

Prosecutors

brief-

Statements +
exhibits with
notes/annotation.

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Number	Type	Status	Due	Initiated	Assigned
Flag	Diary date		11/04/2014 09:00		
T1300485829	BOE re...	Closed	12/03/2013 16:24	#4017524 PEA...	#4020878 TF
T1300489416	FYI	Closed	13/03/2013 04:00	ADMINISTRAT...	#4020878 TF
T1300485768	BOE re...	Closed	20/03/2013 09:00	#4017524 PEA...	#4020878 TF

Ready

[s 693]

693 Application by owner etc. for court order for return of relevant thing

- (1) This section applies to a relevant thing—
 - (a) that has been in the possession of the police service for 30 days and is not returned under section 692; or
 - (b) that is described in a notice given under section 719(4).
- (2) However, this section does not apply to a relevant thing that is forfeited to the State under an Act.
- (3) A person who claims to have a legal or equitable interest in the relevant thing may apply to a magistrate for an order that the thing be returned to the person or to someone else named in the application as the person to whom the thing may be delivered (the *nominee*).
- (4) The person must give each of the following a copy of the application and notice of the day, time and place fixed for hearing the application—
 - (a) the commissioner;
 - (b) anyone else the person reasonably believes has a legal or equitable interest in the thing.
- (5) The magistrate may order that the relevant thing be returned to a person on the conditions, if any, the magistrate considers appropriate if satisfied—
 - (a) the person may lawfully possess the thing; and
 - (b) it is appropriate that the thing be returned to the person.
- (6) If the magistrate proposes to order that the relevant thing be delivered to the applicant's nominee, the magistrate must also be satisfied that the nominee may lawfully possess the thing.
- (7) The magistrate must not order the return of a relevant thing to the person or the person's nominee if the magistrate is reasonably satisfied the thing—
 - (a) may be evidence in a proceeding started in relation to the thing; or

- (b) is a thing used in or for manufacturing a dangerous drug; or
- (c) may be subject to a forfeiture proceeding, including a forfeiture proceeding relating to an interstate serious offence under the Confiscation Act.

694 Application by police officer for order if ownership dispute

- (1) This section applies if there is a dispute about the ownership of a relevant thing, whether the dispute is between—
 - (a) two or more persons, each of whom claims to be the owner of the thing; or
 - (b) a police officer and a person who claims to be the owner of the thing.
- (2) A police officer may apply to a magistrate for an order declaring who is the owner of the thing.
- (3) The police officer must give anyone the police officer reasonably believes has a legal or equitable interest in the thing a copy of the application and notice of the day, time and place fixed for hearing the application.
- (4) The magistrate may make the order the magistrate considers appropriate.
- (5) If the magistrate can not decide who owns the thing, the magistrate may make the orders the magistrate considers appropriate for the disposal of the thing.

695 Application for order in relation to seized things

- (1) This section applies to a thing seized—
 - (a) as evidence of the commission of an offence; or
 - (b) to prevent a person using the thing to cause harm to himself, herself or someone else; or

Police Powers and Responsibilities Act 2000
Chapter 21 Administration
Part 3 Dealing with things in the possession of police service

[s 686]

- (2) However, as soon as possible after the police officer or someone else entitled to inspect the register becomes aware that the information is not recorded in the appropriate register, the person must take the steps reasonably necessary to ensure the information is—
- (a) removed from the register in which it is recorded; and
 - (b) recorded in the appropriate register or given to the ACC.

Part 3 Dealing with things in the possession of police service

Division 1 Preliminary

686 Application of pt 3

- (1) This part applies to a thing that is lawfully in the possession of the police service (*relevant thing*), whether before or after the commencement of this section, because—
- (a) it was seized by a police officer; or
 - (b) it was found by someone other than a police officer who gave it to a police officer as apparently lost property; or
 - (c) it otherwise came into the possession of a police officer in the course of performing the officer's functions.
- (2) However, this part does not apply to—
- (a) a vehicle that is impounded under chapter 4 or 22 or seized under section 124; or
 - (b) an animal seized under section 137; or
 - (c) a sample or other thing taken or collected from a person under chapter 17; or

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[s 687]

- (d) a blood or urine sample taken from a person under chapter 18; or
 - (e) a specimen of blood or urine taken from or provided by a person under the Road Use Management Act, section 80; or
 - (f) a thing seized by a police officer under a property seizure order under the Confiscation Act; or
 - (g) a thing seized under the *Public Safety Preservation Act 1986*, part 3.
- (3) However, to the extent this part imposes an obligation on a police officer to keep seized things in a safe place, this part does apply to a thing mentioned in subsection (2)(f) that is reasonably capable of being moved.
- (4) Also, this part, apart from section 721, does not apply to something seized under chapter 19, part 5 if a coroner decides the death is a reportable death.
- (5) Also, this part has effect in relation to a dangerous drug subject to the operation of part 4 in relation to the dangerous drug.
- (6) In addition, this part, to the extent it deals with forfeited property, applies to property forfeited to the State under the *Public Safety Preservation Act 1986*, section 42 that is in the possession of the police service.

687 Object of pt 3

The object of this part is to ensure, as far as practicable, a relevant thing—

- (a) is retained by the police service only for as long as is reasonably necessary; and
- (b) is handled in an efficient, safe and accountable way.

[s 688]

688 Responsibilities of police officer taking possession of relevant thing

- (1) A police officer who seizes or otherwise comes into possession of a relevant thing must ensure the thing is given to an appropriate property officer or delivered to a property point that is appropriate in the circumstances, as soon as reasonably practicable, unless—
 - (a) the thing is earlier returned, destroyed or disposed of under this part; or
 - (b) it is necessary to keep the thing for use during questioning or for an investigative procedure involving the thing.
- (2) If the police officer keeps a thing under subsection (1)(b), the police officer must deliver the thing to an appropriate property officer or property point as soon as reasonably practicable after the reason for keeping it ends.
- (3) Until the thing is delivered to the property officer or property point, the police officer is responsible for the safe keeping of the thing.
- (4) The commissioner must—
 - (a) ensure reasonable inquiries and reasonable efforts are made to locate anyone lawfully claiming to be entitled to possession of the thing; and
 - (b) facilitate its lawful disposal or its return to its owner or the person who had lawful possession of it before it came into the possession of the police service.
- (5) What are reasonable inquiries and efforts, must be decided having regard to the nature, condition and value of the relevant thing.
- (6) Subsection (4) does not apply to the thing if the commissioner is satisfied it is inappropriate to return it to its owner or the person who had lawful possession of it before it came into the possession of the police service.

Example for subsection (6)—

The commissioner may be satisfied it is inappropriate to return clothing worn by a victim at the time of a sexual assault because of the distress returning the clothing to the victim may cause.

689 Particular provision about handling animals in the possession of the police service

- (1) This section applies to a relevant thing that is in the possession of the police service if the relevant thing is an animal.
- (2) The police service must handle the animal in an efficient, safe and accountable way including by keeping the animal in a way that has appropriate regard to—
 - (a) the animal's welfare and the welfare of other animals in the possession of the police service at the place where the animal is kept; and
 - (b) relevant animal husbandry practices.
- (3) In this section—

animal, includes offspring of an animal, born while the animal is in the possession of the police service.

690 Forfeiture in particular cases

If this part applies to a thing and the commissioner is satisfied the thing has no value, the thing is forfeited to the State.

Division 2 Return of relevant things

691 Return of relevant things

- (1) Unless a justice otherwise orders, a police officer must return a relevant thing to the owner of the thing or the person who had lawful possession of the thing before it came into the possession of the police service if the police officer is satisfied—

[s 691]

- (a) ~~it is not required to be retained; and~~
 - (b) it is lawful for the person to have possession of the thing.
- (2) ~~If the thing is evidence of the commission of an offence and a police officer considers it appropriate, the police officer must take the steps reasonably necessary to minimise the need to retain the thing as evidence by, as soon as reasonably practicable—~~
- (a) ~~photographing the thing or arranging for it to be photographed; or~~
 - (b) ~~arranging for any necessary test or examination of the thing; or~~
 - (c) ~~gathering any other available secondary evidence in relation to the thing.~~
- (3) Despite subsection (1), if a police officer seized the relevant thing, a police officer may retain the thing for a reasonable time after it is seized if retention of the thing is necessary—
- (a) to prevent a person using the thing to cause harm to himself, herself or someone else; or
 - (b) to prevent an offence or a breach of the peace happening; or
 - (c) to prevent the thing being used for domestic violence or associated domestic violence.
- (4) This section does not apply to a relevant thing that the commissioner is satisfied is inappropriate to return to its owner or the person who had lawful possession of it before it was seized or came into the possession of the police service because of the nature or value of the thing or the circumstances of the offence to which it relates.

Examples for subsection (4)—

- 1 The commissioner may be satisfied it is not appropriate to return fibres taken from a carpet at a crime scene because the fibres have little or no value.

- 2 The commissioner may be satisfied it is inappropriate to return clothing worn by a victim at the time of a sexual assault because of the distress returning the clothing to the victim may cause.

692 Application by owner etc. for return of relevant thing

- (1) This section applies to a relevant thing—
 - (a) that has been in the possession of the police service for at least 30 days and is not the subject of an application under section 693; or
 - (b) that is described in a notice given under section 719(4).
- (2) A person who claims to have a legal or equitable interest in the relevant thing may apply in writing to the commissioner for the return of the thing to the person or for the delivery of the thing to someone else named in the application as the person to whom the thing may be delivered (the *nominee*).
- (3) The commissioner may require the applicant to give to the commissioner the additional information the commissioner considers reasonably necessary to enable the commissioner to properly consider the application.
- (4) After considering the application and any additional information given to the commissioner under subsection (3), the commissioner may—
 - (a) return the thing to the applicant; or
 - (b) deliver the thing to the nominee as requested by the applicant; or
 - (c) refuse to return the thing.
- (5) However, the commissioner may only return a thing under subsection (4) if the commissioner is satisfied—
 - (a) the applicant may lawfully possess the thing; and
 - (b) it is appropriate that the thing be delivered to the person.
- (6) If the commissioner proposes to deliver the relevant thing to the applicant's nominee, the commissioner must also be satisfied that the nominee may lawfully possess the thing.

[s 693]

693 Application by owner etc. for court order for return of relevant thing

- (1) This section applies to a relevant thing—
 - (a) ~~that has been in the possession of the police service for 30 days and is not returned under section 692; or~~
 - (b) that is described in a notice given under section 719(4).
- (2) However, this section does not apply to a relevant thing that is forfeited to the State under an Act.
- (3) ~~A person who claims to have a legal or equitable interest in the relevant thing may apply to a magistrate for an order that the thing be returned to the person or to someone else named in the application as the person to whom the thing may be delivered (the nominee).~~
- (4) The person must give each of the following a copy of the application and notice of the day, time and place fixed for hearing the application—
 - (a) the commissioner;
 - (b) anyone else the person reasonably believes has a legal or equitable interest in the thing.
- (5) The magistrate may order that the relevant thing be returned to a person on the conditions, if any, the magistrate considers appropriate if satisfied—
 - (a) the person may lawfully possess the thing; and
 - (b) it is appropriate that the thing be returned to the person.
- (6) If the magistrate proposes to order that the relevant thing be delivered to the applicant's nominee, the magistrate must also be satisfied that the nominee may lawfully possess the thing.
- (7) ~~The magistrate must not order the return of a relevant thing to the person or the person's nominee if the magistrate is reasonably satisfied the thing—~~
 - (a) ~~may be evidence in a proceeding started in relation to the thing; or~~

- (b) is a thing used in or for manufacturing a dangerous drug; or
- (c) may be subject to a forfeiture proceeding, including a forfeiture proceeding relating to an interstate serious offence under the Confiscation Act.

694 Application by police officer for order if ownership dispute

- (1) This section applies if there is a dispute about the ownership of a relevant thing, whether the dispute is between—
 - (a) two or more persons, each of whom claims to be the owner of the thing; or
 - (b) a police officer and a person who claims to be the owner of the thing.
- (2) A police officer may apply to a magistrate for an order declaring who is the owner of the thing.
- (3) The police officer must give anyone the police officer reasonably believes has a legal or equitable interest in the thing a copy of the application and notice of the day, time and place fixed for hearing the application.
- (4) The magistrate may make the order the magistrate considers appropriate.
- (5) If the magistrate can not decide who owns the thing, the magistrate may make the orders the magistrate considers appropriate for the disposal of the thing.

695

Application for order in relation to seized things

- (1) This section applies to a thing seized—
 - (a) as evidence of the commission of an offence; or
 - (b) to prevent a person using the thing to cause harm to himself, herself or someone else; or

[s 695]

(c) to prevent an offence or a breach of the peace happening.

(2) Within 30 days after a police officer seizes the thing, the police officer must apply to a justice of the peace (magistrates court) or a magistrate (the *issuer*) for an order under section 696 in relation to the thing, unless—

- (a) a proceeding has been started in which the thing may be relevant; or
- (b) consent to the continued keeping of the thing has been given by its owner or the person who had lawful possession of the thing before it was seized; or
- (c) it has no intrinsic value; or

Example for subsection (2)(c)—

samples of hair or blood taken from a crime scene that may be forensic evidence

- (d) it is perishable and will perish before it can be returned to its owner or the person who had lawful possession of the thing before it was seized; or
 - (e) it is a dangerous drug or a thing used in or for manufacturing a dangerous drug; or
 - (f) it is a weapon the person from whom it was seized may not lawfully possess; or
 - (g) it is given to a law enforcement agency of another State under section 722 or another agency under an arrangement under section 723; or
 - (h) it is returned under section 691, 692 or 693.
- (3) An application for an order under section 696 must also be made within 30 days after either of the following happens—
- (a) a proceeding started in relation to the thing seized is discontinued without any order being made in relation to the thing;

- (b) the consent of the owner of the thing or the person who had lawful possession of the thing before it was seized is withdrawn.
- (4) The application must be accompanied by any warrant under which the thing was seized.
- (5) However, if no application is to be made because subsection (2)(a), (b), (c), (d), (e) or (f) applies to the thing, a police officer must deal with the thing in the way specified in the responsibilities code, unless this Act otherwise provides.

696 Orders issuer may make in relation to seized thing

- (1) After considering the application, the issuer under section 695 may, in relation to the seized thing, order—
 - (a) that it be kept in the possession of a police officer until the end of—
 - (i) any investigation in relation to which the thing may be relevant; or
 - (ii) any proceeding in which the thing may be relevant; or
 - (iii) any appeal against a decision in a proceeding in which the thing is relevant; or
 - (b) that it be photographed and returned to its owner or the person who had lawful possession of it before it was seized on condition that the owner or person undertakes to produce it before a court in any later proceeding involving the thing; or
 - (c) that it be returned to the person who the issuer under section 695 believes is lawfully entitled to possess it; or
 - (d) if the person entitled to possess the thing is unknown, that the thing be disposed of; or
 - (e) for a thing seized for a reason mentioned in section 695(1)(b) or (c), that it be dealt with in the way decided by the commissioner; or

[s 697]

- (f) that it be disposed of or destroyed; or
 - (g) that it be dealt with by way of a proceeding under section 693 or 694 or a forfeiture proceeding.
- (2) Also, if the seized thing is an animal, the issuer under section 695 may order—
 - (a) if the issuer is satisfied the animal is breeding stock—that the animal be held by a named person until the end of the proceeding for the charge of an offence in which the animal is evidence; or
 - (b) if the issuer is satisfied the animal is not breeding stock and the ownership of the animal can not be decided—that the animal be sold in the way directed by the issuer and the proceeds of the sale, after paying any costs of the sale, be paid to the consolidated fund.
- (3) The issuer under section 695 may, in the order, impose any conditions the issuer considers appropriate, including, for subsection (1)(a), a condition limiting the time for which a police officer may keep possession of documents seized as evidence.

697 Cost recovery for animal held in possession of police service

- (1) This section applies in relation to an animal seized by a police officer and held in the possession of the police service, whether or not under an order under section 696.
- (2) If the person who appears to be the owner of the animal is known, the commissioner may, by letter of demand, require the person to pay to the commissioner within a stated reasonable time, of at least 28 days, the commissioner's stated reasonable costs of keeping the animal.
- (3) The commissioner must not give the person the letter of demand unless the commissioner first gives the person written notice of the commissioner's intention to require the person to pay the costs and a reasonable time, of at least 14 days, to state why the person should not be required to pay the costs.

- (4) If—
- (a) after considering any representations made by the person, the commissioner gives the person the letter of demand; and
 - (b) the person fails to pay the amount stated in the letter of demand within the time stated in the letter of demand;
- the amount payable becomes a debt payable to the State and may be recovered in a court having jurisdiction for the amount.
- (5) The letter of demand must inform the person—
- (a) of the consequences of failing to reply to the letter of demand; and
 - (b) that the person may appeal against the letter of demand to a Magistrates court.
- (6) Nothing in this section stops the owner of an animal voluntarily surrendering ownership of the animal to the State under section 698.
- (7) In this section—
- animal*, includes offspring of an animal, born while the animal is in the possession of the police service.

698 Voluntary surrender of animal to State

- (1) A person who is given a letter of demand under section 697 may agree to surrender the animal to which the letter of demand relates to the State.
- (2) The agreement must be written and witnessed by a person who may witness a statutory declaration.
- (3) If the State agrees to the surrender of the animal—
 - (a) the animal becomes the property of the State; and
 - (b) the commissioner may sell or dispose of the animal in the way the commissioner considers appropriate.

[s 699]

- (4) If the commissioner sells the animal, the proceeds of the sale after paying any costs of the sale must be applied as follows—
 - (a) in payment of the commissioner's costs of keeping the animal while in the possession of the police service;
 - (b) in payment of any balance to the consolidated fund.

699 Appeal if letter of demand given under s 697

- (1) Within 28 days after being given a letter of demand under section 697, a person dissatisfied with the demand may appeal to a Magistrates Court against the demand.
- (2) Subsection (1) applies whether or not the amount stated in the letter of demand is more than the maximum amount that may be recovered in a personal action in the civil jurisdiction of a Magistrates Court.
- (3) The appeal must be started by—
 - (a) filing a written notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice on the commissioner.
- (4) On the filing of the notice of appeal, section 697(4) stops having effect.

700 Deciding appeal

- (1) In deciding the appeal, the Magistrates Court—
 - (a) is not bound by the rules of evidence; and
 - (b) must comply with natural justice.
- (2) The Magistrates Court may—
 - (a) confirm the commissioner's decision; or
 - (b) set aside the commissioner's decision; or
 - (c) set aside the commissioner's decision and substitute another decision the court considers appropriate.

- (3) If the Magistrates Court confirms the commissioner's decision, section 697(4) has effect in relation to the confirmed decision as if the date for payment of the amount required to be paid under the letter of demand were a date that is 28 days after the date of the Magistrates Court's decision.
- (4) If the Magistrates Court substitutes, for the commissioner's decision, another decision requiring the payment of an amount—
 - (a) the amount payable must be paid within 28 days of the decision; and
 - (b) if any part of the amount is not paid, section 697(4), to the extent it relates to the recovery of an unpaid amount, applies to the amount.

701 Disposal of seized things at end of proceeding

- (1) At the end of a proceeding, a court, in relation to a seized thing, may make any of the following orders—
 - (a) an order for the return, forfeiture, destruction or disposal of the thing;
 - (b) an order that the thing be dealt with by way of a proceeding under section 693 or 694 or a forfeiture proceeding;
 - (c) an order that the police service retain the thing until it is dealt with according to law.
- (2) A thing that is forfeited under an order under this Act becomes the property of the State.

702 Commissioner to decide way of destruction or disposal

- (1) This section applies if an order is made for the disposal or destruction of a thing under section 694, 696 or 701.
- (2) Subject to any direction in the order, the commissioner must decide how the thing is to be disposed of or destroyed.

[s 703]

- (3) However, if the value of the thing is more than the amount prescribed under a regulation for this section, the commissioner must first obtain the Minister's approval to the proposed disposal or destruction.

Examples—

- 1 The commissioner may give a hydroponics system previously used for growing dangerous drugs to a school for use for an agricultural purpose.
- 2 The commissioner may give stolen clothes to a charitable organisation whose charter is to assist the poor.

Division 3 Dealing with controlled drugs, dangerous drugs etc.

Subdivision 1 Preliminary

703 Application of div 3

This division applies if—

- (a) a police officer seizes drug matter; or
- (b) drug matter otherwise comes into the possession of the police service.

704 Definition for div 3

In this division—

drug matter means—

- (a) a controlled drug under the *Health Act 1937*; or
- (b) a controlled substance under the *Drugs Misuse Act 1986*; or
- (c) a dangerous drug; or
- (d) a thing intended for use, or that was used, in the commission of a drug offence.

Subdivision 2 General provisions about destruction of drug matter

705 Destruction of drug matter soon after it is seized etc.

- (1) A police officer may destroy drug matter where it is found or move it, or arrange for it to be moved, to another place where it can safely be destroyed if—
 - (a) a police officer is satisfied it is not reasonably practicable to take the drug matter to a property point or to keep it at a police station; and
 - (b) the police officer reasonably believes that unless the drug matter is destroyed there is a risk it may be used in the commission of an offence.

Example for paragraph (a)—

It may be necessary to destroy a large plantation of cannabis sativa plants after taking samples of the plants because it is impractical to transport them to a property point for storage and leaving them where they are may lead to the commission of an offence.

- (2) Also, a police officer may destroy drug matter where it is found, or move it, or arrange for it to be moved to another place where it can safely be destroyed if it may be dangerous to take it, or any part of it, to a property point or to keep it at a police station.
- (3) This section applies even though—
 - (a) a proceeding for an offence in which the drug matter may be relevant has not been started or, if started, has not been decided; and
 - (b) any notice of the proposed destruction of the drug matter that is required to be given under section 710 has not been given.

[s 705A]

705A Disposal of things used for administering etc. dangerous drugs

- (1) Without limiting section 705, the commissioner may destroy drug matter that the commissioner is reasonably satisfied—
 - (a) is for use or has been used in the administration, consumption or smoking of a dangerous drug; and
 - (b) is no longer required as evidence in a proceeding.
- (2) The commissioner may destroy the drug matter in a way that prevents it being used in the commission of an offence.
- (3) Drug matter that is a hypodermic syringe or needle and is disposed of in a way required under the *Drugs Misuse Regulation 1987* is taken to have been destroyed.
- (4) This section applies even though a proceeding for an offence in which the drug matter may be relevant has not been started or, if started, has not been decided.

706 Steps police officer must take before destroying drug matter under s 705

- (1) Before destroying drug matter under section 705, a police officer must photograph the drug matter where it is found.
- (2) For drug matter other than a thing intended for use, or that was used, in the commission of a drug offence, the police officer must, if practicable—
 - (a) weigh the drug matter, or for plants, count the number of plants; and
 - (b) retain a representative sample of the drug matter.
- (3) This section does not apply to drug matter if section 707 applies to the drug matter.

707 Alternative to destruction if drug matter is thing used in the commission of a drug offence

- (1) This section applies despite section 705.

- (2) If the commissioner is reasonably satisfied drug matter in the possession of the police service is a thing used or intended for use in the commission of a drug offence that may be destroyed under section 705, the commissioner may direct that the thing first be photographed and then disposed of in the way the commissioner considers appropriate instead of destroying it under section 705.

Example—

The commissioner may give a hydroponics system previously used for growing dangerous drugs to a school for use for an agricultural purpose.

- (3) For subsection (2), the commissioner may consider it appropriate that a drug matter that is a batch of a dangerous drug be disposed of by giving the drug matter to the chief executive (corrective services) for training purposes under the *Corrective Services Act 2006*, chapter 6, part 13A.
- (4) Subsection (3) does not limit the ways that the commissioner may consider are appropriate for disposing of the drug matter.

Subdivision 3 Destruction of drug matter if notice required

708 Application of sdiv 3

This subdivision applies to drug matter that is not destroyed under subdivision 2.

709 Definitions for sdiv 3

In this subdivision—

analyst's certificate means a certificate of a kind mentioned in the *Drugs Misuse Act 1986*, section 128.

destruction notice see section 710.

[s 710]

drug matter does not include a thing intended for use, or that was used, in the commission of a drug offence.

independent analyst see section 711.

710 Destruction notice may be given to person

- (1) A police officer may give a person the police officer reasonably suspects has committed an offence in which drug matter is involved a written notice under this section (*destruction notice*).
- (2) A destruction notice given to a person whose name and location are known must be in the approved form.
- (3) However, if the person's name and location are not known or the person can not be located, the destruction notice may be given by making the information required to be stated in the approved form available on the police service website to the extent the information is known.
- (4) A destruction notice given to a child under subsection (3) must not identify the child but must be given in a way that is enough for the child or the child's lawyer to identify the notice as relating to the child and the offence of which the drug matter is evidence.
- (5) Also, a destruction notice given to a person under subsection (3) is taken to have been given to the person as soon as it may be viewed by a person using the internet, whether or not the person to whom the notice relates knows the notice has actually been made accessible.

711 What destruction notice must state

A destruction notice in relation to particular drug matter must state the following—

- (a) that the commissioner possesses an analyst's certificate relating to the drug matter;
- (b) what the analyst's certificate states the drug matter is;

- (c) that within 30 days after the notice is given, the person may, by written notice (*analysis request*), require the commissioner to make a representative sample of the drug matter available to an appropriately qualified person (*independent analyst*) for analysis;
- (d) that the analysis request must state the name, address and qualifications of the independent analyst;
- (e) that if the person gives the commissioner an analysis request and the commissioner makes a representative sample of the drug matter available under section 712 for analysis by an independent analyst, the person must pay the costs of the independent analyst's analysis of the representative sample;
- (f) that, if the person does not give the commissioner an analysis request within the 30 days, the commissioner may destroy the drug matter.

712 Making sample of drug matter available

- (1) If, after receiving an analysis request, the commissioner is satisfied the independent analyst named in the analysis request has the qualifications necessary to analyse the drug matter, the commissioner may make a representative sample of the drug matter available to the independent analyst for analysis, within 5 business days, at a time and place decided by the commissioner and on the conditions the commissioner considers appropriate.
- (2) However, if the commissioner is not satisfied the independent analyst has the qualifications necessary to analyse the drug matter, the commissioner may require the person who made the analysis request to name another independent analyst within 30 days.
- (3) If, within the 30 days, the person names another independent analyst and the commissioner is satisfied the independent analyst has the qualifications necessary to analyse the drug

[s 713]

matter, the commissioner may make a representative sample available to the independent analyst under subsection (1).

713 When drug matter may be destroyed

- (1) The commissioner may destroy drug matter to which a destruction notice relates if the person given the destruction notice does not name an independent analyst to analyse a representative sample within the time stated in the destruction notice or under 712.
- (2) Also, if the commissioner makes a representative sample of drug matter available to an independent analyst under section 712(1), the commissioner may destroy the drug matter from which the representative sample was made available at the end of 10 business days after the day the commissioner made the representative sample available to the independent analyst.
- (3) However, if, within the 5 business days after the independent analyst completes the analysis, the person to whom the destruction notice is given gives to the commissioner a written notice disputing the analysis in the analyst's certificate, the commissioner must not destroy the drug matter until any proceeding for the offence to which the analyst's certificate relates is finally decided.
- (4) This section does not limit section 707(3) or 733.

Division 4 Dealing with weapons

714 Disposal of weapons

- (1) At any time after the appointed day, a police officer may deliver a relevant thing that is a weapon that has not been forfeited to the State—
 - (a) if a police officer is satisfied a person is the owner of the weapon, or would be lawfully entitled to possess it if that person complies with the *Weapons Act 1990*—

- (i) to the owner or person lawfully entitled to possess it; or
 - (ii) if the owner or person lawfully entitled to possess it nominates another person to possess it, to that person; or
- (b) if a court order is made for the delivery of the weapon to a person under section 696 or 701—to that person.
- (2) However, a weapon may be delivered to a person mentioned in subsection (1) only if that person satisfies the police officer who holds or has custody of the weapon that the person may lawfully possess the weapon.
- (3) If the weapon has not been delivered to any person under subsection (1) within 3 months after the appointed day or the longer period the commissioner decides in a particular case, the weapon is forfeited to the State.

715 What is the appointed day for disposal of weapons under s 714

The *appointed day* for disposal of weapons is—

- (a) for a weapon seized because of a contravention or suspected contravention of the *Weapons Act 1990*, the later of the following—
 - (i) the day all proceedings relating to the offence or suspected offence are finally decided;
 - (ii) the day 6 months after the day the weapon was seized; or
- (b) for a weapon given to a police officer under the *Weapons Act 1990*, section 29B because of the making of a domestic violence order—3 months after the day the protection order is made against the person; or
- (c) otherwise, the day the weapon was seized.

[s 716]

Division 5 Dealing with other things

716 Perishable things

- (1) This section applies to a relevant thing that is perishable if—
- (a) the thing can not be returned to its owner or the person who had lawful possession of it before it came into the possession of the police service; or
 - (b) its owner or the person who had lawful possession of the thing before it came into the possession of the police service can not be contacted to obtain directions about how to deal with the thing.
- (2) The commissioner may dispose of the thing in a way that—
- (a) does not cause an actual or apparent conflict of interest in the commissioner or someone in a position to influence how the thing may be disposed of; and

Example for subsection (2)(a)—

A conflict of interest may be apparent if a friend, relative or business associate of a person in a position to influence how a thing may be disposed of may benefit from the disposal of the thing.

- (b) benefits the community generally or a community group.

Example for subsection (2)(b)—

Vegetables that are suspected of being stolen may be given to a community organisation running a kitchen to feed the homeless.

- (3) If the commissioner reasonably suspects the relevant thing is unfit for human consumption or it is impracticable to dispose of the thing in a way that satisfies subsection (2), the commissioner must dispose of it in a way that does not cause danger to anyone or the community generally.

Division 6 Forfeiture

717 Application of div 6

This division applies to a relevant thing that has not been forfeited to the State.

718 Order for forfeiture of particular relevant things

- (1) The commissioner may order the forfeiture to the State of a relevant thing that has been in the possession of the police service for at least 60 days.
- (2) The commissioner may order the forfeiture of the relevant thing only if—
 - (a) the commissioner is satisfied—
 - (i) the owner of the thing can not be found after reasonable inquiries; or
 - (ii) having regard to the nature, condition and value of the thing, it is not reasonable to make inquiries about its owner; or

Examples for paragraph (a)—

- 1 The owner of the thing has migrated to another country.
- 2 The thing is a small amount of liquor that does not have a high value.

- (b) the commissioner is unable, after making reasonable efforts, to return the thing to its owner.

Example for paragraph (b)—

The owner of the thing refuses to take possession of the thing.

- (3) At least 30 days before the order for forfeiture is made, the commissioner must give the owner of the relevant thing a written notice stating that unless the thing is claimed, an order for its forfeiture to the State will be made under this section.
- (4) If the owner of the relevant thing is not known, the notice may be given—

[s 719]

- (a) by advertisement in a newspaper circulating generally throughout the State; or
 - (b) on the police service website.
- (5) Subsections (3) and (4) do not apply if the cost of giving the notice is more than the value of the relevant thing.
- (6) This section does not apply to a relevant thing mentioned in section 719.

719 Order for forfeiture of relevant things connected with offences

- (1) This section applies to a relevant thing if the commissioner is satisfied—
 - (a) the thing has been used in the commission of an offence; or
 - (b) it is necessary to retain the thing to prevent it being used in the commission of an offence; or
 - (c) possession of the thing is an offence unless authorised, justified or excused by law.
- (2) The commissioner may order the forfeiture to the State of the relevant thing.
- (3) However, the commissioner may order the forfeiture of the relevant thing only if the commissioner is satisfied reasonable steps have been taken to give, a notice under subsection (4).
- (4) The notice—
 - (a) must be given to—
 - (i) the owner in writing, or if the owner is not known, by advertisement in a newspaper circulating generally throughout the State; or
 - (ii) the person who appeared to have possession of it before it was seized; and
 - (b) must describe the relevant thing and state—

- (i) that the thing may be forfeited to the State; and
 - (ii) that an application may be made to a magistrate under section 693 for an order for the return of the thing; and
 - (iii) that, if an application is not made to a magistrate within 28 days after the notice is given, the commissioner may order that the thing be forfeited to the State.
- (5) Subsection (3) does not apply if the cost of giving the notice is more than the value of the relevant thing.
- (6) If the person applies under section 693 to a magistrate, the commissioner may not order the forfeiture of the relevant thing, unless the magistrate refuses to order the delivery of the thing to the applicant or the application is withdrawn, whichever happens first.

Division 7 Dealing with forfeited things

720 Application of div 7

- (1) This division applies to a thing in the possession of the police service that is forfeited, or ordered to be forfeited, to the State under this or any other Act.
- (2) However, this division applies to a forfeited thing, other than a thing forfeited under division 6, only after all proceedings relating to the offence or suspected offence for which the thing was forfeited are finally decided.

721 Dealing with forfeited things

- (1) On the forfeiture of a thing to the State, the thing becomes the property of the State and may, subject to any direction given under the *Police Service Administration Act 1990*, section 4.6, be dealt with by the commissioner as the commissioner considers appropriate.

[s 722]

- (2) Without limiting subsection (1), the commissioner may destroy or dispose of the thing.
- (3) If the thing is sold, it must be sold by auction and the proceeds of the sale are to be paid—
 - (a) first, in meeting the expenses of the sale; and
 - (b) second, in meeting the expenses of the seizure and storage of the thing and doing anything necessary to prepare it for sale; and
 - (c) third, to the consolidated fund or, if the proceeds relate to a thing forfeited under section 718, the unclaimed moneys fund kept under the *Public Trustee Act 1978*.

Example for paragraph (b)—

cleaning the hard drive of a seized computer

Division 8 Arrangements about relevant things

722 Ministerial arrangements for transmission and return of seized things

- (1) The Minister may enter into arrangements with a Minister of State for another State responsible for the administration of a law declared by regulation to be a corresponding law for this section under which—
 - (a) a thing seized under this Act that may be relevant to the investigation of an offence, or a proceeding for an offence, against the law of the State in which the corresponding law is in force—
 - (i) is to be given to a law enforcement agency in that State for the investigation of or a proceeding for the offence; and
 - (ii) when no longer required for the investigation or proceeding, is to be returned to the law enforcement agency who seized it, unless disposed of by order or direction of a court; and

- (b) a thing seized under the corresponding law that may be relevant to the investigation of an offence, or a proceeding for an offence, against the law of Queensland—
 - (i) is to be given to the commissioner; and
 - (ii) when no longer required for the investigation of an offence or a proceeding for an offence, is to be returned to the relevant law enforcement agency in the State in which it was seized, unless disposed of by order or direction of a court.
- (2) A thing returned to a law enforcement agency under an arrangement under subsection (1), unless it can lawfully be returned to its owner, is a thing for which an application may be made under section 695.

723 Commissioner may make arrangements

The commissioner may, under an arrangement between the commissioner and the chief executive of a department or the chief executive officer of another agency, transfer the possession of a relevant thing to the chief executive or chief executive officer if, in the circumstances, it would be appropriate for the thing to be dealt with under another Act.

Example—

It may be appropriate for the commissioner to transfer the possession of explosives to the chief executive of the department responsible for the administration of the *Explosives Act 1999* for safe keeping or destruction of the explosives.

Division 9 Evidentiary provisions

724 Evidentiary provision about particular things in the possession of the police service

- (1) This section applies in relation to a running statement.

[s 724]

- (2) A certificate signed by the commissioner and stating a document attached to the certificate is a copy of a running statement is evidence of what is stated.
- (3) Also, the copy of the running statement is evidence of what is stated in the running statement.
- (4) If, in a criminal proceeding, the prosecuting authority intends to rely on the certificate, it must, at least 14 business days before the hearing day, give a copy of the certificate to the defendant or the defendant's lawyer.
- (5) If the defendant intends to challenge a matter stated in the certificate, the defendant must, at least 10 business days before the hearing day, give the prosecuting authority notice, in the approved form, of the matter to be challenged.
- (6) If the defendant acts under subsection (5), the certificate stops being evidence of the matter challenged.
- (7) In this section—

hearing day means the day the hearing of the criminal proceeding starts.

prosecuting authority means the entity responsible for prosecuting the criminal proceeding.

running statement means a document that identifies itself as a running statement relating to a relevant thing in the possession of the police service that is evidence of the commission of an offence sufficiently identified in the running statement to connect it to the proceedings in which the certificate is evidence and including the following—

- (a) where and when the relevant thing was found;
- (b) who found the relevant thing;
- (c) the name of each person to whom the thing was given after it was found;
- (d) before the relevant thing was given to each person who had possession of it, the relevant thing was kept secure from tampering;

- (e) how the thing was dealt with by each person who had possession of it including, but not limited to, how, when and by whom it was transported from person to person or place to place.

Part 4 Use of dangerous drugs for training

Division 1 Preliminary

725 Object of pt 4

- (1) The object of this part is to ensure training in the police service about dangerous drugs is realistic and effective.
- (2) The object is to be achieved by putting in place arrangements—
 - (a) to allow the police service to have access to dangerous drugs for training purposes; and
 - (b) to ensure dangerous drugs in the possession of the police service for training purposes—
 - (i) are carefully handled to ensure their effectiveness for training purposes is not compromised; and
 - (ii) are subject to strict tracking and accountability requirements.

726 Definitions for pt 4

In this part—

agency arrangement means an arrangement, or series of arrangements, between the commissioner and the chief executive officer, by whatever name known, of a department

IN-CONFIDENCE

Exhibits—property (Cont.)	Arresting officer			Brief checker			Prosecutor agrees		
	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
26. Medical/Other documents subpoenaed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Without warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Premise(s) – Emergent search conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Magisterial order re emergent search	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Purpose of search explained	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Reasonable suspicion substantiated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. Search Warrant explained and executed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of warrant and Notice to Occupier served	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Warrant endorsed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of warrant attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Person(s) detained	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Officer's details provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Crime Scene Warrant obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Notice to Produce obtained	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Surveillance Warrant obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. Covert Search Warrant obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38. Protection of methodologies applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Interviews and standard safeguards

39. Suspect voluntarily accompanied police	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. Lawful arrest made pursuant to S.365 PPRA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41. Removal order (QP 0720) of person from correction/detention centre obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42. Detention period provisions correctly applied	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extension obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43. Friend or relative/lawyer notified	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friend or relative/lawyer present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44. Persons unreasonably interfering excluded	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Rights of vulnerable suspects

45. Child's interview friend present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46. Requisite capacity establishment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47. Interview friend for ATSI adult person present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48. Support person for an impaired person present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49. Interpreter present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50. Consular office/embassy notified	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51. Warning administered before questioning re indictable offence(s) commenced	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IN-CONFIDENCE

Confessions/Admissions—admissibility	Arresting officer			Brief checker			Prosecutor agrees		
	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
52. Administration of safeguards electronically recorded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53. All confessions/admissions electronically recorded	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
54. Correct procedure for reading back a written record	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55. Correct procedure adopted where suspect does not want to answer any questions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56. Correct procedure adopted where suspect later agrees to be interviewed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Arrest situations

57. Suspect advised of arrest and nature of the offence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58. Written details of arresting officer provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
59. Parent/Chief executive advised of child's arrest	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60. Arrestee served with a copy of Bench Charge Sheet(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Witnesses

61. Witnesses subpoenaed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
62. List/Availability of Witnesses (QP 0323) attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63. PACT Police Referral completed and attached (QP 0376)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Timely delivery of brief

64. Brief received by brief checker 17 days before hearing date (Brisbane committals only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65. Delivery of brief to PPC/DPP 14 days before hearing (if not, explain reasons for lateness and action taken)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Overall investigation

66. Investigation sufficient (If not, include comments over page)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67. Recommendations:									
(i) Further action by arresting officer required. (attach instructions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) Substitute or withdraw charges (report attached)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68. Comments (see over)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Arresting officer

Family name: TRUMAN Given name(s): Bradley Robert
 Rank: PCC Reg. no.: 20878 Date: 28/03/2013

Brief checker

Family name: Lorne Given name(s): Lorne
 Rank: PSC Reg. no.: 14798 Date: 29/3/13

Prosecutor

Family name: _____ Given name(s): _____
 Rank: _____ Reg. no.: _____ Date: _____



QUEENSLAND POLICE SERVICE

Assistant Commissioner's Office
Metropolitan South Regional Office
PO Box 6464 UPPER MT. GRAVATT QLD 4122
Level 1, 1993 Logan Road UPPER MT. GRAVATT QLD

TEL: (07) 3849 0333

FAX: (07) 3849 0344

WYNNUM DIST. OFFICE

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27 FEB 2013



MS Number 13/n26

Forwarded To:

- ☐ Chief Superintendent
- ☐ Inspector, RETC
- ☐ Inspector, Projects
- ☐ Inspector, PPM
- ☐ Regional Crime Coordinator
- ☐ HR Manager
- ☐ Finance Manager
- ☐ RDO
- ☐ RIRM
- ☐ HSO
- ☐ Chaplain
- ☐ District Officer, Oxley District
- ☐ District Officer, South Brisbane District
- ☒ District Officer, Wynnum District

For Information:

- ☐ Chief Superintendent
- ☐ Inspector, RETC
- ☐ Inspector, Projects
- ☐ Inspector, PPM
- ☐ Regional Crime Coordinator
- ☐ HR Manager
- ☐ Finance Manager
- ☐ RDO
- ☐ RIRM
- ☐ HSO
- ☐ Chaplain
- ☐ District Officer, OXD
- ☐ District Officer, SBD
- ☐ District Officer, WYD

Action Required:

- ☒ For Necessary Attention + *Response to Action Pcs*
- ☐ For Information & Necessary Attention
- ☐ For Attention and Report
- ☐ For Comment
- ☐ For Discussion
- ☐ Please Acknowledge Letter
- ☐ For Information Only
- ☐ Ministerial Briefing Note
- ☐ Draft Reply Please
- ☐ Ministerial Reply
- ☐ For Filing
- ☒ Other

Due Date for Action

/ /

[Signature]
B J Carter
A/Assistant Commissioner
METROPOLITAN SOUTH REGION

25/2/13

This question/issue has not been acknowledged

BAIL:

- ✓ ☒ [X] Allowed bail - Undertaking forwarded OD CDPP
- ☐ [] Bail allowed but not entered
- ☐ [] Supreme Court Bail
- ☐ [] Remanded in custody
- ☐ [] Committal Bail (Registry - Varied)
- ☐ [] Childrens Court of Queensland Bail

DOCUMENTS ATTACHED:

- Refer Index to Brief*
- ☐ [] List of Witnesses
- ☐ [] List of Exhibits
- ☐ [] List of Other Exhibits

} DPP

NIL EXH Rcd.

Contact officer: Officer of the Court, CLEVELAND

Contact phone: (07) 3383 0733

Office of Director of
Public Prosecutions
GPO Box 2403
BRISBANE, QLD 4001

Deputy Sheriff
Supreme and District Courts
PO Box 15167
CITY EAST, QLD 4002

2/5/14

BAIL:

- ✓ [X] Allowed bail - Undertaking forwarded ODI & CDDP
- [] Bail allowed but not entered
- [] Supreme Court Bail
- [] Remanded in custody
- [] Committal Bail (Registry - Varied)
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DOCUMENTS ATTACHED:

- [] List of Witnesses
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} DPP

NIL EXH Rcd.
H.

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2/5/14.

- a. an offence of a sexual nature as defined in s. 21AC of the *Evidence Act 1977*; or
 - b. an offence involving violence as defined in s. 21AC of the *Evidence Act 1977*; and the child and the defendant have or had a prescribed relationship pursuant to section 21AC of the *Evidence Act 1977*.
3. The child witness is under 16, or a child aged 16 or 17 who also satisfies the definition of a special witness under section 21AC of the *Evidence Act 1977*.
 4. The child is a witness and NOT the defendant in this proceeding.

No.	Name of 'affected child'	Reasons witness is considered an 'affected child'

7. Notice of *Evidence Act* Section 93A Device Statement in a Relevant Proceeding (QP 0547)

Where the prosecution considers a witness statement to be an *Evidence Act* section 93A device statement a written notice (QP 0547) is to be attached: s. 590AOA(2).

8. Statements of persons who are dead or incapable of testifying [s. 590AH(2)(f) and 590C(2) (b) to (d)]

Receipt Acknowledgement


I, _____, acknowledge receipt of the above-mentioned items or copies.

Signatures:

_____	_____
(Person receiving items)	(Date)
_____	_____
(Prosecutions)	(Date)

CONTINUED STATEMENT OF: **OWERS, Craig Anthony**

6. I have then returned to the Cleveland Police Station where this video has been transferred to CD.
7. I have had no further dealings in relation to this matter.

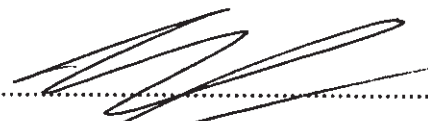

Craig Anthony OWERS

Justices Act Acknowledgement

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the *Justices Act 1886* that:

- (1) This written statement by me dated 21/04/2015 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.



.....Signature

Signed atCleveland.....this.....21st.....day of.....April.....2015....



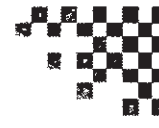
(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer
preparing statement)



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS



QP 0125
01/06
A15
Q2015-4A

Occurrence #: QP1201017263

Statement no.: _____ Date: 22/04/2015

Statement of

Name of witness: TRUMAN, BRADLEY ROBERT

Date of birth: _____ Age: _____ Occupation: Police officer

Police officer taking statement

Name of police officer: TRUMAN, BRADLEY ROBERT

Rank: Senior Constable Reg. no.: 4020878

Region/Command/Division: BRISBANE Station: CLEVELAND
CLEVELAND CIB

Statement:

Bradley Robert TRUMAN states:

Addendum Statement

1. On the Monday the 19th of April 2015 I conducted another time trial from the address of sch.4/3/3 (Point A) to Capalaba Park Shopping Centre (Point B)
2. I commenced the drive at 3:15pm, at the time there was light rain, and the traffic was reasonable heavy being school drop off time.
3. I timed how long it took for me to drive to Capalaba Park via Finucanne Road left onto Dollery Road, left onto Redland Bay Road and then right into Capalaba Park top carpark and then underground to the bottom carpark. I then parked the vehicle, walked up the escalators past Zaraffers Coffee shop and then down to where Crazy Clarks used to be, which is now the Reject Shop. I walked to the back of the store and to the cash register where there were no other persons in line and stopped the timer.

(Witness's signature)

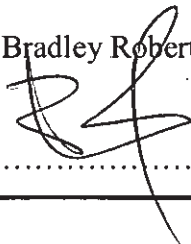
(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer preparing
statement)

CONTINUED STATEMENT OF: TRUMAN, BRADLEY ROBERT

I am able to produce this CD copy to the Court as evidence.

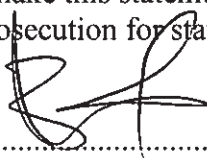
Bradley Robert TRUMAN



Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the *Justices Act 1886* that:

- (1) This written statement by me dated 22/04/2015 and contained in the pages numbered 1 to 3 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.



.....Signature

Signed at Cleveland this 22nd day of April 2015



(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer preparing
statement)

21. At about 2:19pm on that day, the defendant and his wife attended Cleveland Police Station where I returned his vehicle, vehicle key and roof racks. This conversation was recorded with the use of my digital recorder.

I am able to produce a copy of that recording

22. I obtained an indemnity receipt from the defendant for these belongings.

I am able to produce a copy of that receipt

23. During the investigation I completed notes in my Police official diary K11847 between pages 262-264.

I am able to produce of a copy of those notes

24. On the 26th day of March 2013, I completed this statement.

(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer
preparing statement)

25. I have no further dealings in this matter.


Ross DOBBIE

Justices Act Acknowledgement

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

- (1) This written statement by me dated 26/03/2013 and contained in the pages numbered 1 to 5 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Cleveland this 26th day of March 2013.


(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer
preparing statement)

Justices Act Acknowledgement

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

- (1) This written statement by me dated 20.03.2013 and contained in the pages numbered 1 to ~~2~~⁴ is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

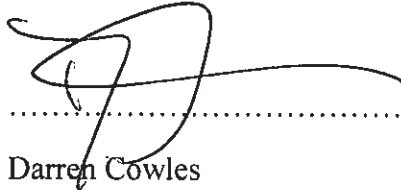
Signed at ..Cleveland..this..20th...day of..March....2013....

CONTINUED STATEMENT OF: ,

10. At the conclusion of my conversation I completed a traffic infringement notice in relation a speeding offence.

11. **I am able to produce a copy of this completed traffic infringement notice.**

12. I had no further involvement in this matter to date.

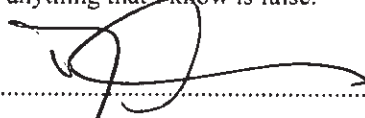

.....
Darren Cowles

Justices Act Acknowledgement

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

- (1) This written statement by me dated 20th day of October 2012 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.


.....Signature
Signed at Cleveland Police Station this 15th day of October 2012

(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer
preparing statement)

CONTINUED STATEMENT OF: JEFFS, GARY ROBERT

29. On the 15th of January 2013 I attended the Cleveland Police Station to provide this statement to Plain Clothes Constable Brad TRUMAN.

Gary Robert JEFFS



Justices Act Acknowledgement

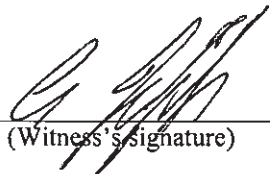
Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

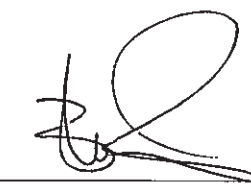
- (1) This written statement by me dated 15/01/2013 and contained in the pages numbered 1 to 5 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Cleveland this 15th day of Jan 2013.


(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer preparing
statement)