



## **Public Order (Protection of Persons and Property) Regulations 2019**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 March 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Home Affairs

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## Part 1—Preliminary

### 1 Name

This instrument is the *Public Order (Protection of Persons and Property) Regulations 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2019.	1 April 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under section 13H of the *Public Order (Protection of Persons and Property) Act 1971*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) constable;
- (b) frisk search;
- (c) Police Force.

In this instrument:

*Act* means the *Public Order (Protection of Persons and Property) Act 1971*.

*authorised officer* has the same meaning as in Part IIA of the Act.

Section 5

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**identity card** of an authorised officer means a card that:

- (a) states that the holder of the card is an authorised officer for the purposes of Part IIA of the Act; and
- (b) includes a recent photograph of the officer; and
- (c) states the office held by the issuer of the card.

**Integrity Commissioner** has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**investigatory authority** has the same meaning as in Part IIA of the Act.

Note: Part IIA of the Act and Part 2 of this instrument apply only to investigatory authorities mentioned in section 6 of this instrument.

## **Part 2—Provisions relating to premises of certain investigatory authorities**

### **Division 1—Investigatory authorities to which Part IIA of the Act applies**

#### **6 Investigatory authorities to which Part IIA of the Act applies**

The following investigatory authorities are prescribed for the purposes of Part IIA of the Act:

- (a) the Australian Criminal Intelligence Commission;
- (b) the Integrity Commissioner.

Section 7

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**Division 2—Limits on exercising powers under sections 13C and 13D of the Act**

**7 Authority**

This Division is for the purposes of subsections 13C(1) and 13D(1) of the Act.

**8 Revealing status as authorised officer before exercising power**

Before exercising a power under section 13C or 13D of the Act in relation to a person, an authorised officer for an investigatory authority must, if practicable:

- (a) tell the person that the officer is an authorised officer for the purposes of Part IIA of the Act; and
- (b) if the officer is a constable—show the person the officer’s identification as a constable; and
- (c) if the officer is not a constable—show the person the officer’s identity card.

**9 Explaining before conducting frisk search**

Before conducting a frisk search of a person under section 13D of the Act, an authorised officer for an investigatory authority must, if practicable, tell the person about:

- (a) the procedure for the frisk search; and
- (b) the effect of subsections 13D(4), (5) and (7) of the Act.



## **Division 3—Dealing with information given in response to a requirement made under Part IIA of the Act**

### **10 Authority**

This Division is for the purposes of section 13H of the Act, so far as that section relates to providing for the dealing with information given by a person in response to a requirement made under Part IIA of the Act.

### **11 Disclosing information**

- (1) An authorised officer for an investigatory authority who obtains information under section 13C of the Act may disclose the information to a Police Force.
- (2) An authorised officer for the Australian Criminal Intelligence Commission may disclose information obtained under section 13C of the Act to the Chief Executive Officer of the Commission.
- (3) An authorised officer for the Integrity Commissioner may disclose information obtained under section 13C of the Act to the Integrity Commissioner.
- (4) Despite subsections (1), (2) and (3), an authorised officer for an investigatory authority may disclose information under one of those subsections only if the officer reasonably believes it is necessary in the interests of security to do so.

### **12 Recording information electronically**

Information obtained under section 13C of the Act may be recorded electronically.

## **Division 4—Returning identity cards**

### **13 Returning identity cards**

A person who ceases to be an authorised officer for an investigatory authority and holds an identity card must give the card as soon as practicable to:

- (a) the person who issued it; or
- (b) if that person is unavailable—another person authorised by the investigatory authority to receive the card.

## **Part 3—Transitional provisions**

### **Division 1—Provisions for this instrument as originally made**

#### **14 Application of Division 3 of Part 2**

Division 3 of Part 2 applies to information given by a person in response to a requirement made under Part IIA of the Act, whether the information was given before, on or after the commencement of this instrument.

## **Schedule 1—Repeals**

### ***Public Order (Protection of Persons and Property) Regulations 1999***

#### **1 The whole of the instrument**

Repeal the instrument.