

Terrorism (Police Powers) Regulation 2005

[2005-548]



New South Wales

Status Information

Currency of version

Repealed version for 16 December 2010 to 31 August 2011 (accessed 26 November 2024 at 18:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2011.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Terrorism (Police Powers) Regulation 2005



New South Wales

1 Name of Regulation

This Regulation is the *Terrorism (Police Powers) Regulation 2005*.

2 Commencement

This Regulation commences on 13 September 2005.

3 Definitions

In this Regulation:

eligible Judge has the same meaning as in Part 3 of the Act.

the Act means the *Terrorism (Police Powers) Act 2002*.

4 Delegation of powers to give authorisation

- (1) For the purposes of section 27E (2) (a) of the Act, the position of the Assistant Commissioner responsible for counter terrorism is prescribed.
- (2) For the purposes of section 27E (2) (b) of the Act, the position of the Assistant Commissioner responsible for counter terrorism investigations is prescribed.
- (3) For the purposes of section 27F (2) of the Act, the position of Assistant Commissioner is prescribed.

5 Keeping and inspection of records

- (1) For the purposes of section 27L (2) of the Act, the following documents must be kept in relation to each covert search warrant that is issued:
 - (a) any written application for the warrant,
 - (b) any record relating to the warrant made by or on behalf of an eligible Judge,
 - (c) a copy of any occupier's notice,
 - (d) any report on the execution of the warrant.

- (2) During the hours that the Supreme Court registry is open to the public, the documents may be inspected by the occupier of the premises to which the covert search warrant relates or by any other person who is given an occupier's notice relating to the warrant under the Act.

6 Certified records not available for inspection

- (1) An eligible Judge may at any time issue a certificate to the effect that the Judge is satisfied that:
 - (a) a document or part of a document referred to in clause 5 contains matter:
 - (i) that could disclose a person's identity, and
 - (ii) that, if disclosed, is likely to jeopardise that or any other person's safety, or
 - (b) a document or part of a document referred to in clause 5 contains matter that, if disclosed, may seriously compromise the investigation of any matter.
- (2) The document or part of the document to which the certificate relates is not to be made available for inspection under clause 5 (2).
- (3) The certificate is to be kept with the document to which it relates.
- (4) An eligible Judge (whether or not the one that issued the certificate) may revoke the certificate if satisfied (after consideration of submissions from any interested party) that disclosure of the matter to which it relates is no longer likely to jeopardise any person's safety or seriously compromise the investigation of any matter.

7 Approved forms

The Attorney General may approve such forms as may be necessary or convenient for the administration of the Act.

8 Exclusion of certain provisions of [Crimes \(Administration of Sentences\) Act 1999](#)

For the purposes of section 26X of the Act, the following provisions are excluded:

- (a) sections 19-22, 25-38, 41C-41D, 47-50, 66-71, 79 (i), (j), (k) and (l) and 228 of the [Crimes \(Administration of Sentences\) Act 1999](#),
- (b) clauses 6 (f), 12-21, 60, 62, 70-82, 104-109, 155-157, and 159 (to the extent that it would enable an inmate to speak to the Official Visitor) of, and items 6 and 7 of Schedule 1 to, the [Crimes \(Administration of Sentences\) Regulation 2008](#).