



## Crimes Regulations 2019

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 25 July 2019

David Hurley  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## Part 1—Preliminary

### 1 Name

This instrument is the *Crimes Regulations 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	27 July 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

- (1) Subject to subsection (2), this instrument is made under the *Crimes Act 1914*.
- (2) Division 2 of Part 11 is made under the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) chief officer;
- (b) controlled operation;
- (c) designated offence.

In this instrument:

*Act* means the *Crimes Act 1914*.

**aviation security offence** means an offence against:

- (a) the *Crimes (Aviation) Act 1991*, other than section 15 (certain offences committed on aircraft); or
- (b) Part 5.3 of the *Criminal Code* (terrorism).

**drug offence** means an offence constituted by the production, possession, supply, import or export of a substance that is:

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- (a) a narcotic substance within the meaning of the *Customs Act 1901*; or
- (b) a drug within the meaning of:
  - (i) subregulation 9A(1) of the *Customs (Prohibited Exports) Regulations 1958*; or
  - (ii) subregulation 5(20) of the *Customs (Prohibited Imports) Regulations 1956*.

**forensic scientist** means a person engaged (whether as an employee or otherwise) in that capacity by the Australian Federal Police or the police force or police service of a State or Territory.

**forensic technician** means a person engaged (whether as an employee or otherwise) in that capacity by the Australian Federal Police or the police force or police service of a State or Territory.

**health security offence** means an offence against:

- (a) the *Crimes (Aviation) Act 1991*, other than section 15 (certain offences committed on aircraft); or
- (b) Part 5.1 or 5.3 of the *Criminal Code* (treason and terrorism); or
- (c) section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* (supply or export of goods or services to be used for a WMD program).

**maritime security offence** means an offence against:

- (a) Part 4 of the *Australian Passports Act 2005* (offences relating to Australian travel documents); or
- (b) the *Crimes (Aviation) Act 1991*, other than section 15 (certain offences committed on aircraft); or
- (c) Division 73, Chapter 5 or Division 145, 307 or 400 of the *Criminal Code* (offences relating to people smuggling, the security of the Commonwealth, forgery, border controlled drugs and plants and money laundering); or
- (d) section 233, 233A, 233BAA or 233BAB of the *Customs Act 1901* (smuggling and offences relating to import or export of certain goods); or
- (e) Division 10 of Part IV of the repealed *Navigation Act 1912* (dangerous goods); or
- (f) Subdivision B of Division 4 of Part 4 of Chapter 3 of the *Navigation Act 2012* (dangerous goods); or
- (g) section 9, 10, 11 or 14 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* (supply or export of goods or services to be used for a WMD program).



## Part 2—Forms

### 5 Prescribed forms

For the purposes of a provision of the Act mentioned in column 1 of an item in the following table, the form in Schedule 1 mentioned in column 2 of the item is prescribed.

<b>Prescribed forms</b>		
<b>Item</b>	<b>Column 1 Provision of the Act</b>	<b>Column 2 Form in Schedule 1</b>
1	Section 16BA	Form 1
2	Subsection 19AU(2)	Form 3
3	Subsection 19AV(2)	Form 4
4	Subsection 19AW(1)	Form 5

### 6 Optional forms

The form in Schedule 1 mentioned in column 2 of an item in the following table may be used for the purposes of the provision of the Act mentioned in column 1 of the item.

<b>Optional forms</b>		
<b>Item</b>	<b>Column 1 Provision of the Act</b>	<b>Column 2 Form in Schedule 1</b>
1	Subsection 19AS(1)	Form 2
2	Subsection 19AW(2)	Form 6
3	Paragraph 19AX(1)(b)	Form 7
4	Subsection 19AX(2)	Form 8
5	Subsection 19AZ(2)	Form 9
6	Paragraph 19B(1)(d)	Form 10
7	Paragraph 20(1)(a)	Form 11
8	Paragraph 20(1)(b)	Form 12
9	Paragraph 20BF(3)(b)	Form 13
10	Subsection 20BF(5)	Form 14
11	Subsection 20BF(6)	Form 15
12	Paragraph 20BM(3)(b)	Form 16
13	Subsection 20BM(5)	Form 17
14	Subsection 20BM(6)	Form 18
15	Paragraph 20BW(1)(a)	Form 19
16	Paragraph 20BW(1)(b)	Form 20
17	Subsection 20BW(2)	Form 21

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**Optional forms**

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<b>Item</b>	<b>Column 1</b> <b>Provision of the Act</b>	<b>Column 2</b> <b>Form in Schedule 1</b>
18	Subsection 21B(3)	Form 22

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## Part 3—Controlled operations

### 7 Corresponding State controlled operations laws

For the purposes of the definition of *corresponding State controlled operations law* in section 15GC of the Act, the provisions mentioned in column 3 of an item in the following table of the law mentioned in column 2 of the item, as in force from time to time, are prescribed.

<b>Corresponding State controlled operations laws</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Law</b>	<b>Column 3 Provisions</b>
1	New South Wales	<i>Law Enforcement (Controlled Operations) Act 1997</i> (NSW)	All
2	Victoria	<i>Crimes (Controlled Operations) Act 2004</i> (Vic.)	All
3	Queensland	<i>Crime and Corruption Act 2001</i> (Qld)	Part 6A of Chapter 3
4	Queensland	<i>Police Powers and Responsibilities Act 2000</i> (Qld)	(a) Chapter 11; and (b) Divisions 1 and 3 of Part 5 of Chapter 24
5	Western Australia	<i>Criminal Investigation (Covert Powers) Act 2012</i> (WA)	Part 2
6	Tasmania	<i>Police Powers (Controlled Operations) Act 2006</i> (Tas.)	All
7	Australian Capital Territory	<i>Crimes (Controlled Operations) Act 2008</i> (ACT)	All
8	Northern Territory	<i>Police (Special Investigative and Other Powers) Act 2015</i> (NT)	Part 2

### 8 Requirements for indemnification of participants against civil liability

For the purposes of paragraph 15HB(f) of the Act, the following requirements are specified:

- (a) the participant must notify the chief officer of the authorising agency for the controlled operation in writing, and as soon as practicable, of:
  - (i) any conduct in which the participant engages, in the course of and for the purposes of the controlled operation, that is likely to result in legal proceedings against the participant or the Commonwealth; and
  - (ii) any proceedings arising in relation to liability that the participant may have incurred because of conduct engaged in by the participant in the course of, and for the purposes of, the controlled operation;
- (b) in any proceedings in relation to conduct engaged in by the participant in the course of, and for the purposes of, the controlled operation, the participant must:
  - (i) authorise the Commonwealth to control the conduct of the defence; and

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- (ii) if the Commonwealth requires—accept the Australian Government Solicitor or another nominated legal practitioner as the participant’s legal representative; and
  - (iii) give, and authorise the participant’s legal representative to give, to the Commonwealth, all assistance and information required by the Commonwealth in relation to the conduct of the proceedings; and
  - (iv) if an award of costs is made in the participant’s favour—take all steps directed by the Commonwealth to recover the award; and
  - (v) if the participant recovers any costs—pay the recovered costs to the Commonwealth;
- (c) the participant must not make any written or oral agreement to settle any proceedings in relation to conduct engaged in by the participant in the course of, and for the purposes of, the controlled operation, in full or in part, unless the terms of the agreement have been approved by the chief officer of the authorising agency.

## Part 4—Assumed identities

### 9 Corresponding assumed identity laws

For the purposes of the definition of *corresponding assumed identity law* in section 15K of the Act, the provisions mentioned in column 3 of an item in the following table of the law mentioned in column 2 of the item, as in force from time to time, are prescribed.

<b>Corresponding assumed identity laws</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Law</b>	<b>Column 3 Provisions</b>
1	New South Wales	<i>Law Enforcement and National Security (Assumed Identities) Act 2010</i> (NSW)	All
2	Victoria	<i>Crimes (Assumed Identities) Act 2004</i> (Vic.)	All
3	Queensland	<i>Crime and Corruption Act 2001</i> (Qld)	Part 6B of Chapter 3
4	Queensland	<i>Police Powers and Responsibilities Act 2000</i> (Qld)	(a) Chapter 12; and (b) Divisions 1 and 4 of Part 5 of Chapter 24
5	Western Australia	<i>Criminal Investigation (Covert Powers) Act 2012</i> (WA)	Part 3
6	South Australia	<i>Criminal Investigation (Covert Operations) Act 2009</i> (SA)	Part 3
7	Tasmania	<i>Police Powers (Assumed Identities) Act 2006</i> (Tas.)	All
8	Australian Capital Territory	<i>Crimes (Assumed Identities) Act 2009</i> (ACT)	All
9	Northern Territory	<i>Police (Special Investigative and Other Powers) Act 2015</i> (NT)	Part 3

### 10 Requirements for indemnification of authorised persons

For the purposes of paragraph 15KS(2)(c) of the Act, the following requirements are prescribed:

- (a) the authorised person must notify the chief officer who granted the authority in writing, and as soon as practicable, of:
  - (i) anything done by the authorised person, in the course of acquiring or using an assumed identity, that is likely to result in legal proceedings against the authorised person or the Commonwealth; and
  - (ii) any proceedings arising in relation to liability that the authorised person may have incurred because of anything done by the authorised person in the course of acquiring or using an assumed identity;
- (b) in any proceedings in relation to anything done by the authorised person in the course of acquiring or using an assumed identity, the authorised person must:

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- (i) authorise the Commonwealth to control the conduct of the defence; and
  - (ii) if the Commonwealth requires—accept the Australian Government Solicitor or another nominated legal practitioner as the authorised person’s legal representative; and
  - (iii) give, and authorise the authorised person’s legal representative to give, to the Commonwealth, all assistance and information required by the Commonwealth in relation to the conduct of the proceedings; and
  - (iv) if an award of costs is made in the authorised person’s favour—take all steps directed by the Commonwealth to recover the award; and
  - (v) if the authorised person recovers any costs—pay the recovered costs to the Commonwealth;
- (c) the authorised person must not make any written or oral agreement to settle any proceedings in relation to anything done by the authorised person in the course of acquiring or using an assumed identity, in full or in part, unless the terms of the agreement have been approved by the chief officer.

## Part 5—Witness identity protection for operatives

### 11 Corresponding witness identity protection laws

For the purposes of the definition of *corresponding witness identity protection law* in subsection 15M(1) of the Act, the provisions mentioned in column 3 of an item in the following table of the law mentioned in column 2 of the item, as in force from time to time, are prescribed.

<b>Corresponding witness identity protection laws</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Law</b>	<b>Column 3 Provisions</b>
1	Victoria	<i>Evidence (Miscellaneous Provisions) Act 1958 (Vic.)</i>	(a) Part IIAA; and (b) sections 161 and 162
2	Queensland	<i>Evidence Act 1977 (Qld)</i>	Division 5 of Part 2
3	Western Australia	<i>Criminal Investigation (Covert Powers) Act 2012 (WA)</i>	Part 4
4	South Australia	<i>Criminal Investigation (Covert Operations) Act 2009 (SA)</i>	Part 4
5	Tasmania	<i>Witness (Identity Protection) Act 2006 (Tas.)</i>	All
6	Australian Capital Territory	<i>Crimes (Protection of Witness Identity) Act 2011 (ACT)</i>	Part 2
7	Northern Territory	<i>Police (Special Investigative and Other Powers) Act 2015 (NT)</i>	Part 4

### 12 Meaning of *civil proceeding*

For the purposes of paragraph 15MB(2)(d) of the Act, each of the following is part of a *civil proceeding*:

- (a) a proceeding in relation to an application for a restraining order under Part 2-1 of the *Proceeds of Crime Act 2002*;
- (b) an examination conducted under Part 3-1 of that Act.

## **Part 6—Protecting vulnerable persons**

### **13 Video recordings—persons who may conduct interview**

For the purposes of paragraph 15YM(1)(a) of the Act, a member of a police force, or other law enforcement agency, of a foreign country is specified.



## Part 7—Sentencing, imprisonment and release of federal offenders

### 14 State and Territory pre-release permit schemes that apply to federal offenders

- (1) For the purposes of subsection 19AZD(3) of the Act, a pre-release permit scheme mentioned in column 1 of an item in the following table provided for by a law mentioned in column 2 of the item is prescribed.

#### State and Territory pre-release permit schemes that apply to federal offenders

Item	Column 1 Pre-release permit scheme	Column 2 Law
1	Scheme for releasing a prisoner under a re-entry release order	Part 4 of the <i>Sentence Administration Act 2003</i> (WA), as in force at the commencement of this instrument
2	Scheme for releasing a prisoner to serve a period of home detention	Division 6A of Part 4 of the <i>Correctional Services Act 1982</i> (SA), as in force at the commencement of this instrument
3	Scheme for releasing a prisoner on administrative home detention	Division 5 of Part 3.3 of Chapter 3 of the <i>Correctional Services Act 2014</i> (NT), as in force at the commencement of this instrument

- (2) A federal offender who is not an Australian citizen is not eligible to participate in a pre-release permit scheme mentioned in subsection (1) if participation would result in the offender:
- (a) becoming an unlawful non-citizen (within the meaning of the *Migration Act 1958*); and
  - (b) being liable to detention and removal from Australia under that Act.
- (3) A federal offender who is subject to a deportation order under the *Migration Act 1958* is not eligible to participate in a pre-release permit scheme mentioned in subsection (1) if participation would make the offender liable for detention and deportation from Australia under that Act.

### 15 Additional sentencing alternatives—State and Territory sentences and orders

For the purposes of subsection 20AB(1AA) of the Act, a sentence or order mentioned in column 1 of an item in the following table under a law mentioned in column 2 of the item is prescribed.

#### State and Territory sentences and orders

Item	Column 1 Sentence or order	Column 2 Law
1	Home detention order	Subdivision 1 of Division 7 of Part 3 of the <i>Sentencing Act 2017</i> (SA), as in force at the

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**State and Territory sentences and orders**

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<b>Item</b>	<b>Column 1 Sentence or order</b>	<b>Column 2 Law</b>
		commencement of this instrument
2	Home detention order	Part 5A of the <i>Sentencing Act 1997</i> (Tas.), as in force at the commencement of this instrument
3	Home detention order	Subdivision 2 of Division 5 of Part 3 of the <i>Sentencing Act 1995</i> (NT), as in force at the commencement of this instrument

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**16 Offences for which a court may impose certain conditions**

For the purposes of paragraph 22(1)(b) of the Act, an indictable offence against the *Australian Passports Act 2005* or the *Foreign Passports (Law Enforcement and Security) Act 2005* is prescribed.

## Part 8—Forensic procedures

### 17 Persons appropriately qualified to carry out forensic procedures

For the purposes of paragraph (b) of the definition of *appropriately qualified* in subsection 23WA(1) of the Act, a person mentioned in column 2 of an item in the following table is qualified to carry out a forensic procedure mentioned in column 1 of the item.

<b>Persons appropriately qualified to carry out forensic procedures</b>		
<b>Item</b>	<b>Column 1 Forensic procedure</b>	<b>Column 2 Person</b>
1	External examination of the genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Forensic scientist; or (b) forensic technician
2	Taking of a sample of blood (other than by a finger prick)	(a) Forensic scientist; or (b) forensic technician
3	Taking of a sample of pubic hair	(a) Forensic scientist; or (b) forensic technician
4	Taking of a sample by swab or washing from the external genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Forensic scientist; or (b) forensic technician
5	Taking of a sample by vacuum suction, scraping or lifting by tape from the external genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Forensic scientist; or (b) forensic technician
6	Taking of a photograph or a video recording of, or an impression or cast of a wound from, the genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Medical practitioner; or (b) forensic scientist; or (c) forensic technician
7	External examination of a part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts, that requires touching of the body or removal of clothing	(a) Forensic scientist; or (b) forensic technician; or (c) constable
8	Taking of a sample of blood by a finger prick	(a) Forensic scientist; or (b) forensic technician
9	Taking of a sample of saliva, or a sample by buccal swab	(a) Forensic scientist; or (b) forensic technician
10	Taking of a sample of hair other than pubic hair	(a) Forensic scientist; or (b) forensic technician
11	Taking of a sample from a nail or from under a nail	(a) Forensic scientist; or (b) forensic technician
12	Taking of a sample by swab or washing from any external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Forensic scientist; or (b) forensic technician

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**Persons appropriately qualified to carry out forensic procedures**

Item	Column 1 Forensic procedure	Column 2 Person
13	Taking of a sample by vacuum suction, scraping or lifting by tape from any external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	(a) Forensic scientist; or (b) forensic technician
14	Taking of a photograph or a video recording of, or an impression or cast of a wound from, an external part of the body other than the genital or anal area, the buttocks or, in the case of a female, the breasts	(a) For a photograph or video recording: (i) medical practitioner; or (ii) forensic scientist; or (iii) forensic technician; or (iv) constable; or  (b) for an impression or cast of a wound: (i) medical practitioner; or (ii) forensic scientist; or (iii) forensic technician

**18 Persons authorised to access information on DNA databases**

For the purposes of paragraphs 23YDAE(2)(d) and 23YO(2)(a) and (d) of the Act, a person is prescribed if:

- (a) the person is employed or otherwise engaged by a forensic laboratory accredited by the National Association of Testing Authorities, Australia; and
- (b) in that capacity, the person provides forensic services to law enforcement officers of the Commonwealth, a State or a Territory.

**19 Corresponding laws—forensic procedures and DNA databases**

For the purposes of the definition of *corresponding law* in section 23YUA of the Act, the following laws, as in force from time to time, are prescribed:

- (a) the *Crimes (Forensic Procedures) Act 2000* (NSW);
- (b) Subdivision (30A) of Division 1 of Part III of the *Crimes Act 1958* (Vic.);
- (c) Chapter 17 of the *Police Powers and Responsibilities Act 2000* (Qld);
- (d) Part 2 of, and Schedules 1 and 6 to, the *Police Powers and Responsibilities Regulation 2012* (Qld);
- (e) the *Criminal Investigation (Identifying People) Act 2002* (WA);
- (f) the *Criminal Law (Forensic Procedures) Act 2007* (SA);
- (g) the *Forensic Procedures Act 2000* (Tas.);
- (h) the *Crimes (Forensic Procedures) Act 2000* (ACT);
- (i) Division 7 of Part VII of the *Police Administration Act 1978* (NT).

## Part 9—Pardons, quashed convictions and spent convictions

### 20 Exclusions from Divisions 2 and 3 of Part VIIC of the Act

For the purposes of sections 85ZZGB, 85ZZGC and 85ZZGD of the Act, the persons and bodies mentioned in column 1 of an item in the following table, and the laws mentioned in column 2 of an item in the table, as in force from time to time, are prescribed.

Prescribed persons, bodies and laws		
Item	Column 1 Person or body	Column 2 Law
1	Children's Guardian appointed under the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	<i>Child Protection (Working with Children) Act 2012</i> (NSW)
2	Secretary mentioned in section 10 of the <i>Working with Children Act 2005</i> (Vic.)	<i>Working with Children Act 2005</i> (Vic.)
3	Chief executive mentioned in section 8 of the <i>Working with Children (Risk Management and Screening) Act 2000</i> (Qld)	<i>Working with Children (Risk Management and Screening) Act 2000</i> (Qld)
4	Queensland College of Teachers	<i>Education (Queensland College of Teachers) Act 2005</i> (Qld)
5	CEO mentioned in section 12 of the <i>Working with Children (Criminal Record Checking) Act 2004</i> (WA)	<i>Working with Children (Criminal Record Checking) Act 2004</i> (WA)
6	Central assessment unit established under the <i>Child Safety (Prohibited Persons) Act 2016</i> (SA)	<i>Child Safety (Prohibited Persons) Act 2016</i> (SA)
7	Registrar appointed under the <i>Registration to Work with Vulnerable People Act 2013</i> (Tas.)	<i>Registration to Work with Vulnerable People Act 2013</i> (Tas.)
8	Commissioner mentioned in section 17 of the <i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)	<i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)
9	Independent advisor appointed under the <i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)	<i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)
10	Screening Authority mentioned in section 196 of the <i>Care and Protection of Children Act 2007</i> (NT)	<i>Care and Protection of Children Act 2007</i> (NT)

### 21 Exclusions from Division 3 of Part VIIC of the Act (spent convictions)

Schedule 2 of this instrument prescribes persons, purposes and offences for the purposes of paragraph 85ZZH(k) of the Act.

## **Part 10—Miscellaneous**

### **22 ACC delegates**

For the purposes of subparagraphs 15HG(5)(c)(ii) and 15MX(3)(c)(ii) of the Act, the following positions are prescribed:

- (a) a position occupied by a person mentioned in subsection 47(1) of the *Australian Crime Commission Act 2002* who is an SES employee;
- (b) any position in the ACC that is equivalent to or higher than a position mentioned in paragraph (a) of this section.

## **Part 11—Application, saving and transitional provisions**

### **Division 1—Transitional matters relating to the Crimes Regulations 1990**

#### **23 Things done under the *Crimes Regulations 1990***

- (1) If:
  - (a) a thing was done for a particular purpose under the *Crimes Regulations 1990* as in force immediately before those Regulations were repealed; and
  - (b) the thing could be done for that purpose under this instrument;  
the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application or other instrument being given or made.

#### **24 Conduct, event, circumstances occurring before commencement**

- (1) To avoid doubt, a function or duty may be performed, or a power exercised:
  - (a) under this instrument; or
  - (b) under the Act in connection with something prescribed by this instrument;  
in relation to conduct engaged in, an event that occurred, or a circumstance that arose, before this instrument commences.
- (2) This section does not limit section 23 of this instrument or section 7 of the *Acts Interpretation Act 1901* (as that Act applies in relation to this instrument because of paragraph 13(1)(a) of the *Legislation Act 2003*).

#### **25 Forms prescribed under the *Crimes Regulations 1990***

Without limiting section 5, for the purposes of a provision of the Act mentioned in column 1 of an item in the following table, the form in Schedule 3 to the *Crimes Regulations 1990* (as in force immediately before the commencement of this instrument) mentioned in column 2 of the item is prescribed.

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#### **Forms prescribed under the *Crimes Regulations 1990***

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<b>Item</b>	<b>Column 1 Provision of the Act</b>	<b>Column 2 Form in Schedule 3</b>
1	Section 16BA	Form 1
2	Subsection 19AU(2)	Form 3
3	Subsection 19AV(2)	Form 4
4	Subsection 19AW(1)	Form 5

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Section 26

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**26 Application of indemnification requirements**

- (1) Section 8 applies in relation to any conduct engaged in after the commencement of this instrument in the course of, and for the purposes of, a controlled operation, whether the controlled operation is authorised before or after that commencement.
- (2) Section 10 applies in relation to anything done after the commencement of this instrument in the course of acquiring or using an assumed identity, whether the authority to acquire or use the identity is granted before or after that commencement.
- (3) Despite the repeal of the *Crimes Regulations 1990* by the *Crimes Legislation Amendment (2019 Measures No. 1) Regulations 2019*, regulations 4B and 4C of the *Crimes Regulations 1990* continue to apply, as if the repeal had not happened, in relation to:
  - (a) any conduct engaged in before the commencement of this instrument in the course of, and for the purposes of, a controlled operation; and
  - (b) anything done before that commencement in the course of acquiring or using an assumed identity.

**27 Sentences or orders under section 20AB of the Act**

Nothing in this instrument or the *Crimes Legislation Amendment (2019 Measures No. 1) Regulations 2019* affects a sentence passed, or order made, before the commencement of this instrument, under section 20AB of the Act.



## Division 2—Transitional matters relating to the Crimes Legislation Amendment (Serious and Organised Crime) Act 2010

### 28 Transitional matters relating to the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*

#### *Annual reports*

- (1) A report required to be laid before each House of the Parliament under section 15HN of the Act may be combined with a report required to be laid before each House of the Parliament under section 15T of the Act, as continued in force by Schedule 3 to the amendment Act.

#### *Pre-commencement controlled operations*

- (2) The *Crimes Regulations 1990*, as in force immediately before 19 February 2010, continue to apply to a pre-commencement controlled operation.

Note: A pre-commencement controlled operation is a controlled operation authorised under Part IAB of the Act before 19 February 2010, whether or not the pre-commencement controlled operation had been completed as at that time: see subitem 17(2) of Schedule 3 to the amendment Act.

- (3) For the purposes of the definition of ***State controlled operations law*** in item 16 of Schedule 3 to the amendment Act, the provisions mentioned in column 3 of an item in the following table of the law mentioned in column 2 of the item, as in force when the authority mentioned in that Schedule was granted under that law, are prescribed.

<b>State controlled operations laws</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Law</b>	<b>Column 3 Provisions</b>
1	New South Wales	<i>Law Enforcement (Controlled Operations) Act 1997 (NSW)</i>	All
2	Victoria	<i>Crimes Act 1958 (Vic.)</i>	Subsections 68(2), 194(5) and 195A(5)
3	Victoria	<i>Crimes (Controlled Operations) Act 2004 (Vic.)</i>	All
4	Victoria	<i>Drugs, Poisons and Controlled Substances Act 1981 (Vic.)</i>	Section 51
5	Victoria	<i>Fisheries Act 1995 (Vic.)</i>	Section 110A and Part 7A
6	Victoria	<i>Gambling Regulation Act 2003 (Vic.)</i>	Section 2.6.8
7	Victoria	<i>Lotteries Gaming and Betting Act 1966 (Vic.)</i>	Section 80
8	Victoria	<i>Prostitution Control Act 1994 (Vic.)</i>	Subsection 14(2)

**Part 11** Application, saving and transitional provisions

**Division 2** Transitional matters relating to the Crimes Legislation Amendment (Serious and Organised Crime) Act 2010

**Section 28**

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<b>State controlled operations laws</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Law</b>	<b>Column 3 Provisions</b>
9	Victoria	<i>Summary Offences Act 1966</i> (Vic.)	Section 58
10	Victoria	<i>Vagrancy Act 1966</i> (Vic.)	Section 17
11	Victoria	<i>Wildlife Act 1975</i> (Vic.)	Section 63 and Part IX
12	Queensland	<i>Crime and Corruption Act 2001</i> (Qld) (formerly the <i>Crime and Misconduct Act 2001</i> (Qld))	Part 6A of Chapter 3
13	Queensland	<i>Police Powers and Responsibilities Act 2000</i> (Qld)	Chapter 11 and Divisions 1 and 3 of Part 5 of Chapter 24
14	Western Australia	<i>Corruption, Crime and Misconduct Act 2003</i> (WA) (formerly the <i>Corruption and Crime Commission Act 2003</i> (WA))	Division 5 of Part 4, Division 4 of Part 6 and section 185
15	Western Australia	<i>Misuse of Drugs Act 1981</i> (WA)	Section 31
16	Western Australia	<i>Prostitution Act 2000</i> (WA)	Section 35
17	South Australia	<i>Criminal Investigation (Covert Operations) Act 2009</i> (SA)	Parts 1 and 2, and clause 3 of Schedule 1
18	South Australia	<i>Criminal Law (Undercover Operations) Act 1995</i> (SA)	All
19	Tasmania	<i>Police Powers (Controlled Operations) Act 2006</i> (Tas.)	All
20	Australian Capital Territory	<i>Crimes (Controlled Operations) Act 2008</i> (ACT)	All
21	Northern Territory	<i>Misuse of Drugs Act 1990</i> (NT)	Section 32

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*Definitions*

(4) In this section:

**amendment Act** means the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*.

## Schedule 1—Forms

Note: See sections 5 and 6.

### Form 1—Document relating to other offences to be taken into account

Commonwealth of Australia

*Crimes Act 1914*

FORM FOR THE PURPOSES OF SECTION 16BA

\*Branch Office of the Director of Public Prosecutions

\*Regional Office of the Attorney-General's Department

#### Information for Defendant

1

2

TO:

1. You are charged with the following federal \*offence/\*offences:

(a) 3.

(b) 3.

before the 4.

2. The list at the end of this document gives particulars of <sup>5</sup> other \*offence/\*offences which you are believed to have committed.

3. If you are convicted of \*the charge/\*any of the charges mentioned above and before sentence is passed, you may:

(a) if:

(i) the court decides; and

(ii) the prosecution agrees;

admit all or any of the offences specified in the list at the end of this document; and

(b) ask that any of those offences that you have admitted be taken into account by the court in passing sentence for the \*offence/\*offences of which you have been convicted.

4. If you are convicted and the court does take any of the offences that you have admitted into account, the maximum sentence that may be passed upon you for \*the offence/\*any offence of which you have been convicted will still be the maximum penalty that the court could have imposed on you for the offence if no other offence had been taken into account.

5. If the court takes an offence that you have admitted into account, the court may make such orders about reparation, restitution, compensation, costs and forfeiture as it could have made if you had been convicted before the court of the offence, but will not impose any other punishment for the offence. Rights of appeal are available in relation to an order as if it had been made on the conviction for the offence.

6. No proceedings may be taken or continued against you for an offence taken into account by the court in respect of a conviction unless the conviction in respect of which the offence has been taken into account has been quashed or set aside.

7. If:

**Schedule 1** Forms

**Form 1** Document relating to other offences to be taken into account

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- (a) in the circumstances mentioned in paragraph 6, proceedings are taken or continued against you for an offence that you have admitted; or
- (b) the court does not for any reason take any one or more of the offences that you have admitted into account;

your admission cannot be used as evidence against you in any proceedings taken or continued for the offence about which the admission was made or for any other offence listed at the end of this document.

6

\*7

\*Director of Public Prosecutions/\*A person authorised by the Director of Public Prosecutions under subsection 16BA(1) of the *Crimes Act 1914*/\*A person appointed under section 69 of the *Judiciary Act 1903*

8

**Acknowledgement**

I, <sup>2</sup>, acknowledge receipt of a copy of this document.

9

8

**Certificate**

This is to certify that the court has taken into account the \*offence/\*offences admitted by <sup>2</sup> which are numbered <sup>10</sup> in the list at the end of this document in respect of the \*conviction/\*convictions for the \*offence/\*offences listed in paragraph 1 above of which <sup>2</sup> has been convicted.

Dated <sup>8</sup>  
<sup>11</sup>

\*Judge of <sup>4</sup>/\*Magistrate

*Crimes Act 1914*, section 16BA

Offences which you are believed to have committed

Item number	Place where offence was committed	Date of offence	Brief description of offence

<sup>1</sup> insert address

<sup>2</sup> insert name of defendant

<sup>3</sup> insert details of offences

<sup>4</sup> insert name of court

<sup>5</sup> insert number of offences listed

- 6 signature of the Director of Public Prosecutions, person authorised by the Director of Public Prosecutions under subsection 16BA(1) of the *Crimes Act 1914* or person appointed under section 69 of the *Judiciary Act 1903*
- 7 insert full name of person authorised by the Director of Public Prosecutions under subsection 16BA(1) of the *Crimes Act 1914* or of person appointed under section 69 of the *Judiciary Act 1903*
- 8 insert date
- 9 signature of defendant
- 10 insert the number of each offence taken into account
- 11 signature of judge or magistrate
- \* omit if inapplicable

## Form 2—Warrant authorising the detention of a person where parole or licence automatically revoked

Commonwealth of Australia

*Crimes Act 1914*

WARRANT UNDER SECTION 19AS AUTHORISING THE DETENTION OF A PERSON  
TO: \*all members and special members of the Australian Federal Police:/\*all members of the  
police force of <sup>1</sup>:  
AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:  
I, <sup>3</sup>, \*a Judge of <sup>4</sup>/\*Magistrate, under  
paragraph 19AS(1)(c) of the *Crimes Act 1914*:

- (a) authorise those members in <sup>2</sup> in <sup>1</sup> to take <sup>5</sup> to  
<sup>1</sup> and deliver that  
person to the officer in charge of that prison, together with this warrant; and
- (b) authorise the officer in charge of <sup>2</sup> in <sup>1</sup> to  
receive <sup>5</sup> into custody and detain that person to undergo  
imprisonment for the \*term/\*terms of the \*sentence/\*sentences of imprisonment  
specified in the Schedule.

This warrant is issued because <sup>5</sup> is a person:

- (a) who is serving or is to serve a federal sentence or sentences within the meaning of  
Part IB of the *Crimes Act 1914*; and
- (b) who was released on parole or licence under that Act; and
- (c) whose parole or licence is taken to have been revoked under section 19AQ of that  
Act, because of the imposition of one or more further federal, State or Territory  
sentences; and
- (d) who has become liable under section 19AQ to serve the part of each of the  
sentences referred to in paragraph (a) that the person had not served at the time of  
the person's release.

### SCHEDULE

#### DETAILS OF \*SENTENCE/\*SENTENCES TO BE SERVED

<sup>1</sup> <sup>6</sup>  
<sup>2</sup>  
<sup>3</sup>  
Dated <sup>7</sup>  
<sup>8</sup>  
\*Judge of <sup>4</sup>/\*Magistrate

---

<sup>1</sup> insert State or Territory

<sup>2</sup> insert name of prison

<sup>3</sup> insert full name of judge or magistrate

<sup>4</sup> insert name of court

<sup>5</sup> insert full name of person

<sup>6</sup> insert details of each outstanding sentence commencing with the longest outstanding sentence

<sup>7</sup> insert date

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- <sup>8</sup> signature of judge or magistrate
- \* omit if inapplicable

## Form 3—Notice of proposed revocation of parole order or licence

Commonwealth of Australia

*Crimes Act 1914*

### NOTICE OF REVOCATION UNDER SUBSECTION 19AU(2)

To <sup>1</sup>, a person to whom \*a parole order under section 19AL/\*a licence under section 19AP of the *Crimes Act 1914* relates:

I, <sup>2</sup>, Attorney-General of the Commonwealth of Australia, under subsection 19AU(2) of the *Crimes Act 1914*, notify you that:

\* (a) you have not complied with the following \*condition/\*conditions of your \*parole order/\*licence:

- (i) <sup>3</sup>,
- (ii) <sup>3</sup>; and

\* (a) I have reasonable grounds to suspect that you have not complied with the following \*condition/\*conditions of your \*parole order/\*licence:

- (i) <sup>3</sup>,
- (ii) <sup>3</sup>; and

(b) I propose to revoke that \*parole order/\*licence at the end of 14 days after the date of this notice unless:

- (i) before then, you give me reasons, in writing, why the \*parole order/\*licence should not be revoked; and
- (ii) I accept those reasons.

This notice has been issued because

\* <sup>1</sup> failed to comply with \*a condition/\*conditions of the \*parole order/\*licence during the \*parole period/\*licence period.

\*there are reasonable grounds for suspecting that <sup>1</sup> has failed to comply with \*a condition/\*conditions of the \*parole order/\*licence during the \*parole period/\*licence period.

Dated <sup>4</sup> .  
<sup>5</sup>

Attorney-General

---

<sup>1</sup> insert full name of person

<sup>2</sup> insert full name of Attorney-General

<sup>3</sup> list details of each condition which has allegedly been breached

<sup>4</sup> insert date

<sup>5</sup> signature of Attorney-General

\* omit if inapplicable



## **Form 4—Warrant for arrest where parole order or licence has been revoked**

Commonwealth of Australia

*Crimes Act 1914*

WARRANT FOR ARREST UNDER SUBSECTION 19AV(2)

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1.</sup>

I, <sup>2.</sup> <sup>3.</sup>, a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under subsection 19AV(2) of that Act, authorise and request you to arrest <sup>4.</sup> and bring that person, as soon as practicable, before a magistrate in the \*State/\*Territory in which that person is arrested to be dealt with according to law.

This warrant is issued because:

- (a) the \*Attorney-General/\*Director of Public Prosecutions has applied under subsection 19AV(2) of the *Crimes Act 1914* for the issue of this warrant; and
- (b) I am satisfied that the \*parole order/\*licence relating to <sup>4.</sup> has been revoked under section 19AU of that Act.

Dated <sup>5.</sup>

<sup>6.</sup>

<sup>3.</sup>

- 
- <sup>1.</sup> insert State or Territory
  - <sup>2.</sup> insert full name of prescribed authority
  - <sup>3.</sup> insert designation of prescribed authority
  - <sup>4.</sup> insert full name of person
  - <sup>5.</sup> insert date
  - <sup>6.</sup> signature of prescribed authority
  - \* omit if inapplicable

## Form 5—Warrant authorising detention where parole order or licence has been revoked

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT UNDER SUBSECTION 19AW(1) AUTHORISING THE DETENTION OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of

AND to the officer in charge of I, prescribed authority within the meaning of Part IB of the *Crimes Act 1914*:

- (a) under paragraph 19AW(1)(d) of that Act authorise those members in to take in and deliver that person to the officer in charge of that prison, together with this warrant; and
- (b) under paragraph 19AW(1)(e) of that Act direct the officer in charge of to undergo imprisonment for the \*term/\*terms of the \*sentence/\*sentences of imprisonment specified in the Schedule\*./\*; and
- \*(c) under paragraph 19AW(1)(f) of that Act fix the non-parole period in respect of the \*sentence/\*sentences at

This warrant is issued because:

- (a) the Attorney-General, under section 19AU of the *Crimes Act 1914*, has revoked the \*parole order/\*licence relating to; and
- \*(b) I am satisfied that:
  - (i) is the person named in that revocation order; and
  - (ii) was notified by the Attorney-General of the proposal to make the revocation order; and
  - (iii) the revocation order is still in force.

### SCHEDULE

#### DETAILS OF \*SENTENCE/\*SENTENCES TO BE SERVED

7

Dated 8 .

9

4

- 1 insert State or Territory
- 2 insert name of prison
- 3 insert full name of prescribed authority
- 4 insert designation of prescribed authority
- 5 insert full name of person
- 6 insert length of non-parole period

- 7 insert particulars of the unserved part of each outstanding sentence
- 8 insert date
- 9 signature of prescribed authority
- \* omit if inapplicable

## Form 6—Warrant authorising the remand of a person where parole order or licence has been revoked

Commonwealth of Australia

*Crimes Act 1914*

WARRANT UNDER SUBSECTION 19AW(2) AUTHORISING THE REMAND OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>:

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:

I, <sup>3</sup>, <sup>4</sup>, a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under subsection 19AW(2) of that Act:

- (a) authorise those members in <sup>1</sup> to take <sup>5</sup>  
to <sup>2</sup> in <sup>1</sup>  
and deliver that person to the officer in charge of that prison, together with this warrant; and
- (b) authorise the officer in charge of <sup>2</sup> in <sup>1</sup>  
to receive <sup>5</sup> into custody and keep that person until <sup>6</sup>  
when that officer is to have <sup>7</sup> that person brought before this court at <sup>7</sup>.

This warrant is issued because:

- (a) a hearing under subsection 19AW(1) of the *Crimes Act 1914* is not completed; and  
(b) I am satisfied that it is necessary to remand <sup>5</sup>  
in custody.

Dated <sup>8</sup>.

<sup>9</sup>

4

- 
- <sup>1</sup> insert State or Territory  
<sup>2</sup> insert name of prison  
<sup>3</sup> insert full name of prescribed authority  
<sup>4</sup> insert designation of prescribed authority  
<sup>5</sup> insert full name of person  
<sup>6</sup> insert time and date  
<sup>7</sup> insert address of court  
<sup>8</sup> insert date  
<sup>9</sup> signature of prescribed authority  
\* omit if inapplicable

## Form 7—Order for the detention of a person where parole order or licence has been revoked

Commonwealth of Australia

*Crimes Act 1914*

ORDER UNDER PARAGRAPH 19AX(1)(b) FOR THE DETENTION OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>:

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:  
I, <sup>3</sup>, <sup>4</sup>, a  
prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under paragraph 19AX(1)(b) of that Act:

- (a) authorise those members in <sup>1</sup> to take <sup>5</sup>  
to <sup>2</sup> in <sup>1</sup>  
and deliver that person to the officer in charge of that prison, together with this warrant; and
- (b) direct the officer in charge of <sup>2</sup> in <sup>1</sup>  
to receive <sup>5</sup> into custody and detain that person until:
- (i) the Attorney-General orders that the revocation order under subsection 19AU(1) of that Act be rescinded; or
- (ii) the completion of proceedings under subsection 19AW(1) of that Act.

This warrant is issued because:

- (a) the Attorney-General, under subsection 19AU(1) of the *Crimes Act 1914*, has revoked the \*parole order/\*licence relating to <sup>5</sup>;  
and
- (b) I am satisfied that <sup>5</sup> is the person named in that revocation order;  
and
- (c) I am not satisfied that <sup>5</sup> was notified by the Attorney-General of the proposal to make the revocation order.

Dated <sup>6</sup>.

<sup>7</sup>

<sup>4</sup>

<sup>1</sup> insert State or Territory

<sup>2</sup> insert name of prison

<sup>3</sup> insert full name of prescribed authority

<sup>4</sup> insert designation of prescribed authority

<sup>5</sup> insert full name of person

<sup>6</sup> insert date

<sup>7</sup> signature of prescribed authority

\* omit if inapplicable

## Form 8—Notification of breach of conditions where parole order or licence has been revoked

Commonwealth of Australia

*Crimes Act 1914*

### NOTIFICATION OF BREACH UNDER SUBSECTION 19AX(2)

TO: \_\_\_\_\_<sup>1</sup>, a person subject to a revocation order under subsection 19AU(1) of the *Crimes Act 1914*:

I, \_\_\_\_\_<sup>2</sup>, Attorney-General of the Commonwealth of Australia, under subsection 19AX(2) of the *Crimes Act 1914*:

\* (a) notify you that you have not complied with the following \*condition/\*conditions of your \*parole order/\*licence:

(i) \_\_\_\_\_<sup>3</sup>,

(ii) \_\_\_\_\_<sup>3</sup>; and

\* (a) notify you that I have reasonable grounds to suspect that you have not complied with the following \*condition/\*conditions of your \*parole order/\*licence:

(i) \_\_\_\_\_<sup>3</sup>,

(ii) \_\_\_\_\_<sup>3</sup>; and

(b) request that you give me, within 14 days after the date of this notice, reasons, in writing, why the \*parole order/\*licence should not have been revoked.

I do not propose to rescind the revocation of the \*parole order/\*licence unless you give me reasons and I accept them.

This notice has been issued because:

(a) I have been notified by \_\_\_\_\_<sup>4</sup>, a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, that \_\_\_\_\_<sup>1</sup> has been brought before that authority; and

(b) \_\_\_\_\_<sup>4</sup> is not satisfied that \_\_\_\_\_<sup>1</sup> was notified by me under subsection 19AU(2) of that Act that I proposed to make the revocation order.

Dated \_\_\_\_\_<sup>5</sup>.

\_\_\_\_\_<sup>6</sup>

Attorney-General

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<sup>1</sup> insert full name of person

<sup>2</sup> insert full name of Attorney-General

<sup>3</sup> list details of each condition which has allegedly been breached

<sup>4</sup> insert full name and designation of prescribed authority

<sup>5</sup> insert date

<sup>6</sup> signature of Attorney-General

\* omit if inapplicable

## Form 9—Summons to appear

Commonwealth of Australia

*Crimes Act 1914*

SUMMONS UNDER SUBSECTION 19AZ(2)

TO: <sup>1</sup>

You are summoned under subsection 19AZ(2) of the *Crimes Act 1914* to appear before the <sup>2</sup> at <sup>3</sup> at <sup>4</sup>  
and to attend from day to day, unless you are excused or released from attendance, to give evidence *\*and\** to produce the following *\*documents/\*and/\*articles*:

- <sup>5</sup>
- 1 .
  - 5 .
  - 2 .
  - 6 .

Dated

<sup>7</sup>

<sup>8</sup>

*Note* If you are served with a summons under subsection 19AZ(2) of the *Crimes Act 1914* and then fail to attend as required by the summons without a reasonable excuse, you may have committed an offence and may be liable, on conviction, to a fine not exceeding 10 penalty units.

- 
- <sup>1</sup> insert name and address of witness
  - <sup>2</sup> insert name of court
  - <sup>3</sup> insert address of court
  - <sup>4</sup> insert time and date
  - <sup>5</sup> insert details of documents or articles
  - <sup>6</sup> insert date
  - <sup>7</sup> signature of prescribed authority
  - <sup>8</sup> designation of prescribed authority
  - \** omit if inapplicable

## Form 10—Order and recognisance where discharge without conviction

Commonwealth of Australia

*Crimes Act 1914*

ORDER AND RECOGNISANCE UNDER SECTION 19B

IN THE <sup>1</sup>

AT <sup>2</sup>

IN THE \*STATE OF <sup>3</sup>

BETWEEN:

<sup>4</sup>(\*Informant/\*Appellant)

-and-

<sup>5</sup>(\*Defendant/\*Respondent)

### ORDER

THE COURT DISCHARGES the \*defendant/\*appellant under section 19B of the *Crimes Act 1914* without proceeding to conviction upon the \*defendant/\*appellant giving security \*with \*surety/\*sureties of \$ <sup>6</sup> by recognisance of \$ <sup>7</sup> to comply with the following conditions:

- (a) that the \*defendant/\*appellant is to be of good behaviour for <sup>8</sup> \*months/\*years;
- \* (b) that the \*defendant/\*appellant is to \*make reparation/\*make restitution/\*pay compensation of \$ <sup>9</sup> to <sup>10</sup> \*by <sup>11</sup> \*by instalments of \$ <sup>12</sup>;
- \* (c) that the \*defendant/\*appellant is to pay costs of this prosecution for the <sup>9</sup> \*offence/\*offences specified below of \$ <sup>10</sup> to <sup>11</sup> \*by <sup>12</sup> \*by instalments of \$ <sup>13</sup>;
- \* (d) that the \*defendant/\*appellant is to comply with the following further conditions:
  - (i) <sup>13</sup>
  - (ii) <sup>13</sup>

This Order has been issued because:

- \* (a) the appellant, <sup>14</sup> of <sup>15</sup>,  
appealed to this court against the \*sentence/\*conviction and sentence imposed by  
the <sup>2</sup> Magistrates' Court on <sup>16</sup>  
in respect of the following federal \*offence/\*offences:
  - (i) <sup>17</sup>
  - (ii) <sup>17</sup>; and
- \* (a) the defendant, <sup>14</sup> of <sup>15</sup>,  
was charged with the following federal \*offence/\*offences:
  - (i) <sup>17</sup>
  - (ii) <sup>17</sup>; and



- (b) the court is satisfied that the \*charge is/\*charges are proved, but is of the opinion, having regard to:
- (i) the character, antecedents, age, health or mental condition of the person; or
  - (ii) the extent to which the \*offence is/\*offences are of a trivial nature; or
  - (iii) the extent to which the \*offence was/\*offences were committed under extenuating circumstances;
- that \*it is inexpedient to inflict \*any punishment/\*any punishment other than a nominal punishment./\*it is expedient to release the \*defendant/\*appellant on probation.

Dated 16  
18

\*Judge of 1/\*Magistrate/\*Registrar of 1/  
\*Clerk of 1/\*Justice of the Peace

#### RECOGNISANCE

I, 14, the \*defendant/\*appellant:

- (a) have had explained to me:
  - (i) the purpose and effect of this Order; and
  - (ii) the consequences that may follow if I fail, without reasonable cause or excuse, to comply with the conditions of this Order; and
  - (iii) that this recognisance may be discharged or varied under section 20AA of the *Crimes Act 1914*; and
- (b) agree that I am bound in accordance with this Order; and
- (c) agree that I have been given a copy of this Order.

Dated 16  
19

Before me:  
20

\*Registrar of 1/\*Clerk of 1  
/\*Justice of the Peace

#### UNDERTAKING BY \*SURETY/\*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the \*defendant/\*appellant fails to comply with a condition of this Order.

I agree that I have been given a copy of this Order.

First Surety: 21

Name: 22

Address: 23

Second Surety: 21

Name: 22

Address: 23

- 
- 1 insert name of court
  - 2 insert location of court
  - 3 insert State or Territory
  - 4 insert name of informant or appellant
  - 5 insert name of defendant or respondent

**Schedule 1** Forms

**Form 10** Order and recognisance where discharge without conviction

---

- 6 insert amount of surety or sureties
- 7 insert amount of recognisance
- 8 insert period
- 9 insert amount
- 10 insert to whom amount is to be paid
- 11 insert date by which amount must be paid
- 12 insert details of instalments
- 13 insert details of further conditions, including period
- 14 insert name of defendant or appellant
- 15 insert address of defendant or appellant
- 16 insert date
- 17 insert details of offences
- 18 signature of judge, magistrate, registrar, clerk or justice of the peace
- 19 insert signature of defendant or appellant
- 20 signature of registrar, clerk or justice of the peace
- 21 signature of surety
- 22 insert full name of surety
- 23 insert address of surety
- \* omit if inapplicable

## Form 11—Order and recognisance where release without passing sentence

Commonwealth of Australia

*Crimes Act 1914*

ORDER AND RECOGNISANCE UNDER PARAGRAPH 20(1)(a)

IN THE <sup>1</sup>

AT <sup>2</sup>

IN THE \*STATE OF <sup>3</sup>

BETWEEN:

<sup>4</sup>(\*Informant/\*Appellant)

-and-

<sup>5</sup>(\*Defendant/\*Respondent)

ORDER

THE COURT ORDERS the release of the \*defendant/\*appellant under paragraph 20(1)(a) of the *Crimes Act 1914* without passing sentence on the \*defendant/\*appellant upon the \*defendant/\*appellant giving security \*with \*surety/\*sureties of \$ <sup>6</sup> by recognisance of \$ <sup>7</sup> to comply with the following conditions: <sup>8</sup>

- (a) that the \*defendant/\*appellant is to be of good behaviour for <sup>8</sup> \*months/\*years;
- \* (b) that the \*defendant/\*appellant is to \*make reparation/\*make restitution/\*pay compensation of \$ <sup>9</sup> to <sup>10</sup> \*by <sup>11</sup>/\*by instalments of \$ <sup>12</sup>;
- \* (c) that the \*defendant/\*appellant is to pay costs of this prosecution for the <sup>9</sup> \*offence/\*offences specified below of \$ <sup>10</sup> to <sup>11</sup>/\*by <sup>12</sup>/\*by instalments of \$ <sup>13</sup>;
- \* (d) that the \*defendant/\*appellant is to pay to the Commonwealth a pecuniary penalty of \$ <sup>9</sup> to <sup>13</sup> \*by <sup>11</sup>/\*by instalments of \$ <sup>12</sup>;
- \* (e) that the \*defendant/\*appellant is to comply with the following further conditions:
  - (i) <sup>14</sup>.
  - (ii) <sup>14</sup>.

This Order has been issued because:

- \* (a) the appellant, <sup>15</sup> of <sup>16</sup>,  
appealed to this court against the \*sentence/\*conviction and sentence imposed by  
the <sup>2</sup> Magistrates' Court on <sup>17</sup>  
in respect of the following federal \*offence/\*offences:
  - (i) <sup>18</sup>.
  - (ii) <sup>18</sup>; and
- \* (a) the defendant, <sup>15</sup> of <sup>16</sup>,  
was charged with the following federal \*offence/\*offences:

Schedule 1 Forms

Form 11 Order and recognisance where release without passing sentence

- (i) <sup>18.</sup>
- (ii) <sup>18.</sup>; and
- (b) the court has convicted the \*defendant/\*appellant of the \*offence/\*offences; and
- (c) the court has decided to release the \*defendant/\*appellant without passing sentence on the \*defendant/\*appellant if the \*defendant/\*appellant complies with the conditions of this Order.

Dated <sup>17.</sup>  
19

\*Judge of <sup>1/\*Magistrate/\*Registrar of</sup> 1/  
\*Clerk of <sup>1/\*Justice of the Peace</sup>

RECOGNISANCE

I, <sup>15.</sup>, the \*defendant/\*appellant:

- (a) have had explained to me:
- (i) the purpose and effect of this Order; and
- (ii) the consequences that may follow if I fail, without reasonable cause or excuse, to comply with the conditions of this Order; and
- (iii) that this recognisance may be discharged or varied under section 20AA of the *Crimes Act 1914*; and
- (b) agree that I am bound in accordance with this Order; and
- (c) agree that I have been given a copy of this Order.

Dated <sup>17.</sup>  
20

Before me:  
21

\*Registrar of <sup>1/\*Clerk of</sup> 1/  
/\*Justice of the Peace

UNDERTAKING BY \*SURETY/\*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the \*defendant/\*appellant fails to comply with a condition of this Order.

I agree that I have been given a copy of this Order.

First Surety: <sup>22</sup>

Name: <sup>23</sup>

Address: <sup>24</sup>

Second Surety: <sup>22</sup>

Name: <sup>23</sup>

Address: <sup>24</sup>

- 1 insert name of court
- 2 insert location of court
- 3 insert State or Territory
- 4 insert name of informant or appellant
- 5 insert name of defendant or respondent
- 6 insert amount of surety or sureties
- 7 insert amount of recognisance
- 8 insert period
- 9 insert amount

- 10 insert to whom amount is to be paid
- 11 insert date by which amount must be paid
- 12 insert details of instalments
- 13 insert to whom penalty is to be paid
- 14 insert details of further conditions, including period
- 15 insert name of defendant or appellant
- 16 insert address of defendant or appellant
- 17 insert date
- 18 insert details of offences
- 19 signature of judge, magistrate, registrar, clerk or justice of the peace
- 20 insert signature of defendant or appellant
- 21 signature of registrar, clerk or justice of the peace
- 22 signature of surety
- 23 insert full name of surety
- 24 insert address of surety
- \* omit if inapplicable

## Form 12—Order and recognisance where sentenced

Commonwealth of Australia

*Crimes Act 1914*

ORDER AND RECOGNISANCE UNDER PARAGRAPH 20(1)(b)

IN THE 1

AT 2

IN THE \*STATE OF 3

BETWEEN:

<sup>4</sup>(\*Informant/\*Appellant)

-and-

<sup>5</sup>(\*Defendant/\*Respondent)

ORDER

THE COURT ORDERS the release of the \*defendant/\*appellant under paragraph 20(1)(b) of the *Crimes Act 1914* \*after serving <sup>6</sup> \*month/\*months of the term of imprisonment/\*forthwith upon the \*defendant/\*appellant giving security \*with \*surety/\*sureties of \$ <sup>7</sup> by recognisance of \$ <sup>8</sup> to comply with the following conditions:

- (a) that the \*defendant/\*appellant is to be of good behaviour for <sup>9</sup> \*months/\*years;
- \* (b) that the \*defendant/\*appellant is to \*make reparation/\*make restitution/\*pay compensation of \$ <sup>10</sup> to <sup>11</sup> \*by <sup>12</sup> \*by instalments of \$ <sup>13</sup>;
- \* (c) that the \*defendant/\*appellant is to pay costs of this prosecution for the \*offence/\*offences specified below of \$ <sup>10</sup> to <sup>11</sup> by <sup>12</sup> \*by instalments of \$ <sup>13</sup>;
- \* (d) that the \*defendant/\*appellant is to pay to the Commonwealth a pecuniary penalty of \$ <sup>10</sup> to <sup>14</sup> \*by <sup>12</sup> \*by instalments of \$ <sup>13</sup>;
- \* (e) that the \*defendant/\*appellant is to comply with the following further conditions:
  - (i) <sup>15</sup>;
  - (ii) <sup>15</sup>.

This Order has been issued because:

- \* (a) the appellant, <sup>16</sup> of <sup>17</sup>,  
appealed to this court against the \*sentence/\*conviction and sentence imposed by the <sup>2</sup> Magistrates' Court on <sup>18</sup> in respect of the following federal \*offence/\*offences:
  - (i) <sup>19</sup>;
  - (ii) <sup>19</sup>; and
- \* (a) the defendant, <sup>16</sup> of <sup>17</sup>,  
was charged with the following federal \*offence/\*offences:
  - (i) <sup>19</sup>;

- (ii) <sup>19</sup>; and
- (b) the Court has sentenced the \*defendant/\*appellant to a term of imprisonment; and
- (c) the Court has decided that the \*defendant/\*appellant be released <sup>6</sup> \*after serving \*month/\*months of the sentence/\*forthwith if the \*defendant/\*appellant complies with the conditions of this Order.

Dated <sup>18</sup>  
20 .

\*Judge of <sup>1</sup>/\*Magistrate/\*Registrar of <sup>1/</sup>  
\*Clerk of <sup>1</sup>/\*Justice of the Peace

### RECOGNISANCE

I, <sup>16</sup>, the \*defendant/\*appellant:

- (a) have had explained to me:
- (i) the purpose and effect of this Order; and
- (ii) the consequences that may follow if I fail, without reasonable cause or excuse, to comply with the conditions of this Order; and
- (iii) that this recognisance may be discharged or varied under section 20AA of the *Crimes Act 1914*; and
- (b) agree that I am bound in accordance with this Order; and
- (c) agree that I have been given a copy of this Order.

Dated <sup>18</sup>  
21 .

Before me:  
22

\*Registrar of <sup>1</sup>/\*Clerk of <sup>1/</sup>  
\*Justice of the Peace

### UNDERTAKING BY \*SURETY/\*SURETIES

I undertake to pay to the Commonwealth of Australia the amount specified in this Order if the \*defendant/\*appellant fails to comply with a condition of this Order.

I agree that I have been given a copy of this Order.

First Surety: <sup>23</sup>

Name: <sup>24</sup>

Address: <sup>25</sup>

Second Surety: <sup>23</sup>

Name: <sup>24</sup>

Address: <sup>25</sup>

- 
- <sup>1</sup> insert name of court  
<sup>2</sup> insert location of court  
<sup>3</sup> insert State or Territory  
<sup>4</sup> insert name of informant or appellant  
<sup>5</sup> insert name of defendant or respondent  
<sup>6</sup> insert number of months  
<sup>7</sup> insert amount of surety or sureties  
<sup>8</sup> insert amount of recognisance  
<sup>9</sup> insert period  
<sup>10</sup> insert amount

**Schedule 1** Forms

**Form 12** Order and recognisance where sentenced

---

- 11 insert to whom amount is to be paid
- 12 insert date by which amount must be paid
- 13 insert details of instalments
- 14 insert to whom penalty is to be paid
- 15 insert details of further conditions, including period
- 16 insert name of defendant or appellant
- 17 insert address of defendant or appellant
- 18 insert date
- 19 insert details of offences
- 20 signature of judge, magistrate, registrar, clerk or justice of the peace
- 21 signature of defendant or appellant
- 22 signature of registrar, clerk or justice of the peace
- 23 signature of surety
- 24 insert full name of surety
- 25 insert address of surety
- \* omit if inapplicable



## **Form 13—Warrant under paragraph 20BF(3)(b) of the Act for arrest where release order revoked**

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT FOR ARREST UNDER PARAGRAPH 20BF(3)(b)

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of

I, <sup>1</sup>,  
<sup>2</sup>,  
<sup>3</sup>,  
a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under paragraph 20BF(3)(b) of that Act, authorise and request you to arrest <sup>4</sup> and bring that person, as soon as practicable, before a magistrate in the \*State/\*Territory in which that person is arrested to be dealt with according to law.

This warrant is issued because:

- (a) the Attorney-General, under section 20BE of the *Crimes Act 1914*, ordered that <sup>4</sup> be released from detention; and
- (b) the Attorney-General, under subsection 20BF(1) of that Act, has revoked that release order.

Dated <sup>5</sup>.

<sup>6</sup>

<sup>3</sup>

- 
- <sup>1</sup> insert State or Territory
  - <sup>2</sup> insert full name of prescribed authority
  - <sup>3</sup> insert designation of prescribed authority
  - <sup>4</sup> insert full name of person
  - <sup>5</sup> insert date
  - <sup>6</sup> signature of prescribed authority
  - \* omit if inapplicable

## Form 14—Warrant under subsection 20BF(5) of the Act authorising the detention of a person where release order revoked

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT UNDER SUBSECTION 20BF(5) AUTHORISING THE DETENTION OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>:

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:

I, <sup>3</sup>, <sup>4</sup> a

prescribed authority within the meaning of Part IB of the *Crimes Act 1914*:

- (a) under paragraph 20BF(5)(c) of that Act authorise those members in <sup>1</sup> to take <sup>5</sup> to <sup>2</sup> in <sup>1</sup> and deliver that person to the officer in charge of that \*prison/\*hospital, together with this warrant; and
- (b) under paragraph 20BF(5)(d) of that Act direct the officer in charge of <sup>2</sup> in <sup>1</sup> to detain <sup>5</sup> for the period of <sup>6</sup>.

This warrant is issued because:

- (a) the Attorney-General, under subsection 20BF(1) of the *Crimes Act 1914*, has revoked the release order relating to <sup>5</sup>; and
- (b) I am satisfied that:
- (i) <sup>5</sup> is the person named in the instrument revoking the release order; and
- (ii) the release order has been revoked and the revocation is still in force.

Dated <sup>7</sup>.

<sup>8</sup>

<sup>4</sup>

- 
- <sup>1</sup> insert State or Territory  
<sup>2</sup> insert name of prison or hospital  
<sup>3</sup> insert full name of prescribed authority  
<sup>4</sup> insert designation of prescribed authority  
<sup>5</sup> insert full name of person  
<sup>6</sup> insert period  
<sup>7</sup> insert date  
<sup>8</sup> signature of prescribed authority  
\* omit if inapplicable

## Form 15—Warrant under subsection 20BF(6) of the Act authorising the remand of a person where release order revoked

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT UNDER SUBSECTION 20BF(6) AUTHORISING THE REMAND OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the  
police force of <sup>1</sup>:

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:

I, <sup>3</sup>, <sup>4</sup>, a  
prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under  
subsection 20BF(6) of that Act:

- (a) authorise those members in <sup>1</sup> to take <sup>5</sup>  
to <sup>2</sup> in <sup>1</sup>  
and deliver that person to the officer in charge of that \*prison/\*hospital, together  
with this warrant; and
- (b) authorise the officer in charge of <sup>2</sup> in <sup>1</sup>  
to receive <sup>5</sup> into custody and keep that person until <sup>6</sup>  
when that officer is to have that person brought before this court at <sup>7</sup>.

This warrant is issued on the basis that:

- (a) <sup>5</sup> has been brought before me under  
subsection 20BF(4) of the *Crimes Act 1914*; and
- (b) I have not completed the hearing under subsection 20BF(5) of that Act.

Dated <sup>8</sup>.

<sup>9</sup>

<sup>4</sup>

- 
- <sup>1</sup> insert State or Territory  
<sup>2</sup> insert name of prison or hospital  
<sup>3</sup> insert full name of prescribed authority  
<sup>4</sup> insert designation of prescribed authority  
<sup>5</sup> insert full name of person  
<sup>6</sup> insert time and date  
<sup>7</sup> insert address of court  
<sup>8</sup> insert date  
<sup>9</sup> signature of prescribed authority  
\* omit if inapplicable

## Form 16—Warrant under paragraph 20BM(3)(b) of the Act for arrest where release order revoked

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT FOR ARREST UNDER SUBSECTION 20BM(3)

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>.

I, <sup>2</sup>, <sup>3</sup>, a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under paragraph 20BM(3)(b) of that Act, authorise and request you to arrest <sup>4</sup> and bring that person, as soon as practicable, before a magistrate in the \*State/\*Territory in which that person is arrested to be dealt with according to law.

This warrant is issued because:

- (a) the Attorney-General under section \*20BL/\*20BT of the *Crimes Act 1914*, ordered that <sup>4</sup> be released from detention; and
- (b) the release order relating to <sup>4</sup> has been revoked.

Dated <sup>5</sup>.

<sup>6</sup>

<sup>3</sup>

- 
- <sup>1</sup> insert State or Territory
  - <sup>2</sup> insert full name of prescribed authority
  - <sup>3</sup> insert designation of prescribed authority
  - <sup>4</sup> insert full name of person
  - <sup>5</sup> insert date
  - <sup>6</sup> signature of prescribed authority
  - \* omit if inapplicable

## Form 17—Warrant under subsection 20BM(5) of the Act authorising the detention of a person where release order revoked

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT UNDER SUBSECTION 20BM(5) AUTHORISING THE DETENTION OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>:

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>:

I, <sup>3</sup>, <sup>4</sup> a

prescribed authority within the meaning of Part IB of the *Crimes Act 1914*:

- (a) under paragraph 20BM(5)(c) of that Act authorise those members in <sup>1</sup>  
to take <sup>5</sup> to <sup>2</sup>  
in <sup>1</sup> and deliver that person to the officer in  
charge of that \*prison/\*hospital, together with this warrant; and
- (b) under paragraph 20BM(5)(d) of that Act direct the officer in charge of <sup>2</sup>  
in <sup>1</sup> to receive <sup>5</sup>  
into custody and detain that person for the period of <sup>6</sup>.

This warrant is issued because:

- (a) the Attorney-General, under subsection 20BM(1) of the *Crimes Act 1914*, has  
revoked the release order relating to <sup>5</sup>;  
and
- (b) I am satisfied that:
- (i) <sup>5</sup> is the person named in the instrument revoking the  
release order; and
- (ii) the release order has been revoked and the revocation is still in force.

Dated <sup>7</sup>.

<sup>8</sup>

<sup>4</sup>

- 
- <sup>1</sup> insert State or Territory  
<sup>2</sup> insert name of prison or hospital  
<sup>3</sup> insert full name of prescribed authority  
<sup>4</sup> insert designation of prescribed authority  
<sup>5</sup> insert full name of person  
<sup>6</sup> insert period  
<sup>7</sup> insert date  
<sup>8</sup> signature of prescribed authority  
\* omit if inapplicable

## **Form 18—Warrant under subsection 20BM(6) of the Act authorising the remand of a person where release order revoked**

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT UNDER SUBSECTION 20BM(6) AUTHORISING THE REMAND OF A PERSON

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of <sup>1</sup>.

AND to the officer in charge of <sup>2</sup> in <sup>1</sup>.

I, <sup>3</sup>, <sup>4</sup>, a prescribed authority within the meaning of Part IB of the *Crimes Act 1914*, under subsection 20BM(6) of that Act:

- (a) authorise those members in <sup>1</sup> to take <sup>5</sup>  
to <sup>2</sup> in <sup>1</sup>  
and deliver that person to the officer in charge of that \*prison/\*hospital, together with this warrant; and
- (b) authorise the officer in charge of <sup>2</sup> in <sup>1</sup>  
to receive <sup>5</sup> into custody and keep that person until <sup>6</sup>  
when that officer is to have that person brought before this court at <sup>7</sup>.

This warrant is issued on the basis that:

- (a) <sup>5</sup> has been brought before me under subsection 20BM(4) of the *Crimes Act 1914*; and
- (b) I have not completed the hearing under subsection 20BM(5) of that Act.

Dated <sup>8</sup>.

<sup>9</sup>

<sup>4</sup>

- 
- <sup>1</sup> insert State or Territory  
<sup>2</sup> insert name of prison or hospital  
<sup>3</sup> insert full name of prescribed authority  
<sup>4</sup> insert designation of prescribed authority  
<sup>5</sup> insert full name of person  
<sup>6</sup> insert time and date  
<sup>7</sup> insert address of court  
<sup>8</sup> insert date  
<sup>9</sup> signature of prescribed authority  
\* omit if inapplicable

## **Form 19—Summons in relation to breach of psychiatric probation order or program probation order**

Commonwealth of Australia

*Crimes Act 1914*

SUMMONS UNDER PARAGRAPH 20BW(1)(a)

IN THE <sup>1</sup>

AT <sup>2</sup>

IN THE \*STATE OF <sup>3</sup>

<sup>4</sup>(Informant)

-and-

<sup>5</sup>(Defendant)

To: <sup>6</sup>

You are summoned under paragraph 20BW(1)(a) of the *Crimes Act 1914* to appear before the <sup>7</sup> at <sup>8</sup> at <sup>9</sup> to answer the information alleging the breach of the following \*condition/\*conditions of the order under section \*20BV/\*20BY of that Act:

- (a) <sup>10.</sup>  
(b) <sup>10.</sup>  
<sup>5</sup>

and to be further dealt with according to law.

Dated <sup>11</sup> .

<sup>12</sup>

<sup>13</sup>

- 
- <sup>1</sup> insert name of court  
<sup>2</sup> insert location of court  
<sup>3</sup> insert State or Territory  
<sup>4</sup> insert name of informant  
<sup>5</sup> insert name of defendant  
<sup>6</sup> insert name of person  
<sup>7</sup> insert name of court  
<sup>8</sup> insert address of court  
<sup>9</sup> insert time and date  
<sup>10</sup> list details of alleged breaches of conditions  
<sup>11</sup> insert date  
<sup>12</sup> signature of magistrate  
<sup>13</sup> designation of magistrate  
\* omit if inapplicable

## Form 20—Warrant in relation to breach of psychiatric probation order or program probation order

Commonwealth of Australia

*Crimes Act 1914*

### WARRANT FOR ARREST UNDER PARAGRAPH 20BW(1)(b)

TO: \*all members and special members of the Australian Federal Police:/\*all members of the police force of

I, \_\_\_\_\_,

under \*paragraph 20BW(1)(b) of the *Crimes Act 1914*:

- (a) authorise and request you to arrest \_\_\_\_\_ and bring that person, as soon as practicable, before this court; and
- (b) authorise you to detain \_\_\_\_\_ in custody until dealt with according to law.

This warrant is issued because:

- (a) an order under section \*20BV/\*20BY of the *Crimes Act 1914* has been made in relation to \_\_\_\_\_; and
- (b) information has been laid on oath before me of the following \*breach/\*breaches of the conditions of the order without reasonable excuse:
  - (i) \_\_\_\_\_;
  - (ii) \_\_\_\_\_; and
- (c) I am of the opinion that proceedings against \_\_\_\_\_ by summons might not be effective.

Dated \_\_\_\_\_.

7

4

- 
- <sup>1</sup> insert State or Territory
  - <sup>2</sup> insert full name of magistrate
  - <sup>3</sup> insert designation of magistrate
  - <sup>4</sup> insert full name of person
  - <sup>5</sup> list details of alleged breaches of conditions
  - <sup>6</sup> insert date
  - <sup>7</sup> signature of magistrate
  - \* omit if inapplicable



## **Form 21—Warrant for arrest in relation to breach of psychiatric probation order or program probation order**

Commonwealth of Australia

*Crimes Act 1914*

WARRANT FOR ARREST UNDER SUBSECTION 20BW(2)

TO: \*all members and special members of the Australian Federal Police:/\*all members of the  
police force of <sup>1</sup>.

I, <sup>2</sup>, <sup>3</sup>,  
under subsection 20BW(2) of the *Crimes Act 1914*:

- (a) authorise and request you to arrest <sup>4</sup>  
and bring that person, as soon as practicable, before this court; and
- (b) authorise you to detain <sup>4</sup> in custody until dealt with according to law.

This warrant is issued because <sup>4</sup>

\* is a person who has been served with a summons issued under subsection 20BW(1) of the  
*Crimes Act 1914* and who has failed to attend before the court as required by the summons.

\* is a person who has been admitted to bail under subsection 20BW(4) of the *Crimes Act 1914*  
and who has failed to attend before the court as required by the conditions of the bail.

Dated <sup>5</sup>.

<sup>6</sup>

<sup>3</sup>

- 
- <sup>1</sup> insert State or Territory
  - <sup>2</sup> insert full name of magistrate
  - <sup>3</sup> insert designation of magistrate
  - <sup>4</sup> insert full name of person
  - <sup>5</sup> insert date
  - <sup>6</sup> signature of magistrate
  - \* omit if inapplicable

## Form 22—Certificate in relation to reparation for offences

Commonwealth of Australia

*Crimes Act 1914*

CERTIFICATE UNDER SUBSECTION 21B(3)

IN THE <sup>1</sup>

AT <sup>2</sup>

IN THE \*STATE OF <sup>3</sup>

BETWEEN:

<sup>4</sup>(Informant)

-and-

<sup>5</sup>(Defendant)

I, <sup>6</sup>  
hereby certify that on <sup>8</sup> the court ordered that <sup>7</sup> <sup>9</sup> is  
to pay \$ <sup>10</sup> to <sup>11</sup>  
by <sup>12</sup>

Dated <sup>13</sup>

<sup>14</sup>

<sup>7</sup>

*Note* You have been convicted of a federal offence under the *Crimes Act 1914* or, under section 19B of that Act, you have been discharged without conviction. The court has also ordered you to make reparation to the Commonwealth, a public authority under the Commonwealth or another person by payment of an amount of money or otherwise. This payment is in addition to any fine or other penalty imposed by the court. The above certificate when filed in a court of civil jurisdiction is enforceable as a final judgment of the court in which it is filed.

- 
- <sup>1</sup> insert name of court  
<sup>2</sup> insert location of court  
<sup>3</sup> insert State or Territory  
<sup>4</sup> insert name of informant  
<sup>5</sup> insert name of defendant  
<sup>6</sup> insert full name of clerk or appropriate officer  
<sup>7</sup> insert designation of officer  
<sup>8</sup> insert date of order  
<sup>9</sup> insert name of defendant  
<sup>10</sup> insert amount  
<sup>11</sup> insert to whom amount is to be paid  
<sup>12</sup> insert date by which amount is to be paid  
<sup>13</sup> insert date  
<sup>14</sup> signature of clerk or appropriate officer  
\* omit if inapplicable

## Schedule 2—Spent convictions

Note: See section 21.

### 1 Exclusions from Division 3 of Part VIIC of the Act (spent convictions)

For the purposes of paragraph 85ZZH(k) of the Act, Division 3 of Part VIIC of the Act does not apply in relation to the disclosure of information to or by, or the taking into account of information by a person or body mentioned in column 1 of an item in the following table, for a purpose mentioned in column 2 of the item, in relation to a conviction for an offence mentioned in column 3 of the item.

Exclusions from Division 3 of Part VIIC of the Act			
Item	Column 1 Person or body	Column 2 Purpose	Column 3 Offence
1	Commonwealth authority	(a) Assessing the suitability of a person to be employed or otherwise engaged in work that is likely to involve access to national security information classified as secret or top secret; or (b) providing assistance to a person referred to in paragraph 85ZZH(d) of the Act in relation to the making of a decision referred to in that paragraph (immigration and citizenship decisions)	Any offence
2	Defence Force	Assessing the suitability of a person for appointment to a position involving the care, instruction or supervision of minors	Designated offence
3	(a) Director of Military Prosecutions (within the meaning of the <i>Defence Force Discipline Act 1982</i> ); or (b) a prosecutor required under that Act to present evidence of a defendant's prior convictions	Considering whether to prosecute and making submissions and decisions as to sentence	Any offence
4	(a) Australian Border Force Commissioner (within the meaning of the <i>Australian Border Force Act 2015</i> ); or (b) Secretary of the Department administered by the	(a) Assessing the suitability of a person to have responsibility for matters relating to law enforcement; or (b) considering whether to prosecute and making submissions as to sentence	Any offence

Schedule 2 Spent convictions

Clause 1

**Exclusions from Division 3 of Part VIIC of the Act**

<b>Item</b>	<b>Column 1 Person or body</b>	<b>Column 2 Purpose</b>	<b>Column 3 Offence</b>
	Minister administering Part XII of the <i>Customs Act 1901</i> (officers)		
5	Government of New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory or the Northern Territory	Assessing the suitability of a person for appointment as a justice of the peace	Any offence
6	Person or body that administers a prison in New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory or the Northern Territory	Assessing the suitability of a person to have responsibility for the care or control of prisoners	Offence involving violence
7	Person or body that employs or otherwise engages persons to provide care for persons with disabilities in residential settings in Victoria	Assessing the suitability of a person to have responsibility for the care of persons with disabilities in a residential setting	Offence involving violence
8	(a) Commonwealth Government; or (b) Government of New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory or the Northern Territory	Assessing the suitability of a person to be licensed as director, or appointed as the chief executive, of a casino	Any offence
9	Government of Tasmania	Assessing the suitability of a person for appointment to the Poppy Advisory and Control Board mentioned in section 59H of the <i>Poisons Act 1971</i> (Tas.) as in force from time to time	Drug offence
10	Poppy Advisory and Control Board mentioned in section 59H of the <i>Poisons Act 1971</i> (Tas.) as in force from time to time	(a) Assessing the suitability of a person to be the holder of a licence to grow alkaloid poppies; or (b) assessing the suitability of a person to be employed or otherwise engaged by the Poppy Advisory and Control Board in	Drug offence

**Exclusions from Division 3 of Part VIIC of the Act**

<b>Item</b>	<b>Column 1 Person or body</b>	<b>Column 2 Purpose</b>	<b>Column 3 Offence</b>
		connection with: (i) processing applications for licences to grow alkaloid poppies; or (ii) monitoring the growing of alkaloid poppies	
11	Person or body that is lawfully engaged in the growing of alkaloid poppies (within the meaning of the <i>Poisons Act 1971</i> (Tas.)) or the production of opiate alkaloids	Assessing the suitability of a person to be employed or otherwise engaged in connection with the growing of alkaloid poppies or the production of opiate alkaloids	Drug offence
12	Public library, university library, public archives office or Australian War Memorial	Making available material for research, reference or study	Any offence
13	Issuing body (within the meaning of the <i>Aviation Transport Security Regulations 2005</i> )	Assessing whether to issue an ASIC (within the meaning of the <i>Aviation Transport Security Regulations 2005</i> ) to a person in accordance with Part 6 of that instrument	Aviation security offence
14	Person or body that employs or otherwise engages another person to provide services or undertake work at a place where care, instruction or supervision services for minors are provided	Assessing the suitability of a person to be employed or otherwise engaged in work that is likely to involve direct contact with minors	Designated offence
15	Australian Securities and Investments Commission	(a) Considering whether to prosecute and making submissions as to sentence; or (b) assessing prospective employees or prospective members of the Australian Securities and Investments Commission; or (c) assessing persons proposed to be engaged as consultants to, or to perform services for, the Australian Securities and Investments Commission	Any offence
16	Minister administering the <i>Australian Securities and Investments Commission</i>	Assessing prospective members of the Australian Securities and Investments Commission	Any offence

Schedule 2 Spent convictions

Clause 1

Exclusions from Division 3 of Part VIIC of the Act

Item	Column 1 Person or body	Column 2 Purpose	Column 3 Offence
<i>Act 2001</i>			
17	Person or body that employs or otherwise engages persons to provide advocacy or care for persons with intellectual disabilities	Assessing the suitability of a person: (a) to act as an advocate for a person with an intellectual disability; or (b) to have responsibility for the care of a person with an intellectual disability	Offence against the person
18	Person or body that employs or otherwise engages persons to care for or control detainees under the <i>Migration Act 1958</i>	Assessing the suitability of a person to have responsibility for the care or control of a detainee under the <i>Migration Act 1958</i>	Offence involving violence
19	Issuing body (within the meaning of the <i>Maritime Transport and Offshore Facilities Security Regulations 2003</i> )	Assessing whether to issue an MSIC (within the meaning of the <i>Maritime Transport and Offshore Facilities Security Regulations 2003</i> ) to a person in accordance with Subdivision 6.1A.4 of that instrument	Maritime security offence
20	Secretary (within the meaning of the <i>AusCheck Act 2007</i> ) or an AusCheck staff member (within the meaning of that Act)	The purposes of the AusCheck scheme (within the meaning of the <i>AusCheck Act 2007</i> )	(a) For an applicant for, or holder of, an ASIC (within the meaning of the <i>AusCheck Act 2007</i> )—aviation security offence; or (b) for an applicant for, or holder of, an MSIC (within the meaning of the <i>AusCheck Act 2007</i> )—maritime security offence; or (c) for an individual required to undergo, or who has undergone, an NHS check (within the meaning of the <i>Security Sensitive Biological Agent (SSBA) Standards</i> determined under section 35 of the <i>National Health Security Act 2007</i> )—health security offence
21	Secretary (within the meaning of the <i>Aviation</i> )	Assessing whether to approve the issue of an ASIC (within the	Aviation security offence

<b>Exclusions from Division 3 of Part VIIC of the Act</b>			
<b>Item</b>	<b>Column 1 Person or body</b>	<b>Column 2 Purpose</b>	<b>Column 3 Offence</b>
	<i>Transport Security Act 2004)</i>	meaning of the <i>Aviation Transport Security Regulations 2005</i> ) to a person in accordance with regulation 6.29 of that instrument	
22	Secretary (within the meaning of the <i>Maritime Transport and Offshore Facilities Security Act 2003</i> )	Assessing whether to approve the issue of an MSIC (within the meaning of the <i>Maritime Transport and Offshore Facilities Security Regulations 2003</i> ) to a person in accordance with regulation 6.08F of that instrument	Maritime security offence
23	Entity to which Division 5 of Part 3 of the <i>National Health Security Act 2007</i> applies (entities that handle security-sensitive biological agents)	Assessing whether to authorise a person under clause 3.3 of the <i>Security Sensitive Biological Agent (SSBA) Standards</i> determined under section 35 of the <i>National Health Security Act 2007</i>	Health security offence
24	Secretary (within the meaning of the <i>Narcotic Drugs Act 1967</i> )	Assessing whether a person is a fit and proper person to: (a) hold a licence (within the meaning of the <i>Narcotic Drugs Act 1967</i> ); or (b) be associated with the holder of such a licence	Any offence