

3K Use of equipment to examine or process things

Equipment may be brought to warrant premises

- (1) The executing officer of a warrant in relation to premises, or constable assisting, may bring to the warrant premises any equipment reasonably necessary for the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized under the warrant.

Thing may be moved for examination or processing

- (2) A thing found at warrant premises, or a thing found during a search under a warrant that is in force in relation to a person, may be moved to another place for examination or processing in order to determine whether it may be seized under a warrant if:
 - (a) both of the following apply:
 - (i) it is significantly more practicable to do so having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance;
 - (ii) the executing officer or constable assisting suspects on reasonable grounds that the thing contains or constitutes evidential material; or
 - (b) for a thing found at warrant premises—the occupier of the premises consents in writing; or
 - (c) for a thing found during a search under a warrant that is in force in relation to a person—the person consents in writing.

Notification of examination or processing and right to be present

- (3) If a thing is moved to another place for the purpose of examination or processing under subsection (2), the executing officer must, if it is practicable to do so:
 - (a) inform the person referred to in paragraph (2)(b) or (c) (as the case requires) of the address of the place and the time at which the examination or processing will be carried out; and
 - (b) allow that person or his or her representative to be present during the examination or processing.
- (3AA) The executing officer need not comply with paragraph (3)(a) or (b) if he or she believes on reasonable grounds that to do so might:
 - (a) endanger the safety of a person; or
 - (b) prejudice an investigation or prosecution.

Time limit on moving a thing

- (3A) The thing may be moved to another place for examination or processing for no longer than 14 days.
- (3B) An executing officer may apply to an issuing officer for one or more extensions of that time if the executing officer believes on reasonable grounds that the thing cannot be examined or processed within 14 days or that time as previously extended.
- (3C) The executing officer must give notice of the application to the person referred to in paragraph (2) (b) or (c) (as the case requires), and that person is entitled to be heard in relation to the application.
- (3D) A single extension cannot exceed 7 days.

Equipment at warrant premises may be operated

- (4) The executing officer of a warrant in relation to premises, or a constable assisting, may operate equipment already at the warrant premises to carry out the examination or processing of a thing

found at the premises in order to determine whether it is a thing that may be seized under the warrant if the executing officer or constable believes on reasonable grounds that:

- (a) the equipment is suitable for the examination or processing; and
- (b) the examination or processing can be carried out without damage to the equipment or the thing.