



**Criminal Law
Review Division**
Attorney General's
department of nsw

Commencement of the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act 2009* and the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Regulation 2009*

The *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act 2009* (the Act) and the *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Regulation 2009* (the Regulation) will commence on 29 May 2009.

The object of the Act is to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* (the principal Act) to enable Supreme Court judges to issue search warrants (called covert search warrants) that, in addition to authorising the exercise of powers currently able to be exercised under standard search warrants, also enable specially authorised police officers and staff of the New South Wales Crime Commission and the Police Integrity Commission to enter and search premises covertly for the purposes of investigating serious criminal offences. Service of occupier's notices in relation to covert search warrants may be deferred for up to 6 months (with possible extensions up to 3 years) after entry to the premises. The Act also amends the principal Act to create new powers in relation to the search and examination of computers.

The object of the Regulation is to provide for the form of covert search warrants and other related documents as a consequence of the above amendments. In particular, the Regulation amends the form of certain existing search warrants and related documents under Part 5 of the principal Act and provides for the form of the following:

- (a) an application for a covert search warrant,
- (b) records to be made by or on behalf of eligible issuing officers in relation to their determination of such applications,
- (c) a notice required under the Act to be given to occupiers of premises at which covert search warrants are executed, and to occupiers of premises adjoining such premises,
- (d) reports to eligible Judges on the execution of covert search warrants.

The Regulation is made under the principal Act, including sections 66, 67, 67B, 74, 74A and 238 (the general regulation-making power).