

MISCELLANEOUS ACTS (SEARCH WARRANTS)  
AMENDMENT ACT, 1985, No. 38

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 38, 1985.

An Act to amend the Crimes Act, 1900, and certain other Acts consequent upon and in connection with the enactment of the Search Warrants Act, 1985, and for other purposes. [Assented to, 26th April, 1985.]

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Miscellaneous Acts (Search Warrants) Amendment Act, 1985".

**Commencement.**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this Act.

**(2)** Except as provided by subsections (1) and (3), this Act shall commence on the day appointed and notified under section 2 (2) of the Search Warrants Act, 1985.

**(3)** If Schedule 1 to the Electricity Development (Amendment) Act, 1984, has not commenced before the day referred to in subsection (2), the amendments made by this Act to the Electricity Development Act, 1945, shall commence on the date on which that Schedule commences.

**Amendments.**

**3.** Each Act specified in Schedule 1 is amended in the manner specified in that Schedule in relation to that Act.

**Savings provisions—existing warrants.**

**4. (1)** In this section, "appointed day" means the day referred to in section 2 (2).

**(2)** A warrant issued, before the appointed day, under an enactment amended or repealed by this Act may be executed as if this Act had not been enacted.

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(3) The Search Warrants Act, 1985, does not apply to a warrant referred to in subsection (2).

(4) Unless it sooner ceases to have effect, a warrant referred to in subsection (2) ceases to have effect on the expiration of the period of 1 month after the appointed day.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS.

**Bread Act, 1969, No. 54—**

(1) Section 26—

Omit the section.

(2) Schedule 3—

Omit the Schedule.

**Canned Fruits Marketing Act, 1979, No. 195—**

(1) Section 22 (2)–(4)—

Omit the subsections, insert instead:—

(2) An authorized person may apply to an authorized justice for a search warrant if the authorized person has reasonable grounds for believing—

(a) that there are on any premises canned fruits of any season;  
or

(b) that there are on any premises books, documents or other papers relating to canned fruits of any season.

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(3) An authorized justice to whom an application is made under subsection (2) may—

- (a) if satisfied that there are reasonable grounds for doing so; and
- (b) without affecting the generality of paragraph (a), if satisfied that the issue of the warrant is reasonably required for purposes of, or related to the operation of, this Act,

issue a search warrant authorizing an authorized person named in the warrant to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) Section 22 (5), (6)—

Omit “a warrant granted under subsection (3)” wherever occurring, insert instead “a search warrant issued under this section”.

(3) Section 22 (9), definition of “authorized justice”—

Before the definition of “authorized person”, insert:—

“authorized justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department;

**Cattle Slaughtering and Diseased Animals and Meat Act, 1902, No. 36—**

Section 14—

Omit the section.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Child Welfare Act, 1939, No. 17—**

Section 145—

Omit the section, insert instead:—

**Issue of search warrant.**

145. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) An officer or a member of the police force may apply to an authorised justice for a search warrant if the officer or member of the police force has reasonable grounds for believing that a provision of this Act has been or is being contravened in any house, building or place.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an officer or member of the police force named in the warrant—

- (a) to enter the house, building or place; and
- (b) to inspect the house, building or place for evidence of a contravention of this Act.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Community Welfare Act, 1982, No. 76—**

Section 295 (5)–(6)—

Omit section 295 (5) and (6), insert instead:—

(5) An officer or a member of the police force may apply to an authorised justice (within the meaning of the Search Warrants Act, 1985) for a search warrant if the officer or member of the police force has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened at any premises.

(5A) An authorised justice to whom an application is made under subsection (5) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an officer or officers named in the warrant, together with any medical practitioner or medical practitioners so named—

- (a) to enter the premises; and
- (b) to inspect the premises for evidence of a contravention of this Act or the regulations.

(5B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(6) Without limiting the generality of section 18 of the Search Warrants Act, 1985, a member of the police force—

- (a) may accompany an officer executing a search warrant issued under this section; and
- (b) may take all reasonable steps to assist the officer in the exercise of the officer's functions under this Act or the regulations.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Crimes Act, 1900, No. 40—**

(1) (a) Section 1—

From the matter relating to Part X, omit “SEARCH WARRANTS”, insert instead “POWERS OF SEARCH”.

(b) Section 1—

From the matter relating to Part X, omit the matter relating to item (2), insert instead:—

(2) *Powers of search.*—*ss. 357A–357E.*

(2) Part X, heading—

Omit “SEARCH WARRANTS”, insert instead “POWERS OF SEARCH”.

(3) Section 354, heading—

Omit the heading.

(4) Sections 354–357—

Omit the sections.

(5) Section 357A, heading—

Before section 357A, insert:—

*Powers of search.*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(6) (a) Section 357G (1) (b)—

Omit the paragraph, insert instead:—

(b) a stipendiary magistrate includes a reference to a Justice employed in Local Courts Administration, Attorney General's Department.

(b) Section 357G (2)—

Omit the subsection.

**Dairy Industry Act, 1979, No. 208—**

(1) Section 20 (7)—

Omit "(2)".

(2) Section 104—

Omit the section, insert instead:—

**Search warrant.**

104. (1) In this section—

“authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General's Department;

“authorised officer” means a person appointed to be an authorised officer under section 20 (1).



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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) An authorised officer may apply to an authorised justice for a search warrant if the authorised officer has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any dwelling.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised officer named in the warrant, when accompanied by a member of the police force—

- (a) to enter the dwelling; and
- (b) to search the dwelling for evidence of a contravention of this Act or the regulations.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Dangerous Goods Act, 1975, No. 68—**

Section 42—

Omit the section, insert instead:—

**Search warrant.**

42. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any dwelling-house.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant, when accompanied by a member of the police force—

- (a) to enter the dwelling-house; and
- (b) to search the dwelling-house for evidence of a contravention of this Act or the regulations.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Dental Technicians Registration Act, 1975, No. 40—**

(1) Section 25 (2)–(2B)—

Omit section 25 (2), insert instead:—

(2) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any premises.

(2A) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

- (a) to enter the premises; and
- (b) to make such inquiries in the premises as the inspector thinks fit.

(2B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 25 (4)—

After section 25 (3), insert:—

(4) In this section, “authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

**Dentists Act, 1934, No. 10—**

(1) Section 5 (3)–(3B)—

Omit section 5 (3), insert instead:—

(3) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any premises.

(3A) An authorised justice to whom an application is made under subsection (3) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

(a) to enter the premises; and

(b) to make such enquiries in the premises as the inspector thinks fit.

(3B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 5 (5)—

After section 5 (4), insert:—

(5) In this section, “authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

**Disorderly Houses Act, 1943, No. 6—**

(1) Section 10 (e)—

Omit “seize”, insert instead “search such premises for, and seize”.

(2) Section 13—

Omit the section, insert instead:—

**Suspected premises—issue of search warrant.**

13. (1) In this section, “authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the Police Force may apply to an authorised justice for a search warrant if the member of the Police Force has reasonable grounds for believing that any of the conditions referred to in section 3 (1) obtain, and are commonly reported to obtain, in respect of any premises.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the Police Force—

- (a) to enter the premises; and
- (b) to search the premises for, and to seize, any liquor or drug or any drinking glass, vessel, container or device referred to in section 10 (e).

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(3) Section 13A (2), (4)—

Omit “special warrant” wherever occurring, insert instead “search warrant”.

**Egg Industry Act, 1983, No. 57—**

(1) (a) Section 52 (4)—

Omit the subsection.

(b) Section 52 (6)–(9)—

After section 52 (5), insert:—

(6) An inspector may apply to an authorised justice (within the meaning of the Search Warrants Act, 1985) for a search warrant if the inspector has been delayed, obstructed, hindered or impeded in the exercise of the inspector’s functions under subsection (1) in or on any land, premises or place.

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SCHEDULE 1—*continued*.

AMENDMENTS—*continued*.

(7) An authorised justice to whom an application is made under subsection (6) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant to enter the land, premises or place for the purpose of exercising the inspector's functions under subsection (1).

(8) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(9) Without affecting the generality of section 18 of the Search Warrants Act, 1985, a member of the police force—

- (a) may accompany an inspector executing a search warrant issued under this section; and
- (b) may take all reasonable steps to assist the inspector in the exercise of the inspector's functions under subsection (1).

(2) (a) Sections 53 (2)–(2c)—

Omit section 53 (2), insert instead:—

(2) An inspector may apply to an authorised justice (within the meaning of the Search Warrants Act, 1985) for a search warrant if the inspector has reasonable grounds for believing that the number of hens kept by a person in or on any land, premises or place exceeds the permissible number.

(2A) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant to enter the land, premises or place for the purpose of exercising the inspector's functions under this section.

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(2B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2C) Without affecting the generality of section 18 of the Search Warrants Act, 1985, a member of the police force—

- (a) may accompany an inspector executing a search warrant issued under this section; and
- (b) may take all reasonable steps to assist the inspector in the exercise of the inspector's functions under this section.

(b) Section 53 (3)—

Omit "warrant", insert instead "search warrant issued".

(c) Section 53 (10)—

Omit the subsection.

**Electricity Development Act, 1945 (1946, No. 13)—**

(1) Section 21F (2)—

Omit "warrant", insert instead "search warrant".

(2) Section 21I—

Omit the section, insert instead:—

**Search warrant.**

21I. (1) In this section—

"authorised justice" means—

- (a) a Magistrate; or

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) a justice of the peace employed in Local Courts Administration, Attorney General's Department;

“authorised person” means a person authorised under section 21F (2).

(2) An authorised person may apply to an authorised justice for a search warrant if the authorised person has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any dwelling.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised person named in the warrant to enter the dwelling for the purpose of exercising the authorised person's functions under section 21F.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Environmentally Hazardous Chemicals Act, 1985—**

Section 46—

Omit the section, insert instead:—

**Search warrant.**

46. (1) In this section, “authorised justice” means—
- (a) a Magistrate; or
  - (b) a justice of the peace employed in Local Courts Administration, Attorney General's Department.



*Miscellaneous Acts (Search Warrants) Amendment 1985***SCHEDULE 1—continued.****AMENDMENTS—continued.**

(2) An authorised officer may apply to an authorised justice for a search warrant if the authorised officer has reasonable grounds for believing that a provision of this Act, the regulations or a chemical control order has been or is being contravened in or on any dwelling or land used in connection with any dwelling.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised officer named in the warrant, when accompanied by a member of the police force—

- (a) to enter the dwelling or land and therein to exercise the powers specified in section 45 (1); and
- (b) to search the dwelling and land for evidence of a contravention of this Act, the regulations or a chemical control order.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Film and Video Tape Classification Act, 1984, No. 155—**

(1) (a) Section 39 (1)—

Omit the subsection, insert instead:—

(1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(b) Section 39 (2)—

Omit “subsection (1)”, insert instead “this section”.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Section 39 (3)–(5)—

After section 39 (2), insert:—

(3) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing—

- (a) that an offence against this Act or the regulations has been or is to be committed; and
- (b) that there is in or on any premises a thing connected with the offence.

(4) An authorised justice to whom an application is made under subsection (3) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force—

- (a) to enter the premises;
- (b) to search the premises for, and to seize, things of the kind referred to in subsection (3) (b); and
- (c) on the premises or elsewhere, to screen, by means of any suitable apparatus or equipment (whether found in or on the premises or not) any film found in or on the premises.

(5) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) Section 40—

Omit the section.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) Section 41 (3) (b)—

Omit “have been or are intended to be used for the purpose of committing an offence against this Act or the regulations”, insert instead “are connected with an offence against this Act or the regulations (as referred to in section 39 (2))”.

**Firearms and Dangerous Weapons Act, 1973, No. 38—**

(1) Section 76—

Omit the section.

(2) Section 78—

Omit “76 or”.

**Fisheries and Oyster Farms Act, 1935, No. 58—**

Section 20G—

Omit the section, insert instead:—

**Search warrant.**

20G. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that live noxious fish are located on any land.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

- (a) to enter the land; and
- (b) to search the land for, and to seize and destroy, any noxious fish on the land.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Gaming and Betting Act, 1912, No. 25—**

(1) Section 22—

Omit the section, insert instead:—

**Search warrant.**

22. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing that a place is kept or used as a gaming-house.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force—

- (a) to enter and search the place;
- (b) to arrest, search and bring before a Magistrate or any 2 justices of the peace all persons found in the place; and
- (c) to seize all means, contrivances or instruments of gaming, money and securities for money found in the place.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) (a) Section 25—

Omit “special warrant” wherever occurring, insert instead “search warrant issued”.

(b) Section 25—

Omit “stipendiary magistrate” wherever occurring, insert instead “Magistrate”.

(3) Section 40—

Omit the section, insert instead:—

**Search warrant.**

40. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing that a place is kept or used contrary to this Part.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force—

- (a) to enter and search the place;
- (b) to arrest, search and bring before a Magistrate or any 2 justices of the peace all persons found in the place; and
- (c) to seize all money and securities for money and all micro-phones, speakers, tape recorders, tapes or other apparatus for the recording or reproduction of sound and all lists, cards or other documents or other things whatever relating to racing or betting found in the place.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(4) Section 41—

Omit the section.

(5) Section 44A—

Omit “moneys, coins, notes, cheques, IOU’s and other writings for securing the payment of money”, insert instead “money and securities for money”.

(6) Second Schedule—

Omit the Schedule.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Indecent Articles and Classified Publications Act, 1975, No. 32—**

(1) Section 7—

Omit the section, insert instead:—

**Search warrant.**

7. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing—

- (a) that an article, being—
  - (i) a prohibited publication; or
  - (ii) an article (other than a category 1 restricted publication or a category 2 restricted publication) that may reasonably be suspected of being an indecent article, is kept in or on any premises for the purpose of being published; or
- (b) that such an article has been published in, on or from any premises.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force—

- (a) to enter the premises;

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) to search the premises for, and to seize, any articles of the kind referred to in subsection (2) (a); and
- (c) on the premises or elsewhere, to produce by means of any suitable apparatus (whether found in or on the premises or not) a sound or picture from any record found in or on the premises.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) Section 8 (1)—

Omit “a special warrant issued under section 7 (1)”, insert instead “a search warrant issued under section 7”.

(3) Section 9—

Omit “a warrant issued under section 7 (1)”, insert instead “a search warrant issued under section 7”.

**Justices Act, 1902, No. 27—**

(1) Section 29 (4)—

Omit “or any search warrant”.

(2) Section 64 (4)—

Omit “or any search warrant”.



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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Liquor Act, 1982, No. 147—**

(1) (a) Section 151 (1)—(2B)—

Omit section 151 (1) and (2), insert instead:—

(1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing—

- (a) that liquor has been sold, or is held for sale, on any premises (not being premises on which a person is authorised by this Act to sell liquor or premises that are the defined premises of a registered club); or
- (b) that liquor other than Australian wine has been sold, or is held for sale, at any premises (being premises to which an off-licence for a vigneron relates).

(2A) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force to enter and search the premises.

(2B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(b) Section 151 (3)—

Omit “granted under subsection (1)”, insert instead “issued under this section”.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) Section 151 (3) (a), (3) (b)—

Omit “subsection (1)” wherever occurring, insert instead “subsection (2)”.

(2) (a) Section 151A (1)–(2B)—

Omit section 151A (1) and (2), insert instead:—

(1) In this section, “authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing that an approved amusement device is being manufactured, assembled, supplied, offered to be supplied, sold, kept, used or operated on premises in contravention of this Act or the conditions of a licence.

(2A) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant to any member of the police force to enter and search the premises.

(2B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(b) Section 151A (3)—

Omit “granted under subsection (1)”, insert instead “issued under this section”.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Marketing of Primary Products Act, 1983, No. 176—**

(1) Section 138 (4)–(5A)—

Omit section 138 (4) and (5), insert instead:—

(4) A member of the police force or an authorised person may apply to an authorised justice for a search warrant if the member of the police force or authorised person has reasonable grounds for believing—

- (a) that there is on any premises any of the commodity that is the property of the board or committee or any of the commodity the delivery of which has been lawfully demanded by the board or committee under this Act; or
- (b) that there are on any premises accounts, documents, books or papers relating to any of the commodity.

(5) An authorised justice to whom an application is made under subsection (4) may—

- (a) if satisfied that there are reasonable grounds for doing so; and
- (b) without affecting the generality of paragraph (a), if satisfied that the issue of the warrant is reasonably required for purposes of, or related to the operation of, this Act,

issue a search warrant authorising the applicant to enter the premises for the purpose of exercising any of the functions of an authorised person under this section.

(5A) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(2) Section 138 (9), definition of “authorised justice”—

Before the definition of “commodity”, insert:—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department;

**Medical Practitioners Act, 1938, No. 37—**

Section 39AA—

Omit the section, insert instead:—

**Search warrant.**

39AA. (1) In this section—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department;

“authorised person” means a person authorised as referred to in section 39 (2).

(2) An authorised person may apply to an authorised justice for a search warrant if the authorised person has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any premises.

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised person named in the warrant—

- (a) to enter the premises; and
- (b) to exercise in the premises the functions of the authorised person under section 39.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**National Parks and Wildlife Act, 1974, No. 80—**

(1) Section 164 (2) (c)—

Omit “except under written authority given by the Minister”, insert instead “except under the authority of a search warrant issued under this section”.

(2) Section 164 (3)—

Omit the subsection.

(3) Section 164 (5)–(9)—

Omit section 164 (5)–(7), insert instead:—

(5) The Director or an officer of the Service duly authorised by the Director may apply to an authorised justice for a search warrant if the Director or officer has reasonable grounds for believing—

- (a) that an offence against a provision of this Act, the regulations or the by-laws has been committed; and

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(b) that there may be an animal, native plant, relic or article in respect of which any such offence has been committed, or which has been used in connection with any such offence, on any premises or vehicle.

(6) An authorised justice to whom an application is made under subsection (5) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising the applicant to enter and search the premises or vehicle.

(7) A person executing a search warrant issued under this section may exercise the power of seizure under subsection (1) (a).

(8) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(9) In this section, “authorised justice” means—

(a) a Magistrate; or

(b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

**Noise Control Act, 1975, No. 35—**

Section 61 (1) (a) (ii)—

Omit the subparagraph, insert instead:—

(ii) a stipendiary magistrate includes a reference to a justice of the peace employed in Local Courts Administration, Attorney General’s Department; and

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

**Noxious Microbes Act, 1900, No. 23—**

Section 17—

Omit the section.

**Pesticides Act, 1978, No. 57—**

Section 72—

Omit the section, insert instead:—

**Search warrant.**

72. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being contravened in any dwelling-house.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant, when accompanied by a member of the police force—

- (a) to enter the dwelling-house; and
- (b) to search the dwelling-house for evidence of a contravention of this Act or the regulations.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

SCHEDULE 1—*continued.*AMENDMENTS—*continued.***Physiotherapists Registration Act, 1945, No. 9—**

## (1) Section 18 (3)–(3B)—

Omit section 18 (3), insert instead:—

(3) An inspector may apply to an authorised justice for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been, or is being, contravened in any premises.

(3A) An authorised justice to whom an application is made under subsection (3) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant—

- (a) to enter the premises; and
- (b) to make such inquiries in the premises as the inspector thinks fit.

(3B) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

## (2) Section 18 (5)—

After section 18 (4), insert:—

(5) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

**Poisons Act, 1966, No. 31—**

## (1) (a) Section 43 (2), (3), (5)—

Omit the subsections.



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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(b) Section 43 (3A)—

Omit “or (3)”.

(2) Section 43A—

Omit the section.

**Prevention of Cruelty to Animals Act, 1979, No. 200—**

Section 27—

Omit the section, insert instead:—

**Search warrant.**

27. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A person may apply to an authorised justice for a search warrant if the person has reasonable grounds for believing that there is, in any premises, an animal in respect of which an offence against this Act or the regulations—

- (a) is, or is suspected of, being committed;
- (b) has, or is suspected of having, been committed; or
- (c) is, or is suspected of being, about to be committed.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an officer named in the warrant, together with any person so named—

- (a) to enter and search the premises; and
- (b) to inspect and examine any animal which is in the premises.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(5) Without affecting the generality of section 18 of the Search Warrants Act, 1985, a member of the police force may accompany an officer executing a search warrant issued under this section.

**Prostitution Act, 1979, No. 71—**

Section 9—

Omit the section, insert instead:—

**Search warrant.**

9. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A member of the police force may apply to an authorised justice for a search warrant if the member of the police force has reasonable grounds for believing that section 6 or 7 is being contravened with respect to any premises.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising any member of the police force—

- (a) to enter and search the premises;

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) to arrest, search and bring before a justice of the peace any person who is, or appears to have been, contravening either section 6 or 7; and
- (c) to seize any article that may be evidence of such a contravention.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Public Health Act, 1902, No. 30—**

- (1) Section 96 (2)–(4)—

Omit the subsections.

- (2) Section 96A—

After section 96, insert:—

**Search warrant.**

96A. (1) In this section, “authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in Local Courts Administration, Attorney General’s Department.

(2) A person acting for the Minister, Secretary or local authority may apply to an authorised justice for a search warrant if admission to premises referred to in section 96 has been refused or if the person has reasonable grounds for believing—

- (a) that admission to any such premises is likely to be refused;
- (b) that any such premises are unoccupied or the occupier or person in charge is temporarily absent therefrom; or

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(c) that a provision of this Act, the regulations or the by-laws has been, or is being, contravened in any such premises.

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising a person named in the warrant to enter the premises.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

**Pure Food Act, 1908, No. 31—**

(1) Section 22 (3)–(4A)—

Omit section 22 (3) and (4), insert instead:—

(3) An inspector may apply to an authorised justice (within the meaning of the Search Warrants Act, 1985) for a search warrant if admission to a place or vehicle referred to in subsection (1) (a) has been refused or if the inspector has reasonable grounds for believing—

- (a) that admission to any such place or vehicle is likely to be refused; or
- (b) that any such place or vehicle is unoccupied or the occupier or person in charge is temporarily absent therefrom.

(4) An authorised justice to whom an application is made under subsection (3) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant to enter the place or vehicle.

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

(4A) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) Section 22 (5)—

Omit “warrant issued under subsection (3)”, insert instead “a search warrant issued under this section”.

(3) Section 22 (6)—

Omit “warrant issued under subsection (3)”, insert instead “search warrant issued under this section”.

**Sunday (Service of Process) Act, 1984, No. 45—**

Section 3 (2)—

After “person”, insert “or for the entry into or search of any premises”.

**Venereal Diseases Act, 1918, No. 46—**

Section 26—

Omit the section.

**Wheat Marketing Act, 1984, No. 115—**

(1) Section 27 (2)-(4)—

Omit the subsections, insert instead:—

(2) A member of the police force or an authorized person may apply to an authorized justice for a search warrant if the member of

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

the police force or authorized person has reasonable grounds for believing—

- (a) that there is on any premises—
  - (i) wheat that is the property of the Board and is not in the possession of the Board;
  - (ii) wheat that is required by this Act to be delivered to the Board; or
  - (iii) wheat in respect of which an offence against this Act or the regulations has been committed; or
- (b) that there are on any premises books, documents or other papers relating to wheat or wheat products.

(3) An authorized justice to whom an application is made under subsection (2) may—

- (a) if satisfied that there are reasonable grounds for doing so; and
- (b) without affecting the generality of paragraph (a), if satisfied that the issue of the warrant is reasonably required for purposes of, or related to the operation of, this Act,

issue a search warrant authorizing the applicant to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(4) Part III of the Search Warrants Act, 1985, applies to a search warrant issued under this section.

(2) Section 27 (9), definition of “authorized justice”—

Before the definition of “authorized person”, insert:—

“authorized justice” means—

- (a) a Magistrate; or

*Miscellaneous Acts (Search Warrants) Amendment 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS—*continued.*

- (b) a justice of the peace employed in Local Courts Administration, Attorney General's Department;