section 332(2)(a)(iii), as renumbered, after ‘subparagraph 9
(i)’— 10
- insert—* 11
- ‘or (ii)’. 12
- (4) Section 332(3)— 13
- insert—* 14
- ‘(ba) the temporary removal of a vehicle from premises for 15
the purpose of the installation, maintenance or retrieval 16
of the surveillance device or enhancement equipment 17
and the return of the vehicle to the premises; and’. 18

Clause 30 Amendment of s 365 (Arrest without warrant) 19

- Section 365(1)(g)— 20
- insert—* 21
- Example—* 22
- to preserve the safety or welfare of a person found drunk in a 23
public place 24
- Note—* 25
- See section 378 (Additional case when arrest for being drunk in a 26
public place may be discontinued).’ 27

**Clause 31 Amendment of s 382 (Notice to appear may be issued for 28
offence)** 29

- (1) Section 382(4), ‘section 56(2)(a) or (b)’— 30

[s 32]

omit, insert— 1

‘section 56(1)(a), (2)(a) or (b)’.

(2) Section 382(4), note— 3

omit, insert— 4

‘Note— 5

• The *Justices Act 1886*, section 56(1)(a) authorises service in some cases at an address of a place of residence or business. 6 7

• The *Justices Act 1886*, section 56(2)(a) and (b) authorises service in some cases at an address stated in a driver licence or a current certificate of registration for a motor vehicle.’. 8 9 10

Clause 32 Insertion of new s 388A 11

After section 388— 12

insert— 13

‘388A Extension of notice to appear 14

‘(1) This section applies if— 15

(a) a person on whom a notice to appear has been served appears before a court in response to the notice; and 16 17

(b) the court adjourns the proceeding against the person. 18

‘(2) The court may— 19

(a) grant the person bail, or permit the person to go at large, under the *Bail Act 1980*; or 20 21

(b) extend the notice to appear issued to the person. 22

‘(3) If the court extends the notice to appear issued to the person, the person is required to appear before the court at the date, time and place to which the proceeding is adjourned. 23 24 25

‘(4) The clerk of the court must, as soon as practicable after an extension of the notice to appear, give written notice to the person stating the date, time and place to which the proceeding is adjourned. 26 27 28 29

‘(5) A failure by the clerk of the court to comply with subsection (4) does not affect the court’s powers under section 389 if the 30 31

person fails to appear before the court at the date, time and
place to which the proceeding is adjourned. 1
2

‘(6) The notice to appear may be extended more than once.’. 3

**Clause 33 Amendment of s 389 (Court may order immediate arrest
of person who fails to appear)** 4
5

(1) Section 389, heading— 6

omit, insert— 7

‘389 Powers of court if person fails to appear’. 8

(2) Section 389(1), after ‘served on the person,’— 9

insert— 10

‘including a notice to appear extended under section 388A,’. 11

(3) Section 389(1)— 12

insert— 13

‘(c) deal with and decide the complaint under the *Justices
Act 1886*, section 142A.’. 14
15

(4) Section 389— 16

insert— 17

‘(1A) For subsection (1)(c)— 18

(a) section 142A(4)(b) and (c) and (14) of that Act does not
apply; and 19
20

(b) the rest of section 142A of that Act applies with any
necessary modifications.’. 21
22

Clause 34 Insertion of new s 397A 23

Chapter 15, part 1, division 2— 24

insert— 25

‘397A Responsibility of police officer 26

‘(1) This section applies if a person, the person’s lawyer or
someone whose presence is required during questioning of a 27
28

[s 35]

person indicates to a police officer questioning or intending to question the person— 1
2

(a) if questioning has not started—the person does not want to answer questions; or 3
4

(b) if questioning has started—the person does not want to answer any further questions. 5
6

‘(2) The police officer must clarify the person’s intention to exercise his or her right to silence by asking the person— 7
8

(a) whether the person does not want to answer any questions generally or only questions about the offence for which the person is being questioned; and 9
10
11

(b) if any further question was asked relating to the offence or another offence, whether the person would not answer the question. 12
13
14

‘(3) If the person confirms that he or she does not want to answer any questions, the police officer must not question or continue to question the person. 15
16
17

‘(4) However, if the person later indicates he or she is prepared to answer questions, a police officer must, before questioning or continuing to question the person, ask the person— 18
19
20

(a) why he or she has decided to answer questions; and 21

(b) if a police officer or someone else in authority has told the person to answer questions.’. 22
23

Clause 35 Insertion of new 405A 24

After section 405— 25

insert— 26

‘405A Responsibility relating to notification and response to application under s 405 27
28

‘(1) The application under section 405 by a police officer must be made in a way that allows the person or the person’s lawyer to make submissions about the application. 29
30
31

Example for subsection (1)—

If the application is sent to a magistrate by facsimile, the person may speak to the magistrate by telephone.

- ‘(2) Before the application is made, the police officer must—
- (a) tell the person or the person’s lawyer of the application; and
 - (b) give the person a copy of the application; and
 - (c) ask the person or the person’s lawyer if he or she—
 - (i) agrees to the application or wants to oppose it; and
 - (ii) wants to make submissions or say anything to the justice or magistrate hearing the application.
- ‘(3) The applicant must tell the magistrate or justice whether or not the person or the person’s lawyer wants to make submissions or say anything to the justice or magistrate.’.

Clause 36 Insertion of new s 415A

After section 415—

insert—

‘415A Responsibility relating to asking relevant persons to attend for questioning

- ‘(1) If the police officer approaches the relevant person when not at a police station or police establishment, the police officer must caution the relevant person in a way substantially complying with the following—
- ‘I am (name and rank) of (name of police station or police establishment).
- I wish to question you about (briefly describe offence).
- Are you prepared to come with me to (place of questioning)?
- Do you understand that you are not under arrest and you do not have to come with me?’.
- ‘(2) If the relevant person, while not in the company of a police officer, attends a police station or police establishment for

[s 37]

questioning, the caution must substantially comply with the following— 1
2

‘I am (name and rank) of (name of police station or police establishment). 3
4

I wish to question you about (briefly describe offence). 5

Did you come here of your own free will?’. 6

‘(3) Before the police officer starts to question the relevant person, 7
the police officer must caution the relevant person in a way 8
substantially complying with the following— 9

‘Do you understand you are not under arrest? 10

Do you understand you are free to leave at any time unless 11
you are arrested?’. 12

‘(4) If the police officer reasonably suspects the relevant person 13
does not understand the caution, the officer may ask the 14
person to explain the meaning of the caution in the person’s 15
own words. 16

‘(5) If necessary, the police officer must further explain the 17
caution.’. 18

**Clause 37 Amendment of s 417 (Questioning of person after proceeding started) 19
20**

Section 417— 21

insert— 22

‘(4) For subsection (1), if a relevant person has been arrested for 23
an offence by a member of the police force or police service 24
of another State and extradited to Queensland, a proceeding 25
for the offence is taken to have been started only when the 26
person appears in a court in Queensland in relation to the 27
offence.’. 28

**Clause 38 Amendment of s 418 (Right to communicate with friend, relative or lawyer) 29
30**

Section 418, heading, ‘friend, relative or lawyer’— 31

omit, insert—

1

‘friend or relative and lawyer’.

2

Clause 39 Insertion of new ss 418A and 418B

3

After section 418—

4

insert—

5

‘418A Responsibility relating to right to communicate with friend or relative and lawyer

6

7

‘(1) A police officer to whom section 418(1) applies must inform the relevant person in a way substantially complying with the following—

8

9

10

‘You have the right to telephone or speak to a friend or relative to inform that person where you are and to ask him or her to be present during questioning.

11

12

13

You also have the right to telephone or speak to a lawyer of your choice to inform the lawyer where you are and to arrange or attempt to arrange for the lawyer to be present during questioning.

14

15

16

17

If you want to telephone or speak to any of these people, questioning will be delayed for a reasonable time for that purpose.

18

19

20

Is there anyone you wish to telephone or speak to?’.

21

‘(2) If the police officer reasonably suspects the relevant person does not understand the advice, the police officer may ask the relevant person to explain the meaning of the advice in the person’s own words.

22

23

24

25

‘(3) If necessary, the police officer must further explain the advice.

26

27

‘(4) If the relevant person wants to speak to a lawyer, the police officer must, without unreasonable delay, make available to the person—

28

29

30

[s 39]

- (a) if there is a regional lawyer list available and the person has not asked to speak to a particular lawyer—the regional lawyer list; or
 - (b) a telephone directory for the region.
- ‘(5) A police officer must not do or say anything with the intention of—
- (a) dissuading the relevant person from obtaining legal advice; or
 - (b) persuading a relevant person to arrange for a particular lawyer to be present.

‘418B Responsibility relating to ensuring support persons understand role

- ‘(1) Before a police officer questions a relevant person in the presence of a support person, the police officer must—
- (a) give the support person information in the approved form about the role of a support person during questioning; and
 - (b) ensure, as far as practicable, that the person understands the nature of the support person’s role; and
 - (c) if the support person asks, give an explanation of anything relevant to the person’s role as a support person; and
 - (d) inform the support person of the identity of the relevant person and why the person is being questioned.
- ‘(2) The information must include the following—
- (a) a summary of sections 427, 428, 429 and 430;
 - (b) a statement that the support person must act in the best interests of the relevant person;
 - (c) a statement that, unless the support person is a lawyer, the support person must not provide legal advice to the relevant person but may ask the relevant person questions to ensure the relevant person understands—

-
- (i) that the person may ask for a lawyer to be present during questioning or at any time before questioning ends; and
 - (ii) that the person is not obliged to say anything during questioning; and
 - (iii) that anything the relevant person says during questioning may be used in evidence in a court; and
 - (iv) what is said by a police officer during questioning.’.

Clause 40 Insertion of new s 420A

After section 420—

insert—

‘420A Responsibility relating to questioning of Aboriginal people and Torres Strait Islanders

- ‘(1) A police officer who is about to question a relevant person the police officer reasonably suspects is an adult Aborigine or Torres Strait Islander must, unless he or she already knows the relevant person, first ask questions necessary to establish the person’s level of education and understanding.
- ‘(2) The questions the police officer may ask include questions, not related to the relevant person’s involvement in the offence, that may help the police officer decide if the person—
 - (a) is capable of understanding the questions put to him or her, what is happening to him or her, and his or her rights at law; and
 - (b) is capable of effectively communicating answers to the questions; and
 - (c) is aware of the reason the questions are being asked.
- ‘(3) If the police officer considers it is necessary to notify a representative of a legal aid organisation that the relevant person is about to be questioned in relation to an offence, the

[s 41]

police officer must inform the relevant person of the intention
to notify the legal aid organisation, in a way substantially
complying with the following—

‘As you have not arranged for a lawyer to be present, a legal
aid organisation will be notified you are here to be questioned
about your involvement in an indictable offence.’

‘(4) If the relevant person has indicated he or she does not wish to
telephone or speak to a support person or arrange for a support
person to be present during questioning, the police officer
conducting the questioning must inform the relevant person
that he or she may have a support person present during the
questioning.

‘(5) The information given under subsection (4) must substantially
comply with the following—

‘Is there any reason why you don’t want to telephone or speak
to a support person and arrange for a person to be present
during questioning?’

Do you understand that arrangements can be made for a
support person to be present during the questioning?

Do you also understand that you do not have to have a support
person present during questioning?

Do you want to have a support person present?’.

‘(6) If the police officer reasonably suspects the person is at a
disadvantage in comparison with other members of the
Australian community generally, and the person has not
arranged for a support person to be present during the
questioning, the police officer must arrange for a support
person to be present.’.

Clause 41 Insertion of new ss 431A and 431B

After section 431—

insert—

‘431A Responsibility relating to cautioning relevant persons about the right to silence	1 2
‘(1) A police officer must caution a relevant person about the person’s right to silence in a way substantially complying with the following—	3 4 5
‘Before I ask you any questions I must tell you that you have the right to remain silent.	6 7
This means you do not have to say anything, answer any question or make any statement unless you wish to do so.	8 9
However, if you do say something or make a statement, it may later be used as evidence.	10 11
Do you understand?’.	12
‘(2) If the police officer reasonably suspects the relevant person does not understand the caution, the police officer may ask the person to explain the meaning of the caution in his or her own words.	13 14 15 16
‘(3) If necessary, the police officer must further explain the caution.	17 18
‘(4) If questioning is suspended or delayed, the police officer must ensure the relevant person is aware he or she still has the right to remain silent and, if necessary, again caution the person when questioning resumes.	19 20 21 22
‘(5) If a police officer cautions a relevant person in the absence of someone else who is to be present during the questioning, the caution must be repeated in the other person’s presence.	23 24 25
‘431B Responsibility relating to establishing identity of relative, friend or lawyer	26 27
‘(1) This section applies if a relative, friend or lawyer of a relevant person asks a police officer for information about the relevant person’s whereabouts.	28 29 30
‘(2) The police officer must, if the person asking for the information is not known to the police officer, ask the person—	31 32 33

[s 42]

- (a) if he or she is a relative, friend or lawyer of the relevant person; and 1
2
 - (b) for his or her name and address or, for a lawyer, place of business; and 3
4
 - (c) if the person makes the request personally—for proof of his or her identity. 5
6
- ‘(3) The police officer may also ask any other question the police officer considers necessary to establish that the person is a relative, friend or lawyer of the relevant person. 7
8
9
- ‘(4) Also, the police officer must make, or cause to be made, a check of the register of enforcement acts for information about the relevant person.’. 10
11
12

Clause 42 Insertion of new s 432A 13

After section 432— 14
insert— 15

‘432A Responsibility relating to right to interpreter 16

- ‘(1) This section applies for deciding whether to arrange for the presence of an interpreter during questioning of a relevant person. 17
18
19
- ‘(2) A police officer may ask the relevant person a question, other than a question related to the person’s involvement in the offence for which the person is to be questioned, that will help the police officer decide if an interpreter should be present. 20
21
22
23
- ‘(3) In particular, the police officer may ask questions that may help the police officer decide whether or not the relevant person— 24
25
26
- (a) is capable of understanding the questions put to him or her, what is happening to him or her, and his or her rights at law; and 27
28
29
 - (b) is capable of effectively communicating answers to the questions; and 30
31
 - (c) is aware of the reason the questions are being asked.’. 32

Clause 43	Amendment of s 433 (Right to interpreter)	1
	Section 433(1), after ‘officer’—	2
	<i>insert—</i>	3
	‘, having regard to section 432A,’.	4
Clause 44	Insertion of new s 433A	5
	After section 433—	6
	<i>insert—</i>	7
	‘433A Responsibility relating to right of visiting foreign national to communicate with embassy	8
		9
	‘(1) This section applies for deciding whether a relevant person has the right to telephone or attempt to telephone an embassy or consular office.	10 11 12
	‘(2) A police officer may ask the relevant person a question, other than a question related to the person’s involvement in the offence for which the person is to be questioned.	13 14 15
	‘(3) If the police officer reasonably suspects the relevant person has the right to telephone or attempt to telephone an embassy or consular office, the police officer must inform the person of the right in a way substantially complying with the following—	16 17 18 19 20
	‘Before I ask you any questions I must tell you that you have the right to telephone, or attempt to telephone, the embassy or consular office of the country of which you are a citizen.	21 22 23
	Do you want to telephone your embassy or consular office?’.	24
	‘(4) If the police officer reasonably suspects the relevant person does not understand the advice, the police officer may ask the person to explain the advice in his or her own words.	25 26 27
	‘(5) If necessary, the police officer must further explain the advice.’.	28 29

[s 45]

Clause 45	Amendment of s 435 (Rights of a person to be electronically recorded)	1 2
	(1) Section 435, heading—	3
	<i>omit, insert—</i>	4
	‘435 Rights to be electronically recorded’.	5
	(2) Section 435, after ‘if’—	6
	<i>insert—</i>	7
	‘reasonably’.	8
	(3) Section 435—	9
	<i>insert—</i>	10
	‘(2) If it is not reasonably practicable for a police officer to electronically record the giving to a relevant person of information, including a caution, the police officer must make a written record of the giving of the information and the person’s response.	11 12 13 14 15
	‘(3) The police officer must make the record as if section 437 applied to the giving of the information and the response.’.	16 17
Clause 46	Insertion of new s 437A	18
	After section 437—	19
	<i>insert—</i>	20
	‘437A Responsibility relating to procedure for reading back a written record	21 22
	‘(1) This section applies if a police officer makes a written record of things said by or to a relevant person during questioning because it is not reasonably practicable to electronically record the things said.	23 24 25 26
	‘(2) Before reading to the relevant person the written record of the things said, the police officer questioning the person must explain the procedure in a way substantially complying with the following—	27 28 29 30

‘Some of the questions I have asked you and your responses
have not been electronically recorded. 1 2

I have made a written record of the unrecorded conversation. 3
This is your copy of the record. I will now read the written 4
record aloud. 5

If you consider there is an error in the record or there is 6
something left out of the record, you should say so after I read 7
that part of the record aloud. 8

You will then be asked to say what the record should read. 9

Do you understand this is your opportunity to disagree with 10
anything in the written record? 11

Do you understand this procedure?’. 12

‘(3) If the police officer reasonably suspects the relevant person 13
does not understand the explanation, the police officer may 14
ask the person to explain the procedure in his or her own 15
words. 16

‘(4) If necessary, the police officer must further explain the 17
procedure.’. 18

Clause 47 Insertion of new ch 15A 19

After section 441— 20

insert— 21

[s 47]

‘Chapter 15A Identification powers for persons in custody	1
	2
‘Part 1 General requirements for witness identification	3
	4
‘441A Management of witnesses during identification procedure	5
	6
‘(1) The way an identification procedure is conducted must allow only 1 witness involved in the procedure to see or hear the procedure at a time.	7 8 9
‘(2) Also, after a witness has taken part in the procedure, the witness must, as far as reasonably practicable, be prevented from speaking about the procedure to any other witness until the procedure ends.	10 11 12 13
‘(3) Also, if reasonably practicable, the way a witness identifies a person during an identification procedure must be electronically recorded.	14 15 16
‘(4) A police officer must not stop a person being present during the procedure to support the witness unless—	17 18
(a) the other person is a witness involved in the procedure; or	19 20
(b) the officer suspects the person will influence the witness’s decision or disrupt the procedure.	21 22
‘(5) If a police officer stops someone being present during the procedure to support a witness, the police officer must—	23 24
(a) give to the witness the reasons for stopping the person being present; and	25 26
(b) advise the witness he or she may arrange for someone else to be present to support the witness; and	27 28
(c) if asked, allow someone else to be present.	29

‘Part 2	Identification parades	1
‘441B	Application of pt 2	2
	‘This part applies if a police officer conducts an identification parade that includes a person reasonably suspected of having committed an offence (the <i>suspect</i>).	3 4 5
‘441C	Recording of identification parade	6
	‘If reasonably practicable, a police officer must cause the behaviour and position of each person in an identification parade to be photographed or otherwise electronically recorded.	7 8 9 10
‘441D	Explanation of procedure	11
	‘(1) A police officer must explain the procedure for an identification parade to a suspect before conducting the identification parade.	12 13 14
	‘(2) If the police officer reasonably suspects the suspect does not understand the procedure, the police officer must ask the suspect to explain the procedure in his or her own words.	15 16 17
	‘(3) If necessary, the police officer must further explain the procedure.	18 19
	‘(4) The explanation must include the police officer telling the suspect the following—	20 21
	(a) the identification parade can not be conducted unless the suspect agrees;	22 23
	(b) the suspect may have a friend, relative or lawyer present at the identification parade if that person can attend within a reasonable time;	24 25 26
	(c) anyone present may not interfere with the procedure in any way;	27 28

[s 47]

- (d) the suspect may choose a position in the parade and change position in the parade after each witness has viewed the parade; 1
2
3
- (e) the suspect's identity will not be given to a witness unless the witness identifies the person and a proceeding is started against the person. 4
5
6

'441E Identification parade conditions 7

'A police officer conducting an identification parade must, as far as reasonably practicable, replicate the conditions, described by the witness, when the witness saw a person involved in the offence, for example, by— 8
9
10
11

- (a) changing the lighting in the room; or 12
- (b) varying the distance from which the witness views the identification parade; or 13
14
- (c) concealing aspects of the participants in the identification parade. 15
16

'441F Conducting the identification parade 17

- '(1) Each witness must view the identification parade separately. 18
- '(2) The police officer conducting the identification parade must ask the witness to carefully view the parade and to state whether the witness recognises anyone in the parade. 19
20
21
- '(3) The police officer must ask the question in a way that does not suggest the identity of any participant in the identification parade. 22
23
24
- '(4) If the witness indicates he or she recognises a person in the identification parade, the police officer conducting the parade must ask the witness to clearly identify the person recognised, for example, by stating the number of the person identified or describing his or her position in the parade. 25
26
27
28
29

‘441G Use of suitable persons in the identification parade	1
‘An identification parade must include the suspect and at least	2
11 other people of similar physical appearance and wearing	3
similar clothing.	4
‘Part 3 Identification using	5
 photographs	6
‘441H General requirements for identification using	7
 photographs	8
‘To avoid directing the attention of the witness to a particular	9
photograph, the police officer must ensure nothing is marked	10
on any photograph or the backing board on which the	11
photograph is mounted.	12
‘441I Conducting a photoboard identification	13
‘(1) A police officer showing witnesses a photoboard must show	14
the photoboard to each witness separately.	15
‘(2) Also, the police officer must ask the witness to carefully view	16
the photoboard and to state whether the witness recognises	17
anyone whose photograph is on the photoboard.	18
‘(3) The police officer must ask the question in a way that does not	19
suggest the identity of a person whose photograph is on the	20
photoboard.	21
‘(4) If the witness indicates he or she recognises a person in a	22
photograph on the photoboard, the police officer must ask the	23
witness to—	24
(a) clearly state the number of the photograph the witness	25
has identified as being that of the person alleged to be	26
responsible for committing the relevant offence; and	27
(b) write the photograph number and the date the	28
photoboard was shown to the witness—	29

[s 48]

- (i) on the front of an unmarked photocopy of the photoboard; or 1
2
- (ii) on the back of the photoboard or the selected photograph; and 3
4
- (c) sign the photoboard, photocopy or photograph where the person has written on it.’. 5
6

- Clause 48 Amendment of s 443 (Police officer may search person in custody)** 7
8
- (1) Section 443— 9
insert— 10
- ‘(1A) Also, a police officer may search and re-search anything in the person’s possession for the following purposes— 11
12
- (a) cataloguing the items in the person’s possession; 13
 - (b) locating anything mentioned in subsection (3)(a) to (c) that is in the person’s possession.’. 14
15
- (2) Section 443(2), ‘from the person’— 16
omit. 17

- Clause 49 Amendment of s 445 (Who are *qualified persons*)** 18
- Section 445(2), after ‘doctor’— 19
insert— 20
, ‘forensic nurse examiner’. 21

- Clause 50 Amendment of s 448 (What pt 2 provides)** 22
- (1) Section 448(1)— 23
insert— 24
- ‘(c) for obtaining a forensic procedure consent that relates to the taking of a DNA sample from a person only for the purpose of investigating or prosecuting a child DNA 25
26
27

	sampling offence suspected to have been committed by another person.’.	1
		2
	(2) Section 448(4), after ‘(1)(b)’—	3
	<i>insert</i> —	4
	‘and (c)’.	5
Clause 51	Amendment of s 454 (General requirements for giving informed forensic procedure consent)	6
		7
	(1) Section 454—	8
	<i>insert</i> —	9
	‘(1A) If it is proposed to obtain a DNA sample from the person only for the purpose of investigating or prosecuting a child DNA sampling offence suspected to have been committed by another person—	10
		11
		12
		13
	(a) subsection (1)(g) and (h) does not apply; and	14
	(b) the police officer must explain to the person that a DNA analysis of the sample may be used only for that purpose.’.	15
		16
		17
	(2) Section 454(1A) and (2)—	18
	<i>renumber</i> as section 454(2) and (3).	19
Clause 52	Amendment of s 457 (Application of pt 3)	20
	Section 457—	21
	<i>insert</i> —	22
	‘(6) To remove any doubt, it is declared that this part applies in addition to, and is not limited by, the Road Use Management Act, section 80(8).’.	23
		24
		25
Clause 53	Amendment of s 460 (When notice of application need not be given etc.)	26
		27
	Section 460(1)(c), from ‘if’—	28

[s 54]

omit, insert— 1
'if the application is not decided without delay; or'. 2

Clause 54 Amendment of s 463 (When forensic procedure order ends) 3
4

Section 463(2), after 'doctor'— 5
insert— 6
'or forensic nurse examiner'. 7

Clause 55 Insertion of new s 466A 8

Chapter 17, part 3— 9
insert— 10

'466A Qualified person need not comply with forensic procedure order in particular circumstances 11
12

- '(1) This section applies if— 13
- (a) a forensic procedure order has been made against a 14
person on the ground that the person is suspected of 15
having committed an indictable offence in connection 16
with or arising out of the driving of a motor vehicle 17
(including any offence against the Criminal Code, 18
section 328A); and 19
 - (b) the person is at a hospital for treatment; and 20
 - (c) the forensic procedure order is for, or includes, taking a 21
sample of the person's blood. 22
- '(2) A qualified person need not take the sample of the person's 23
blood if the qualified person— 24
- (a) reasonably believes that taking the sample would be 25
prejudicial to the person's treatment; or 26
 - (b) has another reasonable excuse. 27

Example for paragraph (b)—

A qualified person would have a reasonable excuse if he or she was required to attend to a patient suffering a heart attack and was unable to take the sample of blood when required.’

Clause 56	Amendment of s 471 (Court may order taking of identifying particulars)	5
	Section 471—	6
	<i>insert—</i>	7
	‘(2A) The court may make an order under subsection (2) on—	8
	(a) the court’s own initiative; or	9
	(b) an application made by a police officer or the prosecuting authority.	10
	‘(2B) The court may refuse to consider an application mentioned in subsection (2A)(b) unless the applicant gives the court any information about the application required by the court in the way required by the court.’	11
		12
		13
		14
		15
		16
Clause 57	Amendment of s 477 (Where DNA sample may be taken)	17
	(1) Section 477(a), ‘police station or’—	18
	<i>omit.</i>	19
	(2) Section 477—	20
	<i>insert—</i>	21
	‘(2) If the DNA sample is taken from a person (the <i>sample provider</i>) under a forensic procedure consent only for the purpose of investigating or prosecuting a child DNA sampling offence suspected to have been committed by another person, subsection (1)(d) applies only with the agreement of—	22
	(a) the sample provider; or	23
	(b) if the sample provider is a child and another person has given the forensic procedure consent—the person who gave the consent.’	24
		25
		26
		27
		28
		29
		30

[s 58]

Clause 58	Amendment of s 478 (How DNA samples may be taken)	1
	Section 478—	2
	<i>insert—</i>	3
	‘(2) Subsection (3) applies if—	4
	(a) a forensic procedure consent authorises a DNA sample to be taken from a child only for the purpose of investigating or prosecuting a child DNA sampling offence suspected to have been committed by another person; and	5 6 7 8 9
	(b) the child—	10
	(i) is unable to use a mouth swab to swab his or her mouth; and	11 12
	(ii) has insufficient hair for the collection of a sample.	13
	‘(3) Without limiting subsection (1), the DNA sampler may take a DNA sample from the child by using, or having a parent of the child use, a mouth swab to swab the child’s mouth.	14 15 16
	‘(4) This section does not apply to the taking of a DNA sample from a child under a DNA sample order.	17 18
	<i>Note—</i>	19
	For how a DNA sample may be taken from a child under a DNA sample order, see section 488H.’.	20 21
Clause 59	Amendment of s 479 (Use of DNA analysis of DNA sample taken from child under 14)	22 23
	(1) Section 479, heading, ‘under 14’—	24
	<i>omit, insert—</i>	25
	‘in particular circumstances’.	26
	(2) Section 479(1), from ‘child’—	27
	<i>omit, insert—</i>	28
	‘child and—	29

-
- (a) the consent authorises the DNA sample to be taken only for the purpose of investigating or prosecuting a child DNA sampling offence suspected to have been committed by another person; or
 - (b) the child is under 14 years.’.
- (3) Section 479(2)—
omit, insert—
- ‘(2) A DNA analysis of the sample may be used only for the following purpose—
- (a) if subsection (1)(a) applies—the investigation or prosecution of the child DNA sampling offence mentioned in subsection (1)(a);
 - (b) if subsection (1)(b) applies—the purpose for which the consent was given.’.

- Clause 60 Amendment of s 484 (Taking DNA sample from adult before court)**
- Section 484—
insert—
- ‘(2A) The court may make an order under this section on—
- (a) the court’s own initiative; or
 - (b) an application made by a police officer or the person prosecuting the proceeding.
- ‘(2B) The court may refuse to consider an application mentioned in subsection (2A)(b) unless the applicant gives the court any information about the application required by the court in the way required by the court.’.

- Clause 61 Insertion of new s 487A**
- After section 487—
insert—

[s 61]

‘487A Taking DNA sample from person subject to interstate parole order	1 2
‘(1) This section applies in relation to a person if—	3
(a) the person is subject to an interstate parole order; and	4
(b) the person is, or was before the commencement of this section, transferred to Queensland from another State under an arrangement under the <i>Prisoners (Interstate Transfer) Act 1982</i> ; and	5 6 7 8
(c) under the law of the State from which the person was transferred, a DNA sample could have lawfully been taken from the person because of the conviction of the person for an offence; and	9 10 11 12
(d) the results of a DNA analysis of a DNA sample from the person are not included in the CrimTrac database.	13 14
‘(2) Under an arrangement between the commissioner and the chief executive (corrective services)—	15 16
(a) a police officer may detain the person and take the person to a place mentioned in section 477 to enable a DNA sampler to take a DNA sample from the person for DNA analysis; and	17 18 19 20
(b) a DNA sampler may take a DNA sample from the person.	21 22
‘(3) The period for which the person may be detained is—	23
(a) 1 hour; or	24
(b) if a longer period is reasonably necessary having regard to the particular circumstances—the longer time.	25 26
‘(4) In this section—	27
<i>interstate parole order</i> means an order made under the law of another State that provides for the person’s release on parole.	28 29
<i>release on parole</i> includes release on probation and any other form of conditional release in the nature of parole.’.	30 31

Clause 62	Insertion of new ch 17, pt 5, div 3A	1
	Chapter 17, part 5—	2
	<i>insert—</i>	3
‘Division 3A	Taking DNA samples from children to investigate or prosecute particular sexual offences	4 5 6
‘488B	Meaning of <i>child DNA sampling offence</i>	7
	‘In this division—	8
	<i>child DNA sampling offence</i> means any of the following offences against the Criminal Code that involves penetration of a penis into a person’s vagina—	9 10 11
	(a) rape or incest, if the victim of the offence is a child;	12
	(b) carnal knowledge of a child under 16 years.	13
	<i>Notes—</i>	14
	1 For the offences, see the Criminal Code, sections 215 (Carnal knowledge with or of children under 16), 222 (Incest) and 349 (Rape).	15 16 17
	2 In relation to a forensic procedure consent, a <i>child DNA sampling offence</i> also includes an offence mentioned in paragraph (a) of which the victim is an adult (see schedule 6, definition <i>child DNA sampling offence</i>).	18 19 20 21
‘488C	Meaning of <i>parent</i>	22
	‘(1) In this division, a <i>parent</i> , of a child, is any of the following—	23
	(a) the child’s mother;	24
	(b) the child’s father;	25
	(c) a person who exercises parental responsibility for the child, including, for example—	26 27
	(i) a person who is granted guardianship of the child under the <i>Child Protection Act 1999</i> ; and	28 29

[s 62]

- (ii) a person who otherwise exercises parental responsibility for the child under a decision or order of a federal court or a court of a State. 1
2
3
- ‘(2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child. 4
5
- ‘(3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child. 6
7
- ‘(4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child. 8
9

‘488D Application of div 3A 10

- ‘(1) This division applies if a police officer reasonably suspects— 11
 - (a) a child DNA sampling offence has been committed by a person; and 12
13
 - (b) analysis of a DNA sample taken from a child will help— 14
15
 - (i) identify the person who committed the offence; or 16
 - (ii) establish whether the offence has been committed. 17

Notes— 18

- 1 The child from whom a DNA sample might be taken under this division may be, but is not necessarily, the victim of a child DNA sampling offence. 19
20
21
- 2 Under section 488G, a DNA sample order can only be made in relation to a person who is a child when the order is made. 22
23
- ‘(2) However, this division does not apply if the taking of a DNA sample from a child is authorised under a forensic procedure consent. 24
25
26

‘488E Application for DNA sample order 27

- ‘(1) The police officer may apply to a Childrens Court magistrate for an order (a *DNA sample order*) authorising a DNA sampler who is a doctor or nurse to take a DNA sample from the child for DNA analysis. 28
29
30
31

-
- ‘(2) The application must— 1
- (a) be in the approved form; and 2
 - (b) be sworn; and 3
 - (c) state the grounds on which it is made. 4
- ‘(3) The magistrate may refuse to consider the application until the 5
police officer gives the magistrate the information the 6
magistrate requires about the application in the way the 7
magistrate requires. 8
- Example—* 9
- The magistrate may require additional information supporting the 10
application to be given by statutory declaration. 11

‘488F Notice of application to be given 12

- ‘(1) The police officer making the application must give a copy of 13
it, at least 7 days before the day it is to be heard, to— 14
- (a) the child; and 15
 - (b) a parent of the child, unless a parent can not be found 16
after reasonable inquiry; and 17
 - (c) the chief executive (child safety) or a person, nominated 18
by that chief executive for the purpose, who holds an 19
office within the department for which that chief 20
executive has responsibility. 21
- ‘(2) A copy of the application given to a person mentioned in 22
subsection (1) must state— 23
- (a) when and where the application is to be heard; and 24
 - (b) that the application may be heard and decided even 25
though the person does not appear in court. 26
- ‘(3) If a person mentioned in subsection (1) appears at the stated 27
date, time and place, the court must consider hearing the 28
person on the application. 29
- ‘(4) If a person mentioned in subsection (1) does not appear at the 30
stated date, time and place, the application may be decided in 31
his or her absence. 32

[s 62]

‘488G Making DNA sample order

- | | |
|--|----|
| | 1 |
| ‘(1) A Childrens Court magistrate may make a DNA sample order | 2 |
| in relation to the child only if satisfied on reasonable grounds | 3 |
| that— | 4 |
| (a) a child DNA sampling offence may have been | 5 |
| committed; and | 6 |
| (b) analysis of a DNA sample taken from the child will | 7 |
| help— | 8 |
| (i) identify the person who committed the suspected | 9 |
| child DNA sampling offence; or | 10 |
| (ii) establish whether the suspected child DNA | 11 |
| sampling offence has been committed; and | 12 |
| (c) taking a DNA sample from the child is justified in the | 13 |
| circumstances. | 14 |
| ‘(2) In deciding whether taking a DNA sample from the child is | 15 |
| justified in the circumstances, the magistrate must balance the | 16 |
| best interests of the child and the public interest. | 17 |
| ‘(3) In balancing those interests, the magistrate must have regard | 18 |
| to the following matters— | 19 |
| (a) the child’s well-being; | 20 |
| (b) the seriousness of the circumstances surrounding the | 21 |
| commission of the suspected child DNA sampling | 22 |
| offence and the gravity of that suspected offence; | 23 |
| (c) whether there is a less intrusive but reasonably | 24 |
| practicable way of obtaining evidence tending to | 25 |
| identify the person who committed the suspected | 26 |
| offence or to establish whether the suspected offence | 27 |
| has been committed; | 28 |
| (d) if the child or a parent of the child has been asked for | 29 |
| and refused to give a forensic procedure consent—the | 30 |
| reasons for the refusal to the extent they are known to | 31 |
| the magistrate or can reasonably be discovered by the | 32 |
| magistrate (by asking the child or parent or otherwise); | 33 |
| (e) any other factor the magistrate considers relevant. | 34 |

-
- (4) Without limiting subsection (3)(b), in having regard to the seriousness of the circumstances surrounding the commission of the suspected offence and the gravity of that offence, the magistrate must have regard to the following—
- (a) the age difference between the suspected offender and the victim of the offence;
 - (b) whether there was a relationship of trust between the suspected offender and the victim;
 - (c) the extent to which the suspected offence was premeditated;
 - (d) the physical, mental or emotional harm that is likely to have been, or that may have been, done to the victim.

488H Provisions of DNA sample order

A DNA sample order must state that—

- (a) a DNA sampler who is a doctor or nurse may take a DNA sample from the child for DNA analysis by—
 - (i) using a mouth swab, or having the child or a parent of the child use a mouth swab, to swab the child's mouth; or
 - (ii) collecting hair, including roots of the hair, from the child; and
- (b) for enforcing the order, a police officer may exercise the powers in section 488I; and
- (c) the child is entitled to be accompanied by a support person—
 - (i) when being taken to a place by a police officer under the order to enable the DNA sample to be taken; and
 - (ii) while the DNA sample is being taken.

[s 62]

‘488I Powers for enforcing DNA sample order	1
‘For enforcing a DNA sample order, a police officer may—	2
(a) enter a place the police officer reasonably suspects the child is and search for the child; and	3 4
<i>Note—</i>	5
See section 635 (Use of force likely to cause damage to enter places) for relevant safeguards.	6 7
(b) take a photograph of the child; and	8
(c) take the child to a place mentioned in section 477, other than a police establishment, to enable the DNA sample to be taken; and	9 10 11
(d) use no more than minimal force in taking the child to a place to enable the DNA sample to be taken.	12 13
<i>Examples of minimal force—</i>	14
• carrying the child, if the child is an infant or wishes to be carried	15 16
• holding the child’s hand, if the child does not resist	17
<i>Note—</i>	18
See also a police officer’s powers under part 8.	19
‘488J Procedure before entry	20
‘(1) This section applies if a police officer is intending to enter a place under a DNA sample order.	21 22
‘(2) Before entering the place, the police officer must do or make a reasonable attempt to do the following things—	23 24
(a) identify himself or herself to a person present at the place who is an occupier of the place;	25 26
(b) give the person a copy of the DNA sample order so far as it relates to the entry and searching of the place;	27 28
(c) tell the person the officer is permitted under the order to enter and search the place to find the child;	29 30

-
- (d) give the person an opportunity to allow the officer
immediate entry to the place without using force; 1
2
 - (e) tell the person the child is entitled to be accompanied by
a support person— 3
4
 - (i) when being taken to a place by the officer under
the order to enable the DNA sample to be taken;
and 5
6
7
 - (ii) while the DNA sample is being taken. 8

Note— 9

See also section 637 for further safeguards. 10

- ‘(3) However, the police officer need not comply with subsection
(2) if the officer reasonably believes that immediate entry to
the place is required to ensure the effective exercise of powers
under the DNA sample order is not frustrated. 11
12
13
14

‘488K Use of DNA sample 15

‘A DNA analysis of a DNA sample taken under a DNA
sample order may be used only for the purpose of
investigating or prosecuting the child DNA sampling offence
in relation to which the order was made. 16
17
18
19

Note— 20

See section 490B in relation to when a DNA sample, and the results of a
DNA analysis of a DNA sample, taken under a DNA sample order must
be destroyed. 21
22
23

**‘488L Obstruction of police officer enforcing DNA sample
order** 24
25

- ‘(1) For section 790, a person who, without a reasonable excuse,
prevents, or attempts to prevent, a police officer from
enforcing a DNA sample order is taken to have obstructed the
officer in the performance of the officer’s duties. 26
27
28
29
- ‘(2) Subsection (1) does not apply to the child who is the subject
of the DNA sample order.’. 30
31

[s 63]

Clause 63	Amendment of s 489 (Power to analyse etc. DNA samples)	1 2
(1)	Section 489(1), ‘between the commissioner and the chief executive (health)’—	3 4
	<i>omit, insert</i> —	5
	‘mentioned in subsection (4)’.	6
(2)	Section 489—	7
	<i>insert</i> —	8
‘(4)	The commissioner may enter into an arrangement about any of the matters mentioned in subsection (1)(a) to (e) with either or both of the following—	9 10 11
	(a) the chief executive (health);	12
	(b) a forensic laboratory that is accredited, by the National Association of Testing Authorities, Australia or an equivalent entity, for compliance with the standard prescribed under a regulation.’.	13 14 15 16
Clause 64	Amendment of s 490 (When DNA sample taken from suspected person and results must be destroyed)	17 18
(1)	Section 490(1)(a), ‘379(6)’—	19
	<i>omit, insert</i> —	20
	‘379(11)’.	21
(2)	Section 490—	22
	<i>insert</i> —	23
‘(4A)	Also, subsection (1) does not apply to a DNA sample taken from a person under section 487A.’.	24 25
Clause 65	Insertion of new s 490B	26
	Chapter 17, part 5, division 4—	27
	<i>insert</i> —	28

‘490B When DNA sample taken from child in particular circumstances must be destroyed	1 2
‘(1) This section applies if a DNA sample is taken from a child under—	3 4
(a) a DNA sample order; or	5
(b) a forensic procedure consent relating to the taking of a DNA sample from the child only for the purpose of investigating or prosecuting a child DNA sampling offence suspected to have been committed by another person.	6 7 8 9 10
‘(2) The DNA sample and the results of a DNA analysis of the sample must be destroyed as soon as practicable after—	11 12
(a) if a person is arrested for the child DNA sampling offence and the arrest is discontinued under section 376(1) or 379(11)—the day the arrest is discontinued; or	13 14 15
(b) if a proceeding for the child DNA sampling offence is discontinued before a court—the day the proceeding is discontinued; or	16 17 18
(c) if a person is found not guilty of the child DNA sampling offence, including on appeal—the day the person is found not guilty of the offence; or	19 20 21
(d) if a person is found guilty of the child DNA sampling offence and—	22 23
(i) an appeal against the conviction is not started within the period allowed under an Act—the day the period ends; or	24 25 26
(ii) subparagraph (i) does not apply—the day an appeal against the conviction ends; or	27 28
(e) if a proceeding for the child DNA sampling offence is not started within 1 year after the sample is taken—the day that is 1 year after the sample is taken.	29 30 31
‘(3) For subsection (2), the results of the DNA analysis may be destroyed by deleting any information in QDNA that	32 33

[s 66]

identifies the child from whom the DNA sample was taken 1
with the results obtained by analysing the sample.’ 2

Clause 66 Amendment of ch 17, pt 7, hdg (Forensic procedures performed by doctors and dentists) 3
4

Chapter 17, part 7, heading, after ‘doctors’ — 5

insert— 6

‘, forensic nurse examiners’. 7

Clause 67 Amendment of s 501 (Application of pt 7) 8

Section 501, after ‘doctor’ — 9

insert— 10

‘, forensic nurse examiner’. 11

Clause 68 Amendment of s 502 (When doctor or dentist may be asked to perform forensic procedure) 12
13

Section 502, after ‘doctor’ — 14

insert— 15

‘, forensic nurse examiner’. 16

Clause 69 Amendment of s 503 (What person must be told before doctor or dentist performs a forensic procedure) 17
18

Section 503, after ‘doctor’ — 19

insert— 20

‘, forensic nurse examiner’. 21

Clause 70 Amendment of s 509 (Doctor’s powers) 22

(1) Section 509, heading, after ‘Doctor’s’ — 23

insert— 24

‘or forensic nurse examiner’s’. 25

-
- (2) Section 509(1), ‘asks a doctor under section 502’— 1
omit, insert— 2
‘asks, under section 502, a doctor or forensic nurse examiner’. 3
- (3) Section 509(2) to (4), after ‘doctor’— 4
‘or forensic nurse examiner’. 5

- Clause 71 Amendment of s 511 (Samples and results of analysis to be given to person)** 6
7
- (1) Section 511(1), after ‘doctor’— 8
insert— 9
‘, forensic nurse examiner’. 10
- (2) Section 511(3), after ‘if a doctor’— 11
insert— 12
‘or forensic nurse examiner’. 13
- (3) Section 511(3), after ‘the doctor’— 14
insert— 15
‘or forensic nurse examiner’. 16
- (4) Section 511(4), after ‘the doctor’— 17
insert— 18
‘or forensic nurse examiner’. 19

- Clause 72 Amendment of s 517 (Help with, and use of force for, performing forensic procedure)** 20
21
- (1) Section 517(3), after ‘the doctor’— 22
insert— 23
‘, forensic nurse examiner’. 24
- (2) Section 517(3)(b), ‘or another dentist’— 25

[s 73]

omit, insert— 1
, forensic nurse examiner or dentist’. 2

Clause 73 **Amendment of s 526 (Unlawful supply of destroyable DNA sample)** 3
4
Section 526(2), definition *destroyable DNA sample*, after 5
‘490’— 6
insert— 7
, 490A or 490B’. 8

Clause 74 **Amendment of s 530 (Unlawful recording of identifying information on QDNA)** 9
10
Section 530(1), after ‘490’— 11
insert— 12
, 490A or 490B’. 13

Clause 75 **Amendment of s 531 (Unlawful retention of results of DNA analysis in QDNA)** 14
15
(1) Section 531(1), after ‘490’— 16
insert— 17
, 490A or 490B’. 18
(2) Section 531(2), after ‘490(5)’— 19
insert— 20
, 490A(2) or 490B(3)’. 21

Clause 76 **Amendment of ch 18, hdg (Blood and urine testing of persons suspected of committing sexual or other serious assault offences)** 22
23
24
Chapter 18, heading, from ‘sexual’— 25

omit, insert—

1

‘offences that may involve transmission of bodily fluid’.

2

Clause 77 Amendment of s 537 (Purpose of ch 18)

3

Section 537, ‘sexual offences and serious assault offences,’—

4

omit, insert—

5

‘offences’.

6

Clause 78 Amendment of s 538 (Application of ch 18)

7

(1) Section 538(1)—

8

omit, insert—

9

‘(1) This chapter applies in relation to an offence (a **chapter 18 offence**) if semen, blood, saliva or another bodily fluid may have been transmitted into the anus, vagina, a mucous membrane or broken skin of a victim of the offence.

10

11

12

13

‘(1A) Also, this chapter applies to an offence (also a **chapter 18 offence**) if—

14

15

(a) the offence involves the possession by a person of a hypodermic syringe or needle; and

16

17

Example—

18

An offence against the *Drugs Misuse Act 1986*, section 10(4A).

19

(b) the hypodermic syringe or needle penetrates the skin of another person who is a police officer or public official; and

20

21

22

(c) a police officer reasonably suspects the hypodermic syringe or needle has previously been used by the relevant person to penetrate his or her own skin.’

23

24

25

(2) Section 538(3)(a)—

26

omit.

27

(3) Section 538(3)(b) and (c)—

28

renumber as section 538(3)(a) and (b).

29

[s 79]

Clause 79	Amendment of s 540 (Application for order for blood and urine testing of person)	1 2
(1)	Section 540(2), from ‘a magistrate’ to ‘Childrens Court’— <i>omit, insert—</i> ‘a relevant magistrate’.	3 4 5
(2)	Section 540(3)— <i>omit, insert—</i>	6 7
‘(3)	The application—	8
(a)	must be written and state the grounds on which it is made; and	9 10
(b)	need not be witnessed by a justice or commissioner for declarations.’.	11 12
(3)	Section 540(5), ‘The’— <i>omit, insert—</i> ‘Subject to subsection (3), the relevant’.	13 14 15
(4)	Section 540— <i>insert—</i>	16 17
‘(6)	In this section— <i>relevant magistrate</i> means—	18 19
(a)	if the relevant person is a child—a Childrens Court magistrate; or	20 21
(b)	otherwise—any magistrate.’.	22
Clause 80	Amendment of s 542 (Disease test order)	23
(1)	Section 542, ‘magistrate or Childrens Court’— <i>omit, insert—</i> ‘relevant magistrate’.	24 25 26
(2)	Section 542— <i>insert—</i>	27 28

	‘(6) In this section—	1
	<i>relevant magistrate</i> see section 540.’.	2
Clause 81	Amendment of s 577 (Complaint about noise)	3
	(1) Section 577—	4
	<i>insert—</i>	5
	‘(1A) The complaint may be made in any way, including anonymously.’.	6
	(2) Section 577(1A) to (3)—	8
	<i>renumber</i> as section 577(2) to (4).	9
Clause 82	Amendment of s 581 (Powers of police officer to deal with excessive noise)	10
	Section 581, heading, after ‘noise’—	11
	<i>insert—</i>	12
	‘—noise abatement direction’.	13
Clause 83	Insertion of new s 581A	14
	After section 581—	15
	<i>insert—</i>	16
	‘581A Powers of police officer to deal with excessive noise—extended noise abatement direction	17
	‘(1) This section applies if a police officer is reasonably satisfied that—	18
	(a) noise to which section 578 applies is excessive in the circumstances; and	19
	(b) an extended noise abatement direction is necessary to deal with the excessive noise.	20
	‘(2) In deciding whether an extended noise abatement direction is necessary to deal with the excessive noise, the police officer may have regard to any relevant matters, including—	21
		22
		23
		24
		25
		26
		27
		28

[s 83]

- (a) whether more than 1 complaint has been made about the excessive noise and, if so—
 - (i) the number of complaints; and
 - (ii) whether the same person made the complaints; and
 - (b) whether a noise abatement direction has previously been given about excessive noise emitted from the place and, if so, whether the direction was complied with; and
 - (c) the impact that an extended noise abatement direction may have on any business conducted lawfully at or in the vicinity of the place; and
 - (d) whether the excessive noise is likely to continue or start again if an extended noise abatement direction is not given.
- ‘(3) The police officer may enter the place without warrant.
- ‘(4) The police officer must give the person responsible for the noise a written direction (***extended noise abatement direction***).
- ‘(5) The extended noise abatement direction must—
- (a) direct any person responsible for the noise, or for permitting the noise to be caused, to immediately abate the excessive noise from the place; and
 - (b) state—
 - (i) the time the notice was given; and
 - (ii) the name and other particulars of the person given the direction; and
 - (iii) a general description of the place or, if the noise abatement direction relates only to a part of the place, the part of the place to which the direction relates; and
 - (iv) the period, of at least 12 hours and not more than 96 hours, for which the person must comply with the direction mentioned in paragraph (a).

-
- ‘(6) Unless otherwise stated, an extended noise abatement direction applies to the whole of the place to which it relates. 1
2
- ‘(7) For subsection (5)(a), a person responsible for noise includes a person apparently in charge of the place to which the direction relates.’. 3
4
5

- Clause 84 Amendment of s 582 (Compliance with noise abatement direction)** 6
7
- (1) Section 582, heading, after ‘direction’— 8
insert— 9
‘**or extended noise abatement direction**’. 10
- (2) Section 582(1) and (2), after ‘noise abatement direction’— 11
insert— 12
‘, or extended noise abatement direction,’. 13
- (3) Section 582(3), ‘noise abatement’— 14
omit. 15
- (4) Section 582(4)— 16
renumber as section 582(5). 17
- (5) Section 582— 18
insert— 19
- ‘(4) In a proceeding for an offence against this section, it is not necessary for the police officer who gave the direction to prove that— 20
21
22
- (a) a complaint about excessive noise was made; or 23
- (b) a person who made a complaint about excessive noise believed the noise complained of was excessive.’. 24
25
- (6) Section 582(5), as renumbered, definition *noise abatement period*, paragraph (b)— 26
27
omit, insert— 28

[s 85]

- '(b) for a noise abatement direction not mentioned in paragraph (a)—12 hours after the direction is given; or 1
2
- (c) for an extended noise abatement direction—the period 3
stated in the order under section 581A(5)(b)(iv).'. 4

- Clause 85 Amendment of s 583 (Additional powers of police officers on later investigation)** 5
6
- (1) Section 583(1)(a), after 'direction'— 7
insert— 8
' , or extended noise abatement direction,'. 9
 - (2) Section 583(1)(b)— 10
omit, insert— 11
'(b) within the noise abatement period as defined under 12
section 582(5), a police officer is satisfied on further 13
investigation that— 14
 - (i) the police officer must again exercise the powers 15
mentioned in section 581 about the same place or 16
the same motor vehicle; or 17
 - (ii) the police officer must again exercise the powers 18
mentioned in section 581A about the same place.' 19

- Clause 86 Amendment of s 609 (Entry of place to prevent offence, injury or domestic violence)** 20
21
- (1) Section 609(6)— 22
renumber as section 609(8). 23
 - (2) Section 609— 24
insert— 25
'(6) However, the occupier of the place is not entitled to 26
accompany the police officer while the place is being searched 27
if— 28

-
- (a) the police officer reasonably suspects that allowing the occupier to accompany the police officer will result in injury being caused to a person; and
- (b) before starting the search, to the extent it is practicable, the police officer has warned the occupier that he or she is not entitled to accompany the police officer.
- ‘(7) Information or a warning required under subsection (5) or (6) to be given to the occupier may be given by a police officer other than the police officer who searches the place.’.

Clause 87 Insertion of new s 619A 10

Chapter 19, part 6, division 2— 11

insert— 12

‘619A Powers relating to persons in holding cells at police stations 13
14

‘(1) This section applies if a person is in custody in a holding cell at a police station. 15
16

‘(2) The police officer for the time being in charge of the police station may give the person any reasonably necessary directions, or take any reasonably necessary steps, for ensuring the good management and control of the police station. 17
18
19
20
21

Examples— 22

- transferring the person to another holding cell or a watch-house 23
- transferring the person to a place at which the person can receive treatment necessary for the person’s welfare 24
25

‘(3) In this section— 26

give includes cause to be given. 27

take includes cause to be taken.’. 28

Clause 88 Amendment of s 629 (Removal of clothing for search) 29

Section 629(2), after ‘apply to’— 30

[s 89]

insert— 1
‘a pat-down search under section 52A or 53C or’. 2

Clause 89 Amendment of s 636 (Police officer to give notice of damage) 3
4

Section 636(2), ‘promptly’— 5
omit, insert— 6
‘, as soon as reasonably practicable,’. 7

Clause 90 Amendment of s 637 (Supplying police officer’s details) 8

- (1) Section 637(6), after ‘another police officer’— 9
insert— 10
‘(the *other officer*)’. 11
- (2) Section 637(6), after ‘(2)’— 12
insert— 13
‘for the other officer’. 14
- (3) Section 637(6), ‘an identity card’— 15
omit, insert— 16
‘the other officer’s identity card’. 17
- (4) Section 637(6), ‘the police officer’— 18
omit, insert— 19
‘the other officer’. 20
- (5) Section 637(6), ‘the identity card’— 21
omit, insert— 22
‘his or her identity card’. 23
- (6) Section 637— 24
insert— 25

‘(7) If a person asks a police officer to repeat information given by the police officer to the person under this section, the police officer must repeat the information to the extent it is reasonably practicable to do so.’.

Clause 91	Amendment of s 653 (Power to use force—transfer etc. of person in custody to or from court cell or other place)	5
		6
(1)	Section 653, heading, ‘court cell or other’—	7
	<i>omit, insert—</i>	8
	‘relevant’.	9
(2)	Section 653(1)—	10
	<i>omit, insert—</i>	11
‘(1)	It is lawful for a watch-house officer who is authorised by a watch-house manager to transfer a person in custody to or from a relevant place to use reasonably necessary force—	12
		13
		14
(a)	to transfer a person in custody from the watch-house to another watch-house or a relevant place; or	15
		16
(b)	to transfer a person in custody from—	17
	(i) a relevant place to the watch-house; or	18
	(ii) another watch-house to the watch-house; or	19
(c)	to ensure a person in custody in a watch-house or relevant place appears before a court and is returned to the watch-house or relevant place if the person is not released; or	20
		21
		22
		23
(d)	to ensure a person in custody does not escape from lawful custody while the person is being transferred to or held in the court precinct or while being returned to the watch-house or relevant place.’.	24
		25
		26
		27
(3)	Section 653—	28
	<i>insert—</i>	29
‘(4)	In this section—	30

[s 92]

court precinct means any land or building, or the part of any land or building, used for the purposes of a court of the State. 1
2

Example of land or building— 3

court cell 4

relevant place means— 5

(a) a corrective services facility; or 6

(b) a court precinct.’. 7

Clause 92 Amendment of s 659 (Custody continues while person in custody is being transferred or escorted by watch-house officer) 8
9
10

Section 659(a), ‘court cell’— 11

omit, insert— 12

‘relevant place under section 653 or a watch-house’ . 13

Clause 93 Insertion of new s 688A 14

After section 688— 15

insert— 16

‘688A Functions of property officer 17

‘(1) A property officer has the following functions— 18

(a) to receive anything seized by a police officer under the Act; 19
20

(b) to keep records of anything received at the property point or by the property officer, including— 21
22

(i) the date the thing was received; and 23

(ii) the particulars of the police officer who seized the thing; and 24
25

(iii) a description of the thing seized; and 26

(iv) if it is removed from the property officer’s custody—when and why it left the property officer’s custody and when it was returned; 27
28
29

-
- (c) to ensure the safe and secure storage at the property point of the thing seized; 1
2
- (d) if appropriate, to transfer or arrange the transfer of the thing seized to— 3
4
- (i) another property point for its safe and secure storage; or 5
6
- (ii) another place for destruction or disposal; or 7
- (iii) a declared agency; 8
- (e) if required under the Act or any other Act—to destroy or dispose of the thing seized in the way decided by the commissioner; 9
10
11
- (f) if the thing is money, other than money that must be retained for use as an exhibit in a court—depositing the money in a financial institution account operated by the police service. 12
13
14
15
- ‘(2) Also, as soon as reasonably practicable after the property officer receives a seized thing, the property officer must ensure the thing is capable of being easily identified. 16
17
18
- Example for subsection (2)—* 19
- The thing may have attached to it a label or tag with a number or other identifier identical to the number or identifier the property officer has assigned to the thing in the record.’. 20
21
22

- Clause 94 Amendment of s 718 (Order for forfeiture of particular relevant things)** 23
24
- Section 718(4), from ‘be given—’— 25
- omit, insert—* 26
- ‘be given by advertisement in a newspaper circulating in the locality where the relevant thing came into the possession of the police service. 27
28
29
- ‘(4A) The advertisement mentioned in subsection (4) must include a statement that a description of the relevant thing is published on the QPS website. 30
31
32

[s 95]

‘(4B) Also, the commissioner must ensure that the description
mentioned in subsection (4A) is published on the QPS
website.’. 1
2
3

**Clause 95 Amendment of s 719 (Order for forfeiture of relevant
things connected with offences)** 4
5

(1) Section 719(4)(a)(i), ‘generally throughout the State’— 6
omit, insert— 7

‘in the locality where the relevant thing came into the
possession of the police service’. 8
9

(2) Section 719— 10
insert— 11

‘(4A) However, if the notice must be given by advertisement as
required under subsection (4)(a)(i), the notice must include a
statement that a description of the relevant thing is published
on the QPS website. 12
13
14
15

‘(4B) If subsection (4A) applies, the commissioner must ensure that
the description mentioned in subsection (4A) is published on
the QPS website.’. 16
17
18

**Clause 96 Amendment of s 783 (Sale of motor vehicle if not
recovered after impounding ends)** 19
20

Section 783(3)— 21
omit, insert— 22

‘(3) The advertisement mentioned in subsection (2) must include a
statement that a description of the motor vehicle and anything
in or on it is published on the QPS website. 23
24
25

‘(4) Also, the commissioner must— 26

(a) give written notice of the proposed sale or disposal of
the motor vehicle to the owner; and 27
28

(b) ensure that the description mentioned in subsection (3)
is published on the QPS website.’. 29
30

Clause 97	Amendment of s 786 (Application of proceeds of sale)	1
(1)	Section 786(2)(d) and (e)—	2
	<i>renumber</i> as section 786(2)(e) and (f).	3
(2)	Section 786(2)—	4
	<i>insert</i> —	5
	‘(d) if the owner is an enforcement debtor for an enforcement order under the <i>State Penalties Enforcement Act 1999</i> and has taken no action under section 41 of that Act—in payment to SPER of the amount stated in the enforcement order;’.	6 7 8 9 10
Clause 98	Amendment of s 790 (Offence to assault or obstruct police officer)	11 12
	Section 790(1), ‘not assault or obstruct a police officer in the performance of the officer’s duties.’—	13 14
	<i>omit, insert</i> —	15
	‘not—	16
(a)	assault a police officer in the performance of the police officer’s duties; or	17 18
(b)	obstruct a police officer in the performance of the police officer’s duties.’.	19 20
Clause 99	Insertion of new s 864A	21
	Chapter 24, part 9—	22
	<i>insert</i> —	23
‘864A	Declaratory provision for Transport and Other Legislation Amendment Act 2008	24 25
	‘It is declared that the <i>Transport and Other Legislation Amendment Act 2008</i> , section 205(4) did not amend, and was never intended to amend, section 125(1)(c)(i) to the extent it refers to a relevant vehicle incident.’.	26 27 28 29

[s 100]

Clause 100	Insertion of new ch 24, pt 11	1
	After section 865—	2
	<i>insert—</i>	3
‘Part 11	Transitional provisions for	4
	Police Powers and	5
	Responsibilities and Other	6
	Legislation Amendment Act	7
	2011	8
‘866	Definition for pt 11	9
	‘In this part—	10
	<i>amending Act</i> means the <i>Police Powers and Responsibilities</i>	11
	<i>and Other Legislation Amendment Act 2011</i> .	12
‘867	Continued application of existing ch 18, pt 2	13
	‘(1) This section applies if an application for a disease test order is	14
	made, but not finally decided, under chapter 18, part 2 before	15
	the commencement of sections 78 to 80 of the amending Act.	16
	‘(2) Chapter 18, part 2, as in force immediately before the	17
	commencement of sections 78 to 80 of the amending Act,	18
	continues to apply for deciding the application.	19
‘868	Amendment of regulation by amending Act does not	20
	affect powers of Governor in Council	21
	‘The amendment of the <i>Police Powers and Responsibilities</i>	22
	<i>Regulation 2000</i> by the amending Act does not affect the	23
	power of the Governor in Council to further amend the	24
	regulation or to repeal it.’.	25

Clause 101	Amendment of sch 5 (Additional controlled activity offences)	1 2
	Schedule 5, part 2, section 9, ‘the <i>Prostitution Act 1999</i> , section 73 (Public soliciting for purposes of prostitution).’—	3 4
	<i>omit, insert—</i>	5
	‘the following provisions of the <i>Prostitution Act 1999—</i>	6
	• section 73 (Public soliciting for purposes of prostitution)	7 8
	• section 77A(2), (3)(a) or (b) (Prostitute providing sexual intercourse or oral sex without a prophylactic).’.	9 10
Clause 102	Amendment of sch 6 (Dictionary)	11
	(1) Schedule 6, definitions <i>authorised assistant, mall, responsibilities code</i> and <i>suspect—</i>	12 13
	<i>omit.</i>	14
	(2) Schedule 6—	15
	<i>insert—</i>	16
	‘ <i>amending Act</i> , for chapter 24, part 11, see section 866.	17
	<i>ancillary conduct</i> , for chapter 10, see section 220A.	18
	<i>applied section</i> , for chapter 4, part 5, division 4, subdivision 1, see section 101A.	19 20
	<i>authorised assistant</i> means a person who—	21
	(a) is not a police officer; and	22
	(b) in the opinion of the responsible officer at a crime scene, has specialised knowledge or skills of a kind necessary for exercising a power mentioned in section 176(1) at the crime scene; and	23 24 25 26
	(c) is asked by the responsible officer or an investigating police officer to exercise the power.	27 28
	<i>Examples—</i>	29
	• a doctor, pathologist or forensic scientist	30

[s 102]

• a photographer or fingerprint expert	1
• an electrician or carpenter	2
• a person who can operate an excavator or another machine	3
<i>child DNA sampling offence</i> —	4
(a) in relation to a DNA sample order, see section 488B; or	5
(b) in relation to a forensic procedure consent, means—	6
(i) a child DNA sampling offence within the meaning of section 488B; or	7 8
(ii) an offence against the Criminal Code of rape or incest that involves penetration of a penis into the victim’s vagina, if the victim is an adult.	9 10 11
<i>controlled activity offence</i> , for chapter 10, see section 221.	12
<i>deemed fine option order</i> , for chapter 4, part 5, division 4, subdivision 1, see section 101A.	13 14
<i>DNA sample order</i> see section 488E(1).	15
<i>extended noise abatement direction</i> see section 581A(4).	16
<i>forensic nurse examiner</i> means a nurse who—	17
(a) is a health service employee under the <i>Health Services Act 1991</i> ; and	18 19
(b) has a qualification prescribed under a regulation.	20
<i>mall</i> means a mall established under the <i>City of Brisbane Act 2010</i> or the <i>Local Government Act 2009</i> .	21 22
<i>non-performance amount</i> , for chapter 4, part 5, division 4, subdivision 1, see section 101A.	23 24
<i>parent</i> , of a child, for chapter 17, part 5, division 3A, see section 488C.	25 26
<i>pat-down search</i> means a search of a person conducted by quickly running the hands over the person’s outer garments.	27 28
<i>prosecuting authority</i> , in relation to a criminal proceeding, means the entity responsible for prosecuting the proceeding.	29 30

-
- QPS website*** means the website used by the commissioner to provide public access to information about matters relating to this Act.
- Editor's note—*
The QPS website is at <www.police.qld.gov.au>.
- SPER*** see the *State Penalties Enforcement Act 1999*, schedule 2.
- suspect—***
- (a) for chapter 11, see section 229; or
- (b) for chapter 15A, part 2, see section 441B.’.
- (3) Schedule 6, definition *civilian participant*, ‘for chapter 11, see section 229.’—
- omit, insert—*
‘for—
- (a) chapter 10, see section 220A; or
- (b) chapter 11, see section 229.’.
- (4) Schedule 6, definition *frisk search*, paragraph (a)—
- omit, insert—*
‘(a) a pat-down search of a person; and’.
- (5) Schedule 6, definition *parent*, after ‘chapter 17’—
- insert—*
‘other than part 5, division 3A’.
- (6) Schedule 6, definition *public official*, paragraph (c), after ‘under the’—
- insert—*
‘*City of Brisbane Act 2010* or the’.
- (7) Schedule 6, definition *search*, paragraph (a), ‘frisk search’—
- omit, insert—*
‘a frisk search or pat-down search of’.

[s 103]

Part 3	Amendment of Police Powers and Responsibilities Regulation 2000	1 2 3
Clause 103	Regulation amended	4
	<i>This part amends the Police Powers and Responsibilities Regulation 2000.</i>	5 6
	<i>Note—</i>	7
	See also the schedule.	8
Clause 104	Insertion of new pt 2A, div 4	9
	Part 2A—	10
	<i>insert—</i>	11
‘Division 4	Other matters	12
‘8MA	Qualifications prescribed for forensic nurse examiners	13 14
	<i>‘For the Act, schedule 6, definition forensic nurse examiner, paragraph (b), the qualification prescribed is a Graduate Certificate of Nursing (Forensic) from the Monash University.</i>	15 16 17
‘8MB	Standard prescribed for forensic laboratories	18
	<i>‘(1) For the Act, section 489(4)(b), the standard prescribed is ISO/IEC 17025 ‘General requirements for the competence of testing and calibration laboratories’ (2005).</i>	19 20 21
	<i>‘(2) In this section—</i>	22
	<i>ISO/IEC means a standard published jointly by the International Organisation for Standardisation and the International Electrotechnical Commission.’</i>	23 24 25

Clause 105	Omission of s 16 (Responsibilities code)	1
	Section 16—	2
	<i>omit.</i>	3
Clause 106	Replacement of pt 4 (Transitional regulations for relevant offences for surveillance device warrants)	4
	Part 4—	5
	<i>omit, insert—</i>	6
‘Part 4	Provisions about search warrants, obtaining documents, and crime scenes	7
		8
		9
		10
‘Division 1	Search warrants	11
‘17	Search warrant application—Act, s 150(5)(b) and (c)	12
	‘(1) For the Act, section 150(5)(b), an application for a search warrant must state, for each search warrant issued in the previous year in relation to the place or a person suspected of being involved in the commission of the offence or suspected offence, or the confiscation related activity, to which the application relates—	13
		14
		15
		16
		17
		18
	(a) when and where the warrant was issued; and	19
	(b) the type of offence or confiscation related activity to which the warrant related; and	20
		21
	(c) whether anything was seized under the warrant or a proceeding was started after a search.	22
		23
	‘(2) For the Act, section 150(5)(c), an application for a search warrant must state the following—	24
		25
	(a) the applicant’s name, rank, registered number and station;	26
		27
	(b) a description of the place to be searched;	28

[s 106]

- (c) for an occupied place, the name of the occupier of the place, if known; 1
2
 - (d) the offence, suspected offence or confiscation related activity to which the application relates or, for a forfeiture proceeding, the Act under which the proceeding may be started; 3
4
5
6
 - (e) a description of the nature of the thing sought that is reasonably suspected of being evidence of the commission of the offence or confiscation related evidence in relation to the confiscation related activity; 7
8
9
10
 - (f) information or evidence being relied on to support a reasonable suspicion that evidence of the commission of an offence or the confiscation related evidence is at the place, or is likely to be taken to the place within the next 72 hours; 11
12
13
14
15
 - (g) if authority to exercise any of the following powers is being sought—why it is necessary to exercise the power— 16
17
18
 - (i) power to search anyone found at the place for anything sought under the warrant that can be concealed on the person; 19
20
21
 - (ii) power to search anyone or anything in, on or about to board, or be put on, a transport vehicle; 22
23
 - (iii) power to take a vehicle to, and search for evidence of the commission of an offence that may be concealed in the vehicle at, a place with appropriate facilities for searching the vehicle; 24
25
26
27
- Examples for paragraph (g)—* 28
- 1 Power to search anyone found at the place may be necessary because the nature of the thing sought may be concealed on a person. 29
30
31
 - 2 Power to search anyone or anything in, on or about to board, or be put on, a transport vehicle may be necessary because the offence relates to a transport vehicle and involves the safety of the vehicle or anyone who may be in or on it. 32
33
34
35

3	Power to take a vehicle to a place with appropriate facilities for searching the vehicle may be necessary because the nature of the thing sought may be concealed in a vehicle or because the vehicle needs to be scientifically examined.	1 2 3 4
(h)	if authority to execute the warrant at night is being sought, why it is necessary to execute the warrant at night;	5 6 7
	<i>Example for paragraph (h)—</i>	8
	It may be necessary to execute the warrant at night for an early morning search to prevent the loss or destruction of evidence, or because the occupier is only at the place at night.	9 10 11
(i)	for an application for an order requiring a stated person to give to a police officer stated documents—the name or position of the person to be ordered to produce the documents and a description of the documents the person is ordered to produce.	12 13 14 15 16
‘18	Statement to accompany copy of search warrant—Act, s 158(3)	17 18
	‘For the Act, section 158(3), the statement to be given to the occupier of a place with a copy of the search warrant must state the following—	19 20 21
(a)	the nature of the powers a police officer may exercise under the warrant;	22 23
(b)	the senior police officer present during the search must, as soon as reasonably practicable, state the officer’s name, rank and station or, if not in uniform, state he or she is a police officer and produce his or her identity card for inspection;	24 25 26 27 28
(c)	the occupier may ask another police officer present for his or her name, rank and station and, if not in uniform, he or she, if asked, must produce his or her identity card for inspection;	29 30 31 32
(d)	the effect of the Act, sections 622, 623, 626, 681 and 691.	33 34

[s 106]

‘Division 2	Post-search approval	1
‘19	Post-search approval application—Act, s 161(2)(c)	2
	‘For the Act, section 161(2)(c), an application for a post-search approval order must state the following—	3 4
	(a) the applicant’s name, rank, registered number and station;	5 6
	(b) information or evidence relied on to support a reasonable suspicion—	7 8
	(i) in the circumstances existing before the search, that evidence of the commission of an offence was at or about the place, or in the possession of a person at or about the place, and would have been concealed or destroyed unless the place was immediately entered and searched; or	9 10 11 12 13 14
	(ii) that a part 2 offence has been, is being, or may be committed in, on or in relation to a transport vehicle and involves the safety of the vehicle or anyone who may be in or on it;	15 16 17 18
	(c) in relation to the thing sought—the type of offence in relation to which the search was conducted, or the Act under which a forfeiture proceeding may be started;	19 20 21
	(d) the nature of the thing sought that was reasonably suspected of being evidence of the commission of an offence;	22 23 24
	(e) the time, date and place of the search;	25
	(f) a description of anything seized because of the search;	26
	(g) if known, the name, age and address of each person detained or searched;	27 28
	(h) information about any proceeding started against a person, before or because of the search, for an offence in relation to which the search was conducted;	29 30 31

(i)	if an order under the Act, section 693 or 694, for the retention, disposal, return or destruction of anything seized is sought, why the order should be made.	1 2 3
'20	Report about post-search approval application	4
'(1)	This section applies if a police officer considers the commissioner should appeal against a decision of a magistrate to order the disposal, destruction or return of a thing seized because of a search to prevent loss of evidence.	5 6 7 8
'(2)	The police officer must give to the commissioner a report explaining the reasons for appealing against the order.	9 10
'(3)	The report must be accompanied by—	11
(a)	a copy of the application; and	12
(b)	a copy of any transcript of the proceeding; and	13
(c)	an affidavit identifying any relevant document and stating anything else relevant to the appeal.	14 15
'Division 3	Crime scenes	16
'21	Crime scene warrant application—Act, s 170(2)(c)	17
	'For the Act, section 170(2)(c), an application for a crime scene warrant must state the following—	18 19
(a)	the applicant's name, rank, registered number and station;	20 21
(b)	a description of the place to which the application relates;	22 23
(c)	for a crime scene that is an occupied place—	24
(i)	the name of the occupier of the place, if known; and	25 26
(ii)	when the occupier was given notice of the application or, if the occupier has not been given notice, why notice has not been given;	27 28 29

[s 106]

- (d) information or evidence being relied on to reasonably satisfy the issuer of the warrant that—
 - (i) a seven year imprisonment offence or an offence involving deprivation of liberty happened at the place; or
 - (ii) there may be at the place evidence, of a significant probative value, of the commission of a serious violent offence that happened somewhere else;
- (e) whether the application is to establish a crime scene or relates to a crime scene established under the Act, section 165;
- (f) the suspected offence to which the application relates;
- (g) if the crime scene is a secondary crime scene, when and where the relevant offence was committed, if known;
- (h) why it is necessary to protect the place to search for and gather evidence of the commission of the suspected offence;
- (i) information about any proceeding started against a person for the offence for which the crime scene is, or is to be, established.

'22 Application for extension of crime scene warrant—Act, s 173(3)

- '(1) For the Act, section 173(3), an application for the extension of a crime scene warrant must state the following—
 - (a) the applicant's name, rank, registered number and station;
 - (b) when and where the crime scene was established;
 - (c) for a crime scene that is an occupied place—when the occupier was given notice of the application or, if the occupier has not been given notice, why notice has not been given;
 - (d) what investigations have been conducted at the crime scene;

(e)	why it is necessary to extend the warrant;	1
(f)	information about any proceeding started against a person for the offence for which the crime scene was established;	2 3 4
(g)	the time for which the extension is sought.	5
‘(2)	The application must be accompanied by a copy of the original warrant.	6 7
‘23	Statement to accompany copy of crime scene warrant—Act, s 175(3)	8 9
	‘For the Act, section 175(3), the statement to be given to the occupier of a place with a copy of the crime scene warrant must state the following—	10 11 12
(a)	the nature of the powers a police officer may exercise at the crime scene;	13 14
(b)	the responsible officer at the crime scene must, as soon as reasonably practicable, state the officer’s name, rank and station, and, if not in uniform, state he or she is a police officer and produce his or her identity card for inspection;	15 16 17 18 19
(c)	the occupier may ask another police officer present for his or her name, rank and station and, if not in uniform, the officer, if asked, must produce his or her identity card for inspection;	20 21 22 23
(d)	the effect of the Act, sections 179, 622, 623, 626, 681 and 691.	24 25
‘Division 4	Production notices	26
‘24	Production notice application—Act, s 180(3)(b) and (c)	27 28
‘(1)	For the Act, section 180(3)(b), an application for a production notice must state, for each production notice issued within the	29 30

[s 106]

- previous year in relation to the person suspected of being
involved in the commission of the offence or suspected
offence or the confiscation related activity to which the
application relates—
- (a) when and where the notice was issued; and
 - (b) the type of offence or confiscation related activity to
which the notice related; and
 - (c) whether anything was seized or a proceeding started
because of the notice.
- ‘(2) For the Act, section 180(3)(c), an application for a production
notice must state the following—
- (a) the applicant’s name, rank, registered number and
station;
 - (b) the name of the cash dealer to be given the notice;
 - (c) the offence, suspected offence or confiscation related
activity to which the application relates or, for a
forfeiture proceeding, the Act under which the
proceeding may be started;
 - (d) the nature of the documents sought;
- Examples—*
- documents relating to transactions conducted by B between
31 December 2008 and 1 July 2010
 - documents relating to mortgages or property sales to which
B is a party
- (e) information or evidence being relied on to support a
reasonable suspicion that documents held by the cash
dealer may be—
 - (i) evidence of the commission of the offence; or
 - (ii) confiscation related evidence in relation to the
confiscation related activity;
 - (f) the applicant suspects that someone other than the cash
dealer committed the offence or suspected offence or
was involved in the confiscation related activity.

-
- ‘25 Access order application—Act, s 185(3)** 1
- ‘(1) For the Act, section 185(3), an application for an access order 2
must state the following— 3
- (a) the applicant’s name, rank, registered number and 4
station; 5
 - (b) the name of the cash dealer to whom the application 6
relates; 7
 - (c) the nature of the documents sought under the production 8
notice to which the application relates; 9
 - (d) the cash dealer has produced documents it claims 10
contain privileged communications; 11
 - (e) an outline of any reason given by the cash dealer for 12
claiming the documents contain privileged 13
communications; 14
 - (f) when notice of the application was given to the cash 15
dealer; 16
 - (g) why access to the documents is necessary; 17
 - (h) the type of order sought. 18
- ‘(2) The application must be accompanied by— 19
- (a) a copy of the application for the production notice; and 20
 - (b) a copy of the production notice given to the cash dealer; 21
and 22
 - (c) the sealed container or envelope containing the relevant 23
documents. 24

‘Division 5 Production orders 25

- ‘26 Production order application—Act, s 189(3)(b) 26
and (c) 27**
- ‘(1) For the Act, section 189(3)(b), an application for a production 28
order must state, for each production order issued within the 29

[s 106]

- previous year in relation to the person to whom the application relates— 1
2
- (a) when and where the order was issued; and 3
 - (b) how long the order was in force; and 4
 - (c) the type of confiscation offence or serious crime related activity to which the order related; and 5
6
 - (d) how the order helped in the investigation or another investigation; and 7
8
 - (e) information about any proceeding started because of the use of the production order. 9
10
- ‘(2) For the Act, section 189(3)(c), an application for a production order must state the following— 11
12
- (a) the applicant’s name, rank, registered number and station; 13
14
 - (b) the name of the person to whom the application relates; 15
 - (c) the name of the person to be given the production order (the *named person*); 16
17
 - (d) the confiscation offence or serious crime related activity to which the application relates; 18
19
 - (e) the nature of the property tracking documents sought under the production order; 20
21
 - (f) information or evidence being relied on to support a reasonable suspicion the named person possesses a document that may be a relevant property tracking document. 22
23
24
25

‘Part 5	Covert evidence gathering powers	1 2
‘Division 1	Monitoring orders and suspension orders	3 4
‘27	Monitoring order and suspension order application—Act, ss 199(2)(b) and 205(2)(b)	5 6
	‘(1) For the Act, sections 199(2)(b)(ii) and 205(2)(b)(ii), an application for a monitoring order or a suspension order must state, for each monitoring order or suspension order issued in the previous year in relation to an account held with the financial institution by the person about whom the application is made—	7 8 9 10 11 12
	(a) when and where the order was issued; and	13
	(b) how long the order was in force; and	14
	(c) the type of confiscation offence, serious crime related activity or serious crime derived property to which the order related; and	15 16 17
	(d) how the order helped in the investigation or another investigation; and	18 19
	(e) information about any proceeding started because of the use of the order.	20 21
	‘(2) For the Act, sections 199(2)(b)(iii) and 205(2)(b)(iii), an application for a monitoring order or suspension order must state the following—	22 23 24
	(a) the applicant’s name, rank, registered number and station;	25 26
	(b) the name of the financial institution to be given the order;	27 28
	(c) the name of the person about whom the application is made (the <i>named person</i>);	29 30

-
- (b) have suitable facilities for securely storing recordings made under the warrant; and 1
2
- (c) be used in a way that prevents anyone outside it from hearing or seeing anything being listened to or monitored. 3
4
5
- ‘(3) The interceptor must take reasonable steps to ensure— 6
- (a) only police officers helping or involved in the investigation, other interceptors and persons authorised under subsection (4) enter the premises; and 7
8
9
- (b) when the premises are unattended, the premises are locked and any recordings made under the warrant are securely stored at the premises or another secure place. 10
11
12
- ‘(4) The following persons are also authorised to enter the premises— 13
14
- (a) the police officer who applied for the surveillance device warrant; 15
16
- (b) a person responsible for the management of the premises; 17
18
- (c) a person appointed by the commissioner to investigate misconduct; 19
20
- (d) anyone else the interceptor permits to be present for helping in or monitoring the investigation. 21
22
- ‘(5) This section does not apply to the exercise of powers in Queensland under a corresponding warrant or corresponding emergency authorisation. 23
24
25

‘Division 3 Covert searches 26

‘29 **Covert search warrant application—Act, s 212(2)(b) and (c)** 27 28

- ‘(1) For the Act, section 212(2)(b), an application for a covert search warrant must state, for each warrant issued in the previous year in relation to the place or person suspected of 29
30
31

[s 106]

- being involved in the organised crime related offence, 1
designated offence or terrorism to which the application 2
relates— 3
- (a) the type of warrant; and 4
 - (b) when and where the warrant was issued; and 5
 - (c) for a surveillance device warrant or covert search 6
warrant, how long the warrant was in force; and 7
 - (d) whether the warrant related to a person or a place; and 8
 - (e) the type of offence to which the warrant related; and 9
 - (f) any evidence seized during a search; and 10
 - (g) how a previous covert search or surveillance device 11
warrant helped in the investigation or another 12
investigation; and 13
 - (h) information about any proceeding started after the 14
search or use of the surveillance device. 15
- ‘(2) For the Act, section 212(2)(c), an application for a covert 16
search warrant must state the following— 17
- (a) the applicant’s name, rank, registered number and 18
station; 19
 - (b) a description of the place to be searched; 20
 - (c) the type of organised crime related offence, designated 21
offence or terrorism to which the application relates; 22
 - (d) for an occupied place—if known, the name of the 23
occupier of the place and any person reasonably 24
suspected of being involved in the offence; 25
 - (e) a description of the nature of the thing sought that is 26
reasonably suspected of being evidence of the 27
commission of an organised crime related offence, 28
designated offence or terrorism; 29
 - (f) information or evidence being relied on to satisfy a 30
judge there are reasonable grounds for believing there is 31
evidence of the organised crime, designated offence or 32
terrorism at the place. 33

-
- ‘30 Application for extension of covert search warrant—Act, s 217(3)** 1
2
- ‘For the Act, section 217(3), an application for an extension of 3
a covert search warrant must state the following— 4
- (a) the applicant’s name, rank, registered number and 5
station; 6
 - (b) a description of the place to be searched; 7
 - (c) for an occupied place—if known, the name of the 8
occupier of the place and any person reasonably 9
suspected of being involved in the offence; 10
 - (d) the type of organised crime related offence, designated 11
offence or terrorism to which the warrant relates; 12
 - (e) a description of the nature of the thing sought that is 13
reasonably suspected of being evidence of the 14
commission of an organised crime related offence, 15
designated offence or terrorism; 16
 - (f) information or evidence being relied on to satisfy a 17
judge there are reasonable grounds for believing there is 18
evidence of organised crime, a designated offence or 19
terrorism at the place; 20
 - (g) information included in the application for the covert 21
search warrant about each warrant issued in the previous 22
year in relation to the place or person suspected of being 23
involved in the organised crime, designated offence or 24
terrorism to which the application relates. 25
- ‘31 Report on covert search—Act, s 220(3)** 26
- ‘For the Act, section 220(3), a report on the exercise of 27
powers under a covert search warrant must be accompanied 28
by a copy of the warrant and state the following— 29
- (a) the reporting police officer’s name, rank, registered 30
number and station; 31
 - (b) the organised crime related offence, designated offence 32
or terrorism to which the warrant relates; 33
-

-
- (d) information or evidence that may be relied on to support a reasonable suspicion that the child has committed the indictable offence; 1
2
3
 - (e) taking a DNA sample for DNA analysis may tend to prove or disprove the child's involvement in the offence; 4
5
 - (f) notice of the making of the application has been given under the Act, section 488(3) and when the notice was given to each of the persons mentioned in that subsection. 6
7
8
9

'33 Disease test order application—Act, s 540(3)(c) 10

'For the Act, section 540(3)(c), an application for a disease test order must state the following— 11
12

- (a) the applicant's name, rank, registered number and station; 13
14
- (b) the name of the person to whom the application relates; 15
- (c) a stated chapter 18 offence has been committed; 16
- (d) taking a blood or urine sample may help find out whether the person may have transmitted a relevant disease to the victim of the offence or another person; 17
18
19
- (e) information supporting the application and indicating semen, blood, saliva or another bodily fluid may have been transmitted to another person during or soon after the commission of the offence; 20
21
22
23
- (f) the person to whom the application relates has been advised of the person's right to have a lawyer present at the hearing of the application; 24
25
26
- (g) if the person to whom the application relates is a child—notice of the application has been given under the Act, section 541(2) and when the notice was given to each of the persons mentioned in that subsection. 27
28
29
30

[s 106]

‘Part 7	Investigations and questioning for indictable offences	1 2
‘34	Removal order application—Act, s 399(4)(c)	3
	‘For the Act, section 399(4)(c), an application for a removal order must state the following—	4 5
	(a) the applicant’s name, rank, registered number and station;	6 7
	(b) the name and age of the person to whom the application relates;	8 9
	(c) where the person is held in custody;	10
	(d) whether the person is in custody for an offence that has not been decided, or under sentence for a term of imprisonment or, for a child, under a detention order;	11 12 13
	(e) the type of indictable offence to which the questioning or investigation relates;	14 15
	(f) whether the removal of the person into police custody is for questioning the person or for a stated investigative procedure;	16 17 18
	(g) whether the person has been advised of the application;	19
	(h) information or evidence about the nature and seriousness of the offence;	20 21
	(i) information or evidence that may be relied on—	22
	(i) to support a suspicion the person has committed the offence mentioned in the application; and	23 24
	(ii) to satisfy a magistrate removal of the person from a prison or detention centre is necessary for questioning the person or the investigation of the offence.	25 26 27 28

‘35	Application for extension of detention period—Act, s 405(2)	1 2
	‘For the Act, section 405(2), the application must state the following—	3 4
	(a) the applicant’s name, rank, registered number and station;	5 6
	(b) the following information about the person to whom the application relates—	7 8
	(i) the person’s name, age and address;	9
	(ii) whether the person is in custody under the <i>Corrective Services Act 2006</i> or the <i>Youth Justice Act 1992</i> for an offence that has not been decided or under a sentence for a term of imprisonment or, for a child, a detention order;	10 11 12 13 14
	(iii) whether the person is an Aborigine, a Torres Strait Islander, a child or a person with impaired capacity;	15 16 17
	(iv) if the person is a child—whether a parent of the child has been advised of the child’s detention;	18 19
	(c) whether, since the questioning or detention started, the person has asked to telephone or speak to a relative, friend or lawyer and has since spoken to a relative, friend, lawyer or support person;	20 21 22 23
	(d) when the detention period started, how long the person has been questioned and what delays to questioning have happened;	24 25 26
	(e) the offence to which the questioning or investigation relates and information and evidence about the nature and seriousness of the offence;	27 28 29
	(f) information or evidence supporting a reasonable suspicion the relevant person has committed the offence mentioned in the application;	30 31 32
	(g) what investigations have taken place;	33
	(h) why further detention of the person is necessary;	34

(f)	a description of anything seized because of the search;	1
(g)	whether anything was damaged because of the search;	2
(h)	information about the return, destruction or disposal of anything seized.	3 4
'38	Searches of places other than vehicles	5
	‘The following information about an enforcement act consisting of a search of a place other than a vehicle must be included in the register of enforcement acts—	6 7 8
(a)	if known, the name of the person in possession of the place and anyone detained;	9 10
(b)	when and where the search took place;	11
(c)	the purpose of the search;	12
(d)	a description of anything seized because of the search;	13
(e)	whether anything was damaged because of the search;	14
(f)	information about the return, destruction or disposal of anything seized.	15 16
'39	Arrests and detentions	17
‘(1)	This section applies to an enforcement act consisting of an arrest, the detention of a person detained for investigations or questioning under chapter 15, or the questioning of a person to whom chapter 15, part 3 applies.	18 19 20 21
‘(2)	The following information must be included in the register of enforcement acts—	22 23
(a)	if known, the name of the person;	24
(b)	when the person was arrested or detained;	25
(c)	for an arrest, where a person is held;	26
(d)	for a person detained, each place to which the person is taken to or held for investigations or questioning, and when;	27 28 29

[s 106]

- (e) any significant event affecting the time for which questioning was suspended or delayed, for example, because of a time out period and the purpose of the time out; 1
2
3
4
- (f) any apparent injury the person received during the arrest or detention. 5
6

‘40 Search warrants 7

‘The following information about an enforcement act consisting of the exercise of powers relating to a search warrant must be included in the register of enforcement acts— 8
9
10

- (a) when and where the warrant was issued; 11
- (b) if known, the name of the person mentioned in the application for the search warrant as the person suspected of being involved in the offence, suspected offence or confiscation related activity to which the application relates; 12
13
14
15
16
- (c) the type of offence or the confiscation related activity to which the warrant related; 17
18
- (d) if the search warrant related to an existing or proposed forfeiture proceeding—the type of forfeiture proceeding to which the warrant related; 19
20
21
- (e) the benefits derived from the warrant, including, for example, anything seized during the search and any proceeding started after the search. 22
23
24

‘41 Production notices 25

‘The following information about an enforcement act consisting of the exercise of powers relating to a production notice must be included in the register of enforcement acts— 26
27
28

- (a) when and where the notice was issued; 29
- (b) if known, the name of the person mentioned in the application for the production notice as the person suspected of being involved in the offence, suspected 30
31
32

offence or confiscation related activity to which the application relates;	1 2
(c) the type of offence or the confiscation related activity to which the production notice related;	3 4
(d) if the production notice related to an existing or proposed forfeiture proceeding—the type of forfeiture proceeding to which the production notice related;	5 6 7
(e) the benefits derived from the production notice, including, for example, any document produced under the notice and any proceeding started after the document was produced;	8 9 10 11
(f) information about the return of any document produced.	12
‘42 Production orders	13
‘The following information about an enforcement act consisting of the exercise of powers relating to a production order must be included in the register of enforcement acts—	14 15 16
(a) when and where the order was issued;	17
(b) if known, the name of the person mentioned in the application for the production order as the person who was found guilty of the confiscation offence, is suspected of having committed the confiscation offence or is suspected of having engaged in the serious crime related activity to which the application relates;	18 19 20 21 22 23
(c) the type of confiscation offence or serious crime related activity to which the production order related;	24 25
(d) the benefits derived from the production order, including, for example, any document produced under the order and any proceeding started after the document was produced;	26 27 28 29
(e) information about the return of any document produced.	30

[s 106]

‘43	Things seized other than during a search	1
	‘The following information about things seized other than during a search must be included in the register of enforcement acts—	2 3 4
	(a) if known, the name of the person from whom the thing was seized;	5 6
	(b) when and where it was seized;	7
	(c) the reason it was seized;	8
	(d) a description of the thing seized;	9
	(e) information about the return, destruction or disposal of the thing.	10 11
‘44	Directions given	12
	‘The following information about a direction given to a person under the Act, section 48 must be included in the register of enforcement acts—	13 14 15
	(a) when the direction was given;	16
	(b) the location of the person when given the direction;	17
	(c) the name of the person given the direction, if known;	18
	(d) the reason for giving the direction;	19
	(e) the apparent demographic category of the person.	20
‘45	Exclusions of support persons from questioning	21
	‘The following information about an enforcement act consisting of the exclusion from questioning, under chapter 15, part 3, division 4 or 5 of a relative, friend or support person must be included in the register of enforcement acts—	22 23 24 25
	(a) the excluded person’s name;	26
	(b) when and why the person was excluded;	27
	(c) whether an electronic record was made of the reason for the exclusion and if not, why not;	28 29

-
- (d) if questioning resumed after the person's exclusion—when questioning resumed; 1
2
 - (e) if another support person was present during questioning when questioning resumed—that person's name. 3
4
5

'46 Monitoring orders and suspension orders 6

'The following information about an application for a monitoring order or suspension order must be recorded in the register of covert acts— 7
8
9

- (a) when and where the application for the order was made; 10
- (b) the name of the financial institution mentioned in the application; 11
12
- (c) the name of the person in relation to whom the application was made; 13
14
- (d) whether or not the order was issued; 15
- (e) if the order was issued— 16
 - (i) the type of information the financial institution was required to give; and 17
18
 - (ii) how long the order was in force; 19
- (f) the benefits derived from the order, including, for example— 20
21
 - (i) any proceeding started; and 22
 - (ii) a brief description of how using the order helped in the investigation of the suspected confiscation offence or serious crime related activity or in identifying, locating or quantifying the suspected serious crime derived property in relation to which the order was issued. 23
24
25
26
27
28

[s 106]

‘Part 9	Dealing with things in the possession of police service	1 2
‘47	Receipt for seized property—Act, s 622(4)	3
	‘For the Act, section 622(4), a receipt given for a thing seized must include the following—	4 5
	(a) the date and time the thing was seized;	6
	(b) if taken from a person—the name, address and telephone contact number of the person, if known;	7 8
	(c) if taken from an occupied place—the name, the address and telephone contact number of the occupier of the place, if known;	9 10 11
	(d) a description of the thing seized;	12
	(e) the name, rank, station and telephone contact number of the police officer who seized the thing;	13 14
	(f) where the thing will be taken, if known;	15
	(g) the date the receipt is issued.	16
‘48	Order after property seized—Act, s 694(3) or 695(4)	17
	‘An application under the Act, section 694(3) or 695(4) for an order relating to a seized thing must state the following—	18 19
	(a) the applicant’s name, rank, registered number and station;	20 21
	(b) a description of the thing;	22
	(c) the circumstances of the seizure, including, for example, if the thing was seized under a search warrant;	23 24
	(d) relevant information about the thing, including, for example, the following—	25 26
	(i) the nature of any interest a person has in the thing;	27
	(ii) the approximate value of the thing;	28

	(iii) whether the thing may be needed as evidence in a proceeding and the type of offence or forfeiture proceeding for which it may be evidence;	1 2 3
	(e) the order sought;	4
	(f) the reasons for seeking the order.’.	5
Clause 107	Omission of sch 10 (Responsibilities code)	6
	Schedule 10—	7
	<i>omit.</i>	8
Part 4	Amendment of Evidence Act 1977	9 10
Clause 108	Act amended	11
	This part amends the <i>Evidence Act 1977</i> .	12
Clause 109	Amendment of s 95A (DNA evidentiary certificate)	13
	(1) Section 95A(4) and (5), ‘chief executive’—	14
	<i>omit, insert—</i>	15
	‘responsible person’.	16
	(2) Section 95A(9), definition <i>chief executive</i> —	17
	<i>omit.</i>	18
	(3) Section 95A(9)—	19
	<i>insert—</i>	20
	‘ <i>responsible person</i> means—	21
	(a) if the DNA analyst is appointed under section 133A(4)—the chief executive officer, however described, of the forensic laboratory; or	22 23 24

[s 110]

- (b) otherwise—the chief executive of the department within which the *Health Services Act 1991* is administered.’. 1
2

Clause 110 Amendment of s 133A (DNA analysts) 3

Section 133A— 4

insert— 5

- ‘(3) Subsection (4) applies if the commissioner of the police service has entered into an arrangement with a forensic laboratory under the *Police Powers and Responsibilities Act 2000*, section 489(4)(b). 6
7
8
9

- ‘(4) The chief executive officer, however described, of the forensic laboratory may, by notice in writing, appoint an officer or employee of the laboratory as a DNA analyst if satisfied the officer or employee has the necessary qualifications and experience to be a DNA analyst. 10
11
12
13
14

- ‘(5) The appointment takes effect— 15
(a) on the day the notice is given to the officer or employee; 16
or 17
(b) if a later day is stated in the notice—the later day.’. 18

**Part 5 Amendment of State Penalties Enforcement Act 1999 19
20**

Clause 111 Act amended 21

This part amends the *State Penalties Enforcement Act 1999*. 22

**Clause 112 Amendment of s 34 (Default in paying fine, penalty or other amount under court order) 23
24**

Section 34(1)— 25

insert— 26

- ‘(i) a revocation order under the *Police Powers and Responsibilities Act 2000*, section 102C(1).’.

1
2

Part 6 **Minor and consequential**
 amendments

3
4

- Clause 113** **Legislation amended**
- The schedule amends the legislation it mentions.

5
6

Schedule	Legislation amended	1
	section 113	2
Justices Act 1886		3
1 Section 23EB(1)—		4
<i>insert—</i>		5
‘(d) has not failed to appear before the court as required by a notice to appear.’.		6 7
2 Section 49, from ‘meantime’—		8
<i>omit, insert—</i>		9
‘meantime may—		10
(a) commit the defendant; or		11
(b) whether or not the defendant is in custody—		12
(i) grant the defendant bail; or		13
(ii) allow the defendant to go at large without bail; or		14
(c) give a direction requiring the defendant to appear before the court at a certain time and place.’.		15 16
3 Section 88(2)(b)—		17
<i>omit, insert—</i>		18
‘(b) may, whether or not the defendant is in custody—		19
(i) grant the defendant bail; or		20
(ii) allow the defendant to go at large without bail; or		21
(iii) give a direction requiring the defendant to appear before the court at a certain time and place.’.		22 23

4	Section 133(2)—	1
	<i>insert—</i>	2
	‘(c) give a direction requiring the defendant to appear before the court at a certain time and place.’	3 4
5	Section 142(1), after ‘defendant’s appearance’—	5
	<i>insert—</i>	6
	‘or that the defendant was given a direction requiring the defendant to appear before the court at a certain time and place’.	7 8 9
	Police Powers and Responsibilities Act 2000	10
1	Section 17(3), ‘Editor’s note’—	11
	<i>omit, insert—</i>	12
	‘Note’.	13
2	Section 19(2), ‘Editor’s note’—	14
	<i>omit, insert—</i>	15
	‘Note’.	16
3	Section 20(2), ‘Editor’s note’—	17
	<i>omit, insert—</i>	18
	‘Note’.	19
4	Section 21(1), ‘Editor’s note’—	20
	<i>omit, insert—</i>	21
	‘Note’.	22

Schedule

5	Section 26(1)(b), ‘Editor’s note’—	1
	<i>omit, insert—</i>	2
	‘ <i>Note</i> ’.	3
6	Section 43(3), from ‘if the person—’ to ‘either—’	4
	<i>omit, insert—</i>	5
	‘if—	6
	(a) the person either—’.	7
7	Section 55(3), ‘Editor’s note’—	8
	<i>omit, insert—</i>	9
	‘ <i>Note</i> ’.	10
8	Section 58(2), ‘Editor’s note’—	11
	<i>omit, insert—</i>	12
	‘ <i>Note</i> ’.	13
9	Section 66(1), after ‘approved form’—	14
	<i>insert—</i>	15
	‘(a <i>defect notice</i>)’.	16
10	Section 66(8), definition <i>defect notice</i>—	17
	<i>omit.</i>	18
11	Section 66(8), definition <i>owner</i>, ‘motor’—	19
	<i>omit.</i>	20

12	Section 69A(2)(e)(i), ‘this Act’—	1
	<i>omit, insert—</i>	2
	‘section 66’.	3
13	Section 69A(4), after ‘section 80’—	4
	<i>insert—</i>	5
	‘of the Road Use Management Act’.	6
14	Section 73A(2), note, ‘police service website’	7
	<i>omit, insert—</i>	8
	‘QPS website’.	9
15	Section 78(8), ‘police service internet website’—	10
	<i>omit, insert—</i>	11
	‘QPS website’.	12
16	Section 79(9), ‘police service internet website’—	13
	<i>omit, insert—</i>	14
	‘QPS website’.	15
17	Section 108B(1), example, ‘subsection (1)’—	16
	<i>omit, insert—</i>	17
	‘this subsection’.	18
18	Section 118(5), ‘Also’—	19
	<i>omit, insert—</i>	20
	‘In addition’.	21

Schedule

19	Section 118(6), ‘police service internet website’—	1
	<i>omit, insert—</i>	2
	‘QPS website’.	3
20	Section 140, heading, ‘Recovery’—	4
	<i>omit, insert—</i>	5
	‘Disposal’.	6
21	Section 143(1), ‘Editor’s note’—	7
	<i>omit, insert—</i>	8
	‘Note’.	9
22	Section 150(5)(b), ‘required under the responsibilities code’—	10
	<i>omit, insert—</i>	11
	‘prescribed under a regulation’.	12
23	Section 150(5)—	14
	<i>insert—</i>	15
	‘(c) state the information prescribed under a regulation.’.	16
24	Section 158—	17
	<i>insert—</i>	18
	‘(3) The statement under subsection (1) must include the information prescribed under a regulation.’.	19
		20
25	Section 161(2)—	21
	<i>omit, insert—</i>	22
	‘(2) The application must—	23
	(a) be sworn; and	24

	(b) state the grounds on which it is sought; and	1
	(c) state the information prescribed under a regulation.’.	2
26	Section 170(2)—	3
	<i>omit, insert—</i>	4
	‘(2) The application must—	5
	(a) be sworn; and	6
	(b) state the grounds on which it is sought; and	7
	(c) state the information prescribed under a regulation.’.	8
27	Section 173—	9
	<i>insert—</i>	10
	‘(3) The application must include the information prescribed	11
	under a regulation.’.	12
28	Section 175—	13
	<i>insert—</i>	14
	‘(3) The statement under subsection (1) must include the	15
	information prescribed under a regulation.’.	16
29	Section 180(3)(b), ‘required under the responsibilities	17
	code’—	18
	<i>omit, insert—</i>	19
	‘prescribed under a regulation’.	20
30	Section 180(3)—	21
	<i>insert—</i>	22
	‘(c) state the information prescribed under a regulation.’.	23

Schedule

31	Section 185—	1
	<i>insert—</i>	2
	‘(2A) The application must include the information prescribed under a regulation.’.	3 4
32	Section 185(2A) and (3)—	5
	<i>renumber</i> as section 185(3) and (4).	6
33	Section 189(3)(b), ‘specified in the responsibilities code’—	7 8
	<i>omit, insert—</i>	9
	‘prescribed under a regulation’.	10
34	Section 189(3)—	11
	<i>insert—</i>	12
	‘(c) state the information prescribed under a regulation.’.	13
35	Section 199(2)(b)(ii), ‘required under the responsibilities code’—	14 15
	<i>omit, insert—</i>	16
	‘prescribed under a regulation’.	17
36	Section 199(2)(b)—	18
	<i>insert—</i>	19
	‘(iii) state the information prescribed under a regulation.’.	20 21
37	Section 205(2)(b)(ii), ‘required under the responsibilities code’—	22 23
	<i>omit, insert—</i>	24
	‘prescribed under a regulation’.	25

38	Section 205(2)(b)—	1
	<i>insert—</i>	2
	‘(iii) state the information prescribed under a regulation.’.	3
		4
39	Section 212(2)(b), ‘required under the responsibilities code’—	5
	<i>omit, insert—</i>	6
	‘prescribed under a regulation’.	7
		8
40	Section 212(2)—	9
	<i>insert—</i>	10
	‘(d) state the information prescribed under a regulation.’.	11
41	Section 217—	12
	<i>insert—</i>	13
	‘(2A) An application under subsection (2) must include the information prescribed under a regulation.’.	14
		15
42	Section 217(2A) to (4)—	16
	<i>renumber</i> as section 217(3) to (5).	17
43	Section 220—	18
	<i>insert—</i>	19
	‘(2A) The report must include the information prescribed under a regulation.’.	20
		21
44	Section 220(4), ‘subsection (6)’—	22
	<i>omit, insert—</i>	23
	‘subsection (7)’.	24

Schedule

45	Section 220(2A) to (6)—	1
	<i>renumber</i> as section 220(3) to (7).	2
46	Section 230(8)—	3
	<i>renumber</i> as section 230(7).	4
47	Section 365(3), ‘Editor’s note’—	5
	<i>omit, insert—</i>	6
	‘Note’.	7
48	Section 382(1), ‘Editor’s note’—	8
	<i>omit, insert—</i>	9
	‘Note’.	10
49	Section 394(4), ‘Editor’s note’—	11
	<i>omit, insert—</i>	12
	‘Note’.	13
50	Section 399(4)—	14
	<i>omit, insert—</i>	15
	‘(4) The application must—	16
	(a) be made in person; and	17
	(b) be sworn and state the grounds on which the order is sought; and	18
	(c) state the information prescribed under a regulation.’.	19
		20
51	Section 405—	21
	<i>insert—</i>	22
	‘(1A) The application must include the information prescribed under a regulation.’.	23
		24

52	Section 405(1A) to (6)—	1
	<i>renumber</i> as section 405(2) to (7).	2
53	Section 416, ‘Editor’s note’—	3
	<i>omit, insert—</i>	4
	‘Note’.	5
54	Section 419(4), ‘Editor’s note’—	6
	<i>omit, insert—</i>	7
	‘Note’.	8
55	Section 431(1), ‘the responsibilities code’—	9
	<i>omit, insert—</i>	10
	‘section 431A’.	11
56	Section 436(2), after ‘if’—	12
	<i>insert—</i>	13
	‘reasonably’.	14
57	Section 437(5), ‘the responsibilities code’—	15
	<i>omit, insert—</i>	16
	‘section 437A’.	17
58	Section 481(3), ‘section 477(a)’—	18
	<i>omit, insert—</i>	19
	‘section 477(1)(a)’.	20

Schedule

59	Section 487(4), ‘Editor’s note’—	1
	<i>omit, insert—</i>	2
	‘ <i>Note</i> ’.	3
60	Section 488—	4
	<i>insert—</i>	5
	‘(2A) The application must include the information prescribed under a regulation.’.	6 7
61	Section 488(5)(b), ‘authorise’—	8
	<i>omit, insert—</i>	9
	‘authorises’.	10
62	Section 536(5), definition <i>prosecuting authority</i>—	11
	<i>omit.</i>	12
63	Section 540(3)—	13
	<i>omit, insert—</i>	14
	‘(3) The application must—	15
	(a) be written; and	16
	(b) state the grounds on which it is made; and	17
	(c) state the information prescribed under a regulation.’.	18
64	Section 597(2), ‘Editor’s note’—	19
	<i>omit, insert—</i>	20
	‘ <i>Note</i> ’.	21
65	Section 614(1)(a), ‘under a surveillance device warrant’ —	22
	<i>omit.</i>	23

66	Section 617(2), ‘the responsibilities code’—	1
	<i>omit, insert—</i>	2
	‘chapter 15A’.	3
67	Section 622(4), from ‘required’—	4
	<i>omit, insert—</i>	5
	‘prescribed under a regulation.’.	6
68	Section 637(2)(a)(ii), ‘; or’—	7
	<i>omit, insert—</i>	8
	‘;’.	9
69	Section 658, heading—	10
	<i>omit, insert—</i>	11
‘658	Requirements prescribed under a regulation’.	12
70	Section 658, ‘provision of the responsibilities code’—	13
	<i>omit, insert—</i>	14
	‘requirement prescribed under a regulation’.	15
71	Section 664—	16
	<i>insert—</i>	17
	‘(4) The register must include the information prescribed under a regulation.’.	18
		19
72	Section 666(3), ‘specified in the responsibilities code’—	20
	<i>omit, insert—</i>	21
	‘prescribed under a regulation’.	22

Schedule

73	Section 667(f), ‘; or’—	1
	<i>omit, insert—</i>	2
	‘.’.	3
74	Section 668(h), ‘the responsibilities code’—	4
	<i>omit, insert—</i>	5
	‘a regulation’.	6
75	Section 669(f), ‘the responsibilities code’—	7
	<i>omit, insert—</i>	8
	‘a regulation’.	9
76	Section 670(2)(l), ‘the responsibilities code’—	10
	<i>omit, insert—</i>	11
	‘a regulation’.	12
77	Section 672(2)(a), ‘CMC—CMC’s’—	13
	<i>omit, insert—</i>	14
	‘the CMC—the CMC’s’.	15
78	Section 675(3), ‘Editor’s note’—	16
	<i>omit, insert—</i>	17
	‘ <i>Note</i> ’.	18
79	Section 679(1), from ‘required’—	19
	<i>omit, insert—</i>	20
	‘prescribed under a regulation is recorded in the register of enforcement acts.’.	21
		22

80	Section 680(2)(a), ‘CMC—CMC’s’—	1
	<i>omit, insert—</i>	2
	‘the CMC—the CMC’s’.	3
81	Section 694—	4
	<i>insert—</i>	5
	‘(2A) The application must include the information prescribed under a regulation.’.	6 7
82	Section 694(2A) to (5)—	8
	<i>renumber</i> as section 694(3) to (6).	9
83	Section 695—	10
	<i>insert—</i>	11
	‘(2A) The application must include the information prescribed under a regulation.’.	12 13
84	Section 695(4)—	14
	<i>omit, insert—</i>	15
	‘(4) The application must—	16
	(a) state the information prescribed under a regulation; and	17
	(b) be accompanied by any warrant under which the thing was seized.’.	18 19
85	Section 695(5), ‘specified in the responsibilities code’—	20
	<i>omit, insert—</i>	21
	‘prescribed under a regulation’.	22
86	Section 695(2A) to (5)—	23
	<i>renumber</i> as section 695(3) to (6).	24

Schedule

87	Section 710(3), ‘police service website’—	1
	<i>omit, insert—</i>	2
	‘QPS website’.	3
88	Section 724(7), definition <i>prosecuting authority</i>—	4
	<i>omit.</i>	5
89	Section 740(5)(c), before ‘CMC’—	6
	<i>insert—</i>	7
	‘the’.	8
90	Section 783, heading, after ‘Sale’—	9
	<i>insert—</i>	10
	‘or disposal’.	11
91	Section 791(2), penalty, paragraph (a), after ‘offence;’—	12
	<i>insert—</i>	13
	‘or’.	14
92	Section 800(1), from ‘a warrant,’ to ‘91(6), a’—	15
	<i>omit, insert—</i>	16
	‘an impounding order or forfeiture order, an order under	17
	section 85(6), 85A(6), 86(5), 90(6), 90A(6), 91(6), a warrant,	18
	approval, production notice, production order,’.	19
93	Chapter 24, heading and chapter 24, part 1, heading—	20
	<i>omit, insert—</i>	21

‘Chapter 24	Repeals and transitional provisions	1
		2
‘Part 1	Acts repealed’.	3
94	Chapter 24, part 2, division 1, heading—	4
	<i>omit.</i>	5
95	Section 812, heading, ‘div 1’—	6
	<i>omit, insert—</i>	7
	‘pt 2’.	8
96	Section 812, definition <i>repealed Act</i>, paragraph (b), before ‘<i>Gaming</i>’—	9
	<i>insert—</i>	10
	‘the’.	11
		12
97	Chapter 24, part 5, division 6, heading—	13
	<i>omit.</i>	14
98	Schedule 2, heading, ‘Relevant’—	15
	<i>omit, insert—</i>	16
	‘Controlled activity offences, and relevant’.	17
99	Schedule 2, authorising provision, ‘sections 229’—	18
	<i>omit, insert—</i>	19
	‘sections 221(2), definition <i>controlled activity offence</i>, 229, definition <i>relevant offence</i>’.	20
		21

Schedule

100	Schedule 5, section 1, fourth dot point, and section 5, first dot point, ‘section 408D’—	1 2
	<i>omit, insert—</i>	3
	‘section 408E’.	4
101	Schedule 5, section 10, ‘section 50’—	5
	<i>omit, insert—</i>	6
	‘section 50(1)’.	7
102	Schedule 6, definition <i>chapter 18 offences</i>—	8
	<i>omit, insert—</i>	9
	‘ <i>chapter 18 offence</i> see section 538.’.	10
103	Schedule 6, definition <i>domestic violence order</i>, after ‘see’—	11 12
	<i>insert—</i>	13
	‘the’.	14
104	Schedule 6, definition <i>noxious or offensive substance</i>, after ‘see’—	15 16
	<i>insert—</i>	17
	‘the’.	18
105	Schedule 6, definition <i>offensive weapon</i>, after ‘see’—	19
	<i>insert—</i>	20
	‘the’.	21
106	Schedule 6, definition <i>prison</i>, after ‘see’—	22
	<i>insert—</i>	23
	‘the’.	24

107	Schedule 6, definition <i>prisoner</i>, after ‘see’—	1
	<i>insert—</i>	2
	‘the’.	3
108	Schedule 6, definition <i>private conversation</i>, paragraph (b), ‘that indicate’—	4
	<i>omit.</i>	5
		6
109	Schedule 6, definition <i>serious crime derived property</i>, after ‘see’—	7
	<i>insert—</i>	8
	‘the’.	9
		10
110	Schedule 6, definition <i>state building</i>, after ‘see’—	11
	<i>insert—</i>	12
	‘the’.	13
111	Schedule 6, definition <i>surveillance powers</i>—	14
	<i>omit.</i>	15
112	Schedule 6, definition <i>term of imprisonment</i>, after ‘see’—	16
	<i>insert—</i>	17
	‘the’.	18
113	Schedule 6, definition <i>weapon</i>, paragraph (b), after ‘see’—	19
	<i>insert—</i>	20
	‘the’.	21
		22

	Police Powers and Responsibilities Regulation 2000	1
1	Section 14—	2
	<i>omit, insert—</i>	3
‘14	Legal aid organisation	4
	‘The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS) is a legal aid organisation for the Act, schedule 6, definition <i>legal aid organisation</i> .’.	5 6 7
2	Section 16A—	8
	<i>omit.</i>	9
3	Schedule 3—	10
	<i>insert—</i>	11
	‘ <i>Prostitution Act 1999</i>	12
	<i>Weapons Act 1990</i> .’.	13
4	Schedule 8—	14
	<i>omit.</i>	15