



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

**Statutory Rules No. 26, 1999 as amended**

made under the

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

**Compilation start date:** 12 April 2013

**Includes amendments up to:** SLI No. 51, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### The compiled instrument

This is a compilation of the *Public Order (Protection of Persons and Property) Regulations 1999* as amended and in force on 12 April 2013. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 30 May 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

### Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

### Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

### Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

### Provision ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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## 1 Name of regulations

These regulations are the *Public Order (Protection of Persons and Property) Regulations 1999*.

## 2 Commencement

These regulations commence on gazettal.

## 3 Definitions

- (1) In these regulations:

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

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

- (2) Unless the contrary intention appears, a word or expression used in these regulations and Part IIA of the Act has the same meaning in these regulations as in that Part.

Note 1: The following expressions used in these regulations are defined in the Act (see sections 4 and 13A):

- authorised officer
- constable
- court.

Note 2: *Court* is defined to mean a federal court, and to include a tribunal, authority or person having power under a law of the Commonwealth to require the production of documents or the answering of questions.

## 4 Prescribed courts

The following courts are prescribed for Part IIA of the Act:

- (a) the Federal Court of Australia;
- (b) the Family Court of Australia;
- (ba) the Federal Circuit Court of Australia;
- (c) the Administrative Appeals Tribunal;

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- (d) the Australian Crime Commission;
- (e) the High Court of Australia;
- (f) the Integrity Commissioner.

Note 1: Section 13B of the Act provides that Part IIA of the Act applies only to a court that is prescribed by the regulations. Because these regulations are made for Part IIA of the Act, these regulations also apply only to a prescribed court.

Note 2: The Family Court of Western Australia is not prescribed because the definition of *court* in section 13A of the Act does not extend to that court.

## 5 Proof of authority

- (1) Before exercising a power under section 13C or 13D of the Act in relation to a person, an authorised officer must, if practicable:
  - (a) tell the person that the officer is an authorised officer for Part IIA of the Act; and
  - (b) in the case of a constable—disclose the officer’s identification as a constable; and
  - (c) in any other case—disclose the officer’s identity card.
- (2) For this regulation, an authorised officer’s identity card is a card of a durable nature, that:
  - (a) displays a recent photograph of the officer; and
  - (b) states that the holder of the card is an authorised officer for Part IIA of the Act; and
  - (c) identifies, by office, the person on whose authority the card is issued.

## 6 Frisk searches

Before an authorised officer conducts a frisk search of a person under section 13D of the Act, the officer must, if practicable, tell the person:

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

## **7 Returning identity card**

If a person in possession of an identity card mentioned in regulation 5 ceases to be an authorised officer, the person must, as soon as practicable, return the card, or the part of the card identifying the person as an authorised officer, to:

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

## **8 Disclosing information**

- (1) If an authorised officer obtains information under section 13C of the Act, the officer may disclose that information to any of the following organisations:
  - (b) the Australian Federal Police;
  - (c) the police force of a State or Territory.
- (2) An authorised officer for the Federal Court of Australia may also disclose the information to the Registrar and Sheriff of the Court.
- (3) An authorised officer for the Family Court of Australia may also disclose the information to the Chief Executive Officer, Marshal and Deputy Marshal of the Court.
- (3A) An authorised officer of the Federal Circuit Court of Australia may also disclose the information to the Chief Executive Officer, Marshal and Deputy Marshal of the Court.
- (4) An authorised officer for the Administrative Appeals Tribunal may also disclose the information to the Registrar of the Tribunal.
- (5) An authorised officer for the Australian Crime Commission (the **ACC**) may also disclose the information to the Chief Executive Officer of the ACC.
- (5A) An authorised officer for the High Court of Australia may also disclose the information to:
  - (a) the Chief Executive and Principal Registrar of the Court; and
  - (b) the Marshal of the Court; and

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(c) a Deputy Marshal of the Court.

(5B) An authorised officer in relation to the Integrity Commissioner may also disclose the information to the Integrity Commissioner.

(6) However, an authorised officer may disclose information to an organisation or person under this regulation only if the officer believes on reasonable grounds that it is necessary in the interests of security to do so.

Note: For the application of the *Privacy Act 1988* to an act or practice of the High Court of Australia, the Federal Court of Australia, the Family Court of Australia, the Federal Circuit Court of Australia, the Administrative Appeals Tribunal, the Australian Crime Commission or the Integrity Commissioner, see paragraphs 7(1)(a) and (b) of that Act.

## 9 Recording information electronically

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



## Endnote 1—Legislation history

## Endnotes

## Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Public Order (Protection of Persons and Property) Regulations 1999*.

Number and year	Gazettal or FRLI registration date	Commencement date	Application, saving and transitional provisions
1999 No. 26	2 Mar 1999	2 Mar 1999	
2001 No. 10	13 Feb 2001	13 Feb 2001	—
2002 No. 326	20 Dec 2002	1 Jan 2003 ( <i>see</i> r. 2)	—
2004 No. 221	22 July 2004	22 July 2004	—
2006 No. 266	19 Oct 2006 ( <i>see</i> F2006L03384)	20 Oct 2006	—
2008 No. 92	2 June 2008 ( <i>see</i> F2008L01776)	3 June 2008	—
51, 2013	11 Apr 2013 ( <i>see</i> F2013L00649)	Schedule 1 (item 107): (a)	—

- (a) Section 2 (item 2) of the *Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)* provides as follows:
- 2 Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of Schedules 1 and 2 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	12 April 2013

## Endnotes

### Endnote 2—Amendment history

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#### Endnote 2—Amendment history

This endnote sets out the amendment history of the *Public Order (Protection of Persons and Property) Regulations 1999*.

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ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted  
exp. = expired or ceased to have effect

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Provision affected	How affected
r. 3 .....	am. 2008 No. 92
r. 4 .....	am. 2001 No. 10; 2002 No. 326; 2006 No. 266; 2008 No. 92; No. 51, 2013
r. 8 .....	am. 2001 No. 10; 2002 No. 326; 2004 No. 221; 2006 No. 266; 2008 No. 92; No. 51, 2013
Note 1 to r. 8.....	am. 2001 No. 10 rs. 2006 No. 266 rep. 2008 No. 92
Note 2 to r. 8.....	rs. 2002 No. 326 rep. 2008 No. 92
Note to r. 8.....	ad. 2008 No. 92 am. No. 51, 2013

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Endnote 3—Uncommenced amendments [none]

**Endnote 3—Uncommenced amendments [none]**

There are no uncommenced amendments.

## Endnotes

Endnote 4—Misdescribed amendments [none]

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### **Endnote 4—Misdescribed amendments [none]**

There are no misdescribed amendments.