Crimes Regulations 1990

Statutory Rules 1990 No. 227 as amended

made under the

Crimes Act 1914

This compilation was prepared on 29 October 2010
taking into account amendments up to SLI 2010 No. 251

The text of any of those amendments not in force
on that date is appended in the Notes section

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Page

Contents

1	Name of regulations [*see* Note 1]	5
2	Interpretation	5
3	Prescribed forms	5
4	Optional forms	5
4A	Corresponding State controlled operations laws	5
4B	Requirements for indemnification — civil liability (Act s 15HB)	6
4BAA	ACC prescribed delegates (Act s 15HG and 15MX)	7
4BAB	Corresponding assumed identity law	7
4C	Requirements for indemnification — assumed identity (Act s 15KS)	8
4D	Corresponding witness identity protection law	9
4E	Meaning of *civil proceeding*	9
4F	Use of video recordings — specified persons	9
5	State laws prescribed for the purposes of subsection 19AZD (3) of the Act	9
6	State Laws prescribed for the purposes of section 20AB of the Act	11
6AA	Offences for which a court may impose certain conditions (Act s 22)	12
6A	Aboriginal legal aid organisations	12
6B	Appropriately qualified persons	12
6C	Prescribed procedure for determining a person's age (Act s 3ZQA)	13
6D	Prescribed persons — use or disclosure of information on DNA databases	14
6E	Corresponding laws — forensic procedures	14
7	Specified circumstances — paragraph 85ZKB (2) (c) of the Act	15
7A	Exclusions from Divisions 2 and 3 of Part VIIC of Act (Act s 85ZZGB, 85ZZGC and 85ZZGD)	16
8	Exclusions from Division 3 of Part VIIC of Act (Act s 85ZZH)	17
9	Repeal	18
10	Savings	18
11	Transitional matters relating to the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*	18

Federal Register of Legislative Instruments F2010C00733

		Page
Schedule 1	**Prescribed forms**	21
Schedule 2	**Optional forms**	22
Schedule 3		23
Form 1	Form for the purposes of section 16BA	23
Form 2	Warrant under section 19AS authorising the detention of a person	26
Form 3	Notice of revocation under subsection 19AU (2)	27
Form 4	Warrant for arrest under subsection 19AV (2)	28
Form 5	Warrant under subsection 19AW (1) authorising the detention of a person	29
Form 6	Warrant under subsection 19AW (2) authorising the remand of a person	30
Form 7	Order under paragraph 19AX (1) (b) for the detention of a person	31
Form 8	Notification of breach under subsection 19AX (2)	32
Form 9	Summons under subsection 19AZ (2)	33
Form 10	Order and recognisance under subsection 19B (1)	34
Form 11	Order and recognisance under paragraph 20 (1) (a)	37
Form 12	Order and recognisance under paragraph 20 (1) (b)	40
Form 13	Warrant for arrest under subsection 20BF (3)	43
Form 14	Warrant under subsection 20BF (5) authorising the detention of a person	44
Form 15	Warrant under subsection 20BF (6) authorising the remand of a person	45
Form 16	Warrant for arrest under subsection 20BM (3)	46
Form 17	Warrant under subsection 20BM (5) authorising the detention of a person	47
Form 18	Warrant under subsection 20BM (6) authorising the remand of a person	48
Form 19	Summons under *paragraph 20BW (1) (a)/*section 20BY	49
Form 20	Warrant for arrest under *paragraph 20BW (1) (b)/*section 20BY	50
Form 21	Warrant of arrest under *subsection 20BW (2)/*section 20BY	51
Form 22	Certificate under subsection 21B (3)	52

Federal Register of Legislative Instruments F2010C00733

			Page
Schedule 3A		**Aboriginal legal aid organisations**	53
Schedule 3B		**Appropriately qualified persons**	55
Schedule 3C		**Provisions of corresponding laws taken to correspond to particular Divisions of Part 1D of the Act**	57
Schedule 4		**Spent convictions — exclusions from privacy provisions**	64
Schedule 5		**Transitional matters relating to *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010***	76
Part 1		Chief officers' annual reports	76
Part 2		Pre-commencement controlled operation	76
Part 3		Assumed identity authorisations — jurisdictions that are not participating jurisdictions	77
	4BB	Definition of *authorising persons* — prescribed classes for State or Territory participating agencies (Act s 15XA)	77
	4BC	Definition of *State or Territory participating agency* — prescribed bodies (Act s 15XA)	79
Notes			80

Federal Register of Legislative Instruments F2010C00733

1 Name of regulations [see Note 1]

These regulations are the *Crimes Regulations 1990*.

2 Interpretation

In these regulations, unless the contrary intention appears:

the Act means the *Crimes Act 1914*.

3 Prescribed forms

The form in Schedule 3 referred to in Column 3 of an item in Schedule 1 is prescribed for the purposes of the provision of the Act specified in Column 2 of that item.

4 Optional forms

The form in Schedule 3 referred to in Column 3 of an item in Schedule 2 may be used for the purposes of the provision of the Act specified in Column 2 of that item.

4A Corresponding State controlled operations laws

For the definition of ***corresponding State controlled operations law*** in section 15GC of the Act, the provisions mentioned in the following table are prescribed.

Item	Jurisdiction	Law	Provisions
1	New South Wales	*Law Enforcement (Controlled Operations) Act 1997*	All
2	Victoria	**Crimes (Controlled Operations) Act 2004**	All
3	Queensland	*Crime and Misconduct Act 2001*	Chapter 3, Part 6A
4	Queensland	*Police Powers and Responsibilities Act 2000*	Chapter 11 Chapter 24, Part 5, Divisions 1 and 3

Federal Register of Legislative Instruments F2010C00733

Item	Jurisdiction	Law	Provisions
5	Tasmania	*Police Powers (Controlled Operations) Act 2006*	All
6	Australian Capital Territory	*Crimes (Controlled Operations) Act 2008*	All

4B Requirements for indemnification — civil liability (Act s 15HB)

For paragraph 15HB (f) of the Act, the following requirements are specified:

(a) the participant must notify the chief officer of the relevant agency in writing, and as soon as practicable, of:

(i) any conduct that:

(A) in the course of duty, for a controlled operation, he or she engages in; and

(B) is likely to result in legal proceedings against the participant, or the Commonwealth; and

(ii) any proceedings arising in relation to liability that he or she may have incurred because of the conduct;

(b) in any proceedings, the participant must:

(i) authorise the Commonwealth to control the conduct of the defence proceedings; and

(ii) if the Commonwealth so requires, accept the Australian Government Solicitor or another nominated legal practitioner as his or her legal representative; and

(iii) give, and authorise his or her legal representative to give, to the Commonwealth, all assistance and information required by the Commonwealth in relation to the conduct of the proceedings; and

(iv) if an award of costs is made in his or her favour:

(A) take all steps directed by the Commonwealth to recover the award; and

(B) pay to the Commonwealth any recovered costs;

Federal Register of Legislative Instruments F2010C00733

(c) the participant must not make any written or oral agreement to settle the proceedings, in full or in part, unless the terms of the agreement have been approved by the chief officer.

4BAA ACC prescribed delegates (Act s 15HG and 15MX)

For subparagraphs 15HG (5) (c) (ii) and 15MX (3) (c) (ii) of the Act, an SES employee who is a member of the staff of the ACC, within the meaning of section 47 of the *Australian Crime Commission Act 2002*, or any person occupying an equivalent or higher position in the ACC, is prescribed.

4BAB Corresponding assumed identity law

For the definition of ***corresponding assumed identity law*** in section 15K of the Act, the provisions mentioned in the following table are prescribed.

Item	Jurisdiction	Law	Provisions
1	Victoria	**Crimes (Assumed Identities) Act 2004**	All
2	Queensland	*Police Powers and Responsibilities Act 2000*	Chapter 12 Chapter 24, Part 5, Divisions 1 and 4
3	Queensland	*Crime and Misconduct Act 2001*	Chapter 3, Part 6B
4	South Australia	*Criminal Investigation (Covert Operations) Act 2009*	Part 3
5	Tasmania	*Police Powers (Assumed Identities) Act 2006*	All
6	Australian Capital Territory	*Crimes (Assumed Identities) Act 2009*	All

Federal Register of Legislative Instruments F2010C00733

4C Requirements for indemnification — assumed identity (Act s 15KS)

For paragraph 15KS (2) (c) of the Act, the following requirements are specified:

(a) the authorised person must notify the chief officer of the relevant agency in writing, and as soon as practicable, of:

(i) any conduct that:

(A) in the course of duty, he or she engages in in acquiring evidence of, or using, an assumed identity; and

(B) is likely to result in legal proceedings against the authorised person, or the Commonwealth; and

(ii) any proceedings arising in relation to liability that he or she may have incurred because of the conduct;

(b) in any proceedings, the authorised person must:

(i) authorise the Commonwealth to control the conduct of the defence proceedings; and

(ii) if the Commonwealth so requires, accept the Australian Government Solicitor or another nominated legal practitioner as his or her legal representative; and

(iii) give to the Commonwealth, and authorise his or her legal representative to give to the Commonwealth, all assistance and information required by the Commonwealth in relation to the conduct of the proceedings; and

(iv) if an award of costs is made in his or her favour:

(A) take all steps directed by the Commonwealth to recover the award; and

(B) pay to the Commonwealth any recovered costs;

(c) the authorised person must not make any written or oral agreement to settle the proceedings, in full or in part, unless the terms of the agreement have been approved by the chief officer.

Federal Register of Legislative Instruments F2010C00733

4D Corresponding witness identity protection law

For the definition of ***corresponding witness identity protection law*** in subsection 15M (1) of the Act, the provisions mentioned in the following table are prescribed.

Item	Jurisdiction	Law	Provisions
1	Victoria	**Evidence Act 1958**	Part IIAA and section 156
2	Queensland	*Evidence Act 1977*	Part 2, Division 5
3	South Australia	*Criminal Investigation (Covert Operations) Act 2009*	Part 4
4	Tasmania	*Witness (Identity Protection) Act 2006*	All

4E Meaning of *civil proceeding*

For paragraph 15MB (2) (d) of the Act, each of the following is prescribed:

(a) an application for a restraining order under Part 2-1 of the *Proceeds of Crime Act 2002*;

(b) an examination conducted under Part 3-1 of the *Proceeds of Crime Act 2002*.

4F Use of video recordings — specified persons

For paragraph 15YM (1) (a) of the Act, a member of a police force, or other law enforcement agency, of a foreign country is specified.

5 State laws prescribed for the purposes of subsection 19AZD (3) of the Act

(1) For the purposes of subsection 19AZD (3) of the Act the following pre-release permit schemes are prescribed:

(a) the release of a prisoner under:

(i) a release to work order under Part 1 of Chapter 5 of the *Corrective Services Act 2000* of Queensland; or

(ii) a home detention order under Part 1 of Chapter 5 of the *Corrective Services Act 2000* of Queensland;

Federal Register of Legislative Instruments F2010C00733

(b) the release of a prisoner to serve a period of home detention under Division VIA of Part IV of the *Correctional Services Act, 1982* of South Australia;

(c) a pre-release permit granted under section 19 of the *Penalties and Sentences Act 1985* of Victoria;

(ca) a pre-release permit granted under:

(i) Division 6 of Part 8 of the *Corrections Act 1986* of Victoria; or

(ii) Division 5 of Part 8 of the Corrections Regulations 1988 of Victoria;

with respect to a sentence of imprisonment imposed before the commencement of subsection 5 (1) of the *Corrections (Remissions) Act 1991* of Victoria;

(cb) the release of a prisoner under a home detention order under Division 4 of Part 8 of the **Corrections Act 1986** of Victoria;

(d) the release of a prisoner under:

(i) a work release order under Part 4; or

(ii) a home detention order under Part 5;

of the *Sentence Administration Act 1995* of Western Australia;

Note The *Sentence Administration Act 1995* (WA) was repealed on 31 August 2003 by section 29 of the *Sentencing Legislation Amendment and Repeal Act 2003* (WA) (the ***Repeal Act***). However, under the transitional provisions set out in Schedule 1 to the Repeal Act (see in particular clauses 7 and 8 of that Schedule), an order of the kind mentioned in subparagraph (d) (i) or (ii) may still be made in respect of a person who, immediately before 31 August 2003, was subject to a sentence of imprisonment to which the *Sentence Administration Act 1995* (WA) applied.

(e) the release of a prisoner under a re-entry release order made under Part 4 of the *Sentence Administration Act 2003* of Western Australia.

(2) A federal offender who is a non-citizen is not eligible to participate in a pre-release permit scheme prescribed in subregulation (1) if participation would result in the offender:

(a) becoming an unlawful non-citizen; and

(b) being liable to detention and removal from Australia under the *Migration Act 1958*.

Federal Register of Legislative Instruments F2010C00733

(2A) A federal offender who is subject to a deportation order under the *Migration Act 1958* is not eligible to participate in a pre-release permit scheme prescribed in subregulation (1) if participation would make the offender liable for detention and deportation from Australia under that Act.

(3) A person convicted of a federal offence is not eligible to participate in the pre-release permit scheme prescribed under subparagraph 5 (1) (d) (ii) if the person is subject to a recognizance release order in relation to the offence.

6 State Laws prescribed for the purposes of section 20AB of the Act

For the purposes of section 20AB of the Act the following orders are prescribed:

(a) a home detention order made under Subdivision 2 of Division 5 of Part 3 of the *Sentencing Act 1995* of the Northern Territory;

(b) a community-based order made under Division 3 of Part 3 of the *Sentencing Act 1991* of Victoria;

(c) an intensive correction order made under subdivision (2) of Division 2 of Part 3 of the *Sentencing Act 1991* of Victoria;

(ca) a home detention order made under Subdivision (1D) of Division 2 of Part 3 of the **Sentencing Act 1991** of Victoria;

(d) an intensive correction order made under Part 6 of the *Penalties and Sentences Act 1992* of Queensland;

(e) a community based order made under Part 9 of the *Sentencing Act 1995* of Western Australia;

(f) an intensive supervision order made under Part 10 of the *Sentencing Act 1995* of Western Australia;

(fa) an intensive correction order made under section 7 of the *Crimes (Sentencing Procedure) Act 1999* (NSW);

(g) a home detention order made under Part 2 of the *Crimes (Sentencing Procedure) Act 1999* of New South Wales;

Federal Register of Legislative Instruments F2010C00733

(gaa) an intensive correction order made under Division 6 of Part 4 of the *Fines Act 1996* (NSW);

(ga) an order under the *Crimes (Sentencing) Act 2005* (ACT) setting a period of a sentence of imprisonment to be served by periodic detention;

(gb) a good behaviour order under Part 3.3 of the *Crimes (Sentencing) Act 2005* (ACT);

(h) a home detention order made under Chapter 2 of the *Rehabilitation of Offenders (Interim) Act 2001* of the Australian Capital Territory.

6AA Offences for which a court may impose certain conditions (Act s 22)

For paragraph 22 (1) (b) of the Act, indictable offences against the *Australian Passports Act 2005* and the *Foreign Passports (Law Enforcement and Security) Act 2005* are prescribed.

6A Aboriginal legal aid organisations

For the purposes of subsection 23B (1) of the Act, an organisation specified in Schedule 3A is identified as an Aboriginal legal aid organisation.

6B Appropriately qualified persons

(1) For paragraph (b) of the definition of ***appropriately qualified*** in section 23WA of the Act, a person mentioned in an item in Schedule 3B is qualified to carry out the forensic procedure mentioned in that item.

(2) In Schedule 3B, a reference to a ***forensic scientist*** or ***forensic technician*** is a reference to a person engaged (whether as an employee or otherwise) in that capacity by:

(a) the Australian Federal Police; or

(b) the police force or police service of a State or Territory.

Federal Register of Legislative Instruments F2010C00733

6C Prescribed procedure for determining a person's age (Act s 3ZQA)

(1) For subsection 3ZQA (2) of the Act, the procedure specified in this regulation is the prescribed procedure for determining a person's age.

(2) A radiograph must be taken of a hand and wrist of the person whose age is to be determined.

(3) The radiograph must be taken using a medical X-ray unit that is operated by an appropriately qualified person (the ***radiographer***).

(4) In taking the radiograph, the radiographer must ensure that the safeguards set out in the relevant standards are applied to ensure that any risks to the health and safety of the person in respect of whom the radiograph is being taken are minimised.

(5) The radiograph that is taken must be interpreted by an appropriately qualified person.

(6) For the purpose of carrying out the procedure, the radiographer may request the assistance of any person, including:

(a) the investigating official involved in the investigation of the person in respect of whom the procedure is being carried out; or

(b) a person who is employed in the medical practice, radiography practice or hospital where the procedure is being carried out; or

(c) a parent or guardian of the person in respect of whom the procedure is being carried out; or

(d) if the person in respect of whom the procedure is being carried out has chosen a person to be present while the procedure is being carried out — that person.

(7) In this regulation:

appropriately qualified person means:

(a) for subregulation (3) — a person who is accredited as a radiographer by the Australian Institute of Radiography; and

Federal Register of Legislative Instruments F2010C00733

(b) for subregulation (5) — a person who is accredited as a radiologist by the Royal Australian and New Zealand College of Radiologists.

medical X-ray unit means general diagnostic X-ray equipment that is used primarily to take radiographs, but does not include fluoroscopy or CT scan equipment.

relevant standards means:

(a) the standard published by the Australian Institute of Radiography known as 'Guidelines for Professional Conduct for Radiographers and Radiation Therapists', as in force at the commencement of this regulation; and

(b) any other medical or other professional standards relating to the taking of radiographs, developed by the Australian Institute of Radiography or the Royal Australian and New Zealand College of Radiologists, as in force at the commencement of this regulation.

6D Prescribed persons — use or disclosure of information on DNA databases

For the purposes of paragraphs 23YDAE (2) (d) and 23YO (2) (a) and (d) of the Act, a person is prescribed if:

(a) the person is engaged or employed by a forensic laboratory that is accredited with the National Association of Testing Authorities of Australia; and

(b) in that capacity, the person provides forensic services to law enforcement officers of the Commonwealth, a State or a Territory.

6E Corresponding laws — forensic procedures

(1) For the purposes of the definition of ***corresponding law*** in section 23YUA of the Act, the following laws are prescribed:

(a) the *Crimes (Forensic Procedures) Act 2000* of New South Wales;

(b) Subdivision (30A) of Division 1 of Part 3 of the *Crimes Act 1958* of Victoria;

(ba) Chapter 8A of the *Police Powers and Responsibilities Act 2000* of Queensland;

Federal Register of Legislative Instruments F2010C00733

(bb) Part 2A of, and Schedules 1 and 7 to, the *Police Powers and Responsibilities Regulation 2000* of Queensland;

(c) the *Criminal Investigation (Identifying People) Act 2002* of Western Australia;

(d) the *Criminal Law (Forensic Procedures) Act 2007* (SA);

(e) the *Forensic Procedures Act 2000* of Tasmania;

(f) the *Crimes (Forensic Procedures) Act 2000* of the Australian Capital Territory;

(g) Division 7 of Part VII of the *Police Administration Act* of the Northern Territory.

(2) In particular, and without limiting the generality of subregulation (1), the provisions of corresponding laws mentioned in an item in Schedule 3C are taken to substantially correspond to the provision of Part 1D of the Act mentioned in that item.

7 Specified circumstances — paragraph 85ZKB (2) (c) of the Act

For the purposes of paragraph 85ZKB (2) (c) of the Act, the following circumstances are specified:

(a) in relation to the advertising, displaying, offering for sale or sale of an apparatus or device, where the apparatus or device:

(i) is advertised, displayed or offered for sale; or

(ii) is sold;

for a purpose related to interception of communications that is not in contravention of subsection 7 (1) of the *Telecommunications (Interception) Act 1979* because of subsection 6 (3) or 7 (2) of that Act;

(b) in relation to the manufacture or possession of an apparatus or device, where the apparatus or device:

(i) is manufactured; or

(ii) is in the possession of a person;

for a purpose related to a circumstance specified in paragraph (a);

Federal Register of Legislative Instruments F2010C00733

(c) in relation to the manufacture of an apparatus or device, where the apparatus or device is manufactured for a purpose related to interception by a person in the course of the person's duties relating to interception of communications passing over a telecommunications system (being a telecommunications system within the meaning of the *Telecommunications (Interception) Act 1979*), that is interception of communications otherwise than in contravention of subsection 7 (1) of that Act;

(d) in relation to the manufacture, sale or possession of an apparatus or device, where the apparatus or device is to be exported from Australia;

(e) in relation to the manufacture, offering for sale, sale or possession of an apparatus or device, where the apparatus or device:

(i) is manufactured; or

(ii) is offered for sale; or

(iii) is sold; or

(iv) is in the possession of a person;

for a purpose related to the use of a listening device under Division 1A of Part XII of the *Customs Act 1901*, Division 2 of Part II of the *Australian Federal Police Act 1979*, Division 2 of Part III of the *Australian Security Intelligence Organization Act 1979* or a law of a State or Territory;

(f) in relation to the possession of an apparatus or device, where the possession of the apparatus or device is related to the person's duties relating to the investigation or prosecution of offences under the *Telecommunications (Interception) Act 1979* or Part VIIB of the *Crimes Act 1914*.

7A Exclusions from Divisions 2 and 3 of Part VIIC of Act (Act s 85ZZGB, 85ZZGC and 85ZZGD)

For sections 85ZZGB, 85ZZGC and 85ZZGD of the Act, each law mentioned in an item in the following table is prescribed for each person or body mentioned in the item.

Federal Register of Legislative Instruments F2010C00733

Item	Prescribed person or body	Prescribed law
1	Commission for Children and Young People	*Commission for Children and Young People Act 1998* (NSW)
	Department of Education and Training	
	Department of Health	
	Communities NSW	
	Catholic Commission for Employment Relations	
2	Secretary to the Department of Justice	**Working with Children Act 2005** (Vic)
3	Commissioner for Children and Young People and Child Guardian	*Commission for Children and Young People and Child Guardian Act 2000* (Qld)
4	Queensland College of Teachers	*Education (Queensland College of Teachers) Act 2005* (Qld)
5	Chief executive officer of the Department for Child Protection	*Working with Children (Criminal Record Checking) Act 2004* (WA)
6	Screening Authority	*Care and Protection of Children Act* (NT)

Note The Northern Territory's Screening Authority is known as SAFE NT.

8 Exclusions from Division 3 of Part VIIC of Act (Act s 85ZZH)

(1) For the purposes of paragraph 85ZZH (k) of the Act, the persons and bodies specified in column 2 of Schedule 4 are prescribed for the purposes, and in relation to convictions for the offences, respectively specified in columns 3 and 4 of that Schedule in relation to those persons and bodies.

(2) In Schedule 4, ***drug offence*** means an offence constituted by the production, possession, supply, importation or export of a substance that is:

(a) a narcotic substance within the meaning of the *Customs Act 1901*; or

Federal Register of Legislative Instruments F2010C00733

(b) a drug within the meaning given by:

(i) subregulation 9A (1) of the *Customs (Prohibited Exports) Regulations 1958*; or

(ii) subregulation 5 (20) of the *Customs (Prohibited Imports) Regulations 1956*.

(3) In Schedule 4, ***designated offence*** has the meaning given by section 85ZL of the Act.

9 Repeal

Statutory Rules 1982 No. 296, 1985 No. 179, 1987 No. 43 and 1990 Nos. 32 and 156 are repealed.

10 Savings

Nothing in these Regulations affects the operation of an order made before the commencement of these Regulations under section 20AB of the Act.

11 Transitional matters relating to the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*

(1) For item 19 of Part 3 of Schedule 4 to the Amendment Act, Part 1 of Schedule 5 has effect.

(2) For subitem 17 (1) of Part 3 of Schedule 3 and item 19 of Part 3 of Schedule 4 to the Amendment Act, Part 2 of Schedule 5 has effect for a pre-commencement controlled operation.

(3) For item 19 of Part 3 of Schedule 4 and subitem 20 (1) of Part 3 of Schedule 3 to the Amendment Act, Part 3 of Schedule 5 has effect for the continued operation of Part IAC of the Act under subitem 20 (1) of Part 3 of Schedule 3 to the Amendment Act for a jurisdiction that is not a participating jurisdiction.

Federal Register of Legislative Instruments F2010C00733

(4) For the definition of ***State controlled operations law*** in item 16 of Schedule 3 to the Amendment Act, the provisions mentioned in the following table, as in force when the person engaged in the conduct mentioned in item 12, or the ancillary conduct mentioned in item 14, of that Schedule, are prescribed.

Item	Jurisdiction	Law	Provisions
1	New South Wales	*Law Enforcement (Controlled Operations) Act 1997*	All
2	Victoria	**Crimes Act 1958**	Sections 68 (2), 194 (5) and 195A (5)
3	Victoria	**Crimes (Controlled Operations) Act 2004**	All
4	Victoria	**Drugs, Poisons and Controlled Substances Act 1981**	Section 51
5	Victoria	**Fisheries Act 1995**	Section 110A and Part 7A
6	Victoria	**Gambling Regulation Act 2003**	Section 2.6.8
7	Victoria	**Lotteries Gaming and Betting Act 1966**	Section 80
8	Victoria	**Prostitution Control Act 1994**	Section 14 (2)
9	Victoria	**Summary Offences Act 1966**	Section 58
10	Victoria	**Vagrancy Act 1966**	Section 17
11	Victoria	**Wildlife Act 1975**	Section 63 and Part IX
12	Queensland	*Crime and Misconduct Act 2001*	Chapter 3, Part 6A
13	Queensland	*Police Powers and Responsibilities Act 2000*	Chapter 11 Chapter 24, Part 5, Divisions 1 and 3
14	South Australia	*Criminal Investigation (Covert Operations) Act 2009*	Parts 1 and 2, clause 3 of Schedule 1
15	South Australia	*Criminal Law (Undercover Operations) Act 1995*	All
16	Western Australia	*Corruption and Crime Commission Act 2003*	Part 4, Division 5; Part 6, Division 4 and section 185

Federal Register of Legislative Instruments F2010C00733

Item	Jurisdiction	Law	Provisions
17	Western Australia	*Misuse of Drugs Act 1981*	Section 31
18	Western Australia	*Prostitution Act 2000*	Section 35
19	Tasmania	*Police Powers (Controlled Operations) Act 2006*	All
20	Australian Capital Territory	*Crimes (Controlled Operations) Act 2008*	All
21	Northern Territory	*Misuse of Drugs Act*	Section 32

(5) In this regulation:

Amendment Act means the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*.

participating jurisdiction has the meaning given by subitem 20 (2) of Part 3 of Schedule 3 to the Amendment Act.

pre-commencement controlled operation has the meaning given by subitem 17 (2) of Part 3 of Schedule 3 to the Amendment Act.

Federal Register of Legislative Instruments F2010C00733

Schedule 1 Prescribed forms

(regulation 3)

Column 1 Item No.	Column 2 Provision of the Act	Column 3 Number of form
1	Section 16BA	1
2	Subsection 19AU (2)	3
3	Subsection 19AV (2)	4
4	Subsection 19AW (1)	5

Federal Register of Legislative Instruments F2010C00733

Schedule 2 Optional forms

(regulation 4)

Column 1 Item No.	Column 2 Provision of the Act	Column 3 Number of form
1	Subsection 19AS (1)	2
2	Subsection 19AW (2)	6
3	Paragraph 19AX (1) (b)	7
4	Subsection 19AX (2)	8
5	Subsection 19AZ (2)	9
6	Section 19B	10
7	Paragraph 20 (1) (a)	11
8	Paragraph 20 (1) (b)	12
9	Paragraph 20BF (3) (b)	13
10	Subsection 20BF (5)	14
11	Subsection 20BF (6)	15
12	Paragraph 20BM (3) (b)	16
13	Subsection 20BM (5)	17
14	Subsection 20BM (6)	18
15	Paragraph 20BW (1) (a)	19
16	Paragraph 20BW (1) (b)	20
17	Subsection 20BW (2)	21
18	Subsection 21B (3)	22

Federal Register of Legislative Instruments F2010C00733

Schedule 3

Form 1 Form for the purposes of section 16BA

(Front of Form)

Commonwealth of Australia

Crimes Act 1914

FORM FOR THE PURPOSES OF SECTION 16BA

*Branch Office of the Director of Public Prosecutions

*Regional Office of the Attorney-General's Department

[1]

[2]

TO:

You are charged with the following federal *offence/*offences:

(i) [3];

(ii) [3];

before the [4].

Information for Defendant

1. The list on the back of this document gives particulars of [5] other *offence/*offences which you are believed to have committed.

2. If you are convicted of *the charge/*any of the charges mentioned above and before sentence is passed, you may:

(a) if:

(i) the court decides; and

(ii) the prosecution agrees;

admit all or any of the offences specified on the back of this document; and

(b) ask that any of those offences that you have admitted be taken into account by the court in passing sentence for the *offence/*offences of which you have been convicted.

3. If you are convicted and the court does take any of the offences that you have admitted into account, the maximum sentence that may be passed upon you for *the offence/*any offence of which you have been convicted will still

Federal Register of Legislative Instruments F2010C00733

be the maximum penalty that the court could have imposed on you for the offence if no other offence had been taken into account.

4. If the court takes an offence that you have admitted into account, the court may make such orders about reparation, restitution, compensation, costs and forfeiture as it could have made if you had been convicted before the court of the offence, but will not impose any other punishment for the offence.

5. No proceedings may be taken or continued against you for an offence taken into account by the court in respect of a conviction unless the conviction in respect of which the offence has been taken into account has been quashed or set aside.

6. If, in the circumstances mentioned in paragraph 5:

(a) proceedings are taken or continued against you for an offence that you have admitted; or

(b) if the court does not for any reason take anyone or more of the offences that you have admitted into account;

your admission cannot be used as evidence against you in any proceedings taken or continued for the offence about which the admission was made or for any other offence listed on the back of this document.

6

7

*Director of Public Prosecutions/*A person authorised by the Director of Public Prosecutions under subsection 16BA (1) of the *Crimes Act 1901*/*A person appointed under section 69 of the *Judiciary Act 1903*

8

Acknowledgment

I, [2], acknowledge receipt of a copy of this document.

9

8

CERTIFICATE

This is to certify that in passing sentence on [2] for the *offence/*offences listed above of which [2] has been convicted, the court has taken into account the *offence/*offences admitted by [2] which are numbered [10] in the list on the back of this document.

Federal Register of Legislative Instruments F2010C00733

Dated [8].

*Judge of [4]/*Magistrate

(Back of Form)

Crimes Act 1914, section 16BA

Federal offences which you are believed to have committed

Item number	Place where offence was committed	Date of offence	Brief description of offence

1 insert address
2 insert name of defendant
3 insert details of offences
4 insert name of court
5 insert number of offences listed
6 signature of the Director of Public Prosecutions, person authorised by the Director of Public Prosecutions under subsection 16BA (1) of the *Crimes Act 1914* or person appointed under section 69 of the *Judiciary Act 1903*
7 insert full name of person authorised by the Director of Public Prosecutions under subsection 16BA (1) of the *Crimes Act 1914* or of person appointed under section 69 of the *Judiciary Act 1903*
8 insert date
9 signature of defendant
10 insert the number of each offence taken into account
11 signature of judge or magistrate
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 2 Warrant under section 19AS authorising the detention of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SECTION 19AS AUTHORISING THE DETENTION OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

AND to the officer in charge of [2] in [1]:

I, [3], *a Judge of [4]/*Magistrate:

(a) under paragraph 19AS (1) (c) of the *Crimes Act 1914* authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that prison, together with this warrant; and

(b) authorise the officer in charge of [2] in [1] to receive [5] into your custody and imprison *him/*her for the *term/*terms of the *sentence/*sentences of imprisonment specified in the Schedule.

This warrant is issued because [5] is a person:

(a) who is serving or is to serve a federal sentence within the meaning of Part 1B of the *Crimes Act 1914*; and

(b) who was released on parole or licence under that Act; and

(c) whose parole or licence is taken to have been revoked under section 19AQ of that Act, because one or more further federal State or Territory sentences have been imposed on *him/*her; and

(d) who has become liable under section 19AQ to serve the part of each of the sentences referred to in paragraph (a) that *he/*she had not served at the time of *his/*her release.

SCHEDULE

DETAILS OF *SENTENCE/*SENTENCES TO BE SERVED

1. [6]
2.
3.

Dated [7].

[8]

*Judge of [4]/*Magistrate

1 insert State or Territory
2 insert name of prison
3 insert full name of judge or magistrate
4 insert name of court
5 insert full name of person

Federal Register of Legislative Instruments F2010C00733

[6] insert details of each outstanding sentence commencing with the longest outstanding sentence
[7] insert date
[8] signature of judge or magistrate.
* omit if inapplicable

Form 3 Notice of revocation under subsection 19AU (2)

Commonwealth of Australia

Crimes Act 1914

NOTICE OF REVOCATION UNDER SUBSECTION 19AU (2)

To [1], a person to whom *a parole order under section 19AL/* a licence under section 19AP of the *Crimes Act 1914* relates:

I, [2], Attorney-General of the Commonwealth of Australia, under subsection 19AU (2) of the *Crimes Act 1914* notify you that:

*(a) you have not complied with the following *condition/*conditions of your *parole order/*licence:
(i) [3]; and
(ii) [3]; and

*(a) I have reasonable grounds to suspect that you have not complied with the following *condition/*conditions of your *parole order/*licence:
(i) [3]; and
(ii) [3]; and

(b) I propose to revoke that *parole order/*licence at the end of 14 days after the date of this notice unless:
(i) you give me reasons, in writing, why the *parole order/*licence should not be revoked; and
(ii) I accept those reasons.

This notice has been issued because

* [1] failed to comply with *a condition/*conditions of the *parole order/*licence during the *parole period/*licence period.

* there are reasonable grounds for suspecting that [1] has failed to comply with *a condition/*conditions of the *parole order/*licence during the *parole period/*licence period.

Dated [4].
[5]

Attorney-General

[1] insert full name of person
[2] insert full name of Attorney-General
[3] list details of each condition which has allegedly been breached
[4] insert date
[5] signature of Attorney-General
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 4 Warrant for arrest under subsection 19AV (2)

Commonwealth of Australia

Crimes Act 1914

WARRANT FOR ARREST UNDER SUBSECTION 19AV (2)

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

I, [2], [3], a prescribed authority within the meaning of the *Crimes Act 1914*, under subsection 19AV (2) of that Act, authorise and request you to arrest [4] and bring *him/*her, as soon as practicable, before a magistrate in the *State/*Territory in which *he/*she is arrested to be dealt with according to law.

This warrant is issued because:

(a) the *Attorney-General/*Director of Public Prosecutions has applied under subsection 19AV (2) of the *Crimes Act 1914* for the issue of this warrant; and

(b) I am satisfied that the *parole order/*licence relating to [4] has been revoked under subsection 19AU (2) of that Act.

Dated [5].

[6]

3

1 insert State or Territory
2 insert full name of prescribed authority
3 designation of prescribed authority
4 insert full name of person to whom warrant relates
5 insert date
6 signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 5 Warrant under subsection 19AW (1) authorising the detention of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 19AW (1) AUTHORISING THE DETENTION OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:
AND to the officer in charge of [2] in [1]:
I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under paragraph 19AW (1) (d) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that prison, together with this warrant; and

(b) under paragraph 19AW (1) (e) of that Act authorise the officer in charge of [2] in [1] to receive [5] into your custody and imprison *him/*her for the *term/*terms of the *sentence/*sentences of imprisonment specified in the Schedule*./*; and

*(c) under paragraph 19AW (1) (f) of that Act fix the non-parole period in respect of the *sentence/*sentences at [6].

This warrant is issued because:

(a) the Attorney-General acting under subsection 19AU (2) of the *Crimes Act 1914* has revoked the *parole order/*licence relating to [5]; and

(b) I am satisfied that:
  (i) [5] is the person named in that revocation order; and
  (ii) [5] was notified by the Attorney-General of the proposal to make the revocation order; and
  (iii) the revocation order is still in force.

SCHEDULE
DETAILS OF *SENTENCE/*SENTENCES TO BE SERVED [7]

Dated [8].
[9]
4

[1] insert State or Territory
[2] insert name of prison77
[3] insert full name of prescribed authority

Federal Register of Legislative Instruments F2010C00733

[4] insert designation of prescribed authority
[5] insert full name of person
[6] insert length of non-parole period
[7] insert details of each sentence
[8] insert date
[9] signature of prescribed authority
* omit if inapplicable

Form 6 Warrant under subsection 19AW (2) authorising the remand of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 19AW (2) AUTHORISING THE REMAND OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:
AND to the officer in charge of [2] in [1]:

I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under subsection 19AW (2) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that prison, together with this warrant; and

(b) authorise the officer in charge of [2] in [1] to receive [5] into your custody and keep *him/*her until [6] when you are to have [5] brought before this Court at [7].

This warrant is issued because:

(a) a hearing under subsection 19AW (1) of the *Crimes Act 1914* is not completed; and

(b) I am satisfied that it is necessary to remand [5] in custody.

Dated [8].

[9]

[4]

[1] insert State or Territory
[2] insert name of prison
[3] insert full name of prescribed authority
[4] insert designation of prescribed authority
[5] insert full name of person
[6] insert time and date

Federal Register of Legislative Instruments F2010C00733

[7] insert address of court
[8] insert date
[9] signature of prescribed authority
* omit if inapplicable

Form 7 Order under paragraph 19AX (1) (b) for the detention of a person

Commonwealth of Australia

Crimes Act 1914

ORDER UNDER PARAGRAPH 19AX (1) (b) FOR THE DETENTION OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:
AND to the officer in charge of [2] in [1]:
I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under paragraph 19AX (1) (b) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that prison, together with this warrant; and
(b) authorise the officer in charge of [2] in [1] to receive [5] into your custody and detain *him/*her until:
    (i) the Attorney-General orders that the revocation order under subsection 19AV (2) of that Act be rescinded; or
    (ii) until the completion of proceedings under subsection 19AW (1) of that Act.

This warrant is issued because:

(a) the Attorney-General acting under subsection 19AU (2) of the *Crimes Act 1914* has revoked the *parole order/*licence relating to [5]; and
(b) I am satisfied that [5] is the person named in that revocation order; and
(c) I am not satisfied that [5] was notified by the Attorney-General of the proposal to make the revocation order.

Dated [6].

[7]

[4]

[1] insert State or Territory
[2] insert name of prison

Federal Register of Legislative Instruments F2010C00733

[3] insert full name of prescribed authority
[4] insert designation of prescribed authority
[5] insert full name of person
[6] insert date
[7] signature of prescribed authority
* omit if inapplicable

Form 8 Notification of breach under subsection 19AX (2)

Commonwealth of Australia

Crimes Act 1914

NOTIFICATION OF BREACH UNDER SUBSECTION 19AX (2)

TO: [1], a person subject to a revocation order under subsection 19AU (2) of the *Crimes Act 1914*:

I, [2], Attorney-General of the Commonwealth of Australia, under subsection 19AX (2) of the *Crimes Act 1914* notify you that:

*(a) you have not complied with the following *condition/*conditions of your *parole order/*licence:
(i) [3]; and
(ii) [3]; and

*(a) I have reasonable grounds to suspect that you have not complied with the following *condition/*conditions of your *parole order/*licence:
(i) [3]; and
(ii) [3]; and

(b) I propose to revoke that *parole order/*licence at the end of 14 days after the date of this notice unless:
(i) you give me reasons, in writing, why the *parole order/*licence should not be revoked; and
(ii) I accept those reasons.

This notice has been issued because:

(a) I have been notified by [4], a prescribed authority under Part 1B of the *Crimes Act 1914* that [1] has been brought before *him/*her; and

(b) [4] is not satisfied that [1] was notified by me that I proposed to make the revocation order under subsection 19AU (2) of that Act.

Dated [5].

[6]

Attorney-General

[1] insert full name of person
[2] insert full name of Attorney-General
[3] list details of each condition which has allegedly been breached
[4] insert full name and designation of prescribed authority

Federal Register of Legislative Instruments F2010C00733

[5] insert date
[6] signature of Attorney-General
* omit if inapplicable

Form 9 Summons under subsection 19AZ (2)

Commonwealth of Australia

Crimes Act 1914

SUMMONS UNDER SUBSECTION 19AZ (2)

TO: [1]

You are summoned under subsection 19AZ (2) of the *Crimes Act 1914* to appear before the [2] at [3] at [4] and to attend from day to day, unless you are excused or released from attendance, to give evidence *and/*to produce the following *documents/*and/*articles:

[5]

[1].

[5].

[2].

Dated [6].

[7]

[8]

[1] insert name and address of witness
[2] insert name of court
[3] insert address of court
[4] insert time and date
[5] insert details of documents or articles
[6] insert date
[7] signature of prescribed authority
[8] designation of prescribed authority
* omit if inapplicable

Note If you are served with a summons under subsection 19AZ (2) of the *Crimes Act 1914* and have been paid or offered a reasonable sum for your expenses and then fail to attend as required by the summons, you are guilty of an offence and are liable, on conviction, to a fine not exceeding $1,000.

Federal Register of Legislative Instruments F2010C00733

Form 10 Order and recognisance under subsection 19B (1)

Commonwealth of Australia

Crimes Act 1914

ORDER AND RECOGNISANCE UNDER SUBSECTION 19B (1)

IN THE [1]
AT [2]
IN THE *STATE OF [3]
BETWEEN:

(*Informant/*Appellant)

-and-

(*Defendant/*Respondant)

ORDER

THE COURT DISCHARGES the *defendant/*appellant under section 19B of the *Crimes Act 1914* without proceeding to conviction upon the *defendant/*appellant giving security *with *surety/*sureties of $ [4] by recognisance of $ [5] to comply with the following conditions:

(a) that the *defendant/*appellant is to be of good behaviour for [6] *months/*years; and

(b) that the *defendant/*appellant is to *make reparation/*make restitution/*pay compensation of $ [7] to [8] *by [9];/ *by instalments of $ [10]; and

(c) that the *defendant/*appellant is to pay costs of this prosecution for the *offence/*offences specified below of $ [7] to [8] *by [9];/ *by instalments of $ [10]; and

(d) that the *defendant/*appellant is to comply with the following further conditions:

(i) [11];

(ii) [11].

This Order has been issued because

* the appellant, [12] of [13]
appealed to this court against the *sentence/*conviction and sentence imposed by the [2] Magistrates' Court
on [14] in respect of the following federal *offence/*offences:
(i) [15]; and

Federal Register of Legislative Instruments F2010C00733

(ii) [15]; and

* the defendant, [12], was charged with the following federal *offence/*offences:

(i) [15]; and

(ii) [15]; and

the court is satisfied that the *charge is/*charges are proved, but is of the opinion, having regard to:

(a) the character, antecedents, age, health or mental condition of the person; or

(b) the extent to which the *offence is/*offences are of a trivial nature; or

(c) the extent to which the *offence was/*offences were committed under extenuating circumstances;

that

* it is inexpedient to inflict *any punishment/*any punishment other than a nominal punishment.

* it is expedient to release the *defendant/*appellant on probation.

Dated [14].

[16]

*Judge of [1]/*Magistrate/*Registrar of [1]/*Clerk of [1]/*Justice of the Peace

RECOGNISANCE

I, [12], the *defendant/*appellant:

(a) have had explained to me:

(i) the purpose and effect of this Order; and

(ii) the consequences that may follow if I fail, without reasonable excuse, to comply with the conditions of this Order; and

(iii) that this Order may be discharged or varied under section 20AA of the *Crimes Act 1914*; and

(b) agree that I am bound in accordance with this Order; and

(c) agree that I have been given a copy of this Order.

Dated [14].

[17]

Before me:

[18]

*Registrar of [1]/*Clerk of [1]/*Justice of the Peace

UNDERTAKING BY *SURETY/*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the *defendant/*appellant fails to comply with a condition of this Order.

Federal Register of Legislative Instruments F2010C00733

I agree that I have been given a copy of this Order.

First Surety: [19]

Name: [20]

Address: [21]

Second Surety: [22]

Name: [23]

Address: [24]

[1] insert name of court
[2] insert location of court
[3] insert State or Territory
[4] insert amount of surety or sureties
[5] insert amount of recognisance
[6] insert period
[7] insert amount
[8] insert to whom amount is to be paid
[9] insert date by which amount must be paid
[10] insert details of instalments
[11] insert details of further conditions
[12] insert name of defendant or appellant
[13] insert address of appellant
[14] insert date
[15] insert details of offences
[16] signature of judge, magistrate, registrar, clerk or justice of the peace
[17] insert signature of defendant or appellant
[18] signature of registrar, clerk or justice of the peace
[19] signature of first surety
[20] insert full name of first surety
[21] insert address of first surety
[22] signature of second surety
[23] insert full name of second surety
[24] insert address of second surety
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 11 Order and recognisance under paragraph 20 (1) (a)

Commonwealth of Australia

Crimes Act 1914

ORDER AND RECOGNISANCE UNDER PARAGRAPH 20 (1) (a)

IN THE [1]
AT [2]
IN THE *STATE OF [3]
BETWEEN:

(*Informant/*Appellant)

-and-

(*Defendant/*Respondant)

ORDER

THE COURT ORDERS the release of the *defendant/*appellant under paragraph 20 (1) (a) of the *Crimes Act 1914* without passing sentence on the *defendant/*appellant upon the *defendant/*appellant giving security *with *surety/*sureties of $ [4] by recognisance of $ [5]
to comply with the following conditions:

(a) that the *defendant/*appellant is to be of good behaviour for [6] *months/*years; and

(b) that the *defendant/*appellant is to *make reparation/*make restitution/*pay compensation of $ [7]
to [8] *by [9];/*by instalments of $ [10]; and

(c) that the *defendant/*appellant is to pay costs of this prosecution for the *offence/*offences specified below of $ [7]
to [8] *by instalments of $ [10]; and

(d) that the *defendant/*appellant is to pay to the Commonwealth a pecuniary penalty of $ [7] to [11]
*by [9];/*by instalments of $ [10]; and

(e) that the *defendant/*appellant is to comply with the following further conditions:

(i) [12];

(ii) [12].

Federal Register of Legislative Instruments F2010C00733

This Order has been issued because:

*(a) the appellant, [13] of [14] appealed to this court against the *sentence/*conviction and sentence imposed by the [1] Magistrates' Court on [15] in respect of the following federal *offence/*offences:

(i) [16]; and

(ii) [16]; and

*(a) the defendant, [13], was charged with the following federal *offence/*offences:

(i) [16]; and

(ii) [16]; and

(b) the court has convicted the *defendant/*appellant of the *offence/*offences; and

(c) the court has decided to release the *defendant/*appellant without passing sentence on the *defendant/*appellant complies with the conditions of this Order.

Dated [15].

[17]

*Judge of [1]/*Magistrate/*Registrar of [1]/*clerk of [1]/*Justice of the Peace

RECOGNISANCE

I, [13], the *defendant/*appellant:

(a) have had explained to me:

(i) the purpose and effect of this Order; and

(ii) the consequences that may follow if I fail, without reasonable excuse, to comply with the conditions of this Order; and

(iii) that this Order may be discharged or varied under section 20AA of the *Crimes Act 1914*; and

(b) agree that I am bound in accordance with this Order; and

(c) agree that I have been given a copy of this Order.

Dated [15].

[18]

Before me:

[19]

*Registrar of [1]/*Clerk of [1]/*Justice of the Peace

Federal Register of Legislative Instruments F2010C00733

UNDERTAKING BY *SURETY/*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the *defendant/*appellant fails to comply with a condition of this Order. I agree that I have been given a copy of this Order.

First Surety: [20]

Name: [21]

Address: [22]

Second Surety: [23]

Name: [24]

Address: [25]

---

[1] insert name of court
[2] insert location of court
[3] insert State or Territory
[4] insert amount of surety of sureties
[5] insert amount of recognisance
[6] insert period
[7] insert amount
[8] insert to whom amount is to be paid
[9] insert date by which amount must be paid
[10] insert details of instalments
[11] insert to whom penalty is to be paid
[12] insert details of further conditions
[13] insert name of defendant or appellant
[14] insert address of appellant
[15] insert date
[16] insert details of offences
[17] signature of judge, magistrate, registrar, clerk or justice of the peace
[18] insert signature of defendant or appellant
[19] signature of registrar, clerk or justice of the peace
[20] signature of first surety
[21] insert full name of first surety
[22] insert address of first surety
[23] signature of second surety
[24] insert full name of second surety
[25] insert address of second surety
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 12 Order and recognisance under paragraph 20 (1) (b)

Commonwealth of Australia

Crimes Act 1914

ORDER AND RECOGNISANCE UNDER PARAGRAPH 20 (1) (b)

IN THE [1]
AT [2]
IN THE *STATE OF [3]
BETWEEN:

(*Informant/*Appellant)

-and-

(*Defendant/*Respondant)

ORDER

THE COURT ORDERS the release of the *defendant/*appellant under paragraph 20 (1) (b) of the *Crimes Act 1914* *after serving [4] *month/*months of the term of imprisonment/*forthwith upon the *defendant/*appellant giving security *with *surety/*sureties of $ [5] by recognisance of $ [6] to comply with the following conditions:

(a) that the *defendant/*appellant is to be of good behaviour for [7] *months/*years; and

(b) that the *defendant/*appellant is to *make reparation/*make restitution/*pay compensation of $ [8] to [9] *by [10];/*by instalments of $ [11]; and

(c) that the *defendant/*appellant is to pay costs of this prosecution for the *offence/*offences specified below of $ [8] to [9] by [10];/*by instalments of $ [11]; and

(d) that the *defendant/*appellant is to pay to the Commonwealth a pecuniary penalty of $ [8] to [12] *by [10];/*by instalments of $ [11]; and

(e) that the *defendant/*appellant is to comply with the following further conditions:

(i) [13];

(ii) [13].

Federal Register of Legislative Instruments F2010C00733

This Order has been issued because:

*(a) the appellant, [14] of [15] appealed to this court against the *sentence/*conviction and sentence imposed by the [1] Magistrates' Court on [16] in respect of the following federal *offence/*offences:

(i) [17]; and

(ii) [17]; and

*(a) the defendant, [14], was charged with the following federal *offence/*offences:

(i) [17]; and

(ii) [17]; and

(b) the Court has sentenced the *defendant/*appellant to a term of imprisonment; and

(c) the Court has decided that the *defendant/*appellant be released *after serving *month/*months of the sentence/*forthwith if the *defendant/*appellant complies with the conditions of this Order.

Dated [16].

[18]

*Judge of [1]/*Magistrate/*Registrar of [1]/*Clerk of [1]/*Justice of the Peace

RECOGNISANCE

I, [14], the *defendant/*appellant:

(a) have had explained to me:

(i) the purpose and effect of this Order; and

(ii) the consequences that may follow if I fail, without reasonable excuse, to comply with the conditions of this Order; and

(iii) that this Order may be discharged or varied under section 20AA of the *Crimes Act 1914*; and

(b) agree that I am bound in accordance with this Order; and

(c) agree that I have been given a copy of this Order.

Dated [16].

[19]

Before me:

[20]

*Registrar of [1]/*Clerk of [1]/*Justice of the Peace

Federal Register of Legislative Instruments F2010C00733

UNDERTAKING BY *SURETY/*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the *defendant/*appellant fails to comply with a condition of this Order.

I agree that I have been given a copy of this Order.

First Surety: [21]

Name: [22]

Address: [23]

Second Surety: [24]

Name: [25]

Address: [26]

[1] insert name of court
[2] insert location of court
[3] insert State or Territory
[4] insert number of months
[5] insert amount of surety or sureties
[6] insert amount of recognisance
[7] insert period
[8] insert amount
[9] insert to whom amount is to be paid
[10] insert date by which amount must be paid
[11] insert details of instalments
[12] insert to whom penalty is to be paid
[13] insert details of further conditions
[14] insert name of defendant or appellant
[15] insert address of appellant or defendant
[16] insert date
[17] insert details of offences
[18] signature of judge, magistrate, registrar, clerk or justice of the peace
[19] signature of defendant of appellant
[20] signature of registrar, clerk or justice of the peace
[21] signature of first surety
[22] insert full name of first surety
[23] insert address of first surety
[24] signature of second surety
[25] insert full name of second surety
[26] insert address of second surety
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 13 Warrant for arrest under subsection 20BF (3)

Commonwealth of Australia

Crimes Act 1914

WARRANT FOR ARREST UNDER SUBSECTION 20BF (3)

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

I, [2], [3], a prescribed authority within the meaning of the *Crimes Act 1914*, under subsection 20BF (3) of that Act, authorise and request you to arrest [4] and bring *him/*her, as soon as practicable, before a magistrate in the *State/*Territory in which *he/*she is arrested to be dealt with according to law.

This warrant is issued because:

(a) the Attorney-General, under section 20BE of the *Crimes Act 1914*, ordered that [4] be released from detention; and

(b) the Attorney-General, under subsection 20BF (1), has revoked that release order.

Dated [5].

6

3

1 insert State or Territory
2 insert full name of prescribed authority
3 insert designation of prescribed authority
4 insert full name of person to whom warrant relates
5 insert date
6 signature of prescribed authority
* omit if inappropriate

Federal Register of Legislative Instruments F2010C00733

Form 14 Warrant under subsection 20BF (5) authorising the detention of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 20BF (5) AUTHORISING THE DETENTION OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

AND to the officer in charge of [2] in [1]:

I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under paragraph 20BF (5) (c) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that *prison/*hospital, together with this warrant; and

(b) under paragraph 20BF (5) (d) of that Act direct the officer in charge of [2] in [1] to receive [5] into your custody and detain *him/*her for the period of [6].

This warrant is issued because:

(a) the Attorney-General, under subsection 20BF (1) of the *Crimes Act 1914*, has revoked the release order relating to [5]; and

(b) I am satisfied that:

(i) [5] is the person named in the instrument revoking the release order; and

(ii) the release order has been revoked and the revocation is still in force.

Dated [7].

[8]

4

[1] insert State or Territory
[2] insert name of prison or hospital
[3] insert full name of prescribed authority
[4] insert designation of prescribed authority
[5] insert full name of person
[6] insert period
[7] insert date
[8] signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 15 Warrant under subsection 20BF (6) authorising the remand of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 20BF (6) AUTHORISING THE REMAND OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

AND to the officer in charge of [2] in [1]:

I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*.

(a) under subsection 20BF (6) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that *prison/*hospital, together with this warrant; and

(b) authorise the officer in charge of [2] in [1] to receive [5] into your custody and keep *him/*her until [6] when you are to have [5] brought before this court at [7].

This warrant is issued on the basis that:

(a) [5] has been brought before me under subsection 20BF (4) of the *Crimes Act 1914* ; and

(b) I have not completed the hearing under subsection 20BF (5) of that Act.

Dated [8].

[9]

[4]

---

1 insert State or Territory
2 insert name of prison or hospital
3 insert full name of prescribed authority
4 insert designation of prescribed authority
5 insert full name of person
6 insert time and date
7 insert date
8 signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 16 Warrant for arrest under subsection 20BM (3)

Commonwealth of Australia

Crimes Act 1914

WARRANT FOR ARREST UNDER SUBSECTION 20BM (3)

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

I, [2], [3], a prescribed authority within the meaning of Part 1B of the *Crimes Act 1914*, under subsection *20BM (3)/*20BT (3) of that Act, authorise and request you to arrest [4] and bring *him/*her, as soon as practicable, before a magistrate in the *State/*Territory in which *he/*she is arrested to be dealt with according to law.

This warrant is issued because:

(a) the Attorney-General under section *20BL/*20BT of the *Crimes Act 1914*, ordered that [4] be released from detention; and

(b) the release order relating to [4] has been revoked.

Dated [5].

[6]

3

[1] insert State or Territory
[2] insert full name of prescribed authority
[3] insert designation of prescribed authority
[4] insert full name of person
[5] insert date
[6] signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 17 Warrant under subsection 20BM (5) authorising the detention of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 20BM (5) AUTHORISING THE DETENTION OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

AND to the officer in charge of [2] in [1]:

I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under paragraph 20BM (5) (c) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that *prison/*hospital, together with this warrant; and

(b) under paragraph 20BM (5) (d) of that Act direct the officer in charge of [2] in [1] to receive [5] into your custody and detain *him/*her for the period of [6].

This warrant is issued because:

(a) the Attorney-General under subsection 20BM (1) of the *Crimes Act 1914* has revoked the release order relating to [5]; and

(b) I am satisfied that:

(i) [5] is the person named in the instrument revoking the release order; and

(ii) the release order has been revoked and the revocation is still in force.

Dated [7].

[8]

[4]

---

[1] insert State or Territory
[2] insert name of prison or hospital
[3] insert full name of prescribed authority
[4] insert designation of prescribed authority
[5] insert full name of person
[6] insert period
[7] insert date
[8] signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 18 Warrant under subsection 20BM (6) authorising the remand of a person

Commonwealth of Australia

Crimes Act 1914

WARRANT UNDER SUBSECTION 20BM (6) AUTHORISING THE REMAND OF A PERSON

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

AND to the officer in charge of [2] in [1]:

I, [3], [4], a prescribed authority under Part 1B of the *Crimes Act 1914*:

(a) under subsection 20BM (6) of that Act authorise those members in [1] to take [5] to [2] in [1] and deliver *him/*her to the officer in charge of that *prison/*hospital, together with this warrant; and

(b) authorise the officer in charge of [2] in [1] to receive [5] into your custody and keep *him/*her until [6] when you are to have [5] brought before this court at [7].

This warrant is issued on the basis that:

(a) [5] has been brought before me under subsection 20BM (4) of the *Crimes Act 1914*; and

(b) I have not completed the hearing under subsection 20BM (5) of that Act.

Dated [8].

[9]

[4]

---

1 insert State or Territory
2 insert name of prison or hospital
3 insert full name of prescribed authority
4 insert designation of prescribed authority
5 insert full name of person
6 insert time and date
7 insert address of court
8 insert date
9 signature of prescribed authority
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 19 Summons under *paragraph 20BW (1) (a)/*section 20BY

Commonwealth of Australia

Crimes Act 1914

SUMMONS UNDER *PARAGRAPH 20BW (1) (a)/*SECTION 20BY

IN THE [1]
AT [2]
IN THE *STATE OF [3]

(Informant)

-and-

(Defendant)

To: [4]

You are summoned under *paragraph 20BW (1) (a)/*section 20BY of the *Crimes Act 1914* to appear before the [5] at [6] at [7] to answer the information alleging the breach of the following *condition/*conditions of the order under section *20BV/*20BY of that Act:

(a) [8]; and

(b) [8];

and to be further dealt with according to law.

Dated [9].

[10]

[11]

---

1 insert name of court
2 insert location of court
3 insert State or Territory
4 insert name of person
5 insert name of court
6 insert address of court
7 insert time and date
8 list details of alleged breaches of conditions
9 insert date
10 signature of magistrate
11 designation of magistrate
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 20 Warrant for arrest under *paragraph 20BW (1) (b)/*section 20BY

Commonwealth of Australia

Crimes Act 1914

WARRANT FOR ARREST UNDER *PARAGRAPH 20BW (1) (b)/*SECTION 20BY

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

I, [2], [3]:

(a) under *paragraph 20BW (1) (b)/*section 20BY of the *Crimes Act 1914*, authorise and request you to arrest [4] and bring *him/*her, as soon as practicable, before this court; and

(b) authorise you to detain [4] in custody until dealt with according to law.

This warrant is issued because:

(a) an order under section *20BV/*20BY of the *Crimes Act 1914* has been made in relation to [4]; and

(b) information has been laid on oath before me of the following *breach/*breaches of the conditions of the order:

(i) [5]; and

(ii) [5]; and

(c) I am of the opinion that proceedings against [4] by summons might not be effective.

Dated [6].

[7]

[4]

---

1 insert State or Territory
2 insert full name of magistrate
3 insert designation of magistrate
4 insert full name of person
5 list details of alleged breaches of conditions
6 insert date
7 signature of magistrate
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 21 Warrant of arrest under *subsection 20BW (2)/*section 20BY

Commonwealth of Australia

Crimes Act 1914

WARRANT OF ARREST UNDER *SUBSECTION 20BW (2)/ *SECTION 20BY

TO: *all members and special members of the Australian Federal Police:/*all members of the police force of [1]:

I, [2], [3]:

(a) under subsection 20BW (2)/*section 20BY of the *Crimes Act 1914*, authorise and request you to arrest [4] and to bring *him/*her, as soon as practicable, before this court; and

(b) under *subsection 20BW (3)/*section 20BY of that Act, authorise you to detain [4] in custody until *he/*she is released by order of this court or under subsection 20BW (4) of that Act.

This warrant is issued because [4]

* is a person who has been served with a summons issued under *subsection 20BW (1)/*section 20BY of the *Crimes Act 1914* and *he/*she failed to attend before the court as required by the summons.

* is a person who has been admitted to bail under *subsection 20BW (4)/*section 20BY of the *Crimes Act 1914* and *he/*she failed to attend before the court as required by the conditions of the bail.

Dated [5].

[6]

[3]

[1] insert State or Territory
[2] insert full name of magistrate
[3] insert designation of magistrate
[4] insert full name of person
[5] insert date
[6] signature of magistrate
* omit if inapplicable

Federal Register of Legislative Instruments F2010C00733

Form 22 Certificate under subsection 21B (3)

Commonwealth of Australia

Crimes Act 1914

CERTIFICATE UNDER SUBSECTION 21B (3)

IN THE [1]
AT [2]
IN THE *STATE OF [3]
BETWEEN:

(Informant)

-and-

(Defendant)

I, [4], [5], hereby certify that on [6] the court ordered that the defendant is to pay $ [7] to [8] by [9].

Dated [10].

[11]

5

---

1 insert name of court
2 insert location of court
3 insert State or Territory
4 insert full name of clerk or appropriate officer
5 insert designation of officer
6 insert date of order
7 insert amount
8 insert to whom amount is to be paid
9 insert date by which amount is to be paid
10 insert date
11 signature of clerk or appropriate officer
* omit if inapplicable

Note You have been convicted of a federal offence under the *Crimes Act 1914* or, under section 19B of that Act, you have been discharged without conviction and the court has ordered you to make reparation to the Commonwealth or a public authority under the Commonwealth by payment of an amount of money or otherwise. This payment is in addition to any fine or other penalty imposed by the court. The above certificate when filed in a court of civil jurisdiction is enforceable as a final judgement of the court in which it is filed.

Federal Register of Legislative Instruments F2010C00733

Schedule 3A Aboriginal legal aid organisations

(regulation 6A)

Aboriginal and Torres Strait Islanders Corporation (Q.E.A.) for Legal Services

Aboriginal Legal Rights Movement Incorporated

Aboriginal Legal Service Ltd

Aboriginal Legal Service of Western Australia (Inc.)

Central Australian Aboriginal Legal Aid Service Incorporated

Charleville and South West Queensland Aboriginal and Torres Strait Islander Corporation for Legal Services

Ipswich Regional Aboriginal and Torres Strait Islanders Corporation for Legal Services

Katherine Regional Aboriginal Legal Aid Service Inc.

Mackay and Districts Aboriginal and Torres Strait Islanders Corporation for Legal Aid Services

Njiku Jowan Legal Service (N.Q.) Ltd.

North Australian Aboriginal Legal Aid Service Inc.

Pitjantjatjara Council Incorporated

Q.E.C. Aboriginal and Torres Strait Islanders Corporation for Legal Services

South Coast Aboriginal Legal Service Ltd

South East Queensland Aboriginal Corporation for Legal Services

T.S.N.P. Torres Strait Islanders and Aboriginal Corporation for Legal Services

Tasmanian Aboriginal Centre Incorporated

Tharpuntoo Legal Service Aboriginal Corporation

Federal Register of Legislative Instruments F2010C00733

Townsville and Districts Aboriginal and Torres Strait Islanders Corporation for Legal Aid Services

Victorian Aboriginal Legal Service Co-operative Limited

West Queensland Aboriginal and Torres Strait Islanders Corporation for Legal Aid

Western Aboriginal Legal Service Ltd

Federal Register of Legislative Instruments F2010C00733

Schedule 3B Appropriately qualified persons

(regulation 6B)

Item	Forensic procedure	Qualified person
1	external examination of the genital or anal area, the buttocks or, in the case of a female, the breasts	forensic scientist forensic technician
2	taking of a sample of blood	forensic scientist forensic technician *for a fingerprick only*: constable
3	taking of a sample of saliva, or a sample by buccal swab	forensic scientist forensic technician constable
4	taking of a sample of pubic hair	forensic scientist forensic technician
5	taking of a sample by swab or washing from the external genital or anal area, the buttocks or, in the case of a female, the breasts	forensic scientist forensic technician
6	taking of a sample by vacuum suction, scraping or lifting by tape from the external genital or anal area, the buttocks or, in the case of a female, the breasts	forensic scientist forensic technician
7	taking of a photograph of, or an impression or cast of a wound from, the genital or anal area, the buttocks or, in the case of a female, the breasts	medical practitioner forensic scientist forensic technician
8	external examination of a part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts, that requires touching of the body or removal of clothing	forensic scientist forensic technician constable

Federal Register of Legislative Instruments F2010C00733

Item	Forensic procedure	Qualified person
9	taking of a sample of hair other than pubic hair	forensic scientist forensic technician
10	taking of a sample from a nail or from under a nail	forensic scientist forensic technician
11	taking of a sample by swab or washing from any external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	forensic scientist forensic technician
12	taking of a sample by vacuum suction, scraping or lifting by tape from any external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	forensic scientist forensic technician
13	taking of a photograph of, or an impression or cast of a wound from, an external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	*for a photograph*: constable medical practitioner forensic scientist forensic technician *for an impression or cast of a wound*: medical practitioner forensic scientist forensic technician

Federal Register of Legislative Instruments F2010C00733

Schedule 3C Provisions of corresponding laws taken to correspond to particular Divisions of Part 1D of the Act

(subregulation 6E (2))

Item	Part 1D provisions	Corresponding provisions
1	Division 3 (Forensic procedures on suspect by consent)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 3 • *Crimes Act 1958* (Victoria), sections 464R and 464S • *Police Powers and Responsibilities Act 2000* (Queensland), Part 2 and Division 2 of Part 5 of Chapter 8A and section 318ZL • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), sections 37 to 41, 49, 50 and subsection 51 (1) • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Divisions 1 and 2 of Part 3 • *Forensic Procedures Act 2000* (Tasmania), Divisions 1 and 2 of Part 2 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.3

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
2	Division 4 (Non-intimate forensic procedures on suspect by order of a senior constable)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 4 • *Police Powers and Responsibilities Act 2000* (Queensland), Divisions 1 to 3 of Part 4 of Chapter 8A, sections 308, 309 and 310, and Part 6 of Chapter 8A • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), sections 42 to 44 and subsections 51 (2) and (3) • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Divisions 1 and 3 to 8 of Part 3 • *Forensic Procedures Act 2000* (Tasmania), Divisions 1 and 3 of Part 2 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.4
3	Division 5 (Forensic procedures on suspect by order of a magistrate)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 5 • *Crimes Act 1958* (Victoria), sections 464T to 464X • *Police Powers and Responsibilities Act 2000* (Queensland), Part 3 of Chapter 8A and sections 311 and 313 • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), sections 45 and 46

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
		• *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Divisions 1 and 3 to 8 of Part 3 • *Forensic Procedures Act 2000* (Tasmania), Divisions 1, 4 and 5 of Part 2 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.5
4	Division 6 (Carrying out forensic procedures on suspects)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 6 • *Crimes Act 1958* (Victoria), sections 464Y to 464ZD • *Police Powers and Responsibilities Act 2000* (Queensland), sections 278 and 279, Part 4, Divisions 1 to 3 of Part 5 and Parts 6, 7 and 8 of Chapter 8A • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 8 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Part 2, Divisions 1 to 4 of Part 4 and Division 1 of Part 4A • *Forensic Procedures Act 2000* (Tasmania), Part 5 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.6

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
5	Division 6A (Carrying out of certain forensic procedures after conviction of serious and prescribed offenders)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 7 • *Crimes Act 1958* (Victoria), sections 464ZF and 464ZFA • *Police Powers and Responsibilities Act 2000* (Queensland), sections 312, 313 and 315 • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Schedule 1 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Part 3A, Division 1A of Part 4 and Division 1 of Part 4A • *Forensic Procedures Act 2000* (Tasmania), Part 3 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.7
6	Division 6B (Carrying out of forensic procedures on volunteers and certain other persons)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 8 • *Crimes Act 1958* (Victoria), sections 64ZGB to 64ZGF • *Police Powers and Responsibilities Act 2000* (Queensland), Part 2 and Division 2 of Part 5 of Chapter 8A and section 318ZL • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 4, Division 2

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
		• *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Parts 2A and 2B and Division 3 of Part 4A • *Forensic Procedures Act 2000* (Tasmania), Part 4 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.8
7	Division 7 (Admissibility of evidence)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 9 • *Crimes Act 1958* (Victoria), section 464ZE • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 11 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Part 5 • *Forensic Procedures Act 2000* (Tasmania), Part 6 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.9
8	Division 8 (Destruction of forensic material)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 10 • *Crimes Act 1958* (Victoria), sections 464ZFB, 464ZFC, 464ZG and 464ZGA • *Police Powers and Responsibilities Act 2000* (Queensland), Division 4 of Part 4 of Chapter 8A and section 318H

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
		• *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 9 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Division 4 of Part 4A • *Forensic Procedures Act 2000* (Tasmania), Part 7 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.10
9	Division 8A (DNA database system)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 11 • *Crimes Act 1958* (Victoria), section 464ZFD and sections 464ZGG to 64ZGK • *Police Powers and Responsibilities Act 2000* (Queensland), Division 6 of Part 5 and Part 10 of Chapter 8A • *Police Powers and Responsibilities Regulation 2000* (Queensland), Part 2A and Schedules 1 and 7 • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 10 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), Part 5A • *Forensic Procedures Act 2000* (Tasmania), Part 8 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.11

Federal Register of Legislative Instruments F2010C00733

Item	Part 1D provisions	Corresponding provisions
10	Division 11 (Interjurisdictional enforcement)	• *Crimes (Forensic Procedures) Act 2000* (New South Wales), Part 12 • *Crimes Act 1958* (Victoria), sections 464ZGL to 64ZGO • *Police Powers and Responsibilities Act 2000* (Queensland), Parts 9 and 11 of Chapter 8A • *Police Powers and Responsibilities Regulation 2000* (Queensland), Schedule 7 • *Criminal Investigation (Identifying People) Act 2002* (Western Australia), Part 12 • *Criminal Law (Forensic Procedures) Act 1998* (South Australia), section 51 • *Forensic Procedures Act 2000* (Tasmania), Part 9 • *Crimes (Forensic Procedures) Act 2000* (Australian Capital Territory), Part 2.13

Federal Register of Legislative Instruments F2010C00733

Schedule 4 Spent convictions — exclusions from privacy provisions

(regulation 8)

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
1	Commonwealth authorities	(1) Assessing the suitability of a person to be employed, or otherwise engaged, in work that is likely to involve access to national security information classified as secret or top secret	All offences
		(2) Providing assistance to a person referred to in paragraph 85ZZH (d) of the Act in relation to the making of a decision referred to in that paragraph	All offences
2	The Defence Force	Assessing the suitability of a person for appointment to a position involving the care, instruction or supervision of minors	Designated offences
3	The Director of Military Prosecutions referred to in section 188G of the *Defence Force Discipline Act 1982* or a prosecutor referred to in rule 37 of the Summary Authority Rules.	Considering whether to prosecute and making submissions and decisions as to sentence	All offences

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
4	Australian Customs Service	(1) Assessing the suitability of a person to have responsibility for matters relating to law enforcement	All offences
		(2) Considering whether to prosecute and making submissions as to sentence	All offences
5	Governments of Queensland, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory	Assessing the suitability of a person for appointment as a justice of the peace	All offences
6	Prison administrations in New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory	Assessing the suitability of a person to have responsibility for the care or control of prisoners	Offences involving violence
7	A person who, or body which, employs or otherwise engages persons to provide care for the disabled in residential settings in Victoria	Assessing the suitability of a person to have responsibility for the care of the disabled in a residential setting	Offences involving violence

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
8	Commonwealth Government and Governments of Queensland, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory	Assessing the suitability of a person to be licensed as director, or appointed as the chief executive, of a casino	All offences
9	Government of Tasmania	Assessing the suitability of a person for appointment to the Poppy Advisory and Control Board	Drug offences
10	Poppy Advisory and Control Board, Tasmania	(1) Assessing the suitability of a person to be the holder of a licence to grow opium poppies	Drug offences
		(2) Assessing the suitability of a person to be employed, or otherwise engaged, by the Poppy Advisory and Control Board, Tasmania in connection with: (a) the processing of applications for licences to grow opium poppies; or (b) the monitoring of the growing of opium poppies	Drug offences
11	Persons or bodies lawfully engaged in the growing of opium poppies or the production of opiate alkaloids	Assessing the suitability of a person to be employed, or otherwise engaged, in connection with the growing of opium poppies or the production of opiate alkaloids	Drug offences

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
12	Public libraries, university libraries, public archives offices and the Australian War Memorial	Making available material for research, reference or study	All offences
13	Respite Care ACT Incorporated, the Australian Capital Territory	Assessing the suitability of a person to have responsibility for the care of a disabled or aged person in the disabled or aged person's home	Offences against the person
14	An issuing body (within the meaning of regulation 6.01 of the *Aviation Transport Security Regulations 2005*)	Assessing whether to issue an aviation security identification card (within the meaning of regulation 1.03 of the *Aviation Transport Security Regulations 2005*) to a person in accordance with Part 6 of those Regulations	Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15) Offences against Part 5.3 of the *Criminal Code*
15	A person who, or body which, employs or otherwise engages another person to provide services or undertake work at a place where care, instruction or supervision services for minors are provided	Assessing the suitability of a person to be employed, or otherwise engaged for financial reward, in work that is likely to involve direct contact with minors	Designated offences
16	Australian Securities and Investments Commission	(1) Considering whether to prosecute and making submissions as to sentence	All offences

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
		(2) Assessing the suitability of a person: (a) to be a member of the Australian Securities and Investments Commission: or (b) to be employed by the Australian Securities and Investments Commission; or (c) to be engaged as a consultant to the Australian Securities and Investments Commission; or (d) to be engaged to perform services for the Australian Securities and Investments Commission	All offences
17	A person who, or body which, employs or otherwise engages persons to provide advocacy or care for intellectually disabled persons	Assessing the suitability of a person: (a) to act as an advocate for an intellectually disabled person; or (b) to have responsibility for the care of an intellectually disabled person	Offences against the person

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
18	Australian Capital Territory Corrective Services	Assessing the suitability of a person to have responsibility for the care or control of prisoners *Example for item 18* 'Prisoner' includes a detainee under: • *Custodial Escorts Act 1998* (ACT) • *Periodic Detention Act 1995* (ACT) • *Remand Centres Act 1976* (ACT)	Offences involving violence
19	A person who, or body which, employs or otherwise engages persons to care for or control a detainee under the *Migration Act 1958*	Assessing the suitability of a person to have responsibility for the care or control of a detainee under the *Migration Act 1958*	Offences involving violence
20	An issuing body (within the meaning given by regulation 6.07B of the *Maritime Transport and Offshore Facilities Security Regulations 2003*)	Assessing whether to issue a MSIC (maritime security identification card) to a person in accordance with Subdivision 6.1A.4 of the *Maritime Transport and Offshore Facilities Security Regulations 2003*	(1) Offences against Part 4 of the *Australian Passports Act 2005* (2) Offences against section 24AA, 24AB, 25, 27 or 29 of the *Crimes Act 1914* (3) Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15)

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(4) Offences against Division 73, Chapter 5 or Division 145, 307 or 400 of the *Criminal Code* (5) Offences against section 233, 233A, 233BAA or 233BAB of the *Customs Act 1901* (6) Offences against Division 10 of Part IV of the Navigation Act 1912 (7) Offences against section 9, 10, 11 or 14 of the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995
21	The Secretary of the Attorney-General's Department and AusCheck staff members (within the meaning of subsection 4 (1) of the *AusCheck Act 2007*)	For the purposes of the AusCheck scheme (within the meaning of subsection 4 (1) of the *AusCheck Act 2007*)	(1) For an applicant for, or holder of, an aviation security identification card (within the meaning of subsection 4 (1) of the *AusCheck Act 2007)*: (a) offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15); and

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(b) offences against Part 5.3 of the *Criminal Code* (2) For an applicant for, or holder of, a maritime security identification card (within the meaning of subsection 4 (1) of the *AusCheck Act 2007*): (a) offences against Part 4 of the *Australian Passports Act 2005*; and (b) offences against section 24AA, 24AB, 25, 27 or 29 of the *Crimes Act 1914*; and (c) offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15); and (d) offences against Division 73, Chapter 5 or Division 145, 307 or 400 of the *Criminal Code*; and

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(e) offences against section 233, 233A, 233BAA or 233BAB of the *Customs Act 1901*; and (f) offences against Division 10 of Part IV of the *Navigation Act 1912*; and (g) offences against section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* (3) For an individual required to undergo, or who has undergone, a NHS check (within the meaning of the *Security-sensitive Biological Agent (SSBA) Standards* determined under section 35 of the *National Health Security Act 2007*): (a) offences against section 24AA, 24AB, 25, 27 or 29 of the *Crimes Act 1914*; and

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(b) offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15); and (c) offences against Part 5.1 or 5.3 of the *Criminal Code*; and (d) offences against section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995*
22	The Secretary of the Department administering the *Aviation Transport Security Act 2004*	Assessing whether to approve the issue of an aviation security identification card to a person in accordance with regulation 6.29 of the *Aviation Transport Security Regulations 2005*	(1) Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15) (2) Offences against Part 5.3 of the *Criminal Code*
23	The Secretary of the Department administering the *Maritime Transport and Offshore Facilities Security Act 2003*	Assessing whether to approve the issue of a maritime security identification card to a person in accordance with regulation 6.08F of the *Maritime Transport and Offshore Facilities Security Regulations 2003*	(1) Offences against Part 4 of the *Australian Passports Act 2005* (2) Offences against section 24AA, 24AB, 25, 27 or 29 of the *Crimes Act 1914*

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(3) Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15) (4) Offences against Division 73, Chapter 5 or Division 145, 307 or 400 of the *Criminal Code* (5) Offences against section 233, 233A, 233BAA or 233BAB of the *Customs Act 1901* (6) Offences against Division 10 of Part IV of the *Navigation Act 1912* (7) Offences against section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995*
24	An entity to which Division 5 of Part 3 of the *National Health Security Act 2007* applies	Assessing whether to authorise a person under clause 3.3 of the *Security-sensitive Biological Agent (SSBA) Standards* determined under section 35 of the *National Health Security Act 2007*	(1) Offences against section 24AA, 24AB, 25, 27 or 29 of the *Crimes Act 1914* (2) Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15)

Federal Register of Legislative Instruments F2010C00733

Column 1 Item No.	Column 2 Prescribed persons and bodies	Column 3 Prescribed purposes	Column 4 Prescribed offences
			(3) Offences against Part 5.1 or 5.3 of the *Criminal Code* (4) Offences against section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995*

Federal Register of Legislative Instruments F2010C00733

Schedule 5 Transitional matters relating to *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*

(regulation 11)

Part 1 Chief officers' annual reports

1.01 A report required to be laid before each House of Parliament under section 15HN of the *Crimes Act 1914* may be combined with a report required to be laid before each House of Parliament under section 15T of the *Crimes Act 1914*, as continued in force by Schedule 3 to the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*.

Part 2 Pre-commencement controlled operation

2.01 These Regulations, as in force immediately before commencement, continue to apply after commencement to a pre-commencement controlled operation.

2.02 In this Part:

commencement means the commencement of Schedule 3 to the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*.

Federal Register of Legislative Instruments F2010C00733

Part 3 Assumed identity authorisations — jurisdictions that are not participating jurisdictions

3.01 The provisions are the following.

4BB Definition of *authorising persons* — prescribed classes for State or Territory participating agencies (Act s 15XA)

For paragraph (b) of the definition of ***authorising person*** in subsection 15XA (1) of the Act, the following classes of persons in a State or Territory participating agency are prescribed:

(a) if the participating agency is the Police Service of New South Wales — any member of the Police Service Senior Executive Service within the meaning of section 33 of the *Police Act 1990* (NSW);

(b) if the participating agency is the Police Force of Victoria — any Deputy Commissioner or Assistant Commissioner, within the meaning of section 4 of the **Police Regulation Act 1958** (Vic);

(c) if the participating agency is the Queensland Police Service — any person who holds a position in the police service as an executive officer, within the meaning of section 1.4 of the *Police Service Administration Act 1990* (Qld);

(d) if the participating agency is the Western Australia Police Force — any commissioned officer, within the meaning of section 6 of the *Police Act 1892* (WA), who has been appointed as a Deputy Commissioner or Assistant Commissioner, as provided under section 9 of that Act;

(e) if the participating agency is the South Australia Police:

(i) the Deputy Commissioner, within the meaning of section 14 of the *Police Act 1998* (SA); or

(ii) any Assistant Commissioner, within the meaning of section 15 of that Act;

Federal Register of Legislative Instruments F2010C00733

(f) if the participating agency is the Tasmanian Police Force:

(i) the Deputy-Commissioner, within the meaning of section 9 of the *Police Regulation Act 1898* (Tas); or

(ii) any Assistant Commissioner, within the meaning of section 9A of that Act;

(g) if the participating agency is the Police Force of the Northern Territory:

(i) any Deputy Commissioner of Police, within the meaning of section 7 of the *Police Administration Act* (NT); or

(ii) any Assistant Commissioner of Police, within the meaning of section 8 of that Act;

(h) if the participating agency is the Independent Commission against Corruption established under the *Independent Commission against Corruption Act 1988* (NSW) — any Assistant Commissioner, within the meaning of section 6 of that Act;

(i) if the participating agency is the Queensland Crime and Misconduct Commission — any assistant commissioner within the meaning of section 239 of the *Crime and Misconduct Act 2001* (Qld);

(j) if the participating agency is the Anti-Corruption Commission established under the *Anti-Corruption Commission Act 1988* (WA) — any person appointed, under section 6 of that Act, as an officer of the Commission at the level designated 'Senior Manager';

(k) if the participating agency is the Royal Commission appointed under section 5 of the *Royal Commissions Act 1968* (WA) by Commission dated 12 December 2001 — the person appointed by that Commission;

(l) if the participating agency is the New South Wales Crime Commission established under the *New South Wales Crime Commission Act 1985* (NSW):

(i) any Assistant Commissioner, within the meaning of section 5 of that Act; or

(ii) any person employed, under section 32 of that Act, as a Director or Assistant Director;

Federal Register of Legislative Instruments F2010C00733

(m) if the participating agency is the Police Integrity Commission established under the *Police Integrity Commission Act 1996* (NSW) — any Assistant Commissioner, within the meaning of section 8 of that Act.

4BC Definition of *State or Territory participating agency* — prescribed bodies (Act s 15XA)

For paragraph (d) of the definition of ***State or Territory participating agency*** in subsection 15XA (1) of the Act, the following are prescribed:

(a) Office of Police Integrity established under the **Police Regulation Act 1958** (Vic);

(b) the Royal Commission appointed under section 5 of the *Royal Commissions Act 1968* (WA) by Commission dated 12 December 2001.

Federal Register of Legislative Instruments F2010C00733

Notes to the *Crimes Regulations 1990*

Note 1

The *Crimes Regulations 1990* (in force under the *Crimes Act 1914*) as shown in this compilation comprise Statutory Rules 1990 No. 227 amended as indicated in the Tables below.

Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
1990 No. 227	12 July 1990	12 July 1990	
1991 No. 235	31 July 1991	31 July 1991	—
1991 No. 258	30 Aug 1991	30 Aug 1991	—
1992 No. 91	14 Apr 1992	22 Apr 1992	—
1992 No. 276	26 Aug 1992	26 Aug 1992	—
1994 No. 297	31 Aug 1994	1 Sept 1994	—
1995 No. 23	28 Feb 1995	28 Feb 1995	—
1996 No. 7	31 Jan 1996	31 Jan 1996	—
1996 No.125	28 June 1996	R. 4.1: 1 July 1996 Remainder: 28 June 1996	—
1996 No. 228	30 Oct 1996	4 Nov 1996	—
1996 No. 264	11 Dec 1996	11 Dec 1996	—
1997 No. 14	21 Feb 1997	21 Feb 1997	—
1998 No. 68	24 Apr 1998	24 Apr 1998	—
1998 No. 361	22 Dec 1998	24 Jan 1999	—
1999 No. 156	28 July 1999	28 July 1999	—
2000 No. 99	15 June 2000	15 June 2000	—
2000 No. 100	15 June 2000	15 June 2000	—
2000 No. 219	17 Aug 2000	17 Aug 2000	—
2001 No. 49	29 Mar 2001	2 Apr 2001	—
2001 No. 105	4 June 2001	4 June 2001	—
2001 No. 138	20 June 2001	20 June 2001 (*see* r. 2 and *Gazette* 2001, No. GN24)	—
2001 No. 334	21 Dec 2001	21 Dec 2001	—
2002 No. 5	21 Feb 2002	21 Feb 2002	—
2002 No. 66	12 Apr 2002	12 Apr 2002	—
2002 No. 186	15 Aug 2002	15 Aug 2002	—

Federal Register of Legislative Instruments F2010C00733

Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
2002 No. 194	29 Aug 2002	29 Aug 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (*see* r. 2)	—
2003 No. 165	2 July 2003	2 July 2003	—
2003 No. 248	10 Oct 2003	10 Oct 2003	—
2003 No. 265	28 Oct 2003	1 Nov 2003	—
2003 No. 306	11 Dec 2003	11 Dec 2003	—
2003 No. 307	11 Dec 2003	Rr. 1–3 and Schedule 1: 11 Dec 2003 Remainder: 1 Jan 2004	—
2003 No. 338	23 Dec 2003	1 Jan 2004	—
2004 No. 164	1 July 2004	Rr. 1–3 and Schedule 1: 1 Sept 1995 R. 4 and Schedule 2: 3 Apr 2000 Remainder: 1 July 2004	—
2004 No. 287	7 Sept 2004	7 Sept 2004	—
2005 No. 81	12 May 2005 (*see* F2005L01124)	13 May 2005	—
2005 No. 200	2 Sept 2005 (*see* F2005L01997)	3 Sept 2005	—
2005 No. 202	16 Sept 2005 (*see* F2005L02591)	1 Oct 2005	—
2006 No. 127	15 June 2006 (*see* F2006L01816)	16 June 2006	—
2006 No. 288	16 Nov 2006 (*see* F2006L03649)	17 Nov 2006	—
2007 No. 38	23 Mar 2007 (*see* F2007L00755)	24 Mar 2007	—
2007 No. 139	8 June 2007 (*see* F2007L01572)	9 June 2007	—
2009 No. 3	6 Feb 2009 (*see* F2009L00231)	7 Feb 2009	—
2009 No. 56	15 Apr 2009 (*see* F2009L01214)	16 Apr 2009	—
2010 No. 13	3 Mar 2010 (*see* F2010L00511)	4 Mar 2010	—
2010 No. 61	16 Apr 2010 (*see* F2010L00777)	17 Apr 2010	—
2010 No. 153	2 July 2010 (*see* F2010L01782)	Rr. 1–3 and Schedule 1: 3 July 2010 Schedule 2: 14 July 2010	—

Federal Register of Legislative Instruments F2010C00733

Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
2010 No. 251	28 Oct 2010 (*see* F2010L02829)	Rr. 1-3 and Schedule 1: 29 Oct 2010 Schedule 2: (*see* r. 2 (b) and Note 2)	—

Federal Register of Legislative Instruments F2010C00733

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 1998 No. 361
R. 4A	ad. 2001 No. 334 rs. 2002 No. 186 am. 2003 No. 248 rs. 2010 No. 13
Heading to r. 4B	rs. 2010 No. 13
R. 4B	ad. 2001 No. 334 am. 2002 No. 326; 2010 No. 13
Heading to r. 4BA	rs. 2002 No. 186 rep. 2010 No. 13
R. 4BA	ad. 2002 No. 5 am. 2002 Nos. 186 and 326; 2009 No. 56 rep. 2010 No. 13
R. 4BB	ad. 2002 No. 186 am. 2009 No. 56 rep. 2010 No. 13
R. 4BC	ad. 2002 No. 186 rs. 2007 No. 38 rep. 2010 No. 13
Note to r. 4BC	ad. 2009 No. 56 rep. 2010 No. 13
R. 4BAA	ad. 2010 No. 13
R. 4BAB	ad. 2010 No. 13
Heading to r. 4C	rs. 2010 No. 13
R. 4C	ad. 2001 No. 334 am. 2010 No. 13
R. 4D	ad. 2010 No. 13
R. 4E	ad. 2010 No. 13
R. 4F	ad. 2010 No. 153
R. 5	am. 1991 No. 235; 1992 No. 91; 1996 Nos. 125, 228 and 264; 2001 No. 49; 2003 Nos. 306 and 338
Note to r. 5 (1) (d)	ad. 2003 No. 306
R. 6	am. 1992 No. 91; 1994 No. 297; 1996 Nos. 125 and 228; 1997 No. 14; 2000 No. 99; 2003 No. 307; 2004 No. 164; 2010 No. 251
R. 6AA	ad. 2005 No. 200
R. 6A	ad. 1992 No. 276
R. 6B	ad. 1998 No. 361
R. 6C	ad. 2001 No. 105
R. 6D	ad. 2001 No. 138

Federal Register of Legislative Instruments F2010C00733

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 6E	ad. 2001 No. 138 am. 2002 No. 194; 2003 No. 165; 2005 No. 81; 2006 No. 288; 2010 No. 13
R. 6F	ad. 2001 No. 334 rep. 2002 No. 66
R. 7A	ad. 2010 No. 61
Heading to r. 8	rs. 2010 No. 61
R. 8	am. 2004 No. 287; 2005 No. 202
R. 11	ad. 2010 No. 13
Schedule 3A	
Schedule 3A	ad. 1992 No. 276
Schedule 3B	
Heading to Schedule 3B	rs. 2000 No. 100
Schedule 3B	ad. 1998 No. 361
Schedule 3C	
Schedule 3C	ad. 2001 No. 138 am. 2002 No. 194; 2003 No. 165; 2005 No. 81
Schedule 4	
Schedule 4	am. 1991 Nos. 235 and 258; 1995 No. 23; 1996 No. 7; 1998 No. 68; 1999 No. 156; 2000 Nos. 100 and 219; 2003 No. 265; 2004 No. 287; 2005 No. 202; 2006 No. 127; 2007 No. 139; 2009 No. 3; 2010 No. 153
Schedule 5	
Schedule 5	ad. 2010 No. 13

Federal Register of Legislative Instruments F2010C00733

Note 2

Crimes Amendment Regulations 2010 (No. 4) (2010 No. 251)

The following amendment commences on section 14 of the **Justice Legislation Amendment Act 2010** (Vic):

Schedule 2

[1] Paragraphs 6 (c) and (ca)

substitute

(c) an intensive correction order made under section 19 (1) of the **Sentencing Act 1991** (Vic);

(ca) a home detention order made under section 26M of the **Sentencing Act 1991** (Vic);

As at 29 October 2010 the amendments are not incorporated in this compilation.

Federal Register of Legislative Instruments F2010C00733