



New South Wales

# Law Enforcement (Controlled Operations) Amendment Regulation 2009

under the

Law Enforcement (Controlled Operations) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law Enforcement (Controlled Operations) Act 1997*.

ANTHONY KELLY, MLC  
Minister for Police

## Explanatory note

The objects of this Regulation are:

- (a) to amend the *Law Enforcement (Controlled Operations) Act 1997* to prescribe the *Crimes (Controlled Operations) Act 2004* of Victoria as a corresponding law, in order to recognise Victoria as a participating jurisdiction for the purposes of cross-border controlled operations, and
- (b) to amend the *Law Enforcement (Controlled Operations) Regulation 2007*:
  - (i) to specify the matters that must be included in a report about an authorised controlled operation that a principal law enforcement officer for an operation must make within 2 months after completing the operation, and
  - (ii) to require the form in which a formal variation of authority is granted to specify whether the application for the variation was a formal or urgent application (that is, a written or oral application).

This Regulation is made under the *Law Enforcement (Controlled Operations) Act 1997*, including sections 4, 10, 15 and 31 (the general regulation-making power).

## **2009 No 340**

Clause 1            Law Enforcement (Controlled Operations) Amendment Regulation 2009

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# **Law Enforcement (Controlled Operations) Amendment Regulation 2009**

under the

Law Enforcement (Controlled Operations) Act 1997

### **1 Name of Regulation**

This Regulation is the *Law Enforcement (Controlled Operations) Amendment Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

### **3 Amendment of Law Enforcement (Controlled Operations) Act 1997**

#### **Schedule 1 Corresponding laws**

Insert at the end of the Schedule:

*The Crimes (Controlled Operations) Act 2004* of Victoria

## **Schedule 1      Amendment of Law Enforcement (Controlled Operations) Regulation 2007**

### **[1] Clause 9**

Omit the clause. Insert instead:

#### **9 Matters to be included in report: section 15**

A report referred to in section 15 of the Act with respect to an authorised operation must include the following matters:

- (a) the date and time when the operation began and its duration,
- (b) the nature of the controlled conduct engaged in for the purposes of the operation,
- (c) details of the outcome of the operation,
- (d) if the operation involved any illicit goods (within the meaning of Part 3A of the Act), a statement (to the extent known) of:
  - (i) the nature and quantity of the illicit goods, and
  - (ii) the route through which the illicit goods passed in the course of the operation,
- (e) details of any loss of, or serious damage to, property or any personal injuries occurring in the course of, or as a direct result of, the operation.

### **[2] Schedule 1 Forms**

Insert “The Application was a \*formal/urgent Application.” at the end of item 1 in Form 3.