

1992—No. 576

SEARCH WARRANTS ACT 1985—REGULATION

(Relating to the inspection of records)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Search Warrants Act 1985, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD,
Attorney General.

The Search Warrants Regulation 1986 is amended by inserting after clause 9 the following clause:

Certified records not available for inspection

10. (1) Any authorised justice may issue a certificate to the effect that:

- a record or part of a record relating to a search warrant kept at a Local Court under clause 9 contains matter or matters that might disclose the identity of a person; and
- the justice is satisfied that the safety of any person might be jeopardised by the disclosure of the matter or matters.

(2) A record or part of a record to which a certificate relates is not to be made available for inspection under clause 9 (3).

(3) A certificate may be issued by the justice at any time after the search warrant is issued.

(4) A certificate is to be kept with the record or part of the record to which it relates.

(5) Any authorised justice may revoke a certificate if satisfied that the disclosure of the matter or matters to which the certificate relates is not likely to place the safety of any person in jeopardy.

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(6) This clause has effect in relation to search warrants whether issued before or after its commencement.

EXPLANATORY NOTE

Section 13 (1) of the Search Warrants Act 1985 requires an authorised justice who issues a search warrant to cause a record to be kept of all the relevant particulars on which the justice relied in issuing the warrant. Section 13 (3) provides that an authorised justice must not cause to be recorded any matter that might disclose the identity of a person if the justice is satisfied that the safety of any person might be jeopardised as a result.

Section 13 (2) of the Act enables regulations to be made concerning the keeping and inspection of records. Clause 9 (1) of the Search Warrants Regulation 1986 requires a record to be kept at a Local Court after the issue of a search warrant of the application for the search warrant, a copy of the notice to the occupier and the report on the execution of the warrant. Clause 9 (3) allows an occupier of the premises to which the warrant relates or a person on the occupier's behalf to inspect that record.

The object of this Regulation is to insert clause 10 into the Search Warrants Regulation 1986 to ensure that an authorised justice has the power to prevent the inspection of a record or part of a record if it contains material the disclosure of which might place in jeopardy any person's safety. The clause has effect with respect to search warrants issued before and after its commencement.
