

QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRY

AFFIDAVIT

Gordon Lyle Harris c/- Keyworth Harris and Lowe Solicitors, Level 7/231 North Quay, Brisbane make oath and state:

1. I am a Solicitor of the Supreme Court of Queensland.
2. Pursuant to section 21 of the *Commission of Inquiry Act 1950* I have been authorised to appear before the commission to represent Annette McIntosh (Harding) (Exhibit 2 QCPCI refers) and Shelley Farquhar (Neal) (Exhibit 3 QCPCI refers).
3. On 19 February 2013, I sought to tender as Exhibits copies of the Queensland Policeman's Manual.
4. In an undertaking to the Commission to provide currency of the relevant section and to ensure each instruction was current around the appropriate time with respect to the dates of the incidents surrounding Ms McIntosh and Ms Farquhar.
5. In accordance with my undertaking to the Commission, I produce:
 - i. The Cover and following six pages of the Policeman's Manual.
 - ii. The Registrar of Amendments commencing at Amendment 1 on 12 April 1979 to Amendment 806 on 14 October 1990.
 - iii. The relevant Instructions for the purpose of the Queensland Child Protection Commission of Inquiry:

- a. 4.1. to 4.22A
- b. 4.54A to 4.56
- c. 4.105 to 4.108B
- d. 4.333
- e. 4.344

QCPCI 3 (e)

MADE AN EXHIBIT 359
23.4.2013

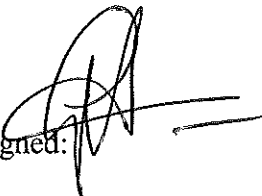
Date:

14.3.2013


Exhibit number:

MFE 9

Signed:



Taken by:



PATRICIA KEYWORTH
SOLICITOR

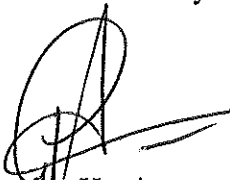
f. 4.364 to 4.369

g. 9.151 to 9.180B

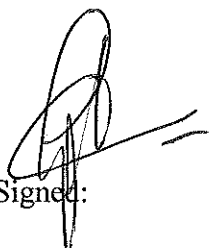
6. I recognised the initials made in the Registrar of Amendments as my initials. I recall the Policeman's Manual was issued shortly before the date of the 12 April 1979. I became a Queensland Police Officer in 1979.
7. I recall the Queensland Police Service stopped the issue of Policeman's Manuals to individual officers in late 1990. I recall that officers who had been issued with the Policeman's Manual were not supplied with further Amendments after October 1990.
8. The last Amendment record in the Registrar of Amendments is Amendment 806. I recognise my initials beside the date of 14 October 1990.
9. Each Station or Section within the Queensland Police Service kept an updated copy of the Policeman's Manual for the use by officers within that Section.
10. I recall in 1991 or 1992, the General Instructions of the Queensland Police Service started to move to a computer based system to replace the Policeman's Manuals. I do not now recall the name of that system.
11. I resigned from the Queensland Police Service in 1993 and on resigning returned all my issued accoutrements and equipment. I was handed back the Policeman's Manuals being told they were no longer part of the accoutrements or equipment of the Police Officer and that I could do with them what I wished. I maintained my copies as bookend in my law book collection.

All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

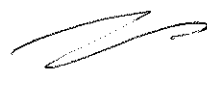
SWORN by Gordon Lyle Harris on 5 March 2013 at BRISBANE in the presence of:


Gordon Harris
Deponent


Patricia Keyworth
Solicitor


Signed:

Taken by:


PATRICIA KEYWORTH
SOLICITOR



QUEENSLAND
POLICEMAN'S
MANUAL

5103

VOL. 1

*Prepared by:
Bowen
Inspector
17.3.82*



The Queensland Policeman's Manual

VOLUME I
SECOND EDITION

Incorporating Amendments
Nos. 1-5, 7-73, 76, 78 and 79

Issued under the Authority of
the Commissioner of Police

S. G. Reid, Government Printer, Brisbane

1975

PREFACE TO THE SECOND EDITION OF THE
QUEENSLAND POLICEMAN'S MANUAL

This manual incorporates amendments made since copies of this style of manual were first distributed in 1969.

With the ever-changing social and economic attitudes of our era, new and amended statute laws, administrative policies, practices and procedures face us and affect many every-day police activities.

Members should realise that it is not possible to lay down instructions and procedures to cover every situation and circumstance which may arise. Of necessity, therefore, many matters must be left to the intelligence and discretion of members of the Service.

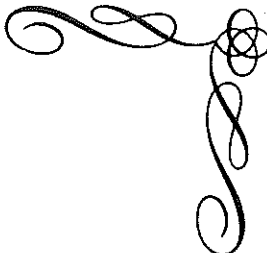
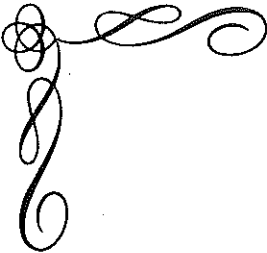
It is the desire of the Department to maintain this manual as the main source of instructions and procedures and to use circular memoranda for purely administrative matters.

As members have been individually issued with Acts of Parliament which are generally and regularly used, direct quotations from those statutes have not been included in this manual. As members know, a wider range of Statutes has been issued to police establishments for reference purposes.

It is incumbent on members of the Force to studiously utilise the Queensland Policeman's Manual in conjunction with new or existing law and the policies and procedures of the Police Department which are contained in circular memoranda and training bulletins.

This manual is for use only by police officers and public service employees of the Police Department. The contents are not to be divulged to any unauthorised person. Should a copy of this manual be lost, damaged or destroyed, an immediate report is to be furnished by the member of the Force concerned.

RW Whitford
COMMISSIONER OF POLICE



Code Of Ethics
for
Australian Police Officers

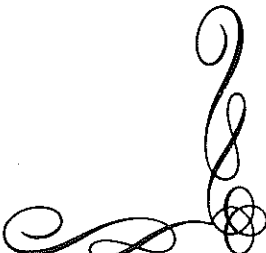

Police Officers have a duty to their country and to their Police Force to serve the community by protecting life and property, preserving the peace and detecting and apprehending offenders;

Police Officers should carry out their duties with integrity and honesty and should at all times make every effort to respect the rights of all people in the community regardless of colour, social status or religion; enforcing the law justly without fear, favour, malice or ill will;

It is incumbent upon all Police Officers to keep confidential matters of such a nature which they may learn in their official capacity, unless revelation is necessary for the administration of justice;

By their conduct and performance Police Officers should give high priority to enhancing the reputation of their profession. Police Officers should practise self discipline and restraint and should strive to improve their knowledge of the law and contemporary Police practice applicable to their community;

Police Officers should be aware of these ethics and should accept the desirability of them as an integral part of their personal and professional life.



POLICE DEPARTMENT AIMS

PURPOSE OF THE DEPARTMENT

The purpose of the Police Department is to contribute to the well being of persons in Queensland by protecting life and property, preserving order, preventing and detecting crime and the apprehending and bringing to justice of offenders.

To ensure that this purpose is fulfilled, the following aims have been defined and reflect the major functions of various areas of the Department.

OPERATIONS

To provide effective law enforcement activities such that maximum efficiency in service and safety is achieved within the prevailing constraints and using all available resources to best advantage.

ADMINISTRATION

To establish, monitor and review all departmental policies and procedures to ensure the aims of the Department are achieved.

FINANCIAL ADMINISTRATION

To assess the financial needs of the Department, to utilize available funds to best advantage and initiate appropriate action to curtail or expand operations as necessary.

STAFF RESOURCES

To recruit suitable staff, to assist them in developing their maximum potential and to utilize this resource effectively in a way that contributes to the overall aims of the Department and ensures that industrial conditions are met.

EQUIPMENT AND STORES

To assess, provide, utilize and maintain the necessary equipment and stores to allow the Department to function effectively.

INFORMATION

To provide, maintain and disseminate information for the law enforcement and management needs of the Department.

COMMUNICATIONS

To maintain an effective flow of information to, from and within the Department.

CORPORATE IMAGE

To create and maintain within the community an awareness of the functions and contributions of the Department.

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
1	3.75	12.4.79	PH	
2	AMENDMENT INCORPORATED			
3	1.48bvi	12.4.79	PH	
4	A.I.			
5	4.75	12.4.79	PH	
6				
7	A.I.			
8	A.I.			
9	A.I.			
10	A.I.			
11	A.I.			
12	4.155 156	12.4.79	PH	
13	2.93	12.4.79	PH	
14	A.I.			
15	A.I.			
16	A.T.			
17	A.I.			
18	A.T.			
19	A.I.			
20	A.I.			
21	A.I.			
22	A.I.			
23	4.132	12.4.79	PH	
24	A.I.			
25	A.I.			
26	A.I.			
27	A.I.			

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
28	A.I			
29	A.J			
30	2.48	12.4.79	AI	
31	9.61-62	12.4.79	AI	
32	9.63-65	12.4.79	AI	
33	2.19	12.4.79	AI	
34	A.I			
35	A.I			
36	4.198(i)	12.4.79	AI	
37	4.183	12.4.79	AI	
38	2.146-165	12.4.79	AI	
39	A.I			
40	1.35e	12.4.79	AI	
41	4.212	12.4.79	AI	
42	4.323	12.4.79	AI	
43	A.I			
44	7.96 7.97	12.4.79	AI	
45	7.122	12.4.79	AI	
46	5.239	12.4.79	AI	
47	A.I			
48	4.164	12.4.79	AI	
49	A.I			
50	3.37	12.4.79	AI	
51	A.I			
52	4.198	12.4.79		
53	4.348	20.4.79	AI	
54	4.60-61	20.4.79	AI	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
55	4.106 4.107	20.4.79		
56	9.426(d)	20.4.79		
57	4.310	20.4.79		
58	9.450	20.4.79		
59	2.124	20.4.79		
60	9.155	20.4.79		
61	8.43	20.4.79		
62	7.140	20.4.79		
63	10.10	20.4.79		
64	9.211	20.4.79		
65	1.57	20.4.79		
66	2.141-142	20.4.79		
67	7.30a	20.4.79		
68	9.207-208	20.4.79		
69	2.149	20.4.79		
70	sect 6	20.4.79		
71	7.2-7.17 7.22	20.4.79		
72	4.270-274	20.4.79		
73	7.22	20.4.79		
74	4.97	20.4.79		
75	9.82	20.4.79		
76	2.93-118	20.4.79		
77	1.17	20.4.79		
78	9.247-250	20.4.79		
79	9.434	20.4.79		
80	4.87-88-89	20.4.79		see 162.
81	1.120	20.4.79		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
82	4.264	20.4.79	 	/
83	2.44	20.4.79	 	/
84	2.152+2.153a	20.4.79	 	/
85	7.123 ²¹⁴ 214	20.4.79	 	/
86	7.215-218	20.4.79	 	see 200
87	7.140-7.141A	20.4.79	 	see 206
88	2.160	20.4.79	 	/
89	2.94	20.4.79	 	/
90	9.267A	20.4.79	 	/
91	4.314 Revised 4.315 Deleted	20.4.79	 	/
92	Appendix B	20.4.79	 	/
93	4.60.61	20.4.79	 	/
94	2.123A-123H	20.4.79	 	/
95	9.101-117	20.4.79	 	/
96	7.169	20.4.79	 	/
97	4.76	20.4.79	 	/
98	9.266A 9.267	20.4.79	 	/
99	8.44-8.46	20.4.79	 	/
100	8.49	20.4.79	 	/
101	APPENDIX B Extended	20.4.79	 	see 189
102	8.50	20.4.79	 	/
103	APPENDIX B Extended	20.4.79	 	/
104	§2.141	20.4.79	 	/
105	9.434	20.4.79	 	/
106	3.85.86.86A	20.4.79	 	/
107	1.58.159	20.4.79	 	see 214
108	10.17	20.4.79	 	/

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
109	10.14	20.4.79		see 215 ✓
110	9.467A	20.4.79		—
111	4.345	20.4.79		—
112	7.61	20.4.79		—
113	Item 4 inserted	20.4.79		see 122 —
114	1.349	20.4.79		—
115	4.274	20.4.79		—
116	2.82	20.4.79		—
117	10.15	20.4.79		—
118	10.16	20.4.79		—
119	9.120-9.123	20.4.79		—
120	7.212	20.4.79		—
121	4.166	20.4.79		see 189
122	Item 2 APPENDIX B	20.4.79		—
123	Item 4 APPENDIX B	20.4.79		—
124	4.340	20.4.79		—
125	8.17	20.4.79		—
126	8.20	20.4.79		see 133 136 ✓
127	4.338	20.4.79		—
128	7.57	20.4.79		—
129	9.216	20.4.79		—
130	9.411	20.4.79		—
131	4.23	20.4.79		—
132	9.414	20.4.79		—
133	9.408	20.4.79		—
134	1.106	20.4.79		—
135	9.441	20.4.79		—

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
136	8.20	20.4.79		/
137	6.24	20.4.79		/
138	3.108	20.4.79		/
139	2.110	20.4.79		/
140	4.240A 539	20.4.79		/
141	7.116	20.4.79		/
142	3.44	20.4.79		/
143	9.216	20.4.79		/
144	1.109	20.4.79		/
145	9.341	20.4.79		/
146	2.119	20.4.79		rec 188 /
147	5.31.5.37	20.4.79		/
148	9.459	20.4.79		/
149	9.441	20.4.79		/
150	4.3	20.4.79		/
151	Item 2 Appendix B	20.4.79		rec 189 /
152	8.24	20.4.79		/
153	2.97-98	20.4.79		/
154	Item 3 Appendix B	20.4.79		/
155	4.241.4256	20.4.79		/
156	1.01	20.4.79		/
157	9.479	20.4.79		rec 223 /
158	9.289	20.4.79		/
159	9.291	20.4.79		/
160	9.86	20.4.79		/
161	9.94 299	20.4.79		/
162	9.101	20.4.79		/

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
163	8.58	20.4.79		-
164	Item 2 Appendix B	20.4.79		see 189 -
165	1.93	20.4.79		-
166	4.346	20.4.79		-
167	4.332	20.4.79		-
168	4.329	20.4.79		-
169	4.330	20.4.79		-
170	4.331	20.4.79		-
171	9.098	20.4.79		-
172	1.29A	20.4.79		-
173	1.30	20.4.79		-
174	4.353	20.4.79		-
175	1.75	20.4.79		-
176	1.88	20.4.79		-
177	9.475	20.4.79		-
178	4.116	20.4.79		-
179	4.119	20.4.79		-
180	7.239	20.4.79		see 207 -
181	2.134	20.4.79		-
182	2.135	20.4.79		-
183	1.43	20.4.79		-
184	1.47	20.4.79		-
185	1.122	20.4.79		see 195
186	3.859	20.4.79		-
187	6.259	20.4.79		-
188	2.119	20.4.79		-
189	Item 2 Appen B.	20.4.79		-

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
190	9.476-478	20.4.79	 	/
191	3.110	20.4.79	 	/
192	8.49	20.4.79	 	/
193	9.216	20.4.79	 	/
194	10.18	20.4.79	 	-
195	1.123	20.4.79	 	-
196	4.354	20.4.79	 	see 216.
197	4.357	20.4.79	 	see 216
198	7.214	20.4.79	 	-
199	7.216	20.4.79	 	-
200	7.218	20.4.79	 	-
201	7.219	20.4.79	 	-
202	7.220	20.4.79	 	-
203	7.222	20.4.79	 	-
204	7.223	20.4.79	 	-
205	7.224	20.4.79	 	-
206	7.226	20.4.79	 	-
207	7.239	20.4.79	 	-
208	3.116	22.7.79	 	see 225. /
209	9.480	22.7.79	 	see 225 -
210	9.199	20.4.79	 	see 226 -
211	9.481	20.4.79	 	-
212	8.57	22.7.79	 	-
213	8.57A	22.7.79	 	-
214	4.358	22.7.79	 	/
215	10.14	22.7.79	 	/
216	4.355	22.7.79	 	see 268 ✓

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
217	2.175	14.5.79	[Signature]	/
218	9.474 59	27.5.79	[Signature]	-
219	8.59	27.5.79	[Signature]	-
220	9.316-317	22.7.79	[Signature]	-
221	9.318-319	22.7.79	[Signature]	-
222	9.321-326	22.7.79	[Signature]	-
223	9.497	22.7.79	[Signature]	-
224	1.59(c)	13.7.79	[Signature]	-
225	3.117	22.7.79	[Signature]	-
226	4.23.9.29	22.7.79	[Signature]	-
227	10.11-10.12	22.7.79	[Signature]	-
228	10.13	22.7.79	[Signature]	-
229	4.359	22.7.79	[Signature]	-
230	4.361	22.7.79	[Signature]	-
231	4.285	22.7.79	[Signature]	-
232	4.289-291	22.7.79	[Signature]	-
233	4.292	13.7.79	[Signature]	-
234	7.63	22.7.79	[Signature]	/
235	7.67.71	22.7.79	[Signature]	-
236	7.71A	22.7.79	[Signature]	-
237	2.40-44	13.7.79	[Signature]	-
238	9.482	4.11.79	[Signature]	?
239	4.339	13.7.79	[Signature]	-
240	9.100A	27.5.79	[Signature]	-
241	8.61-75	27.5.79	[Signature]	-
242	4.236	27.5.79	[Signature]	-
243	9.483	2.7.79	[Signature]	-

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
244	9.484	2.7.79	QJ	-
245	2.176	2.7.79	QJ	-
246	7.30A.	27.8.79	QJ	-
247	2.1.2.11	12.7.79	QJ	-
248	2.20-2.29	12.7.79	QJ	-
249	9.226-232	13.7.79	QJ	-
250	9.373-374	12.7.79	QJ	-
251	9.375-376	12.7.79	QJ	-
252	9.350-350C	12.7.79	QJ	-
253	1.52-1.58	12.7.79	QJ	-
254	1.109	12.7.79	QJ	-
255	4.238	27.8.79	QJ	-
256	4.273A.	27.8.79	QJ	-
257	4.357	1.11.79	QJ	-
258	4.362	1.9.79	QJ	-
259	9.216	10.10.79	QJ	-
260	10.17	27.8.79	QJ	-
261	2.133A	14.8.79	QJ	-
262	2.176			?
263	4.340(C)	10.11.79	QJ	-
264	4.80-85	1.9.79	QJ	-
265	4.240b	1.9.79	QJ	-
266	1.124	25.5.83	QJ	-
267	9.114A	1.11.79	QJ	-
268	4.354	1.11.79	QJ	-
269	9.462 to 464	12.10.79	QJ	-
270	9.410	10.11.79	QJ	-

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
271	4.326(b)	10.11.79	GA	
272	4.327	10.11.79	GA	
273	4.340	10.11.79	GA	
274	8.74	12.10.79	GA	<i>inspected 3/11/79 inspected Sgt/c 351</i>
275	3.118	4.11.79	GA.	
276	3.119-127	4.11.79	GA.	
277	2.148, 2.149	29.12.79	GA	
278	2.133A	29.12.79	GA	
279	2.153A	29.12.79	GA	
280	9.216	17.3.80	GA	
281	4.240B	17.3.80	GA	
282	1.95	17.3.80	GA	
283	1.96			
284	1.97			
285	9.411-414	17.3.80	GA	
286	1.98			
287	1.99			
288	4.363	17.3.80	GA	
289	A.90-91	17.3.80	GA	
290	7.106-115	18.3.80	GA	
291	1.105			
292	7.240	18.3.80	GA	
293	9.466	18.3.80	GA	
294	4.20	18.3.80	GA	
295	4.21	18.3.80	GA	
296	4.22	18.3.80	GA	
297	10.19	18.3.80	GA	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
298	4.364-69	18.3.80	[Signature]	
299	1.111	18.3.80	[Signature]	
300	9.485	18.3.80	[Signature]	
301	10.20	18.3.80	[Signature]	
302	9.115	14.3.80	[Signature]	
303	9.486	18.3.80	[Signature]	
304	4.140	16.3.80	[Signature]	
305	4.361	16.3.80	[Signature]	
306	4.109	16.3.80	[Signature]	
307	1.39	18.3.80	[Signature]	
308	1.121	16.2.80	[Signature]	
309	1.118	15.3.80	[Signature]	
310	1.35	16.3.80	[Signature]	
311	4.355	15.3.80	[Signature]	
312	4.354	16.3.80	[Signature]	
313	7.145	1.5.80	[Signature]	
314	7.149	1.5.80	[Signature]	
315	4.257	1.5.80	[Signature]	
316	4.259-265	1.5.80	[Signature]	
317	AMENDMENT No 4.	1.5.80	[Signature]	
318	4.7	1.5.80	[Signature]	
319	4.150	10.5.80	[Signature]	
320	4.151AAC	10.5.80	[Signature]	
321	4.359	10.5.80	[Signature]	
322	9.2	1.5.80	[Signature]	
323	10.14	1.5.80	[Signature]	
324	1.66	10.5.80	[Signature]	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
325	1.122	10.5.80	[Signature]	
326	4.362	9.4.80	[Signature]	
327	4.337	21.7.80	[Signature]	
328	4.349	10.5.80	[Signature]	
329	1.112	10.5.80	[Signature]	
330	1.113	10.5.80	[Signature]	
331	9.116.9.117	21.7.80	[Signature]	
332	10.5(w)	27.9.80	[Signature]	
333	10.6	27.9.80	[Signature]	
334	Item 2(i)	27.9.80	[Signature]	
335	2.101	27.9.80	[Signature]	
336	4.351	8.6.80	[Signature]	
337	4.352	8.6.80	[Signature]	
338	4.350	8.6.80	[Signature]	
339	4.544	21.7.80	[Signature]	
340	4.353-357	21.7.80	[Signature]	
341	4.324	21.7.80	[Signature]	
342	4.325	21.7.80	[Signature]	
343	4.221	8.6.80	[Signature]	
344	4.344	8.6.80	[Signature]	
345	4.334	21.7.80	[Signature]	
346	4.334A	21.7.80	[Signature]	
347	4.60	8.6.80	[Signature]	
348	4.870	8.6.80	[Signature]	
349	4.347	25.5.85	[Signature]	
350	4.348	25.5.85	[Signature]	
351	1.113	10.8.80	[Signature]	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
379	2.153B	25.5.81		
380	2.175	25.5.81		
381	7.1-16	25.5.81		
382	9.383	25.5.81		
383	4.25-4b	25.5.81		
384	2.21-23	25.5.81		
385	7.22-28	25.5.81		
386	10.3-a	2.9.81		
387	SECTION 11	25.5.81		
388	4.151B ^a	25.5.81		
389	4.304-313	25.5.81		
390	4.293-430 ³	25.5.81		
391	10.22	25.5.81		
392	9.282	5.7.81		
393	9.285	5.7.81		
394	9.482-483	5.7.81		
395	4.350g	25.5.83		
396	9.117	5.7.81		
397	2.74	21.3.88		
398	SECTION 11	5.7.81		
399	10.23	2.9.81		
400	10.1	2.9.81		
401	9.487	5.7.81		
402	Mem 2	2.9.81		
403	7121-7132	24.9.81		
404	9.31	31.10.81		
405	7.110(A)	24.9.81		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
406	Item 2(c)	24.9.81		
407	1.125	31.10.81		
408	4.175A+B	31.10.81		
409	10.9	25.5.83		
410	10.10	25.5.83		
411	9.316A+316B	22.2.82		
412	1.1-1.85	25.5.83		
413	2.1-2.176	25.5.83		
414	3.1-3.127	25.5.83		
415	4.1-4.370	25.5.83		
416	5.1-5.48	25.5.83		
417	6.1-6.37	25.5.83		
418	7.1-7.240	25.5.83		
419	8.1-8.76	25.5.83		
420	9.1-9.487	25.5.83		
421	10.1-10.23	25.3.83		
422	3.128-131	13.9.82		
423	Item 5	22.2.82		
424	9.488-491	13.9.82		
425	1.102	1.2.82		
426	1.103	1.2.82		
427	1.104	1.2.82		
428	1.105	1.2.82		
429	9.271-290	1.2.82		
430	9.476-478	1.2.82		
431	9.486	1.2.82		
432	4.353	25.5.83		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
433	4.354-12	25.3.82	Q	
434	7.238	22.2.82	Q	
435	4.274(a)	22.2.82	Q	
436	Item 4	22.2.82	Q	
437	4.371	22.2.82	Q	
438	4.110A	22.2.82	Q	
439	3.115A	22.2.82	Q	
440	4.76	20.3.82	Q	
441	7.215-7224A	13.9.82	Q	
442	4.33(b)	13.9.82	Q	
443	ITEM 6	13.9.82	Q	
444	2.100B	13.9.82	Q	
445	4.255(b)	13.9.82	Q	
446	SECTION 11	13.9.82	Q	
447	4.243. A	13.9.82	Q	
448	7.2(a)	13.9.82	Q	
449	9.493	13.9.82	Q	
450	3.5-3.8	13.9.82	Q	
451	A.328	13.9.82	Q	
452	7241-242	13.9.82	Q	
453	ITEM 6	13.9.82	Q	
454	9.492	13.9.82	Q	
455	2.177.	13.9.82	Q	
456	2.133A	13.9.82	Q	
457	3.86A	13.9.82	Q	
458	2.178	07.12.82	Q	
459	10.24	27.12.82	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
460	9.494	14.11.82	[Signature]	
461	9.361C	27.12.82	[Signature]	
462	4-372	27.12.82	[Signature]	
463	2.177	13.4.83	[Signature]	
464	9.58	13.4.83	[Signature]	
465	2.103-2.118	13.4.83	[Signature]	
466	1.40A	13.4.83	[Signature]	
467	4.858	13.4.83	[Signature]	
468	9.279A	13.4.83	[Signature]	
469	4.202B	13.4.83	[Signature]	
470	8.856	15.2.83	[Signature]	
471	4.56A	15.2.83	[Signature]	
472	2.146-153	4.7.83	[Signature]	
473	4.363	15.2.83	[Signature]	
474	7.55A	13.4.83	[Signature]	
475	9.368A	4.7.83	[Signature]	
476	10.10	4.7.83	[Signature]	
477	1.57	4.7.83	[Signature]	
478	7.238	4.7.83	[Signature]	
479	9.254A	4.7.83	[Signature]	
480	7.202	4.7.83	[Signature]	
481	7.208	4.7.83	[Signature]	
482	7.211	4.7.83	[Signature]	
483	Item 7	4.7.83	[Signature]	
484	9.316-9317	4.7.83	[Signature]	
485	9.362	27.12.83	[Signature]	
486	4.54a	13.10.83	[Signature]	

INSPECTOR
 [Signature]
 INSPECTOR

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
487	4.373	4.7.83		
488	9.366	27.12.83		
489	4.115	13.10.83		
490	7.243	13.10.83		
491	11.376	13.10.83		
492	4.377	13.10.83		
493	9.495	13.10.83		
494	7.30A	13.10.83		
495	10.25	13.10.83		
496	8.14	13.10.83		
497	4.275	13.10.83		
498	9.494	27.12.83		
499	7.217	13.10.83		
500	2.119	27.12.83		
501	8.77	27.12.83		
502	9.485	27.12.83		
503	3.132	13.10.83		
504	5.28-5.50	3.2.84		
505	8.9-8.13	27.12.83		
506	9.496	27.12.83		
507	4.668	27.12.83		
508	1.54	27.12.83		
509	10.26	27.12.83		
510	4.170	27.12.83		
511	2.96	27.12.83		
512	Loc Allowance	27.12.83		
513	Item 4	3.2.84		
514	Item 5	3.2.84		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
515	7.52A	3.2.84		
516	Item 1	3.2.84		
517	7.106A	3.2.84		
518	7.20	3.2.84		
519	1.109(2)	3.2.84		
520	9.497	3.2.84		
521	4.237A	12.4.84		
522	Item 1	12.4.84		
523	1.102abd.	9.10.84		
524	4.141	11.8.84		
525	4.202A	11.8.84		
526	9.498	11.8.84		
527	4.372	11.8.84		
528	4.57(c)	9.10.84		
529	4.240B	9.10.84		
530	9.120-129A	9.10.84		
531	7.246-251	13.11.84		
532	Item 6	9.10.84		
533	7.215-7.224A	9.10.84		
534	8.72-73	9.10.84		
535	9.498	9.10.84		
536	9.499-9.500	9.10.84		
537	9.353b	22.1.85		
538	9.501-502	22.1.85		
539	7.241	26.11.84		
540	9.368A	22.1.85		
541	1.100	22.1.85		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
542	Item 3	5.2.85	Q	
543	9.488-491	22.1.85	Q	
544	9.267	5.2.85	Q	
545	4.177	5.2.85	Q	
546	7.57	5.2.85	Q	
547	9.369-372	24.3.85	Q	
548	9.492	24.3.85	Q	
549	10.27	16.4.85	Q	
550	4.323A	24.3.85	Q	
551	1.72(L)	24.3.85	Q	
552	Item 2	10.3.85	Q	
553	10.28	24.3.85	Q	
554	9.498	10.3.85	Q	
555	2.36-2.38	17.7.85	Q	
556	9.368(N)	29.4.85	Q	
557	10.29.	17.7.85	Q	
558	7.12-7.15	17.7.85	Q	
559	7.218 k	17.7.85	Q	
560	7.16A	17.7.85	Q	
561	Sect 1-9	17.7.85	Q	
562	Sect 11	17.7.85	Q	
563	7.123(b)	17.7.85	Q	
564	9.503	17.7.85	Q	
565	1.126	17.7.85	Q	
566	2.119-2.120	17.7.85	Q	
567	9.1-9.18	17.7.85	Q	
568	1.125	17.7.85	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
569	Item 6	17.7.85	Q	INSPECTED 19/7/85 C. R. AUSTEN Inspector
570	7.105	5.8.85		
571	7.106B	5.8.85		
572	9.180A	5.8.85		
573	1.109	17.7.85		
574	9.341-351c	17.7.85		
575	4.292	15.9.85		
576	4.310-308	24.9.86		
577	9.264,65	15.9.85		
578	4.44A	24.9.85		
579	Item 4	24.9.85		
580	2.39	15.9.85		
581	Item 7	15.9.85		
582	1.110	15.9.85		
583	7132A	29.9.85		
584	1.42A	29.9.85		
585	7.151A	25.11.85		
586	9.205A-205B	25.11.85		
587	9.206(b)(d)(e)	25.11.85		
588	4.274	25.11.85		
589	4.27E	25.11.85		
590	10.23	20.1.86	INSPECTED 20/2/86 C. R. AUSTEN Inspector	
591	10.30	20.1.86		
592	9.497	14.12.85		
593	9.267	3.3.86		
594	7.167	12.2.86		
595	9.266	15.4.86		

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
596	9.366C	15.4.86	Q	
597	4.76	15.4.86	Q	
598	9.363	15.4.86	Q	
599	Appendix B	14.4.86	Q	
600	Locality Allowance	14.4.86	Q	
601				
602	7.72	21.5.86	Q	
603	1.89	21.5.86	Q	
604	10.32	20.6.86	Q	
605	10.33	21.5.86	Q	
606	10.34	21.5.86	Q	
607	9.480-9481	21.5.86	Q	
608	4.115	21.5.86	Q	
609	14em 8	21.5.86	Q	
610	2.133B	21.5.86	Q	
611	4.71-72	13.7.86	Q	
612	2.110	9.9.86	Q	
613	9.31-33	9.9.86	Q	
614	9.504	1.9.86	Q	
615	10.31	9.9.86	Q	
616	10.1	1.9.86	Q	
617	9.207	1.9.86	Q	
618	2.146	4.11.86		
619				
620	10.85	20.10.86	Q	
621	9.81-86	20.10.86	Q	
622	9.366A	14.10.86	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion or noting	Initials	
			Member	Inspecting Officer
623	10.36	4.10.86	<i>[Signature]</i>	
624	9.119A+B	17.2.87	<i>[Signature]</i>	
625	1.127	20.11.86	<i>[Signature]</i>	<i>Instructed to Lawas 11-86</i>
626				<i>[Signature]</i>
627	7.149B			
628	4.175B	4.10.86	<i>[Signature]</i>	
629	7.106A	4.10.86	<i>[Signature]</i>	
630	10.37	17.2.87	<i>[Signature]</i>	
631	7.178	17.2.87	<i>[Signature]</i>	
632	1.39	17.2.87	<i>[Signature]</i>	
633	9.40-9.50	17.2.87	<i>[Signature]</i>	
634	7.171A	17.2.87	<i>[Signature]</i>	
635	4.275A	31.3.87	<i>[Signature]</i>	
636	9.119B	19.2.87	<i>[Signature]</i>	
637	9.352-361B	31.3.87	<i>[Signature]</i>	
638	9.499-500	31.3.87	<i>[Signature]</i>	
639	ITEM 8	19.2.87	<i>[Signature]</i>	
640	9.160	31.3.87	<i>[Signature]</i>	<i>[Signature]</i>
641	4.240	31.3.87	<i>[Signature]</i>	
642	1.185	31.3.87	<i>[Signature]</i>	
643	9.148	20.4.87	<i>[Signature]</i>	
644	4.202A	7.7.87	<i>[Signature]</i>	
645	4.285	7.7.87	<i>[Signature]</i>	
646	Item 7	7.7.87	<i>[Signature]</i>	
647	9.506	7.7.87	<i>[Signature]</i>	
648	9.208	15.7.87	<i>[Signature]</i>	
649	9.210-227	15.7.87	<i>[Signature]</i>	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
650	4.363	7.7.87	Q	
651	4.364	7.7.87	Q	
652	9.467A	7.7.87	Q	
653	10.14	7.7.87	Q	
654	9.1-9.20	27.8.87	Q	
655	7.16(d)	27.8.87	Q	
656	9.308A+B	27.8.87	Q	
657	4.213A	15.7.87	Q	
658	Item 3(1)-(3)	27.8.87	Q	
659	2.98	12.11.87	Q	
660	2.155(c)	27.8.87	Q	
661	9.116A	12.11.87	Q	
662	9.100A	12.11.87	Q	
663	9.216(d)	12.11.87	Q	
664	1.57(b)	12.11.87	Q	
665	10.7	16.11.87	Q	
666	10.8	16.11.87	Q	
667	9.370(e)	12.11.87	Q	
668	4.275(b)	12.11.87	Q	
669	4.178 f	27.11.87	Q	
670	4.179	27.11.87	Q	
671	1.101A	16.11.87	Q	
672	4.60	27.11.87	Q	
673	4.376	27.12.87	Q	
674	4.175A	27.12.87	Q	
675	7.235	27.12.87	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
676				
677	2.112-218	15.2.88	Q	
678	3.787-86E	6.4.88	Q	
679	Item 6	15.2.88	Q	
680	9.57	15.2.88	Q	
681	7.212(E) 16/224	15.2.88	Q	
682	1.35 (ca)	15.2.88	Q	
683	8.77-8.79	15.2.88	Q	
684	10.16A 1.48A	15.2.88	Q	
685	2.41-58	6.4.88	Q	
686				
687	9.36D	6.4.88	Q	
688	9.501-502	6.4.88	Q	
689	8.25-39 6.4.88	6.4.88	Q	
690	8.58-75	6.4.88	Q	
691	9.368A	6.4.88	Q	
692	10.36A	6.4.88	Q	
693				
694	2.90-2.100A	26.5.88	Q	
695	7.9b	19.7.88	Q	
696	10.6	26.5.88	Q	
697	9.212	25.9.88	Q	
698	9.226	19.7.88	Q	
699	4.352	26.5.88	Q	
700	7.167	26.5.88	Q	
701	9.327	19.7.88	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
702	8.15A	19.7.88	[Signature]	[Signature]
703	4.311	19.7.88	[Signature]	[Signature]
704	7.215	19.7.88	[Signature]	[Signature]
705	1.34B	25.9.88	[Signature]	[Signature]
706	6.65-64R	25.9.88	[Signature]	[Signature]
707	8.37c	25.9.88	[Signature]	[Signature]
708	2.24A-2.25B	25.9.88	[Signature]	[Signature]
709	1.25-1.27A	25.9.88	[Signature]	[Signature]
710	9.180A	25.9.88	[Signature]	[Signature]
711	9.369	25.9.88	[Signature]	[Signature]
712	7.105-106	27.11.88	[Signature]	[Signature]
713	2.123	25.9.88	[Signature]	[Signature]
714	2.9-3.25	25.9.88	[Signature]	[Signature]
715	7.107-7.14A	25.9.88	[Signature]	[Signature]
716	7.174-178	26.9.88	[Signature]	[Signature]
717	7.201	25.9.88	[Signature]	[Signature]
718	7.238g	25.9.88	[Signature]	[Signature]
719	New 7	25.9.88	[Signature]	[Signature]
720	8.34(e)	27.11.88	[Signature]	[Signature]
721	9.100 B & C	27.11.88	[Signature]	[Signature]
722	3.132	27.11.88	[Signature]	[Signature]
723	3.117	27.11.88	[Signature]	[Signature]
724	1.40m 9	27.11.88	[Signature]	[Signature]
725	9.446A	27.11.88	[Signature]	[Signature]
726	1.196	20.12.88	[Signature]	[Signature]
727	9.434	27.12.88	[Signature]	[Signature]

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
728	9.392-99A	20.12.88	Q	
729	3.77	1.2.89	Q	
730	7.151-A	1.2.89	Q	
731	7.149A	9.5.89	Q	
732	7.238g	1.2.89	Q	
733	10.38	9.5.89	Q	
734	4.203	9.5.89	Q	
735				
736	9.462	9.5.89	Q	
737	2.1234	9.5.89	Q	
738	2.124/133	9.5.89	Q	
739	Item 2	9.5.89	Q	
740	Appendix B	9.5.89	Q	
741	Appendix C	9.5.89	Q	
742	2.100B	9.5.89	Q	
743	Item			
744	Item 4	9.5.89	Q	
745	Item 9	9.5.89	Q	
746	10.39	9.5.89	Q	
748	1.121	9.5.89	Q	
748	2.120	30.5.89	Q	
749	7.30C	9.5.89	Q	
750	8.38(b)	26.6.89	Q	
751	9.480	30.5.89	Q	
752	9.480	26.6.89	Q	
753	2.47	21/8/89	Q	

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
754	2.155	21/8/89	Q	
755	1.34	21/8/89	Q	
756	7.129	21/8/89	Q	
757	9.14-19	21/8/89	Q	
758	2.29-41	21/8/89	Q	
759	Hem 2	29/10/89	Q	
760	9.164-167	21/8/89	Q	
761	7.224B+C	19/10/89	Q	
762	9.209A-G	17/10/89	Q	
763	9.119B(2)(4)	17/10/89	Q	
764	25/7/89	17/10/89	Q	
765	4.177	17/10/89	Q	
766	4.64(e)	15/11/89	Q	
767	9.439-62	15/11/89	Q	
768	4.285/290	21/12/89	Q	
769				
770	2.100C	15/11/89	Q	
771				
772	1.127	27/12/89	Q	
773	1.48	6/12/89	Q	
774	2.141-145	6/12/89	Q	
775	10.32	17/10/89	Q	
776	1.109	5/12/90	Q	
777	10.19	27/12/89	Q	
778	9.316D	10/1/90	Q	
779	9.128	15/2/90	Q	
780	2.28	15/2/90	Q	
781				

QUEENSLAND POLICEMAN'S MANUAL

REGISTER OF AMENDMENTS

Amendment Number	General Instruction	Date of insertion of noting	Initials	
			Member	Inspecting Officer
782	10.34	4/5/90	[Signature]	
783	7.106A	6/12/89	[Signature]	
784	1.25	16/12/89	[Signature]	
785	9.470-474	16/1/90	[Signature]	
786				
787				
788				
789	4.21	4/5/90	[Signature]	
790	4.22	4/5/90	[Signature]	
791	8.43A	4/5/90	[Signature]	
792	1.124	4/5/90	[Signature]	
793	7.100 - P11	4/5/90	[Signature]	
794	7.192	4/5/90	[Signature]	
795				
796	4.97-107	4/5/90	[Signature]	
797	4.109/116A	4/5/90	[Signature]	
798	4.117/144	4/5/90	[Signature]	
799	Schedule 1	14/10/90	[Signature]	
800	9.101/115	4/5/90	[Signature]	
801				
802				
803				
804				
805				
806	Deletions	14/10/90	[Signature]	
807				

CRIMECRIME - RESPONSIBILITIES OF POLICE GENERALLY4.1. - POLICE TO PREVENT AND DETECT CRIME:

(a) Police responsibility concerning offences - Members of the Police Force must clearly understand and constantly bear in mind that they are strictly responsible for the prevention and detection of offences of every description. They should therefore cultivate their powers of observation and be always on the alert, so that they will be in a position, should the occasion arise, to furnish complete and accurate descriptions of persons or things observed.

(b) Knowledge and recognition of offenders - Members of the Force generally, wherever they are stationed, should make it their business to acquire a close knowledge of local thieves and members of the criminal class. While much may be said of the mobility of the modern criminal, nevertheless a good deal of crime is committed by persons living in the localities concerned.

Police should avail themselves of every opportunity of having criminals pointed out to them by more experienced colleagues, of seeing them at court when they are charged with offences, of repeatedly examining photographic records of criminals maintained at police stations, and they should constantly endeavour to obtain information which may assist in bringing offenders to justice.

4.2. - CO-OPERATION BETWEEN BRANCHES OF THE POLICE FORCE: Members of the Police Force will at all times exert themselves to maintain good relations between the branch of the Force to which they themselves belong and other branches of the Service.

The certain detection of criminals is the chief objective to be striven for, and this can be achieved only by full and cordial co-operation of all members of the Police Force, particularly those performing duty in plain clothes. This must necessarily involve a free interchange of information, untiring efforts, and a constant adoption of fresh and varied measures not likely to be easily anticipated by offenders.

Members of the Force should not strive for individual credit, and any information calculated to secure the arrest of an offender or clear up crime should invariably be communicated to the Officer in Charge, who is in the best position to know how to act to further the interests of justice.

*4.3. - COMMISSIONED OFFICERS IN CHARGE - SUPERVISION OF CRIMINAL INVESTIGATIONS, ETC.: (i) Regional Superintendents will -

Advise Commissioner in serious cases - In the case of any serious crime or other happening of a grave nature advised by District Officers in accordance with paragraph 2 (a) of this General Instruction -

- (i) forthwith advise the Commissioner of the relevant particulars thereof and official action taken;
- (ii) forward the written report received in the matter to the Commissioner;
- (iii) ensure that developments in the case are reported by telephone to the Assistant Commissioner (Crime and Services) by 0900 hours daily until the person or persons responsible have been apprehended.

(2) District Officers will -

(a) Advise Regional Superintendents in serious cases - In the case of any serious crime or other happening of a grave nature in their districts, forthwith advise by the quickest possible means of communication their respective Regional Superintendents, of the relevant particulars and official action taken, and they will also forward as soon as possible a comprehensive relative report in the matter to the Regional Superintendent concerned;

(b) Take personal interest in all investigations - Take a keen personal interest in the investigation of all cases of offences in their districts, render all necessary assistance, and see that members of the Force zealously perform their duties and maintain a keen interest in such cases until investigations have been satisfactorily concluded;

(c) Senior officer to visit scene of serious crime - When any serious crime or other happening of a grave nature is reported at a police station, ensure that the member of the Force in charge of such station or some other senior officer forthwith visits the scene;

(d) Take personal charge where necessary - If necessary, also forthwith visit such scene, and issue all orders and instructions which the circumstances warrant;

(e) Ensure instructions complied with - Insist on promptitude in the circulation of criminal offence reports, and see that detailed instructions are complied with by all members of the Police Force connected with such cases.

*4.4. - OFFICERS IN CHARGE OF STATIONS - SERIOUS CRIMES, ETC.:

(1) The Officer in Charge of a police station, when any serious crime or other happening of a grave nature is committed or occurs within his police division, will -

(a) Visit scene and supervise investigations - Forthwith visit the scene of the occurrence, commence investigations, and issue to subordinates the necessary instructions which the circumstances warrant and see that such instructions are carried out;

(b) Where C.I. Branch assistance advantageous - Where he considers that it would be advantageous to have the assistance of members of the Criminal Investigation Branch, make application therefor to his District Officer;

(c) Advise District Officer, etc. - Promptly advise his District Officer by the most expeditious means of the facts, and circulate appropriate information urgently to neighbouring police stations and all other places considered necessary;

(d) Where offender still at large - Where the offender is still at large, communicate particulars immediately to neighbouring stations or to stations on the route the offender has taken or may possibly take, and include advice of such action taken with information communicated to his District Officer;

(e) Obtain information regarding offender - Communicate without delay with the police of any part of the State where it is probable that important information regarding an offender can be obtained;

(f) Utilise radio facilities - As far as practicable, utilise police radio facilities in disseminating to members of the Police Force of this State or any other State information concerning serious offences;

(g) Where messages sent to C.I. Branch, Brisbane - Where it is necessary

for him to communicate with the Criminal Investigation Branch, Brisbane, forward by first mail to his District Officer copies of all messages he may have received from or despatched to that Branch;

(h) Full report to District Officer - Furnish to his District Officer a full report of the particulars of the matter in question, showing in detail the action taken and all other essential information;

(i) Circulation of information to other sources - Promptly circulate such extracts from criminal offence reports and crime circulars to such sources as may be best calculated to result in effecting the speedy arrest of the suspect or the recovery of the stolen property, having due regard in this connection to the confidential nature of police information.

(j) Where Homicide Squad, Brisbane, to be advised - Ensure that in appropriate circumstances the provisions of General Instruction 4.4 (2) are complied with.

(2) Homicides and suspicious deaths - Homicide Squad, Brisbane, to be advised -

(a) Brisbane and adjacent areas In Brisbane and adjacent areas, the officer in charge of any case which amounts to murder, attempted murder, manslaughter, or any suspicious death, will advise the Officer in Charge, Homicide Squad, Criminal Investigation Branch, Brisbane, of the occurrence at an early stage in the investigation. This instruction applies irrespective of whether the identity of the offender is or is not known, or whether or not any individual has been arrested.

(b) Country areas - In all other areas of the State, not covered by paragraph (a) hereof, it is the duty of the officer in charge of any case where there is a death of a suspicious nature, and for which there is no early solution, to immediately advise the Officer in Charge, Homicide Squad, Criminal Investigation Branch, Brisbane, by the most expeditious means.

4.5. - OFFICERS IN CHARGE OF STATIONS - RESPONSIBILITY REGARDING CRIME IN DIVISIONS: Each Officer in Charge of a police station will use every legitimate resource open to him in the effective suppression of offences within his division. If through his neglecting to apply for Criminal Investigation Branch assistance when necessary for the investigation of serious crime, or through his evincing any want of energy, offenders escape justice within his division, he will be held responsible and will accordingly be subject to censure.

4.6. - EXPERIENCED POLICE TO ASSIST JUNIOR MEMBERS: When an inexperienced member of the Force makes an arrest, involving important issues, an experienced member should be detailed to assist in collecting and placing all material evidence properly before the court, but nothing must be done that will deflect any credit from the arresting officer, or cause him to think that he has not received fair treatment.

Great care should be exercised to obviate, as far as practicable, premature arrests of offenders for serious crimes.

*4.7. - DETECTIVES AND PLAIN-CLOTHES POLICE - CASES ASSIGNED, AND REPORTS:

(a) Assignment of cases - Cases will be allotted to detectives and plain-clothes police attached to the Criminal Investigation Branch, Brisbane, and to the Licensing Branch, Brisbane, by the commissioned officers in charge of those branches, or by officers authorised by those commissioned officers.

At stations where detectives and plain-clothes personnel are not attached to the Criminal Investigation Branch, Brisbane, cases will be assigned by the Officer in Charge of the station concerned or by the District Officer.

Where in matters of serious crime, both local detectives and uniform Police are working on a case, one of the local detectives will be in charge of the case, but all members of the Force concerned with the investigation will be responsible for the efficient handling and finalisation of the investigation.

Unless otherwise instructed, members of specialists squads assisting local Police, should as far as practicable, confine their efforts to giving them their assistance.

(b) Prompt attention to cases - interim reports - Detectives and plain-clothes police will give prompt attention to each case assigned to them, and report progress to the Officer in Charge. They will report in writing all facts and developments in important cases and have their reports placed on record. When any matters detailed to them for investigation, other than criminal offence reports, cannot be completed in two weeks, the member concerned will furnish an interim report, and if he is convinced that further progress in any case is unlikely, he will include such contention in his report.

Care should be taken in all instances to keep frequently in touch with the complainant and advise him of the result of inquiries.

(c) Matters reported to personnel to be reported to Officer in Charge - Detectives and plain-clothes police will report to the officer mentioned hereunder all matters coming within the scope of their duties reported to them -

- (i) Those attached to the Criminal Investigation Branch, Brisbane, to the Officer in Charge of that branch;
- (ii) Those attached to the Licensing Branch, Brisbane, to the Officer in Charge, Licensing Branch;
- (iii) Those stationed at police stations, who are not attached to the Criminal Investigation Branch, Brisbane, to the Officer in Charge of the station to which they are attached.

4.8. - PERSONNEL IN PLAIN-CLOTHES - WHEN UNIFORMED POLICE NOT TO RECOGNISE: In order not to disclose the identity of members of the Criminal Investigation Branch, or members of the Force performing plain-clothes duty, members of the Force in uniform will not speak to or appear to recognise them unless first addressed by them. Uniformed police will then, if required, render all possible help and assistance.

ARREST

(Refer also to General Instructions 1.18 to 1.22, in relation to arrest without warrant.)

4.9. - ARREST - AUTHORITY FOR: A lawful arrest may be effected in either of two ways -

(a) By virtue of a warrant, which may be lawfully issued only upon the authority of a statute; or

(b) Without a warrant, if there exists statutory authority to arrest without warrant for the specific offence under the prevailing circumstances.

(NOTE: Where an arrest is effected without warrant, the arresting officer must take great care to ensure that all of the conditions imposed by the relevant statute are satisfied, otherwise he may incur liability to an action for damages at the instance of the party arrested.)

4.10. - ARREST - TERRITORIAL JURISDICTION: A lawful arrest may be made anywhere within the territorial jurisdiction applicable, and a person fleeing from justice may be followed anywhere within such jurisdiction.

4.11. - ARREST - ENTRY OF PREMISES: When a member of the Police Force has power to effect arrest without warrant, he may, after a demand of entrance has been

made and is refused or unanswered, break into premises to effect an arrest, provided ---

- (a) It be on fresh pursuit; or
- (b) (i) If the premises be those of the offender, there are reasonable grounds for suspecting that the offender is in such premises and can be identified; or
- (ii) If the premises be those of another person there are very strong grounds of suspicion that the offender is in such premises. (Solicitor-General's opinion).

4.12. - DUTY OF PERSONS ARRESTING TO PRODUCE WARRANT OR GIVE NOTICE OF CAUSE OF ARREST: It is the duty of a person executing any process or warrant to have it with him, and to produce it if required.

It is the duty of a person arresting another, whether with or without warrant, to give notice, if practicable, of the process or warrant under which he is acting or of the cause of the arrest.

A failure to fulfil either of the aforesaid duties does not of itself make the execution of the process or warrant or the arrest unlawful, but is relevant to the inquiry whether the process or warrant might not have been executed or the arrest made by reasonable means in a less forcible manner. (See Section 255, Criminal Code).

4.13. - ARREST - PROCEDURE IN EFFECTING:

(a) Taking offender into custody - The usual way of effecting an arrest is to lightly touch a shoulder of the alleged offender so that there can be no doubt in the offender's mind that he has been arrested. (See also G.I. 1.19).

(b) When arresting without warrant - A member of the Police Force proceeding to arrest any person without warrant should say to the offender, "I am (state rank and name) and I arrest you on a charge (state the charge)."

(c) When arresting with warrant - offender known - A member of the Police Force, when proceeding to arrest with warrant a person who is known to him as the person whose arrest on a charge of an offence is authorised by that warrant, should say to such person, "I am (state rank and name). I have a warrant for your arrest charging you with the offence (state the offence). I arrest you by virtue of this warrant."

The arresting officer will then show the warrant to the person in question and arrest him.

The warrant should be read over to the prisoner as soon as practicable.

(d) When arresting with warrant - offender not known - A member of the Police Force, when proceeding to arrest with warrant a person who is not known to him but who is believed by him to be the person whose arrest on a charge of an offence is authorised by that warrant, should say to that person,

"I am (state rank and name). I have a warrant for the arrest of (state name of person whose arrest is authorised by the warrant) charging him with (name the offence). I will read the warrant to you. (Read the warrant in its entirety to the person spoken to). Are you the person (state name of person whose arrest is authorised by the warrant) named in this warrant?"

If the person so spoken to ---

- (i) Admits identity with the person whose arrest is authorised by the warrant, the member of the Police Force should say to him, "I arrest you by virtue of this warrant". Such member will then show the warrant to that person and arrest him;
- (ii) Denies identity with the person whose arrest is authorised by the warrant, it is essential that the member of the Police Force believes in good faith on reasonable grounds, before effecting arrest, that the person so spoken to is identical with the person whose arrest is authorised by such warrant.

(e) When arresting on warrant not in actual possession - When a member of the Police Force is not in actual possession of a warrant which has been issued for the arrest of a person on a charge of an offence, but he has knowledge of the existence of such warrant and is proceeding to arrest that person, he should ---

- (i) Where offender known - If that person is known to him, say to such person, "I am (state rank and name). I have knowledge that a warrant has been issued at (state place) on (state date) for your arrest charging you (state wording of warrant). I arrest you by virtue of that warrant. I am not in possession of the warrant, but it will be produced to you later", and such member will then arrest that person;
- (ii) Where offender not known - If that person is not known to him, say to such person, "I am (state rank and name). I have knowledge that a warrant has been issued at (state place) on (state date) for the arrest of (state name of person whose arrest is authorised by the warrant) charging him (state wording of warrant). Are you the person (state name of person whose arrest is authorised by the warrant) named in that warrant?"

If the person so spoken to admits identity with the person whose arrest is authorised by such warrant, the member of the Police Force should say to him, "I arrest you by virtue of that warrant. I am not in possession of the warrant, but it will be produced to you later", and such member will then arrest that person.

If the person spoken to denies identity with the person whose arrest is authorised by the warrant, it is essential that the member of the Police Force believes in good faith on reasonable grounds, before effecting arrest, that the person so spoken to is identical with the person whose arrest is authorised

by the warrant.

(iii) Warrant to be shown to offender when received - On receipt by him of the warrant referred to in this paragraph (e), show such warrant to the person arrested and say to him, "This is the warrant by virtue of which I arrested you on (state date)."

(f) Unnecessary force not to be used - A member of the Police Force, in effecting an arrest, will avoid using unnecessary force, because, not only will it probably entail legal action being taken against the member using it, but it may also provoke resistance to the arrest.

(g) Arrests to be made quietly - A member of the Police Force should make an arrest quietly and without attracting any public attention or subjecting the arrested person to unnecessary exposure.

4.14. - WARRANTS DIRECTED TO POLICE:

(a) Warrants directed to all police officers - When a warrant is directed to all police officers, any member of the Police Force may execute the warrant as if it were directed specially to him by name. (See Section 61 of the Justices Acts).

(b) Warrant, etc., directed to any member of Force - Any process or warrant, order, or command of any justice directed, delivered, or given to any member of the Police Force may be executed and enforced by any other member of the Police Force or assistant. (See Section 22 of the Police Acts).

4.15. - COMMISSIONED OFFICERS AND OFFICERS IN CHARGE OF STATIONS - NOT TO ARREST WHERE OTHER POLICE AVAILABLE: A commissioned officer or Officer in Charge of a police station is not to make an arrest when some other member of the Force is available and legally authorised to make such arrest, unless particular circumstances render it necessary that the arrest be effected by either of such officers.

Inconvenience due to the absence of such officers from office or station, as the case may be, for the purpose of giving evidence in court in such instances will thereby be avoided.

4.16. - OFFENCES - CLASSIFICATION OF:

(a) Criminal Code - Sections 2 and 3 of the Criminal Code provide as follows:-

"2. Definition of offence. - An act or omission which renders the person doing the act or making the omission liable to punishment is called an offence."

"3. Division of offences. - Offences are of three kinds, namely, Crimes, Misdemeanours, and Simple Offences.

Crimes and Misdemeanours are indictable offences; that is to say, the offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment.

A person guilty of a simple offence may be summarily convicted by two justices in petty sessions.

An offence not otherwise designated is a simple offence."

(NOTE: The reference to "two justices in petty sessions" is now to be deemed a reference to "A Magistrates Court constituted under the Justices Acts").

(b) Statutes other than the Criminal Code - Unless specifically stated otherwise, as for example in Section 49 of the Rural Fires Acts (see G.I. 1. 83), offences created by statutes other than the Criminal Code are simple offences.

4. 17. - ARREST - REFERENCE TO CRIMINAL CODE PROVISIONS: Members of the Police Force should study those sections of the Criminal Code defining the law as to arrest, in particular the following sections: -

<u>Section</u>	<u>Short title of section</u>
5	Arrest without warrant.
248	Execution of process.
249	Execution of warrants.
250	Erroneous sentence or process or warrant.
251	Sentence or process or warrant without jurisdiction.
252	Arrest of wrong person.
253	Irregular process or warrant.
254	Force used in executing process or in arrest.
255	Duty of persons arresting.
256	Police officer preventing escape from arrest.
257	Other cases of preventing escape from arrest.
258	Preventing escape or rescue after arrest.
259	Examination of person of accused persons in custody.
283	Excessive force.
680A.	Power of search on arrest.
546	Arrest without warrant generally.
547	Arrest without warrant in special cases.
548	Arrest of persons found committing offences.
549	Arrest of offender committing indictable offences by night.
550	Arrest during flight.
551	Arrest of persons offering stolen property for sale, etc.
552	Duty of persons arresting.

(NOTE: (i) For definitions of terms, e. g. , "criminal responsibility", "police officer", "grievous bodily harm", "night", etc. , see Section 1 of the Criminal Code.

(ii) For the manner of dealing with property taken from accused persons, see Sections 680, 682, and 685 of the Criminal Code.

(iii) In relation to the duties of persons arresting (Section 552 of the Criminal Code), see also Section 69 of the Justices Act

and Section 137 of the Criminal Code.)

4.18. - CRIMES - POWERS OF ARREST:

(a) Arrest without warrant - Criminal Code - Section 5 of the Criminal Code, in relation to arrest without warrant, states that "except where otherwise stated, the definition of an offence as a crime imports that the offender may be arrested without warrant", and defines the expression "the offender may be arrested without warrant" as meaning that "the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in question, either generally or subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest as are specified in the particular case."

Section 546 deals with offences for which an offender may be arrested without warrant generally, and the use of the word "generally" therein imports that the statutory authority contained in that section for the making of arrests applies only where the arrest is not limited, in the section creating the offence, by any specifications of time, place, or circumstance (including the person empowered to make such arrest).

Paragraph (a) of Section 546 provides power for a police officer to arrest a person whom he believes on reasonable grounds to have committed an offence which is such that the offender may be arrested without warrant generally. The matter of whether there are "reasonable grounds" in respect of his belief as to both the commission of the offence and the identity of the offender is a question of fact.

(b) Warrant required for arrest - Criminal Code - The third paragraph of Section 5 of the Criminal Code states: "The expression 'the offender cannot be arrested without warrant' means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are not applicable to the crime in question, except subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest as are specified in the particular case."

In the case of the crimes specified in the following sections, the Code specially provides that "the offender cannot be arrested without warrant";-

<u>Section</u>	<u>Description of crime</u>
57	False evidence before Parliament.
59	Member of Parliament receiving bribes.
60	Bribery of member of Parliament.
87	Official corruption.
117	False claims. (Electoral).
120	Judicial corruption.
121	Official corruption not judicial but relating to offences.
123	Perjury.
126	Fabricating evidence.
127	Corruption of witnesses.

131	Conspiracy to bring false accusation.
132	Conspiring to defeat justice.
133	Compounding crime.
193	False statements in statements required to be under oath or solemn declaration.
209	Attempt to commit unnatural offences.
214	Attempt to abuse girls under ten.
436	Trustees fraudulently disposing of trust property.
437	Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts, or falsifying books or accounts.
438	False statements by officials of companies.
499	Falsification of registers.

(c) Crimes - arrest without warrant subject to conditions - In the case of crimes specified in Section 427 ("Obtaining goods or credit by false pretences or wilfully false promise") and Section 428 ("Obtaining execution of security by a false pretence or wilfully false promise"), as set out in the Criminal Code, each of those sections provides that the offender cannot be arrested without warrant unless found committing the offence.

In respect of the crimes specified in Section 113 ("False answers to questions at elections"), the offender cannot be arrested without warrant except by direction of the presiding officer.

4.19. - MISDEMEANOURS - POWERS OF ARREST:

(a) Arrest without warrant - offender found committing - Section 548(1) of the Criminal Code gives a police officer power to arrest without warrant any person whom he finds committing any indictable offence, and as a misdemeanour is an indictable offence, the power of arrest exists in such cases.

Before a person can be said to be found committing an offence, the offence must be apparent and in the course of perpetration by the offender and witnessed by the police officer concerned. It is not applicable to the cases where it depends upon circumstances not witnessed by the police officer.

In cases where it is provided that an offender may be lawfully arrested if he is found committing the offence, the arrest should be made at the time of the commission of the offence, or, if the offender takes to flight in order to escape arrest, during fresh and continued pursuit.

(b) Arrest without warrant generally - In the case of the misdemeanours specified in the following sections, the Criminal Code expressly provides that "the offender may be arrested without warrant" (see Sections 5 and 546):-

<u>Section</u>	<u>Description of misdemeanour</u>
51 (2)	Unlawful drilling.
54	Interference with Governor or Ministers.
55	Interference with legislature.
56	Disturbing the legislature.

62	Punishment of unlawful assembly.
63	Punishment of riot.
69	Going armed so as to cause fear.
211	Indecent practices between males.
227	Indecent acts.
323	Wounding and similar acts.
328	Negligent acts causing harm.
328A.	Dangerous driving of a motor vehicle.
339	Assaults occasioning bodily harm.
470A.	Unlawful deposition of explosives.

(c) Misdemeanours - arrest without warrant subject to conditions -

(i) Where suspected by police officer, or where found committing by owner of property, etc. - Section 479 of the Criminal Code (Chapter XLVI) provides: "Any person suspected of committing any of the misdemeanours defined in this Chapter may be arrested without warrant by a police officer. Moreover any person found committing any of the misdemeanours so defined may be arrested without warrant by the owner of the property injured or his servant, or by any person authorized by such owner or servant."

These misdemeanours are as follows -

<u>Section</u>	<u>Description of misdemeanour</u>
468	Injuring animals capable of being stolen.
469	Malicious injuries in general (wilfully and unlawfully destroying or damaging property).
475	Travelling with infected animals.
476	Removing boundary marks.
477	Obstructing railways.

(NOTE: Section 468 abovementioned creates both a crime and a misdemeanour, the former referring to a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe or wether, or the young of any such animal, and the latter to other animals capable of being stolen. For animals capable of being stolen, see Section 390).

(ii) Arrest by direction of presiding officer at an election - In the case of misdemeanours specified in Section 108 and 110 of the Criminal Code and shown hereunder, "a person found committing the offence may be arrested without warrant by direction of the presiding officer".

<u>Section</u>	<u>Description of misdemeanour</u>
108(1)	Unlawfully intruding into polling-booth at an election.
108(2)	Wilfully disturbing proceedings at an election.
110(1)	Taking or attempting to take a ballot paper out of a polling booth at an election.
110(2)	Wilfully intruding into voting compartment whilst an elector is voting at an election.

(iii) Where 'found committing' is express condition - Section 97 ("Personating public officers") and 429 ("Cheating") of the Criminal Code each provide that "a person found committing the offence may be arrested without warrant".

Section 184 ("Interference with telegraphs") provides that "a person found committing or attempting to commit any such offence may be arrested without warrant".

4.20. - SIMPLE OFFENCES UNDER CRIMINAL CODE - POWERS OF ARREST:

(a) Arrest of persons 'found committing' - Section 548(1) of the Criminal Code gives a justice or police officer power to arrest without warrant any person whom he finds committing any simple offence with respect to which it is provided that a person found committing it may be arrested by a police officer without warrant.

Section 455 of the Criminal Code is an instance where a definite authority is provided for a police officer to arrest without warrant a person found committing any of the simple offences set out in Chapter XLIV of the Code, the relevant sections being -

<u>Section</u>	<u>Description of offence</u>
445	Unlawfully using cattle.
446	Suspicion of stealing cattle.
447	Illegal branding.
448	Defacing brands.
448A.	Having in possession an animal with defaced brand.
451	Unlawful possession of shipwrecked goods.
452	Offering shipwrecked goods for sale.
453	Unlawfully dredging for oysters.
454	Unlawfully taking fish.

(NOTE: Section 455 also provides a similar power of arrest in respect of the owner of the property in question or his servant, or any person authorized by such owner or servant).

Section 185 creates the simple offence of attempting to injure telegraphs, and Section 184 provides the power of arrest without warrant of a person found committing or attempting to commit any such offence.

(b) Arrest without warrant generally - Section 56B. (1) of the Criminal Code ("Going armed to Parliament House") expressly provides that "the offender may be arrested without warrant". (See Sections 5 and 546).

* (c) Arrest without warrant on verbal order of specified persons - The following simple offences under the Criminal Code are offences for which a police officer may arrest without warrant, subject to the conditions indicated by the section creating the offence -

Section 56A. ("Disturbance in House when Parliament not sitting")

- (i) Creating or joining in disturbance in or within precincts of Parliament House;

The offender may be apprehended without warrant on the verbal order of the Speaker, or Clerk of the Parliament or person acting as such.

- (ii) creating or joining in disturbance at office or residence of Governor or member of the Legislative Assembly or of the Executive Council;

The offender may be apprehended without warrant on the verbal order of the Governor or, as the case may be, member of the Legislative Assembly or of the Executive Council concerned.

*4.21. - SIMPLE OFFENCES UNDER STATUTES OTHER THAN CRIMINAL CODE - POWERS OF ARREST: The various statutes, other than The Criminal Code, which create offences specify where offenders may be arrested therefor, and also state any special conditions which may be attached to the power of arrest in any instance. The most important of such Acts under which members of the Police Force have certain duties and powers are listed hereunder, with an indication of the sections relating to powers of arrest -

<u>Statute</u>	<u>Arrest sections, etc</u>
Animals Protection Act	10, 15A(2)
Art Unions and Amusements Act	60
Casino Control Act	106
Cemetery Act	39
Children's's Services Act	49, 61, 70, 71, 135, 136
City of Brisbane Act (Brisbane City Council Ordinances)	Ch. 15 (Ord. 37), Ch. 36 (Ord. 5), Ch. 52 (Ords. 2&3)
Community Services (Aborigines) Act	36
Community Services (Torres Strait) Act	34
Coroners Act	38, 39
Corrective Services Act	85, 86, 94, 107
Crimes Act (Commonwealth)	8A
Customs Act (Commonwealth)	210
Defence Act (Commonwealth)	82
Defence Force Discipline Act (Commonwealth)	89(5)
Drugs Misuse Act	22
Elections Act	95
Electricity Act	386
Excise Act (Commonwealth)	100
Explosives Act	37
Firearms and Offensive Weapons Act	85, 88, 92
Fisheries Act	18(1) (m)
Hawkers Act	36, 39
Health Act	131, 168
Industrial Conciliation and Arbitration Act	99
Inebriates Institutions Act	10
Invasion of Privacy Act	48A(4)
Justices Act	40(3)
Land Act	42, 373(16), 373A(6)(d), 382(3)
Law Courts and State Buildings Protective Security Act	26

*Amendment No. 789
G.I. 4.21 revised on 4/1/90.
Deletes Amendment No. 295.

StatutesArrest sections, etc.

Liquor Act	73(2), 81, 95, 131, 132, 158A, 166(4)
Litter Act	3
Local Government Act	50(1)
Mental Health Services Act	26
Migration Act (Commonwealth)	38, 39
Navigation Act	145, 388
Noise Abatement Act	40
Pawnbrokers Act	48
Police Act	64
Police Dogs Act	9
Postal Services Act (Commonwealth)	98
Public Safety Preservation Act	12, 14
Quarantine Act (Commonwealth)	31
Queensland Marine Act	21, 82, 108, 258, Reg. 3 on 8 October 1959
Racing and Betting Act	232, 243
Railways Act	131, 138, 139
Regulatory Offences Act	8
Rural Fires Act	47(2)
Second-Hand Dealers and Collectors Act	55(1)
Traffic Act	42
Vagrants, Gaming and Other Offences Act	8B, 38, 42
Weekend Detention Act	16(4)

*4.22. SEARCH AND EXAMINATION OF PERSONS IN CUSTODY: The Criminal Code, Evidence Act and Other Acts Amendment Act, which came into force on 3 July 1989, inter alia, repealed section 259 of The Criminal Code and inserted a new section, as follows -

"(1) Where a person is in lawful custody upon a charge of committing an offence -

(a) a police officer of the same sex as the person in custody;

or

(b) a legally qualified medical practitioner acting at the direction of a police officer,

may search the person of the person in custody and take from his person anything, including clothing, that the police officer believes on reasonable grounds may afford evidence as to the commission of the offence.

(2) - (17)"

(a) Search of a person in custody - Section 259(1) permits a police officer of the same sex as the person in custody or a medical practitioner to search a person in custody, and this means that a police officer has a right generally, subject to certain considerations (see paragraphs (e), (f) and (g) hereunder), to search a person in custody, a right which existed under the repealed section 259;

(b) Taking from the person certain property - The subsection further permits the police officer to take from the person searched certain property, i.e., anything including clothing that the police officer believes on reasonable grounds may afford evidence as to the commission of the offence for which he is in custody.

(c) Taking of other property - If the searching officer finds anything which he suspects would afford evidence of any other offence beside the one for which the person is in custody, or anything which he believes could be dangerous for the person to have in his possession, then the officer would have to rely on the common law. (See section 70, Police Act);

(d) Reasonable grounds for belief - The pre-requisite "belief on reasonable grounds" contemplated in the section as amended relates only to the taking of property, not to the search.

(e) Interpretation of section 259 - Section 259 of The Criminal Code is aimed solely at the gathering of evidence and it would be wrong to interpret the section as authorizing a general search upon arrest, without assigning a valid reason.

*Amendment No. 790

G.I. 4.22 revised and previous G.I.'s 4.22(c) and (d) renumbered as G.I.'s 4.22A(a) and (b) on 4/1/90.

Deletes Amendment No. 296.

Although the repealed section 259 was frequently quoted as an authority for the peremptory searching of persons in custody, this view was not widely held in the legal community.

The contrary view was supported by the English Divisional Court which held, in *Brazil v. Chief Constable of Surrey* (1983) 1 W.L.R. 1155, that before a police officer was entitled to subject a person to a search, reasons should be given.

The effect of this decision is that even under the repealed provisions of section 259, a reason needed to be given before a search of a person could be conducted;

(f) Consideration of the need to search - Prior to any search, the police officer concerned must first consider whether there exists an actual need to search the person. Having addressed his mind to the circumstances of the particular case, and having decided that a search is necessary, the officer must inform the person of the reason for the search;

(g) Reasons for search of a person in custody - Reasons which may be considered by a police officer to justify the search of a person include -

- (i) to remove articles which may afford evidence of the commission of the offence for which the person is in custody. (This action is authorized by section 259(1));
- (ii) to remove articles which may afford evidence of the commission of an offence other than the one for which he is in custody;
- (iii) to remove articles which could be used as weapons to injure himself, other prisoners, or custodians;
- (iv) to remove articles with which he could take or attempt to take his own life, e.g., belt, necktie, shoe laces, long socks, etc.;
- (v) to remove articles which could be used in making or attempting an escape, or in assisting other prisoners to escape;
- (vi) to remove personal property and valuables which could be stolen from his person; and
- (vii) to remove articles which may be used to commit further offences.

In addition to decisions in common law jurisdictions which recognise the obligation borne by police to protect the welfare of prisoners, a statutory duty is imposed by section 285 of The Criminal Code - Duty to provide necessaries.

(h) Taking of samples - A police officer may request a legally qualified medical practitioner or a dentist to examine the person and to take certain samples, (Section 259(3));

(i) Consent of person in custody - The legally qualified medical practitioner or dentist may not perform a prescribed act unless the person in custody gives consent in writing (which in the case of a child, must be in the presence of a parent, guardian or other adult who is either a friend or a person who has no interest in the case) or a stipendiary magistrate gives his approval for the doing of the act. (Section 259(4));

(j) Presence of other persons - The examination of the person in custody shall not be done in the presence of a person of the opposite sex if that would be likely to cause embarrassment. (Section 259(14)).

The police officer must inform the person who is to be examined of his right to have present two persons of his choice during the examination and must take reasonable steps to have those persons present before the examination begins. (Section 259(11) and (13));

(k) Costs of attendance by other persons - Any costs of the attendance by any person shall be met by the person in custody. (Section 259(12));

(l) Application for medical or dental examination - An application for a magistrate's order for a medical or dental examination -

(i) shall be made on oath;

(ii) shall be in the prescribed form (Section 259(5)); and

(iii) may be made by telephone, telex, radio, etc., (Section 259(8) and (9));

(m) Prescribed forms - The prescribed forms, which appear in Section VII of The Schedule - Form of Proceedings - to the Criminal Practice Rules of 1900, are as follows -

Form 1 Application for approval for examination of a person in custody by legally qualified medical practitioner.

Form 2 Application for approval for examination of a person in custody by legally qualified dentist.

Form 3 Approval for examination of a person in custody by legally qualified medical practitioner.

Form 4 Approval for examination of a person in custody by legally qualified dentist.

(n) Approval for medical or dental examination - A magistrate shall not give his approval for a medical or dental examination unless he is satisfied -

(i) that the person is in lawful custody upon a charge of committing an offence;

(ii) that there are reasonable grounds for believing that the examination may afford evidence as to the commission of the offence; and

(iii) the person has been informed of his right to have two persons of his choice present. (Section 259(6));

(o) Provision of equivalent samples - Where the medical practitioner or dentist takes a sample from the person in custody, he must, where practicable, provide the person with a portion of that sample or with an equivalent sample. (Section 259(15)).

If the person does not wish to be supplied with equivalent samples, a signed disclaimer to this effect should be obtained on the reverse of the consent form or the approval form.

If the person is a suspected carrier of a contagious disease such as hepatitis or H.I.V. (A.I.D.S.), he should be advised of the need to ensure that this fact is made known to any person likely to come into contact with the sample;

(p) Costs of medical supplies used - The containers, swabs, etc., necessary for these purposes will be provided at the expense of the Police Department and no costs will be sought in relation to these items;

(q) Safekeeping of samples - Watchhouse keepers will ensure that all specimens given to a person who is to remain in custody are kept in conditions where they will not be contaminated or damaged. Under no circumstances must samples be placed in or near any container (such as a refrigerator) which is used to store food or anything which is used in the preparation and consumption of food.

A person who is transferred from a watchhouse to any other place on remand must have all samples transferred with him unless he makes arrangements with a responsible person of his choice for safekeeping of the samples.

(r) Samples to be treated as exhibits - As no legislative provision exists which permits the tendering of certificates of results as evidence, samples must be treated as any other exhibit.

Therefore, continuity of possession of samples will have to be proved strictly, and it will be necessary to call analysts to give evidence of the results of their tests.

4.22A. - STRIP SEARCH OF PERSONS IN CUSTODY:

(a) Strip search criteria - Subject to any direction specified by his superior officer on any particular occasion, a member of the Police Force performing the duty of watchhouse keeper at the relevant time will exercise his discretion in deciding whether a person, male or female, received into lawful custody at a watchhouse is to be strip searched, having regard to -

- (i) matters and measures ensuring evidence-seeking action, the safety, welfare and protection of all concerned, and escape prevention; and
- (ii) any other need or apparent need necessitating the conducting of such a search.

(b) Propriety in strip searching - Where the strip search of a prisoner is to be conducted in terms of paragraph (a) hereof, members of the Police Force are to observe the directions as hereinafter set forth -

- (i) a female prisoner is to be searched by another female, preferably a female member of the Force, if available, and in addition, the watchhouse keeper is to arrange for any appropriate assistance to be given to the female searcher, if necessary;
- (ii) during any strip search, privacy is to be afforded to any male or female person in lawful custody under such conditions that there is no cause for complaint by any such person in custody about his or her being subjected to the view or proximity of a member of the opposite sex, whether such member be another prisoner or a police officer. (See also G.I. 9.467.)

can never be regained.

- (iv) Record any lies told by the suspect, as they may possibly be used later against him.
- (v) An alibi advanced by the suspect must be checked immediately. Frequently it can be proved to the suspect that his alibi is not true, by an intelligent analysis of the details.
- (vi) Direct questions may merely evoke direct denials, and an indirect line of questioning may be more effective in arriving at the truth. E.g., instead of directly accusing an offender of committing an offence, it may be preferable to obtain his admissions to a number of matters rendering it difficult for him ultimately to deny guilt.
- (vii) Never reveal how little you know.

*4.54A. - POLICE QUESTIONING PERSONS UNDER DISABILITY:

When a member of the Police Force is questioning a person about his implication in an offence, for which that person may be apprehended or detained in custody, and that person's condition in life is such that he appears to be under disability, certain guidelines are to be followed to ensure that any evidence obtained is ruled admissible in court.

(a) Definition of term "person under disability" - A person may be considered to be under disability if he is unable to look after his own interests in the manner of an ordinary adult person. Whilst it is not possible to give an exhaustive definition of a person under disability, included hereunder are some factors which may be considered by the investigating officer when assessing a person's capacity in this regard.

- (i) Immaturity, either in terms of age or development;
- (ii) Feeble-mindedness;
- (iii) Mental illness;
- (iv) Lack of education, to the extent that it impairs his capacity to understand the questions being put to him;

*Amendment No. 486

Previous G.I.'s 4.54A and 4.54B revised and incorporated into new G.I. 5.45A and previous G.I. 4.54C renumbered 4.54B on 28/3/83
Replaces part of Amendment No. 339

- (v) Inability to speak or understand the English language;
- (vi) Chronic alcoholism;
- (vii) Some physical handicaps such as deafness, injury, or loss of sight;
- (viii) Drug dependency;
- (ix) Gross cultural differences;
- (x) Is, at the time of questioning, under the influence of alcohol or drug to such an extent as to make him unable to look after his own interests.

(b) Questioning of children - All children under the age of 17 years are to be regarded as being persons under disability because of their immaturity and if a necessity arises to question a child for an offence, that child must be questioned, in the presence of a parent, guardian, or an adult person nominated either by the child concerned, or by such parent or guardian. If no person is nominated, an independent adult person, preferably of the same sex as the child, in whose presence the child does not feel overborne or oppressed in any way, should be present.

A member of the Police Force interviewing a child who is suspected of being implicated in an offence for which he may be apprehended or detained in custody should caution the juvenile offender consistent with the Judges' Rules, and if the child is under the age of fifteen years, seek evidence of his capacity to know that at the time of committing the offence that he ought not do the act or make the omission by using the following form of caution and frame of questions, as applicable, in addition to taking any other appropriate action on these points, information about which must be included in the evidence of the case -

- (i) Form of caution - The child should be advised and questioned in the manner shown below and his answers to the questions recorded.

Q. I am going to ask you some more questions about this matter. You need not say anything unless you wish to do so. Anything you say will be taken down and may be given to the Court. Do you understand that you don't have to speak?

A.

Q. Do you understand that if you do speak, it will be taken down in writing?

A.

Q. Do you understand that if you do speak, it may then be told to a Court?

A.

(ii) Obtaining requisite capacity - The child should be questioned as follows and his answers to the questions recorded.

Q. When you - (state unlawful act or omission, e.g., took the property, burnt the shed, etc.) - did you know that it was wrong to do that?

A.

Q. How did you know?

A.

Q. When you - (restate unlawful act or omission) - did you know then that you could be punished for doing that?

A.

Q. How did you know?

A.

(c) Questioning of Aborigines and Torres Strait Islanders - Whilst many Aborigines and Torres Strait Islanders would fall into the category of persons under disability, pigmentation of the skin or genealogical background should not be used as a basis for this assessment. Whilst all of the factors outlined above should be considered, particular attention should be given to the suspect person's educational standards, knowledge of the English language, or any gross cultural differences.

Aborigines and Torres Strait Islanders who come within the category of persons under disability will be questioned in the presence of an independent adult person concerned with the welfare of those races, in whom the person being questioned has confidence and by whom he feels supported, and who can act as an interpreter during the period of interrogation, if necessary. The Aborigine or Torres Strait Islander should not be overborne or oppressed in any way by the person present.

(d) Questioning of other persons under disability - A member of the Police Force will, when questioning a person under disability, who is not a child, Aborigine or Torres Strait Islander, about his implication in an offence for which he may be apprehended or detained in custody, have an independent adult person present with the person being questioned throughout the period of the interrogation under conditions whereby the person being questioned is not oppressed or overborne by condition, circumstance or person.

(e) Other obligations of law or practice not negated - The provisions of this General Instruction are in addition to any other requirements of duty, law or procedure.

(f) Doubts on disability - Where in any of the above instances, the investigating officer has doubts as to whether the suspect is a person under disability, that officer should make all necessary inquiries to satisfy himself of the true position in relation to that person.

*4.54B. - CARE TO QUESTION SUSPECTS FAIRLY: In conjunction with the application of General Instruction 4.54A, members of the Force must take particular care to be scrupulously fair to persons whom they are questioning about an offence, and in this regard members should take action to avoid in their duty in questioning suspected persons -

- (i) any situation or circumstance, which includes giving rise to the presumption of oppression, or of unfairness, or of dominance of a police officer although he may be acting in good faith, or to any other injustice to the person being questioned or to the notion of fear to him; or
- (ii) any situation or circumstance by or under which the person being questioned may be overborne or oppressed or by or under which he may be otherwise unfairly or unjustly interrogated.

4.55. - CONFESSIONS - ADMISSIBILITY OF:

(a) Confession - meaning of term - A confession in so far as the term relates to the investigation of crime, is "either a direct admission of guilt, or of some fact or facts which may tend to prove the prisoner's guilt at the trial" (See Attorney-General for New South Wales v. Martin (1909) 9 C.L.R. 713).

The test whether a statement is a confession is an objective one, whether to the mind of a reasonable person reading the statement at the time and in the circumstances in which it was made it can be said to amount to a statement that the accused person committed the offence or which suggested the inference that he committed the offence. The appropriate test is whether the words of admission in the context expressly or substantially admit guilt or do they, taken together in the context, inferentially admit guilt. (See Jayalal Anandagoda v. R. (1962) 1 W.L.R. 817).

(b) Criminal Law Amendment Act of 1894 - Section 10 - This section provides that "No confession which is tendered in evidence on any criminal proceedings shall be received which has been induced by any threat or promise by some person in authority, and every confession made after any such threat or promise shall be deemed to have been induced thereby unless the contrary be shown."

(c) Confession must be voluntary - A confession, in order to be admissible in evidence, must be entirely voluntary.

A confession is not deemed voluntary if it appears to the judge or justice to have been induced by any threat or promise by some person in authority, and having reference to the charge against the accused person, whether addressed to him directly or brought to his knowledge indirectly, and if, in the opinion of the judge or justice, such threat or promise gave the accused person reasonable grounds for supposing that by making a confession he would gain some advantage or avoid some evil in reference to the proceedings against him.

The important point is whether the confession was free and voluntary and "if the circumstances surrounding it give no room for any suggestion that it has been obtained by any threat or inducement then the presumption is that it was free and voluntary. If a doubt is raised it is incumbent on the prosecution to remove that doubt". (See R. v. Thompson (1893) 2 Q.B. 12).

(d) Promise or threat - express or implied - A promise or threat, in order to exclude a confession, must relate to the charge - i.e., must reasonably imply that the accused person's position with reference thereto will be rendered better or worse according as he does or does not confess. It need not, however, be express, but may be implied from the conduct of the person in authority, the declarations of the accused person, or the circumstances of the case.

(e) Inducements - Expressions such as, "You had better tell where you got the property", "It might be better for you to tell the truth and not a lie", "You had better tell all you know", etc., uttered by persons in authority, have been held to be inducements, and the confessions of accused persons made where such expressions were used have been held to be inadmissible.

(f) Removing of effect of promise or inducement - Where a promise or threat to an accused person has been made by, or with the sanction of, a person in authority, and the impression produced thereby is clearly shown to have been removed - e.g., by lapse of time, or by an intervening caution given by some person of superior (but not of equal or inferior) authority to the person who made or sanctioned that promise or threat - a confession subsequently made by such accused person will be receivable in evidence.

In order that it may be clearly shown that such impression has been removed, such person of superior authority should take action to -

- (i) Indicate to such accused person the time and circumstances of such promise or threat;

- (ii) Cause such accused person to understand that he must not allow anything in the nature of a promise or threat previously addressed to him directly, or brought to his knowledge indirectly, to operate on his mind;
- (iii) Cause such accused person to understand that any promise or threat must not be taken into account by him.

When such action has been taken, and upon such accused person stating that he fully understands the effect of the action so taken, such person of superior authority should administer the usual caution to that accused person. If the accused person then expresses a willingness to make an admission or confession of his guilt, any statement made by such accused person should, where possible, be taken down in writing. The opening of such a statement should set out -

- (i) Particulars of the time and place of any relevant previous statement made by such accused person and to whom same was made;
- (ii) Details of the action taken to remove the impression produced by the promise or threat previously made by, or with the sanction of, a person in authority;
- (iii) That anything addressed to him directly, or brought to his knowledge indirectly, on the occasion of such promise or threat either did not operate on his mind or no longer operates on his mind.

(g) Persons in authority - For the purposes of Section 10 of the Criminal Law Amendment Act of 1894, the term "person in authority" means any magistrate, any police or other officer or person having custody of the defendant, the prosecutor (meaning the person who complains that he has been injured or defrauded by the defendant, and upon whose formal complaint the criminal law is set in motion), and any person acting on behalf of the prosecutor for the purpose of having the defendant in custody or preferring a complaint against him.

In other words it means some person who has some opportunity of influencing the course of the prosecution. The master or mistress of an accused person is only a "person in authority" within the meaning of this section where the offence in question concerns such master or mistress.

It is immaterial whether the inducement is held out by the person in authority himself or in his presence without his dissent by a third person.

4.56. - JUDGES' RULES:

(a) Origin and substance of Judges' Rules - The Judges' Rules were originally formulated in 1912 by the Judges of the King's Bench (England), and subsequently added to and clarified in 1918 and, by way of a British Home Office Circular 536053/23, in 1930.

These Judges' Rules are set out in (1930) 24 Q.J.P. pp. 150-154, and they read as follows -

(1) Preliminary inquiries - When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.

(NOTE: For the purposes of these Rules, the words "crime" and "offence" are synonymous and include any offence for which a person may be apprehended or detained in custody. (1930 Circular)).

(2) Questions after decision to arrest - When a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any questions or any further questions, as the case may be.

(3) Questions to persons in custody - Persons in custody should not be questioned without the usual caution being first administered.

(NOTE: Rule 3 was never intended to encourage or authorise the questioning or cross-examination of a person in custody after he has been cautioned, on the subject of the crime for which he is in custody, and, long before this rule was formulated, and since, it has been the practice for the judge not to allow any answer to a question so improperly put to be given in evidence; but in some cases it may be proper and necessary to put questions to a person in custody after the caution has been administered, for instance, a person arrested for a burglary may, before he is formally charged, say "I have hidden or thrown the property away" and after caution he would properly be asked "Where have you hidden or thrown it?"; or a person, before he is formally charged as an habitual criminal, is properly asked to give an account of what he has done since he last came out of prison. Rule (3) is intended to apply to such cases and, so understood, is not in conflict with and does not qualify Rule (7), which prohibits any question upon a voluntary statement except such as is necessary to clear up ambiguity. (1930 Circular).)

Prima facie the expression "persons in custody" in Rule (3) applies to persons arrested before they are confined in a police-station or prison, but the Rule equally applies to prisoners in the custody of a gaoler. The terms "persons in custody" and "prisoners" are therefore synonymous for the purpose of this Rule.)

(4) Statement volunteered - If the prisoner wishes to volunteer any statement the usual caution should be administered. It is desirable that the last two words ("against you") of such caution should be omitted, and that the caution should end with the words "be given in evidence".

(5) Form of caution - The caution to be administered to a prisoner when he is formally charged should therefore be: "Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence." Care should be taken to avoid any suggestion that his answer can only be used in evidence against him, as this may prevent an innocent person making a statement which might assist to clear him of the charge.

(NOTE: As regards any difficulties that may have arisen as to the proper form of caution: (a) at any time before the formal charge is made, and (b) immediately before the formal charge is made, the Judges say -

"With regard to the form of caution it is obvious that the words in Rule (5) are only applicable when the formal charge is being made and can have no application when a violent or resisting prisoner is being taken to the police station. In any case, before the formal charge is made, the usual caution is, or should be: "You are not obliged to say anything, but anything you say may be given in evidence". (1930 Circular).

This is a simple, emphatic and easily intelligible form of caution which may be properly used at any time during the investigation of a crime at which it is necessary or right to administer a caution. When any form of restraint is actually imposed such a caution should certainly be administered before any questions or any further questions, as the case may be, are asked. When it comes to cautioning a prisoner immediately before he is formally charged, the form prescribed in Rule (5) should be used.)

(6) Statement made before caution - A statement made by a prisoner before there is time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been given, but in such a case he should be cautioned as soon as possible.

(7) No cross-examination upon voluntary statement - A prisoner making a voluntary statement must not be cross-examined, and no questions should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening, or has given a day of the week and day of the month which do not agree, or has not made it clear to what individual or what place he intended to refer in some part of his statement, he may be questioned sufficiently to clear up the point.

(8) Statements from several persons accused of same offence - When two or more persons are charged with the same offence, and statements are taken separately from the persons charged, the police should not read these statements to the other persons charged, but each of such persons should be furnished by the police with a copy of such statements and nothing should be said or done by the police to invite a reply. If the person charged desires to make a statement in reply the usual caution should be administered.

(9) Statements to be read over and signed - Any statement made in accordance with the above rules should whenever possible, be taken down in writing and signed by the person making it after it has been read to him and he has been invited to make any correction he may wish.

(NOTE: The new Judges' Rules, which came into force in England and Wales on the 27th January, 1964, and which constitute an extension of the Judges' Rules quoted in this General Instruction, have not been adopted in this State). (See G.I. 4.56A).

(b) Purpose of Judges' Rules - The Judges' Rules were formulated for the purpose of explaining to police officers engaged in the investigation of crime the conditions under which the courts would be likely to admit in evidence statements made by persons suspected of or charged with crime. It is quite impossible to lay down a code of instructions which will cover the various circumstances of every case, and members of the Police Force should at all times ensure that any statement tendered in evidence is a purely voluntary statement.

4.105. - COURT BRIEFS, STATEMENTS, ETC., FILING AND RECORDING: The member of the Police Force who conducts any prosecution for which a Court Brief is prepared in a Magistrates Court will, as soon as practicable after the proceedings, forward the original Court Brief (Form Q.P.9), together with witnesses' statements, and any documentary evidence, etc., to the Officer in Charge, Information Bureau, Brisbane. For instructions as to the filing of briefs of evidence from superior courts, see General Instruction 4.238(h).

4.106. - FILES FOR NOTING AND/OR FILING AT INFORMATION BUREAU: All files which in the opinion of a District Officer would be of use in connection with records at the Information Bureau should be forwarded thereto when relative investigations have been completed, for noting and if necessary filing at that Bureau.

Where any such file has for any reason to be first sent to the Office of the Commissioner or to any other district office, the District Officer should draw attention to the fact that it has not yet been sent to the Information Bureau.

4.107. - MOTOR CYCLE GROUPS KNOWN AS 'BIKIES' - INFORMATION REQUIRED AT INFORMATION BUREAU: Information concerning motor cycle groups commonly known as "Bikies" is required at the Information Bureau, Brisbane, for entry on the "Bikie Index". (See G.I. 4.98(c)(iii)(N)(3).) This information is normally extracted from Activity Reports. However, when police come in contact with large gatherings of members of motor cycle groups, a report is to be furnished and forwarded to the Information Bureau, Brisbane. This report should cover the following points -

- (a) The full name of each member of the group;
- (b) The address of each member;
- (c) His date of birth, if known. If not known, give estimate of his age;
- (d) Whether he occupies any position in the group or club;
- (e) Where applicable, the nickname, alias, or club name of each member;
- (f) His description, including any tattoo marks or any physical peculiarity or mannerisms;
- (g) If the member has a criminal record, brief particulars of such record;
- (h) If such member has a police photo, the reference number of such photo or any police publication reference; and
- (i) The registered number and make and type of the motor cycle usually ridden by the member.

Whilst every care should be taken to avoid the duplication of information supplied, there is a need to constantly update information, due to the fluctuating composition of these groups.

4.108. - SEXUAL OFFENDERS SQUAD: The Sexual Offenders Squad which comes under the control of the Detective Superintendent, Criminal Investigation Branch, Brisbane is responsible in the metropolitan area, for the investigation of complaints of the following nature -

- (a) Serious complaints of a sexual nature;
- (b) Rape;
- (c) Serious sexual assaults;

- (d) Child exploitation;
- (e) Incest; and
- (f) Other analogous offences of a sexual nature.

The Squad will also provide consultative and supervisory assistance to other personnel throughout the State on a needs basis as determined by the Detective Superintendent, C.I. Branch, Brisbane.

Complaints of child exploitation by adult offenders, incest, etc., not coming under the umbrella of the Suspected Child Abuse and Neglect (S.C.A.N.) scheme will be investigated by members of the Sexual Offenders Squad.

- 4.108A. - PAEDOPHILE TASK FORCE: The structure of the Sexual Offenders Squad includes a Paedophile Task Force, whose members investigate paedophile activity within the State known to have or suspected of having interstate or overseas links.

A member of the Police Force having knowledge of the occurrence of paedophile activity in his division or elsewhere will first ascertain if that information is known to the Regional Crime Co-ordinator or to his District Officer. If the activity is restricted to that area, action may be taken locally to suppress it.

However, if there is evidence of links with interstate or overseas individuals or organizations, that information should be passed confidentially to the Paedophile Task Force, Sexual Offenders Squad, Metropolitan C.I. Branch, Brisbane, for action.

- 4.108B. - SEXUAL OFFENCES - MEDICAL PROTOCOL KITS: Sexual Offences - Medical Protocol Kits have been compiled in accordance with the requirements of the Government Medical Officer for use by medical practitioners when examining persons involved in serious sexual offences. The use of these kits by doctors will standardize the examination of such persons.

These kits have been distributed to all Criminal Investigation Branch Offices throughout the State and are available should any member who is investigating a serious sexual offence require that a victim or suspect be medically examined. The member concerned is to ensure that the medical practitioner conducting the examination of the person is in possession of a kit.

The medical practitioner should complete and retain the booklet supplied with the Sexual Offences - Medical Protocol Kit, so that he may later use it in court, if necessary to refresh his memory, as original notes made at the time of the examination. The booklet also contains two forms each of which is entitled "Samples for Laboratory Investigation". One form is for the supply of information concerning the suspect. The medical practitioner will hand the originals of the forms to the investigating officer who will forward them with the forensic specimens in terms of General Instructions 4.152 and 4.153. The duplicates of the forms remain in the booklet.

Criminal Investigation Branch members are to ensure that a kit is available before proceeding to another station to investigate a serious sexual offence. Officers in Charge of stations which are situated in isolated areas where the services of a Criminal Investigation Branch member cannot be obtained without occasioning a lengthy delay, should arrange to obtain kits for retention at those stations. Original supplies and replacement kits may be obtained from the Sexual Offenders Squad by forwarding a computer message to terminal BNCR.

***4.331. - CARNAL KNOWLEDGE (UNLAWFUL) OF GIRL UNDER 16 YEARS:**

LAW: The Criminal Code - Section 215 ("Defilement of girls under sixteen and of idiots") - The offences created by this section are MISDEMEANOURS, and those set out in Section 215 (1) are committed by any person who -

- (a) has, or
- (b) attempts to have
- (c) unlawful carnal knowledge of a girl under the age of sixteen years.

(NOTE: Section 215 (2) creates the offences of having, or attempting to have, unlawful carnal knowledge of a woman or girl, knowing her to be an idiot or imbecile.)

Section 215 provides further;

Defence of belief of age - It is a defence to a charge of either of the offences defined in Section 215 (1) to prove that the accused believed on reasonable grounds, that the girl was of or above the age of sixteen years.

Time limitation for prosecution - A prosecution for either of the offences defined in Section 215 (1) must be begun within six months after the offence is committed.

Corroboration - A person cannot be convicted of any of the offences defined in Section 215 upon the uncorroborated testimony of one witness.

Wife of person charged as witness - The wife of the person charged is a competent and compellable witness for the prosecution. (See Section 8 of the Evidence Act).

"Carnal knowledge" - definition of term - Refer to Section 6, C.C.

JURISDICTION: The offences under Section 215 (1) of the Criminal Code are misdemeanours and triable by indictment, subject however to the relevant provisions of Section 229A of the Code whereby provision is made for such offences to be dealt with summarily under the particular circumstances set out therein.

CHARGES: Form No. 148 (1).

BE PREPARED TO PROVE:

- (a) The act of carnal knowledge, or (according to the charge preferred) the attempt to have carnal knowledge, on the part of the accused;
- (b) That the girl was under the age of sixteen years.

POLICE POWERS: The offences under Section 215 of the Criminal Code are misdemeanours, and the offender may be arrested without warrant only if found committing the offence. (See Section 548, C.C.)

SUGGESTED ACTION:

(a) It will be found, in practice, that many complaints of unlawful carnal knowledge are not made until a period of some months has elapsed after the commission of the offence, and offences of this nature are frequently only brought to the notice of the police when a resultant pregnancy can no longer be concealed.

The time limitation for the prosecution of offenders, imposed by Section 215, must therefore be always borne in mind.

(b) The usefulness, for evidential purposes, of a medical examination of the girl victim of the offence will be dictated by the time lapse between the time of the commission of the offence and the time of its being reported.

In appropriate cases arrangements should be made for a medical examination of the girl to be carried out, by the Government Medical Officer where practicable, with a view to obtaining medical evidence that she has been carnally known.

(c) Obtain a statement from the girl concerned along the following lines ---

- (i) Name, address, and all known particulars of offender;
- (ii) When and where was the offence committed;
- (iii) Details of relevant acts of the offender, including events leading up to the commission of the offence;
- (iv) Description of act of carnal knowledge, was penetration effected, whether offender completed the act, etc.
- (v) Did the girl consent to the act of sexual intercourse, and if so how was her consent obtained? (Note that 'consent' in this case is immaterial except in so far as the charge to be preferred is concerned, i. e., rape instead of a charge under Section 215).
- (vi) Seek evidence to rebut defence open to the accused. Did the offender know the girl's actual age? If so, how did he become aware of it? Were there any discussions between them concerning her age? For example, did the girl have a birthday known to the offender?
- (vii) Did the girl complain immediately after the commission of the offence, or at the first available opportunity? If not, why not, and if so, when and to whom, and what was said? Has the girl had other sexual experience, and if so, with whom and under what circumstances?
- (viii) Is the clothing worn by the girl at the time of the offence available for examination? Has it been disposed of? Has it been washed? Can it be produced?

(d) If much time has elapsed since the offence a search of the scene may not assist, but nevertheless must be considered if circumstances indicate that evidence may be found.

(e) Clothing worn by the girl should be taken possession of for pathological examination, where the offence is sufficiently recent. Seminal stains, blood, etc., may be present thereon.

(f) Note the necessity for corroboration of the complainant girl's evidence. This may be provided not only by witnesses but also by other evidence tending to substantiate the girl's story.

(g) Verify the age of the girl, which must be strictly proved. Obtain a statement setting out relevant particulars from the girl's mother, if available, and a certified copy of the girl's certificate of birth (entry in a Register of Births) for production in evidence. The age of the girl is usually proved by a witness who can identify her as the person named in the certificate.

(h) Interrogate offender only when in possession of all evidence otherwise available to connect him with the offence. He should be asked how old he believed the girl was, and the reasons for his belief, but the defence of belief as to the girl's age should not be suggested to him.

(i) Note that a male person under the age of fourteen years is presumed to be incapable of having carnal knowledge. (See Section 29, C. C.).

("Idiot or imbecile" - Section 215 (2) - In relation to the offence under Section 215 (2), i. e., "knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her", it should be noted that the words "idiot or imbecile" are intended to refer to persons who in fact are incapable of giving consent by reason of mental defectiveness. The age of the victim of the offence is immaterial in this instance.)

INFORMATION →

*4.344. - RAPE:LAW:

The Criminal Code - Section 347 ("Definition of rape") - The offence of rape, created by this section, is a CRIME committed by any person who -

- (a) has carnal knowledge of a woman or girl, not his wife
- (b) without her consent, or
- (c) with her consent, if the consent is obtained -
 - (i) by force, or
 - (ii) by means of threats or intimidation of any kind, or
 - (iii) by fear of bodily harm, or
 - (iv) by means of false and fraudulent representations as to the nature of the act, or
 - (v) (in the case of a married woman) by impersonating her husband.

Attempt to commit rape - An attempt to commit the crime of rape is a crime (see Section 349, C.C.).

Carnal knowledge - When the term "carnal knowledge" or the term "carnal connection" is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration. (Section 6, C.C.).

Immature age - A male person under the age of fourteen years is presumed to be incapable of having carnal knowledge. (See Section 29, C.C.).

This is an irrebuttable presumption of law.

Special rules of evidence, etc. - As to special rules of evidence concerning rape, the mode of taking evidence in such proceedings and the protection of persons concerned in the commission of rape from identification, see Criminal Law (Sexual Offences) Act.

Competency and compellability of witnesses - The husband or wife of each person charged is competent to give evidence for the prosecution or on behalf of the defence. (See Section 8 (2) Evidence Act).

As to the compellability of a husband or wife to give evidence, see Sections 8 (3) - (7), 11, Evidence Act. As to subsection (5), formerly at common law where an accused person was indicted for personal injury to his or her own spouse, the husband or wife, as the case may be, is not only a competent but also a compellable witness. See R. v. Lapworth (1931) 1 KB 117; 22 Cr App R 87; (1930) All ER Rep 340; R. v. Blanchard (1952) 1 All ER 114; 35 Cr App R 183; R. v. Boucher (1952) 36 Cr App R 152; in R. v. Verolla (1962) 2 All ER 426; 46 Cr App R 252; (1963) 1 QB 285 where Milford Stevenson J held that the exception at common law to the general rule of excluding the evidence of one spouse against the other on a criminal charge applies not only to cases where the husband was charged with an assault, but also to a case where the liberty or person of the wife was affected. However, in Hoskyn v. Commissioner for the Metropolis (1978) 2 All ER 136; (1978) 2 WLR 695, the House of Lords applying Leach v. R. (1912) AC 305 and expressly overruling R. v. Lapworth, supra, held that the wife of a defendant charged with a crime of violence against her was not a compellable witness against him.

JURISDICTION: Prosecution is by indictment only.

CHARGES: Form No. 213 (rape); Form No. 214 (attempted rape).

BE PREPARED TO PROVE:

(1) RAPE -

(a) That the accused had carnal knowledge of the woman or girl concerned, in that some degree of penetration of the female vagina by the male penis was accomplished;

(b) That the complainant was not a consenting party to the act of carnal knowledge, or that, if she was a consenting party, her consent was obtained by the accused by means of -

- (i) Force; or
- (ii) Threats or intimidation of any kind; or
- (iii) Fear of bodily harm; or
- (iv) Any false or fraudulent representation as to the nature of the act; or
- (v) Impersonating her husband.

(2) ATTEMPTED RAPE -

(a) That the accused did the acts alleged with the object of carnally knowing the woman or girl concerned; and

(b) That such acts were done without her consent.

POLICE POWERS:

The offences of 'rape' and 'attempted rape' are crimes, and an offender may be arrested without warrant. (See Sections 5 and 546, C.C.).

SUGGESTED ACTION:

(a) Upon receiving a complaint of rape for investigation, bear in mind that swift, accurate, tactful and thorough handling is required. Indispensable evidence may be irretrievably lost if time is allowed to drag; the alleged offender must be located as soon as possible, and speedy examination of the persons of both complainant and assailant may produce vital evidence.

Remember that the principal ingredients of the crime are carnal knowledge and absence of consent, and your investigations will be directed towards proving these and negating defences which may be raised by the offender. Such defences are, commonly, that the complainant was a consenting party, that she is mistaken in her identification and the raising of an 'alibi'.

Investigators are to ensure that the services of the Rape Squad are utilised, in matters of this nature, in the Brisbane and nearby areas. (Refer to G.I. 4.105 for full particulars concerning the Rape Squad).

(b) Arrange to have the woman or girl complainant, with her consent, medically examined (by the Government Medical Officer where available). The examination should be directed towards establishing that she has been carnally known. All possible evidence of the commission of the crime which may be obtained from an examination of her person should be obtained, and this may include -

- (i) Signs of injury negating consent. These signs may consist of bruises, lacerations, scratches, etc., on any part of the body, including the thighs and genital area;

- (ii) Presence of spermatozoa (semen) within the vaginal tract and elsewhere. Specimens (smears, etc.) should be taken from the vagina and any suspected area in this regard for pathological examination, to prove carnal knowledge (or the attempt). Penetration by the male organ may be indicated by the presence of semen in the genital tract;
- (iii) Presence of any foreign hairs, fibres, etc., which may have been deposited as a result of the assault. If the complainant scratched the offender during the commission of the offence, scrapings should be taken from under her nails for pathological examination, as traces of human skin may be present. Foreign bloodstains may also be present on the complainant's skin or clothing.

(c) Do not neglect to inform your superiors of the substance of the complaint and to obtain their approval for action to be taken. Arrange to have the scene of the offence secured for purposes of thorough examination before evidence is lost through being disturbed; obtain all necessary assistance for the various aspects of the investigation, and if the offender is still at large at the time of the complaint being taken patrols must be organised to enable him to be located.

(d) Obtain from the complainant -

- (i) Full name, address, occupation, place of employment, etc.;
- (ii) A complete account of the occurrence involving the offence complained of, including its location and the time (this must be established as precisely as possible);
- (iii) An accurate description of the offender, including type and style of clothing, behaviour generally, identifiable peculiarities (scars, tattoo marks, and the like), mannerisms, information revealed in conversation or story told, etc.;
- (iv) Has she seen the offender before, and if so where and under what circumstances? Who are his associates? What work, if any, does he do? Where does he live, or where has he resided in the past? Does he drive or own a motor vehicle, and if so what is its description?
- (v) Exactly at what time, and to whom, did she make her first complaint of the offence, and what was her motive in complaining? Was her complaint made in answer to questions, or of her own volition? What exactly did she say when complaining?

If the first complaint was made by the complainant to police, or if she is seen shortly after the offence, note carefully her physical and mental state, for obvious signs of physical resistance to the assault and for the indications of mental distress, agitation, etc.

(e) Take possession of the complainant's underclothing and other clothing of hers which may assist in the investigations. Seminal stains or bloodstains, etc., for pathological analysis may be found thereon.

(f) Remember that the absence of signs of a struggle does not necessarily mean that the complainant was a consenting party. She may have yielded under threats or intimidation, or from fear of death or bodily harm; the offender may have falsely or fraudulently represented the nature of the act to her, or he may have impersonated her husband (as might take place if she were intoxicated or asleep), and so on.

(g) Obtain statements from any witnesses who may be able to testify that the complainant made an outcry at the time of commission of the offence. If no such witnesses are available, was the complainant prevented by force from calling for help, or was the offence committed in a remote locality where such an outcry might have been made but was not likely to have been heard by other persons?

(h) Examine the scene of the offence as early as possible, ensuring that it is not otherwise disturbed until the examination is completed. The evidence sought will depend on where the offence was committed, and could include -

- (i) Fingerprints;
- (ii) Footprints, at the scene or in the vicinity. Casts should be taken in appropriate cases;
- (iii) Buttons from offender's clothing, indicating a struggle and negating consent;
- (iv) Fibres from clothing;
- (v) Seminal stains on bed-clothes, car seat covers, handkerchief left at scene, etc.;
- (vi) Pubic or other hairs;
- (vii) Articles that may have fallen from the offender's pockets;
- (viii) Signs of a struggle, e.g., bloodstains, torn bed-clothes, crushed or broken vegetation;
- (ix) Specimens of soil, grass and other vegetation, for comparison purposes if similar substance or things are found on the offender's person or clothing.

(i) Consider the taking of photographs of the scene, showing any evidential matters located there, also the making of a plan if it is desirable to show the distance from where the offence was committed to the nearest building or occupied place.

(j) Is the complaint genuine? False complaints in respect of offences of rape must be guarded against, and may result from -

- (i) Fear of pregnancy;
- (ii) Shame;
- (iii) Revenge;
- (iv) Desire for notoriety;
- (v) False explanation given to cover up sexual indiscretion, e.g., by a married woman in fear of her husband.

If the complaint is suspected to be false, the complainant should be questioned alone to avoid undue influence of relative, friend, etc.

(k) When the alleged offender is located, question him fully as to his whereabouts at the material time and advise him of the nature of the complaint. What was he doing at that time, and who saw him then, or was in his company? If he denies guilt and seeks to set up an alibi, make a detailed check of his movements and activities as related by him.

(l) Endeavour to obtain possession of the clothing worn by the offender at the material time and submit same for scientific examination, in respect of possible seminal stains, vaginal discharge, bloodstains, foreign hairs, and the like. Such clothing should also be examined in relation to, for example, buttons possibly missing, and soil, fibres, grass seeds, leaves, and the like which may be found thereon and which may, upon comparison with objects, vegetation, etc., found at the scene, link the owner with the crime.

(m) If the offender is interrogated or arrested soon after the offence, he should be examined by the Government Medical Officer. It must be remembered that unless he consents this can only be done if he is in lawful custody. Such examination may reveal evidence of a struggle, or of recent sexual intercourse, if the offender is marked or did not subsequently wash his person. His skin may reveal scratches or bites inflicted by the complainant; foreign pubic or other hairs may be found on his person, or bloodstains which, if fresh, may be identifiable as being of a blood group different from his own. (Refer to G.I.'s 4.151A and 4.151B in relation to the taking of Forensic Specimens from persons, etc.)

(n) Corroboration is not required as a matter of law in relation to a charge of rape, but "there is a rule of practice falling short of a rule of law which makes such corroboration highly desirable". (See R. v. Cook (1927) St. R. Qd. 348; 21 Q.J.P.R. 94). Corroboration must be on incriminatory details, and in each case it is generally speaking a matter of fact as to whether there is corroborative evidence implicating the accused (see R. v. Witham (1962) Qd. R. 49). Corroborative evidence must consist of evidence other than that of the prosecutrix (complainant), implicating the accused in material particulars (see R. v. Buckley (1944) St. R. Qd. 147; 38 Q.J.P.R. 111).

Ensure, therefore, that all available evidence is collated which may indicate the truth of the complainant's story and her credibility as a witness.

(o) Obtain all available information concerning the moral character of the complainant and see that it is communicated to the prosecutor, in case her character is attacked in Court.

(p) Notice that evidence, although 'heresy' in character, given by a person to whom a complaint was made voluntarily by the victim of the crime at the first reasonable opportunity after the event, is admissible, not as corroboration of non-consent, but, firstly, because absence of complaint is strong evidence of consent, and, secondly, because the fact that a complaint was made at the time in terms similar to the evidence afterwards given goes to negative the possibility that what is said in evidence is an afterthought - an invented story prepared after the event - a possibility which is regarded as existing in a special degree in this class of case. (Refer to Smith v. C.L.A. Society Ltd. (1935) 35 S.R. (N.S.W.) 552, at pp. 555-6).

(q) Facts that strengthen the complainant's evidence are her known good character, marks of violence about her person (or evidence of threats sufficient to quell resistance), an outcry for help on her part, signs of a struggle at the scene, and her reporting of the offence without delay. Her evidence will be weakened by proven bad character, concealment of the alleged offence, and failure to make an outcry if the offence was committed at a place where a call for help would have been heard and she had the opportunity to cry out.

*4.364. - JUVENILE CRIME OPERATIONS - BRISBANE DISTRICT, FORTITUDE VALLEY DISTRICT AND SOUTH BRISBANE DISTRICT: The operations of the Juvenile Aid Bureau, Brisbane, under the jurisdiction of the Detective Inspector of Police in Charge, cover and extend to police divisions in the Brisbane District, Fortitude Valley District and the South Brisbane District. Members of the Force attached to Juvenile Aid Bureau occupying offices at police stations in those Districts come under the control of the Detective Inspector in Charge, Juvenile Aid Bureau, Brisbane.

*4.364A. - JUVENILE CRIME OPERATIONS - OTHER POLICE DISTRICTS: Wherever a Juvenile Aid Bureau is established in a police district other than those districts outlined in General Instruction 4.364, that Bureau shall come under the control of the District Officer in whose district such establishment is located.

*4.365. - RESPONSIBILITY OF JUVENILE AID BUREAU FOR CRIME ON OR BY CHILDREN: Where a complaint of an alleged criminal offence has been reported to a member of the Police Force attached to a police station or police establishment in the Brisbane District, the Fortitude Valley District or South Brisbane District, and the alleged offence -

- (i) was committed, or is suspected of having been committed by a child or a child in company with an adult; or
- (ii) was committed on a child, e.g., unlawful assault, aggravated assault, assault occasioning bodily harm, indecent assault, etc.; or
- (iii) was committed in respect of property at a school, whether the offender is an adult or a child, or the offender's identity is unknown,

the complaint must be investigated by a member of the Juvenile Aid Bureau, Brisbane.

Where offences as outlined in paragraphs (i), (ii), and (iii) of sub-section (1) of this General Instruction are committed in any other police district wherein a Juvenile Aid Bureau is established, then it shall be the responsibility of personnel attached to that Bureau to investigate such offences.

The provisions of sub-sections (1) and (2) of this General Instruction are to be strictly adhered to, except in circumstances as outlined in General Instruction 4.367 - INVESTIGATION OF SERIOUS COMPLAINTS IN AREAS OF JUVENILE AID BUREAU OPERATIONS.

*4.366. - CRIMINAL OFFENCE REPORTS - CRIME ON OR BY CHILDREN: When a Criminal Offence Report is furnished and the complaint comes within the area of one of the categories described in General Instruction 4.365, the copies of the Criminal Offence Report are to be distributed, as follows -

- (i) from police divisions within the Brisbane District, the Fortitude Valley District and the South Brisbane District, the pink and green copies are to be forwarded direct to the Detective Inspector of Police, Juvenile Aid Bureau, Brisbane, who will cause such complaint to be investigated by staff under his control;
- (ii) from police divisions within any other police district, the pink and green copies are to be forwarded direct to the District Officer, who will cause such complaint to be investigated by Juvenile Aid Bureau personnel or other staff under his control;
- (iii) wherever a Juvenile Aid Bureau Office is established, a white copy is to be passed to a member of that Bureau which is situated in nearest proximity to the area of receipt of such complaint, for information and possible immediate attention;
- (iv) the old gold and white addressed copies are to be forwarded to the Information Bureau, Brisbane;
- (v) the blue addressed copy is to be filed at the station of origin;
- (vi) any remaining copy may be forwarded to any station/establishment where members have any interest in the investigation or may be required to make investigations; and
- (vii) in any instance where offences come within the ambit of General Instruction 4.365(1)(iii) the reporting officer is to comply strictly with the provisions of General Instruction 4.376 - PROPERTY OFFENCES AT QUEENSLAND GOVERNMENT EDUCATIONAL INSTITUTIONS.

*4.367. - INVESTIGATION OF SERIOUS COMPLAINTS IN AREAS OF JUVENILE AID BUREAU OPERATIONS: When an offence such as murder, rape, arson or any other serious crime has been committed or is suspected of having been committed by a child either alone or in company with other children or an adult, or has been committed against the person of a child victim, a senior Detective, not necessarily a member of the Juvenile Aid Bureau, may be detailed to investigate the crime.

The matter of a senior Detective being detailed to investigate a serious criminal offence in terms of this General Instruction shall be arranged between -

- (a) in the Brisbane District, the Fortitude Valley District and the South Brisbane District, the Detective Superintendent of Police, Criminal Investigation Branch, Brisbane, and the Detective Inspector in Charge, Juvenile Aid Bureau, Brisbane;

(b) in all other Police Districts the Commissioned Officer who is designated District Officer and the members who are for the time being the officers in charge of the Criminal Investigation Branch and the Juvenile Aid Bureau within the area of that District whose responsibility it is to investigate such criminal offences.

(c) Whenever an offence as outlined in this General Instruction comes within the scope of the following, which is the accepted definition of child abuse, such investigation will be conducted in compliance with the provisions of General Instruction 9.499 - SUSPECTED CHILD ABUSE AND NEGLECT (S.C.A.N.).

"A non-accidentally injured or maltreated child is one who is less than 17 years of age whose parent or other person having the care of the child has inflicted or allowed to be inflicted on the child physical injury or gross deprivation which has caused or created a substantial risk of such physical or gross deprivation to arise or exist. This definition includes sexual abuse or sexual exploitation".

*4.368. - MEMBER DETECTING OFFENCE MAY PROCEED: Notwithstanding the provisions of General Instructions 4.365 and 4.367, when a member of the Police Force detects a child committing an offence or is proceeding to take action in respect of a child offender soon after the commission of an offence, or through investigation gains evidence sufficient to apprehend or prosecute a child for an offence or have a child cautioned for it (and each instance includes an offence committed conjointly by a child and an adult), that member should deal with the matter and, if necessary, seek assistance from a member of a Juvenile Aid Bureau.

In all circumstances, the provision of General Instruction 9.500 - CAUTIONING OR COUNSELLING CHILD OFFENDERS - shall be strictly complied with.

*4.369. - INFORMATION PERTAINING TO CHILDREN: Where information is received by members of the Force in relation to unsubstantiated criminal offences committed on or by children, or incidents or general information involving children, or juvenile delinquency or deviant behaviour by juveniles, and this information may be of interest to members of the Juvenile Aid Bureau for future enquiry, but does not warrant the furnishing of Criminal Offence Reports, then -

- (a) those members within the Brisbane District, the Fortitude Valley District and the South Brisbane District may pass such information to the Juvenile Aid Bureau, Brisbane; or
- (b) those members in other Districts in which a Juvenile Aid Bureau is established may pass such information to the relevant Juvenile Aid Bureau,

by way of telephone message if that is the most economical method, or otherwise by direct written notification.

CHILDREN

- 9.151. - CHILDREN'S SERVICES ACT - PROCLAMATION AND PURPOSE: The Children's Services Act, proclaimed as coming into operation on the 1st August, 1966, is an Act to promote, safeguard and protect the well-being of the children and youth of the State through a comprehensive and co-ordinated programme of child and family welfare. This Act repealed, subject to certain savings relating to appointments of officers and proceedings already subsisting, the following Acts ---

"The State Children Acts, 1911 to 1955";

"The Infant Life Protection Acts, 1905 to 1935";

"The Children's Protection Acts, 1896 to 1945";

"The Children's Courts Acts, 1907 to 1930";

"The Guardianship and Custody of Infants Acts, 1891 to 1952".

By Section 154 of the Children's Services Act, the Adoption of Children Act of 1964 was amended in the manner and to the extent set out in the appended Schedule II, relating to necessary changes in nomenclature.

- 9.152. - CHILDREN'S SERVICES ACT - ADMINISTRATION GENERALLY: The administration of the Act is vested in the Minister (defined in Section 8) and, subject to the Minister, the Director, Deputy Director, and other officers appointed or continuing to hold an office or position for the purposes of the Act.

By Section 10, the State Children Department formerly constituted as such under the now repealed State Children Acts is continued in existence but is constituted - for the purposes of the Children's Services Act - under the title "Department of Children's Services".

- 9.153. - POLICE TO MAKE NECESSARY INQUIRIES UNDER ACT: Members of the Police Force are required to make themselves familiar with the Children's Services Act and the Children's Services Regulations, particularly in relation to those provisions conferring specific powers upon them, and they will make all necessary inquiries in pursuance of their duties under the Act, including inquiries relating to the births and deaths of children coming within its ambit.

By Section 150 of the Act, an officer of the Department of Children's Services in the exercise of a power or performance of a duty under the Act may be accompanied by a police officer, who may do all acts and things reasonably required to assist such officer therein.

The term "police officer", where used in the Act, means "a member of the Police Force of Queensland". (See Section 8).

- 9.154. - CHILDREN'S COURTS - CONSTITUTION AND PROCEDURES: The constitution, powers, and jurisdiction of Children's Courts and proceedings therein are set out in Part III of the Children's Services Act (Sections 18 to 29). (Refer also to G.I. 4.215).

The term "child" is defined in Section 8 of the Act as follows ---
 "A person under or apparently under the age of seventeen years;

The term includes where necessary a person who though not under or apparently under the age of seventeen years may lawfully be dealt with by a court or has been dealt with by a court on the basis that he is a child".

*9.155. - OFFENCES OF CHILDREN DEALT WITH UNDER CHILDREN'S SERVICES ACT:

(a) Simple offences or breaches of duty - Section 23 of the Act states ---

"23. Child charged with simple offence or breach of duty. A child charged with a simple offence or breach of duty shall be brought or, as the case may require, summoned to appear before a Children's Court.

Subject to this Act, a Magistrates Court shall not have jurisdiction in respect of a child charged with a simple offence or breach of duty."

The terms 'simple offence' and 'breach of duty' are (by Section 8) as defined in the Justices Acts, Section 4 of which - inter alia - defines 'simple offence' as: "Any offence (indictable or not) punishable, on summary conviction before a Magistrates Court, by fine, imprisonment, or otherwise"; and 'breach of duty' as: "Any act or omission (not being a simple offence or a non-payment of a mere debt) upon complaint whereof a Magistrates Court may make an order on any person for the payment of money or for doing or refraining from doing any other act".

(b) Indictable offences - Section 29 (1) of the Act states ---

"29. Jurisdiction of Children's Court in indictable offence. (1) A Children's Court constituted by a Magistrate of Children's Courts or a Stipendiary Magistrate or an Acting Stipendiary Magistrate shall have jurisdiction to try or sentence or otherwise deal with, in accordance with this Act, a person who -

(a) is a child charged with an indictable offence other than such an offence for which he would be liable, were he not a child, to imprisonment with hard labour for life;

(b) was a child when there was commenced against him, whether before that Children's Court or before any other court or tribunal, a proceeding whereby or as a result whereof he stands before that Children's Court charged with an indictable offence other than such an offence for which he would be liable, were he not a child, to imprisonment with hard labour for life."

(c) Restrictions on Court's jurisdiction under Section 29 - By Section 29 (2), a Children's Court shall refrain from exercising its jurisdiction under Section 29 unless it is satisfied that the defendant's right to be tried before a judge and jury has been explained to him and any parent or guardian present and their consent obtained, and that it may adequately deal with the case.

*Amendment No. 60

Amended G.I. 9.155 effective from 23/1/74.

(d) Committal proceedings, etc., with respect to indictable offences - Court procedures relating to committal of children to be tried for indictable offences by Children's Courts or superior courts, the constituting of Children's Courts under prescribed circumstances to deal with certain cases, and the application of Criminal Code provisions, as specified, to charges on indictment against persons in Children's Courts and their conviction thereupon, are set out in subsections (3) to (7) of Section 29 of the Children's Services Act.

(e) Orders by courts - child pleading guilty or convicted of offence - Sections 62 and 63 of the Children's Services Act provide for the making of orders of various kinds in respect of children by courts before which those children have pleaded guilty or been found guilty of offences, Section 63 making provision for the detention of children convicted of the serious offences referred to therein.

*9.156. - COURT HEARINGS, ETC., CONCERNING CHILDREN NOT PUBLIC: Section 27 of the Children's Services Act provides as follows ---

"27. Hearing or examination concerning child not public. Notwithstanding the provisions of any other Act or of any rule of law or practice to the contrary, a Children's Court or justice sitting to hear or take any proceeding in respect of a child alone or in respect of a child and another person conjointly, whether the proceeding is instituted under this Act or otherwise, shall cause to be excluded from the room wherein such court or justice is then sitting all persons except -

- (a) the complainant;
- (b) a person in respect of whom or in respect of a charge against whom the proceeding is commenced;
- (c) the police officer or other person in charge of the case;
- (d) counsel or solicitor for any party;
- (e) the parent or guardian of any child directly concerned in the case whether as defendant or witness or otherwise;
- (f) a representative of the Department;
- (g) a representative of an organization or institution concerned with the care and rehabilitation of children and being concerned in the case;

Provided that such court or justice may permit to be present -

- (a) any person whose presence, in the opinion of such court or justice, is not detrimental to the interests of the child concerned; or
- (b) any person who, in the opinion of such court or justice, might assist such court or justice."

*Amendment No. 60(cont'd)

Amended G.I. 9,156 effective from 23.1.74.

*9.157. - CHILDREN IN NEED OF CARE AND PROTECTION:

(a) Circumstances whereunder child deemed to be in need of care and protection - Members of the Force must bear in mind the various circumstances, set out in Section 46 of the Children's Services Act, which may warrant the admission of a child to the care and protection of the Director, that section reading as follows:

"46. Children in need of care and protection. (1) For the purposes of this Act a child shall be deemed to be in need of care and protection if -

- (a) not having a parent or guardian who exercises proper care of and guardianship over him, he is -
 - (i) neglected; or
 - (ii) exposed to physical or moral danger; or
 - (iii) falling in with bad associates; or
 - (iv) likely to fall into a life of vice or crime;
- (b) he is in the custody of a person who is unfit by reason of his conduct and habits to have custody of the child;
- (c) he is a person in relation to whom any of the offences mentioned in Part VIII of this Act has been committed;
- (d) he is a member of the same household as -
 - (i) a child in relation to whom an offence mentioned in Part VIII of this Act has been committed; or
 - (ii) a person who has been convicted of such an offence in relation to a child;

and appears to be in danger of the commission upon or in relation to him of a similar offence;
- (e) he is a member of a household a member of which has been convicted of an offence under sections two hundred and twenty-two or two hundred and twenty-three of "The Criminal Code";
- (f) he begs or gathers alms, whether or not accompanied with the pretext of a sale or otherwise, or he is in or adjacent to a public place for the purpose of so begging or gathering alms;
- (g) he is found apparently abandoned, or loitering or sleeping in a public place and has no visible lawful means of support or no settled place of abode;
- (h) he carries on street trading that is not authorized by section 113 of this Act;

* Amendment No. 60(cont'd)

Amended G.I. 9.157 effective from 23/1/74.

- (i) he takes part in any public exhibition or performance of a type referred to in this Act without a permit under Part XI of this Act so to do;
- (j) not being a child or ward of the licensee, he is, without lawful excuse, in a betting shop or billiard room, or the bar-room, billiard room or beer garden of any licensed premises;
- (k) he is served with intoxicating liquor in any of the premises mentioned in the last preceding paragraph;
- (l) being in the care of a person other than a parent, relative or guardian of such child, he is apparently deserted by his parent or guardian;
- (m) being under the school leaving age as provided for from time to time by law he is regularly absent from school without reasonable and adequate excuse;
- (n) being under such an age that he is not criminally responsible for any act notwithstanding that, at the time of doing the act, he had the capacity to know that he ought not to do the act, he does an act which would of itself or with other elements constitute an offence on his part if he were of or over that age and had the aforesaid capacity;
- (o) he is for any other reason in need of care and such care cannot be adequately provided by the giving of assistance under Part V of this Act.

(2) The provisions of paragraph (f) of the preceding subsection do not apply to a child who is seeking aid by lawful means for any purpose of a religious, charitable, educational or sporting organization or is in or adjacent to a public place for that purpose."

(b) Voluntary admission to care and protection - Section 47 of the Act provides that an application may be made to the Director, by a parent, guardian, or relative of any child, or by a person of good repute, for the admission of the child to the Director's care and protection.

*(c) Police may apply to Children's Court for order - By Section 49 (1) of the Children's Services Act an officer of the Department authorized in that behalf by the Director or a police officer may apply to a Children's Court for an order that a child be admitted to the care and protection of the Director.

*(d) Police power to take child into custody - By Section 49 (2) of the Children's Services Act a member of the Police Force, without further authority than the Act, may take into custody on behalf of the Director any child who appears or whom such member suspects on reasonable grounds to be in need of care and protection, and upon so doing he shall forthwith notify the Director of the fact and apply as soon as practicable to a Children's Court for an order that the child be admitted to the care and protection of the Director. (See Section 61 (2) for similar power in respect of a child deemed to be in need of care and control).

* Amendment No. 60 (cont'd)

Amended G.I. 9.157 (c) & (d) effective from 23/1/74

(e) Police to take action where necessary - Members of the Force, in any case where sufficient evidence is obtained that a child is in need of care in terms of the Children's Services Act, will take action at once without previously referring the matter to the Department of Children's Services.

9.158. - CHILDREN IN NEED OF CARE AND CONTROL;

(a) Circumstances rendering children liable to proceedings - Section 60 - Whereas a child may be the subject of voluntary admission to the care and protection of the Director (Section 47), proceedings in a Children's Court are necessary to bring a child under the care and control of the Director, and Section 60 of the Act states ---

"60. Child in need of care and control. For the purposes of this Act a child shall be deemed to be in need of care and control if -

- (a) he is falling or is likely to fall into a life of vice or crime or addiction to drugs;
- (b) he is exposed to moral danger;
- (c) he is or appears to be uncontrollable."

(b) Committal of children to care and control - Members of the Force should carefully study the provisions of Section 61 of the Act as having principal application to the taking of proceedings against delinquent children, and subsections (1), (2) and (3) thereof read as follows ---

"61. Committal to care and control. (1) An officer of the Department authorized in that behalf by the Director, a police officer or a parent or guardian of the child concerned may apply to a Children's Court for an order that a child be committed to the care and control of the Director.

(2) An officer of the Department authorized in that behalf by the Director or any police officer may, without further authority than this Act, take into custody on behalf of the Director any child who appears or whom such officer suspects on reasonable grounds to be in need of care and control.

The person so taking a child into custody shall -

- (a) forthwith upon such taking notify the Director of that fact; and
- (b) as soon as practicable after such taking apply to a Children's Court for an order that such child be committed to the care and control of the Director.

Pending determination by a Children's Court of such an application the child shall be cared for in a manner consistent with his best interests -

- (c) by a person chosen by the court; or
- (d) in the absence of such a choice, by the person who took the child into custody or by a person chosen by him.

and for this purpose the person entrusted with the child's care may retain custody of the child.

If under this paragraph the court chooses the Director to care for a child it shall remand the child into the temporary custody of the Director.

(3) Upon an application made to it under this section a Children's Court shall -

(a) order to be made in relation to the child concerned such investigations and medical examinations as to the court appear necessary or desirable and, if it does so, the court -

(i) shall remand the child into the temporary custody of the Director; and

(ii) shall be furnished with reports of such investigations and examinations.

(b) hear any objection to such application;

(c) if it appears to such court that the best interests of such child require it, adjourn such application to another Children's Court whereupon it shall be deemed that such application was made in the first instance to such other Children's Court."

(NOTE: The remaining subsections (4), (5), and (6) of Section 61 refer to consequential orders which may be made by the Children's Court dealing with any such case).

9.159. - CHILDREN TAKEN INTO CUSTODY UNDER ACT - POLICE PROCEDURES:

(a) Order sought for care and protection - When a child is taken into custody in any of the circumstances outlined in Section 46 of the Children's Services Act, the member of the Force in charge of the matter will complete in sextuplicate relative forms of "Application to Children's Court for an Order for Admission to Care and Protection of Director" and "Statement of Particulars relating to Child/Infant" (Forms 7 and 20 respectively under "The Children's Courts Rules, 1966").

These forms are to be distributed as follows -

Original and copy to Children's Court Magistrate;

Copy to Children's Court Prosecutor;

Copy to be served on child;

Copy to be served on parent (or guardian, as the case may be);

Copy to be served on representative of Department of Children's Services.

(b) Order sought for care and control - When a child is taken into custody under any of the provisions of Section 60 of the Children's Services Act, the member of the Force in charge of the matter will complete, in sextuplicate, relative forms of "Application to Children's Court for an Order for Committal to Care and Control of Director" and "Statement of Particulars relating to Child/Infant" (Forms 14 and 20 respectively under "The Children's Courts Rules, 1966").

These forms are to be distributed as indicated in paragraph (a) of this General Instruction.

*9.160. - CHILD CAUTIONED OR BROUGHT BEFORE COURT (EXCEPT FOR MINOR TRAFFIC OFFENCE) - C.O. REPORTS: A member of the Police Force in charge of any police case or proceedings (other than a charge of a minor traffic offence), including any application under Section 46 or Section 60 of the Children's Services Act, against a child, in relation to which that child is brought before a court, or having committed an offence (other than a minor traffic offence) is cautioned but not charged with the offence, will complete Criminal Offence Reports (Forms Q.P.10) in relation thereto, and these forms are to be distributed in accordance with instructions contained in this Manual under the heading "Criminal Offence Reports".

Such Criminal Offence Reports must show the names of both parents (where applicable) as next-of-kin, and where the parents are divorced or separated include that information under the heading "Circumstances of Offence". The attitude adopted by the parents, e.g., "co-operative", "unco-operative", "indifferent", etc., is also to be shown.

Juvenile Aid Bureau Report (Form Q.P.164) (single copy) is also to be furnished when the child is cautioned by a member of the Police Force who is attached to an established Juvenile Aid Bureau (See also G.I. 9.500).

A "Report of Traffic Offence" (Form P.T.57) is to be furnished where a child is brought before a Children's Court, or cautioned by a member of the Police Force, in relation to the commission of a minor traffic offence.

9.161. - AGE OF CHILDREN - DETERMINATION BY COURT, ETC. - Section 28 of the Children's Services Act empowers a court, where necessary for purposes of its proceedings, to determine the age of a child, and provides for cases where a person ceases to be a child during proceedings, as follows -

"28. (1) Apparent age of child. In the absence of proof of age any court, or a justice sitting to take an examination of witnesses in relation to an indictable offence may decide upon its or his own view without further enquiry or after such enquiry as it or he considers warranted in the circumstances, whether a person before it or him charged with an offence is a child and if such court or justice decides that such a person is a child it shall be so deemed until the contrary is proved.

(2) Certain persons to be dealt with as children. Where any proceeding is commenced in relation to a child before any court or before a justice and the person in relation to whom the proceeding was commenced ceases to be a child before the proceeding is completed it shall be lawful to complete the proceeding as if he had continued to be a child and, in that event, he may be dealt with by the court or justice having cognizance of the proceeding on the basis that he is a child.

When a defendant concerning whom the taking of an examination of witnesses in relation to an indictable offence charged against

*Amendment No. 640

Revised G.I. 9.160 amended on 4/2/87

Includes part of Amendment No. 60

him is commenced while he is a child has ceased to be a child at the time he stands before a court of competent jurisdiction to be sentenced or otherwise dealt with according to law in respect of that offence or of any other offence arising out of the same circumstances the court may, if it thinks fit, sentence or otherwise deal with him on the basis that he is a child."

(Refer also to Section 29 (1) (b) and Section 69 (7) of the Children's Services Act.)

*9.162. - NEGLECTING OR ILL-TREATING CHILDREN: Section 69 of the Children's Services Act provides as follows:

"69. Offences in relation to the health of children. (1) A person having a child in his charge shall not ill-treat, neglect, abandon or expose him in a manner likely to cause him unnecessary suffering or to injure his physical or mental health nor suffer him to be so ill-treated, neglected, abandoned or exposed.

Penalty: Four hundred dollars or imprisonment for twelve months or both such fine and imprisonment.

If any person who contravenes any provision of this subsection has benefited or would, but for any provision or rule of law preventing his so doing, benefit or, to his knowledge, stands to benefit, directly or indirectly, by reason of any property or any interest therein accruing to him or to any other person upon the death of the child in question he shall be liable to a fine of one thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(1A) A person having a child in his charge shall not leave the child for a time that is unreasonable having regard to all the circumstances of the case unless he makes reasonable provision for the supervision and care of the child during that time.

Penalty: Two hundred dollars or imprisonment for three months or both such fine and imprisonment.

(1B) Proceedings in respect of a contravention of subsection (1A) of this section shall not be brought against a person who is under the age of seventeen years, not being the parent or guardian of the child concerned.

(2) (This subsection empowers the court to order a person convicted under subsection (1) or (1A) of Section 69 to enter into a recognizance to keep the peace and be of good behaviour, etc.).

* Amendment No. 60 (cont'd)
Amended G.I. 9.162 effective from 23/1/74

(3) A person having the charge of a child shall be deemed to have neglected him in a manner likely to cause him unnecessary suffering or to injure his health physical or mental, as the circumstances may indicate, if -

- (a) being able to so provide from his own resources, he fails to provide adequate food, clothing, medical treatment, lodging or care for such child; or
- (b) being unable to so provide from his own resources, he fails to take all lawful steps within his knowledge to procure the provision of adequate food, clothing, medical treatment, lodging and care for such child.

(4) A person may be convicted of an offence against this section notwithstanding -

- (a) that suffering or injury to the health of the child in question or the likelihood of suffering or injury to the health of the child in question was avoided by the action of another person; or
- (b) that the child in question has died.

(5) No provision of this section shall be construed to prejudice the rights of a parent, guardian, teacher or other person having lawful charge of a child to administer reasonable punishment to such child.

(6) A person charged with any offence against this section may be convicted of any other offence against this section which is established by the evidence.

*(7) When a person appears before a court charged with an offence against subsection (1) or (1A) of this section the court may, in the absence of proof of age, decide upon its own view, without further inquiry or after such inquiry as it considers warranted in the circumstances, whether a person concerned in the charge is a child and if such court decides that such person is a child it shall be so deemed until the contrary is proved."

9.163. - ARREST OF PERSONS ILL-TREATING OR NEGLECTING CHILDREN: Police powers to arrest offenders against Section 69 of the Children's Services Act are provided by Section 70, which reads as follows ---

"70. Power to arrest offenders. Any police officer may arrest without warrant, any person who -

- (a) within the sight of such police officer commits an offence against section sixty-nine of this Act when the name and address of such person are unknown to such police officer and he cannot forthwith ascertain the same;
- (b) has committed or whom such police officer believes on reasonable grounds to have committed an offence against section sixty-nine of this Act if -

* Amendment No. 60 (cont'd)

Amended G.I. 9.162(7) effective from 23/1/74

(i) he believes on reasonable grounds that such person will abscond;

or

(ii) he does not know the name and address of such person and cannot forthwith ascertain the same."

*9.164. - TAKING CHILD INTO CUSTODY - AUTHORIZATION BY JUSTICE: Section 71 of the Children's Services Act reads as follows -

"71. Power to take child into custody. Any officer of the Department or any police officer may report the facts constituting an offence against section sixty-nine of this Act to a justice who may issue his written authority to take the child concerned in such offence into custody and to convey him to and keep him in a place of safety until he can be lawfully dealt with pursuant to this Act.

Any officer of the Department or any police officer may carry out the authority of a justice issued under this section."

*9.165. - SEARCH WARRANT - OFFENCES AGAINST CHILDREN: Members of the Force should refer in this connection to section 72 of the Children's Services Act, which provides for the issue, by a Stipendiary Magistrate or Magistrate of Children's Courts upon information on oath that an offence against section 69 of the Act is suspected, of a search warrant authorizing search of premises (using reasonable force to enter) and the taking into custody of any child in question.

The person executing the warrant may be accompanied by a legally qualified medical practitioner and, if he is not the person on whose information the warrant is founded, he shall be accompanied by that person unless the Magistrate who issues the warrant directs otherwise.

*9.166. - ABSCONDING CHILDREN - POLICE POWER TO ARREST: In relation to children absconding from detention, custody, or care (in terms of the Children's Services Act provisions), section 135 of the Act provides as follows -

*Amendment No. 760
G.I.'s 9.164 - 9.167(e) amended on 24/4/89
Includes part of Amendment No. 60.

"135. **Absconding children.** (1) The Director or any officer of the Department or any police officer may without further authority than this Act, arrest or cause to be arrested and take or cause to be taken to such institution or place as the Director orders -

- (a) any child in care who escapes or absconds from any place wherein he is for the time being detained, or from the charge of any person in whose charge he is, for the time being, placed;
- (b) any person who, being a person over and in relation to whom the Director is exercising supervision pursuant to this Act, absconds from the custody of a person in whose custody he is;
- (c) any child in care who, when ordered so to do by the Director, fails to surrender himself to the custody of the Director at such place as the Director orders.

(2) A person referred to in paragraphs (a), (b) or (c) of the preceding subsection who does or, as the case may be, fails to do any of the acts specified in those paragraphs commits an offence against this Act."

*9.167. - CHILDREN TAKEN INTO CUSTODY OR DETAINED BY POLICE:

(a) Parent, etc., to be notified - A member of the Police Force who takes into custody any child in respect of an offence will ensure that he is brought as soon as practicable before a Children's Court or a justice, as the case may require, to be dealt with according to law. (See section 26(1) of the Children's Services Act.)

In all instances the parents or guardian of the child must, if practicable, be notified. Where a parent or guardian is available and requests to accompany the child taken into custody by a member of the Police Force, such request should be acceded to unless there is good reason for refusal.

A member of the Force, having reason to take action against a juvenile for a minor offence, should proceed by way of Complaint and Summons.

(NOTE: Where a child is taken into custody as being in need of care and protection (section 49(2)) or care and control (section 61(2)), the person so taking that child into custody is required by the relative subsection in each case to notify the Director forthwith, and to apply to a Children's Court as soon as practicable after such taking for the relative order.)

(b) Care of child pending case hearing - The member of the Force in charge of a case as in sub-section (a) above will take action for the care of the child as indicated in section 26(1) of the Children's Services Act, which includes the following provisions -

"26. Custody, remand and detention of Children. (1) A child taken into custody for an offence shall be brought as soon as practicable before a Children's Court or, as the case requires, a justice to be dealt with according to law.

Until the child can be dealt with by the court or justice -

- (a) the child may be granted bail in accordance with the Bail Act 1980-1988;
- (b) if the child is not released on bail,
 - (i) the person having charge of the case concerning the child shall arrange for his care;
 - (ii) the Director and any person acting on his behalf may detain the child in such place as the Director determines from time to time."

Unless the safe custody of a child cannot otherwise be provided for, the child shall not be detained during that period in a prison or police lock-up.

In any case where a child has been taken into custody by a member of the Force, (e.g., for an offence for which bail has been refused, or on an application for Care and Control), such member shall forthwith notify the Director, or any person acting on his behalf, of -

- (i) the name and personal particulars of the child taken into custody;
- (ii) the reason such child was taken into custody;
- (iii) the reason/s such child was refused bail; and/or
- (iv) the reason why safe custody is required in respect of the child taken into custody on an Application for Care and Control.

In any such case, where a member of the Force obtains approval for the detention of a child in a place determined by the Director or any person acting on his behalf (e.g., Sir Leslie Wilson Youth Centre), it shall be the responsibility of the member in charge of the case to deliver the child to the person who, for the time being is in charge of admissions at such place, together with -

- (i) a copy of the relevant Bench Charge Sheet; and/or
- (ii) a written Authorization for Detention (Department of Family Services Form 4).

Each and every member of the Force in charge of such a case shall also advise the person admitting the child to such place of the time, date and place of sittings of the Children's Court at which the child is required to attend. The member shall also be responsible for arranging the child's attendance at the Children's Court.

Where for any reason it is determined by the Director, or any person acting on his behalf, that a child who has been taken into custody (as for an offence where bail has been refused in accordance with the Bail Act), that the child should be detained in a prison or police lock-up, the member of the Police Force in charge of the case shall -

- (i) obtain the identity of the person who authorized such detention;
- (ii) record those particulars with the date and time of the authorization in his official notebook;
- (iii) in an arrest situation, ensure that such relevant information is endorsed in the Watchhouse Charge Book; and
- (iv) where possible, obtain and retain a copy of the written authorization (Department of Family Services Form 4).

(c) Confinement of child in watchhouse, etc. - In any case where a child has been taken into custody by a member of the Police Force and, all possible avenues for his safe custody having been explored, the only possible procedure is that he should remain in police custody, such child is to be kept apart from other prisoners and is not under any circumstances to be kept or placed in any cell with any other prisoner.

Children held of necessity in police watchhouses or lock-ups must at all times be tendered the most humane of treatment consistent with ensuring their safe custody.

(d) Meals supplied to children in custody - Where a child is taken into police custody under the provisions of the Children's Services Act and is provided with meals and/or accommodation by a member of the Force at a reasonable cost, such member will be paid for those services by the Director, Department of Family Services, on receipt of a voucher for the amount due.

(e) Lost Children - When a child unable to tell where he or she lives is found and comes into the care of a member of the Police Force, that member will take immediate action to restore the child to its parents or guardians.

*** (f) Drunkenness - brief required where children arrested for -** Where a child is brought before a Children's Court presided over by the Children's Court Magistrate, Brisbane, following upon that child having been found drunk in a public place or on licensed premises, a court brief (Form Q.P. 9) is to be prepared and full details of the child's antecedents and the nature of and circumstances concerning the offence are to be made available for the information of the court.

*** (g) Infants needing medical care - improperly removed from hospitals -** Where the circumstances of a child's removal from a hospital give reason to believe that he may be neglected in a manner set out in Section 69 (3) of the Children's Services Act, as not being provided with adequate medical treatment, care, etc., according to the particular case, members of the Force should take appropriate action under Section 49 (2) of the Act (see G.I. 9.157 (d)) to apply to a Children's Court for an order that the child be admitted to the care and protection of the Director.

To ensure that a child so taken into custody is cared for in a manner consistent with his best interests, where a need for medical care appears to exist, the child should where practicable be entrusted to the care of the medical superintendent or matron of the hospital concerned, and medical evidence adduced to support relative court proceedings.

- 9.168. - FINGERPRINTING OF CHILDREN: Members of the Force will comply with the provisions of General Instruction 4.80 of this Manual in connection with the taking of the fingerprints of children.
- 9.169. - EMPLOYMENT OF CHILDREN GENERALLY: Members of the Police Force should make themselves conversant with the provisions of Part XI ("EMPLOYMENT OF CHILDREN") of the Children's Services Act and Part VIII ("EMPLOYMENT OF CHILDREN GENERALLY") of the Children's Services Regulations, dealing with the employment of children, and they must ensure that those provisions are strictly complied with.
- 9.170. - LICENSED, OR UNDESIRABLE, PREMISES - CHILDREN ENTERTAINING ON: A child shall not be permitted to be employed or used in public entertainment if the place of such public entertainment is on premises licensed under the Liquor Acts, or any premises which are deemed by the Director to be undesirable for such employment or use of a child. (See Reg. 67).

*Amendment No. 60 (cont'd)

Amended G.I. 9.167 (f) & (g) effective from 23/1/74

By Regulation 66, except in circumstances considered exceptional by the Director a permit shall not be issued for a child to be employed or used in public entertainment during school hours if such child is required to attend school pursuant to the provisions of "The Education Act of 1964".

- *9.171. - STREET TRADING BY CHILDREN: Members of the Police Force will take appropriate action in any instance where an offence against Section 114 of the Children's Services Act comes to their notice, that section providing, in relation to the employment of children in unauthorized street trading, that: "A person shall not use a child in street trading unless the street trading by the child is authorized by Section 113 of this Act".

The fact that a child carries on unauthorized street trading is a ground for an application for an order of care and protection (see Section 46 (1) (h) of the Act, quoted in G.I. 9.157 (a)). The term 'street trading' refers to the selling of newspapers, periodicals, etc., and by definition in Section 8 of the Children's Services Act "includes canvassing for orders for the supply of goods whether ascertained or to be ascertained and whether such canvassing occurs in a public place or premises adjacent to a public place or in any other place".

Section 113 of the Act states:

"113. Authorization of street trading by child. Street trading by a child is authorized if -

- (a) the child is a male person who has attained the age of twelve years; and
- (b) the street trading by the child is carried on between the hours of six o'clock before noon and ten o'clock after noon and at no other time; and
- (c) in the case of the child concerned being of the age of compulsory attendance within the meaning of the Education Act 1964 - 1970, the street trading -
 - (i) is not carried on by the child at any time when his attendance at school is required by that Act or, as the case may be, at any time when the school that he attends is open for his attendance; and
 - (ii) does not involve his being absent from school at any time referred to in the preceding subparagraph (i). "

*Amendment No. 60 (cont'd)

Amended G.I. 9.171 effective from 23/1/74

9.172. - OFFENCE TO EMPLOY CHILDREN IN CERTAIN OCCUPATIONS: Section 115 of the Children's Services Act provides that any person who counsels or procures or, having the custody of the child concerned, allows a child -

- "(a) to be in any place for the purpose of begging or receiving alms or inducing the giving of alms whether under the guise or pretence of singing, playing, performing, selling or otherwise; or
 - (b) who is under the school leaving age as provided for from time to time by law to be employed or engaged -
 - (i) in any work in or about racing stables;
 - (ii) in connection with the training of any quadruped for racing;
 - (iii) as a jockey in any horse or pony race;
 - (c) to engage in any dangerous or indecent performance;
 - (d) who is not the holder of a permit issued for the purpose pursuant to the next succeeding section of this Act to be employed or used -
 - (i) as a performing artist in any place used for a broadcast or television performance or for the photographing of scenes to be depicted in a cinematographic film;
 - (ii) as a model for any advertising purpose, or in any display;
 - (iii) in any place for public entertainment;
 - (iv) in any place set apart for spectators at any sporting event or in or near any way of access to or egress from any such place,
- commits an offence against this Act."

Defences to charges of offences against subparagraphs (ii) and (iii) of paragraph (b) are also provided by this section, where betting on the racing or race referred to is not permitted by the club, etc., concerned, the defendant believing on reasonable grounds that such betting would not occur. A defence is also provided in the case of charges under paragraph (d) where the proceeds of any entertainment in question are applied to a charitable purpose.

9.173. - PERMITS FOR EMPLOYMENT OF CHILDREN: Section 116 of the Act provides that the Director may issue a permit, subject to the conditions and circumstances outlined in this section, upon application made by or on behalf of a child, authorizing such child to be employed or used in any of the places or premises specified in paragraph (d) of Section 115. Such permit must be carried upon his person by the child during his employment or use and produced on demand to the Director, an officer of the Department of Children's Services, or a police officer.

Any person who counsels or procures or, having custody of the child concerned, allows a child who is the holder of a permit issued under Section 116 of the Act to be employed or used otherwise than in accordance with such permit commits an offence against the Act. (See Section 117).

9.174. - EMPLOYMENT OF CHILDREN - POLICE POWER OF ENTRY AND SEARCH: Section 118 of the Act provides that ----

"(1) The Director or an officer of the Department authorized by him or a police officer may at all reasonable hours of the day or night enter any place referred to in section one hundred and fifteen of this Act in which a child is employed or being used or in which the Director or such officer or police officer reasonably suspects that a child is employed or being used and may make all such investigations and enquiries in relation to such child as he thinks desirable.

The Director or such officer of the Department may be accompanied by a police officer and a legally qualified medical practitioner and such police officer may be accompanied by a legally qualified medical practitioner.

(2) A person who -

- (a) fails to answer truthfully to the best of his knowledge and belief any question asked of him by the Director or an officer of the Department authorized by the Director or a police officer in the course of an investigation or enquiry being made pursuant to the preceding subsection; or
- (b) wilfully obstructs the Director or such officer or police officer in making an entry, investigation or enquiry pursuant to the preceding subsection,

commits an offence against this Act."

9.175. - CHILDREN BORN OUT OF WEDLOCK - NOTIFICATION OF BIRTHS AND DEATHS: Members of the Force should note carefully the provisions of Section 85 of the Children's Services Act, setting out requirements for notification of births and deaths of children not born in lawful wedlock, such section reading as follows:

"(1) This section applies in respect of every child who, in a case referred to in subsection (2) of this section, is not legitimate at the date of his birth or who, in a case referred to in subsection (3) of this section, is not, at the date of his death, legitimate or taken to have been born in lawful wedlock.

(2) The occupier of premises in which a child in respect of whom this section applies is born shall within three days after the birth of such child give notice in writing thereof to the district registrar or assistant district registrar of the registry district in which such birth occurs.

(3) The occupier of premises in which any child under the age of six years in respect of whom this section applies dies or to which the body of any such child who has died under that age is brought shall within twenty-four hours of the death of such child or the reception of his body, as the case may be, give notice in writing of such death to the district registrar or assistant district registrar of the registry district in which such death or reception as the case may be, occurred.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section -

- (a) if the premises in question are not situated within the boundaries of a city or town, the occupier thereof -

- (i) may give the notice required of him by this section to the police officer in charge of the nearest police station; and
 - (ii) may give the notice required of him by this section within one week after the birth, death or, as the case may be, reception of a body, has occurred;
- (b) if the occupier of the premises in question is the mother of the child notice of whose birth is required by this section to be given, such occupier may give the notice required of her by this section within three weeks after such birth has occurred.
- (5) In any proceedings in respect of an offence against any of the preceding subsections of this section it shall be a defence that the defendant had no reason to believe and did not believe that the child a notice of whose birth, death, or, as the case may be, the reception of whose body is required by this section to be given is or was a child to whom this section applies.
- (6) (a) A district registrar, assistant district registrar or police officer in charge of a police station who receives a notice required by this section to be given shall forthwith notify the Director of the receipt of such notice and of the particulars shown therein.
- (b) In the case of the birth of a child to whom this section applies the Director, upon learning of such birth, shall take all steps to ensure that the well-being of such child and of its mother are adequately provided for.
- (7) Every person (other than a district registrar within the meaning of "The Registration of Births, Deaths and Marriages Act of 1962") who knows of the birth, death or, as the case may be, reception in or into any premises of the body of a child in relation to whom or which notice is required by this section to be given shall forthwith inform the occupier of such premises that the child concerned is or was a child to whom this section applies unless he believes on reasonable grounds that such occupier already is aware of that fact and of the fact of such birth, death or reception.
- (8) No provision of this section shall be construed to prejudice or affect -
- (a) the provisions of "The Registration of Births, Deaths, and Marriages Act of 1962";
 - (b) the provisions of Division II of Part III of "The Health Acts, 1937 to 1964"; or
 - (c) the provisions of this Act which impose upon any person the duty to give notice to the Director in relation to any child in his charge."

9.176. - BIRTHS AND DEATHS OF ILLEGITIMATE CHILDREN - POLICE INQUIRY PROCEDURES:

- (a) Police inquiring concerning illegitimate children to wear plain clothes - Members of the Force making inquiries in respect of matters coming

within the scope of Section 85 of the Children's Services Act, from mothers or other relatives of illegitimate children, or from other private individuals, should wear plain clothes. Such members should not wear uniform when making such inquiries unless unforeseen circumstances render the wearing of uniform unavoidable.

(b) Police to inquire into deaths notified under Section 85 - When notice as required by Section 85 of the Children's Services Act is given of the death of a child, a member of the Police Force, immediately on receipt by him of such notice or relative advice, will make exhaustive inquiries into that death and furnish a detailed report to his District Officer.

Where any such death occurs under any of the circumstances outlined in Section 7 of the Coroners Acts, the facts are to be immediately communicated in the usual way to the Coroner, who will advise as to whether or not an inquest is to be held.

(c) Director to be notified where notice received by police - The Officer in Charge of a police station who receives a notice required to be given under Section 85 of the Children's Services Act, relating to the birth or death of a child in terms of that section, will immediately notify in writing, through his District Officer, the Director, Department of Children's Services, of the receipt of such notice and particulars shown therein. (See Section 85 (6) (a)).

(d) Death due to natural causes - District Officer to advise Department of Children's Services - A District Officer who is satisfied that the death of a child referred to in paragraph (b) of this General Instruction was due to natural causes and does not come within the provisions of Section 7 of the Coroners Acts, which fact should be supported by a medical certificate as to the cause of death given by a legally qualified medical practitioner, will forward the report received by him direct to the officer of the Department of Children's Services in whose district the death occurred.

(e) Where death subject to Section 7 of Coroners Acts - In any instance where a child under six years of age, who is not at the date of his death legitimate or taken to have been born in lawful wedlock, dies under any of the circumstances outlined in Section 7 of the Coroners Acts, exhaustive inquiries into the death are to be made by a member of the Police Force and the facts immediately communicated to the Coroner, who will advise whether or not an inquest is to be held.

If the Coroner advises that an inquest is unnecessary, a relative police report is to be forwarded to the District Officer (police) concerned, who will in turn forward that report direct to the officer of the Department of Children's Services in whose district the death occurred.

If the Coroner advises that an inquest is to be held, a copy of the police report together with relative statements is to be forwarded to the District Officer (police) concerned. When the inquest is completed, the responsible member of the Police Force will forward through the usual channels to his District Officer a report containing a precis of the evidence given at the inquest, and the District Officer will forward that report to the Director, Department of Children's Services, Brisbane.

(f) Children not born alive - As Section 85 of the Children's Services Act does not apply to the case of an infant who has died before birth, a person is not obliged to give notice under that section in respect of such an infant born out of wedlock.

However, the incident should be carefully and discreetly investigated by a member of the Police Force, who will furnish a relative report which is to be forwarded through the usual channels to his District Officer.

Members of the Force will bear in mind in this regard the provisions of Section 31 of the Health Acts, requiring notification of the birth of an infant, legitimate or illegitimate, whether born alive or dead and whether prematurely or at full time, to be forwarded to the district registrar within a period of seventy-two hours after the birth. The term "birth of an infant" in those provisions does not apply to the case of the delivery of a non-viable foetus.

9.177. - ADOPTION OF CHILDREN - AUTHORISATION TO MAKE ORDERS: The authority to make adoption orders is vested, by Section 7 of the Adoption of Children Act, in the Director, Department of Children's Services, and the term "Director" is defined in Section 6 of that Act as including the Deputy Director when, pursuant to the Act, exercising any power, authority or function or performing any duty conferred or imposed by the Act on the Director.

Members of the Force should advise any person requesting information relating in any way to the adoption of children to communicate with the Department of Children's Services, Brisbane.

*9.178. - ADOPTION APPLICATIONS REQUIRING POLICE ATTENTION: Members of the Force will make inquiries in relation to those applications for the adoption of children which are referred to this Department for the purpose by the Director, Department of Children's Services, Brisbane, and in this connection the following procedures are to be observed ---

(a) Files forwarded direct to District Officers - Where it is desired that any particular application for adoption should be the subject of Police inquiry, the Director will forward relative papers to the District Officer in charge of the police district concerned;

(b) Police to inquire concerning applicant's fitness, etc. - The District Officer will cause a report to be furnished in relation to the application as requested by the Director, showing the antecedents of each applicant, particulars of character and conduct, circumstances, and fitness and general suitability to adopt a child.

In any case where an applicant may be identical with a person unfavourably recorded with this Department, the member of the Force conducting relative inquiries will ascertain by direct questioning and/or otherwise whether or not that applicant is identical with the person so recorded, and he will include that information in his report.

(c) Files to be returned through Commissioner - A District Officer receiving a report furnished in accordance with paragraph (b) of this General Instruction,

*Amendment No. 60 (cont'd)

Amended G.I. 9.178 effective from 23/1/74

upon completion of relevant inquiries within his district, will forward all relative papers with his comment thereon to the Commissioner.

Inquiries are NOT to be sought in other police districts, or interstate, in relation to any such application, and any further necessary arrangements in that connection will be made by the Department of Children's Services.

- *9.179. - ADOPTION INQUIRIES BY POLICE - PURPOSE GENERALLY: While all necessary inquiries concerning applications for the adoption of children are carried out where practicable by officers of the Department of Children's Services, police inquiries are required to be made in areas not generally accessible to those officers for the purpose of assisting the Director, Department of Children's Services, Brisbane, to investigate as fully as possible the circumstances of the child and applicants and relevant matters in order to safeguard the interests of the child, having regard always to the following ---
- (a) Whether any written statement accompanying or furnished in respect of the application is true and complete;
 - (b) Whether any payment or other reward in consideration of the adoption has been received or agreed upon, and whether in that event it is consistent with the best interests of the child;
 - (c) Whether the means and status of the applicants are such as to enable them to maintain and bring up the child suitably;
 - (d) What right to and interest in property the child has; and
 - (e) What insurance, if any, has been effected on the life of the child.

9.180. - DISTRICT DIVISIONS - DEPARTMENT OF CHILDREN'S SERVICES: For the administrative purposes of the Department of Children's Services, Brisbane, the State of Queensland is divided into four districts, viz:-

- (1) Southern district: including ---
 - (i) Brisbane, South Brisbane, Gold Coast, Fortitude Valley, Ipswich and Maryborough Police Districts; and
 - (ii) Bundaberg Police District, except for Monto, Rosedale, Many Peaks, and Miriam Vale Police Stations.
- (2) South-western District: including ---
 - (i) Toowoomba, Warwick, Roma, and Charleville Police Districts; and
 - (ii) Birdsville and Windorah Police Stations in Longreach Police District.
- (3) Central District: including ---
 - (i) Rockhampton and Mackay Police Districts;
 - (ii) Longreach Police District, except for Birdsville, Windorah, and Kynuna Police Stations;

* Amendment No. 60 (cont'd)

Amended G.I. 9.179 effective from 23/1/74

(iii) Miriam Vale, Many Peaks, Rosedale and Monto Police Stations in Bundaberg Police District; and

(iv) Boulia and Bedourie Police Stations in Mt. Isa Police District.

(4) Northern District: including -

(i) Townsville, Cairns and Innisfail Police Districts;

(ii) Mt. Isa Police District except for Boulia and Bedourie Police Stations; and

(iii) Kynuna Police Station in Longreach Police District.

*9.180A. - ADMISSIONS OF CHILDREN TO DETENTION CENTRES IN BRISBANE: Since 5 October 1987, new arrangements apply with respect to the admission of children in Brisbane to Detention Centres under the control of the Department of Family Services.

The Sir Leslie Wilson Youth Centre at Windsor now serves as a short-term remand and transit centre for boys only. Admission to the Centre is by way of the gate in Fifth Avenue, Windsor.

Girls on remand, boys on long remand, and boys and girls who are admitted to care and control by the Court, will be admitted to the John Oxley Youth Centre, 139 Wacol Station Road, Wacol. Members of the Force delivering juveniles to the John Oxley Youth Centre at night may alert staff to their arrival by using the buzzer immediately inside the main entrance, on the right hand side.

Members of the Police Force attached to the North Brisbane and South Brisbane Police Regions may utilize the Centres subject to the following arrangements -

(a) Admissions

(i) During office hours

(A) Telephone the relevant Area Office of the Department of Family Services for the area in which the child is detained, etc.; and

(B) After gaining authority for admission, telephone either the Sir Leslie Wilson Youth Centre on (07) 857 3051 or the John Oxley Youth Centre on (07) 271 2599 to advise approximate time of arrival.

(ii) All other times

Do not attempt to contact Crisis Care Service, Brisbane, direct.

(A) Between 0800 and 2300 hours - Telephone the Reception Officer, Juvenile Aid Bureau, Brisbane, on (07) 226 6430 or (07) 226 6173; or

(B) Between 2300 hours and 0800 hours - Telephone the Duty Officer, Police Operations Centre, Brisbane, on (07) 226 6157,

who will relay the request to the Crisis Care Service, Brisbane, which is the after hours point of contact for the whole State for the Department of Family Services; and

Amendment No. 710

G.I.9.180A revised and G.I.9.180B inserted on 17/6/88.

Replaces Amendment No. 572

(C) After gaining authority for admission, telephone either the Sir Leslie Wilson Youth Centre on (07) 857 3051 or the John Oxley Youth Centre on (07) 271 2599 to advise approximate time of arrival.

(b) Criteria when admission will normally be approved - Admission to either Centre will normally be approved where a child has been arrested and charged with -

- (i) An indictable offence;
- (ii) An offence against sections 4 or 29 of the Vagrants, Gaming, and Other Offences Act;
- (iii) An offence against the provisions of the Drugs Misuse Act;

and the child cannot be released under the provisions of the Bail Act; or

- (iv) Where a child has been arrested by virtue of a mesne warrant or a bench warrant; or
- (v) Where a child is taken into custody under the provisions of section 61 of the Children's Services Act,

provided that where admission to either Centre is not possible or appropriate, an explanation of the position will be given and alternative arrangements made for the custody of the child, if necessary in a police watchhouse.

(c) Admission before court appearances - When an admission is authorized, the escorting member of the Police Force will deliver to the Superintendent of the Centre a copy of the following documents -

- (i) Bench Charge Sheet; or
- (ii) Application (Form 14) for care and control.

(d) Admission after court appearance - Where a child appears before a court either charged with an offence or as the subject of an application for care and control, and the child has been remanded into or committed to the care and control of the Director, Department of Family Services, the member of the Police Force escorting the child to the Centre will -

- (i) Give prior advice to the Centre of the child's estimated time of arrival; and
- (ii) When delivering the child to the Centre, also deliver the following documents to the Reception Officer at the Centre -
 - (A) Remand warrant; or
 - (B) Children's Services Regulations Form 4 (Authority to Receive a Child in Care).

(e) Criteria for admission when solvent or drug abuse involved - Admissions to the Centres will be authorized in the case of solvent abuse or drug abuse under the following circumstances -

(i) Where a child is apparently affected by solvent abuse, e.g., glue sniffing, or is exhibiting signs of drug abuse, including withdrawal symptoms;

- . and is known or ascertained to be a child in care and control;
- . and where a responsible parent or guardian to take charge of the child cannot be readily located;

OR

(ii) The child is not a child in care and control;

- . and is arrested and charged with a simple or other offence;
- . and cannot be released on bail;
- . or where a responsible parent or guardian to take charge of the child cannot be readily located.

In each case, the child will be admitted only if the detaining officer has had the child medically examined -

(i) on the northside, at the Royal Brisbane Hospital (14 years of age and over) or the Royal Children's Hospital (under 14 years);

(ii) on the southside, at the Princess Alexandra Hospital (12 years of age and over) or the Mater Children's Hospital (under 12 years); or

(iii) by the Government Medical Officer,

and the practitioner certifies that the child does not require treatment at a hospital.

If the child is admitted to the hospital as a result of such an examination, in the first case, the Director, Department of Family Services is to be advised through that Department's Area Office or the Crisis Care Service. In the second case, it is the duty of the detaining police officer to have the child's parent or guardian advised of his admission to hospital as soon as practicable.

(f) Children charged with drunkenness not normally admitted - Children in the care and control of the Director, Department of Family Services who are charged with drunkenness are not normally admitted to the Centres but non-custodial placement may be arranged. If a child is apparently ill or unconscious as a result of intoxication medical advice must be sought.

If the child is not in the care and control of the Director, and a responsible parent or guardian to take custody of him cannot be readily located, the Watchhouse Keeper will be responsible for arranging for his safekeeping or placement pending release.

(g) Acceptance of children at Sir Leslie Wilson Youth Centre and John Oxley Youth Centre - The admittance of children at the Centres will be in accordance with guidelines issued by the Department of Family Services. Generally, a child will be admitted when -

- (i) The child is held on a mesne warrant;
- (ii) The child cannot be admitted to bail under the provisions of the Bail Act, e.g., not honouring conditions of bail on previous occasions;
- (iii) The child is charged with an indictable offence and cannot reasonably be placed in the care of a parent or guardian;

- (iv) The child is charged with serious offences against the person, e.g., murder, rape, robbery with violence, armed robbery, assault occasioning bodily harm, offences of a sexual nature; or
- (v) The child is charged with serious offences against property, e.g., arson, multiple break and enters, serious wilful destruction.

(h) Classes of children not accepted at Sir Leslie Wilson Youth Centre and John Oxley Youth Centre - The following classes of children will not be accepted at the Centres -

- (i) A child charged with a simple offence;
- (ii) A child charged with an indictable offence who is not liable to be admitted to the Centre under the provisions of paragraph (g);
- (iii) A child who is the subject of an application for care and control or who has been remanded into the custody of the Director, Department of Family Services following such application will not be admitted if the application refers to home-related behaviour rather than to committing offences. Alternative accommodation will be arranged by that Department;
- (iv) A child in care and protection cannot be admitted to the Centre on the basis of that order alone, without the prior approval of the Minister for Family Services; or
- (v) A child whose behaviour is violent and/or irrational to such a degree that he could be considered a danger to himself or others will not be admitted.

*9.180B. - AREA OFFICES OF THE DEPARTMENT OF FAMILY SERVICES: - A list of metropolitan and country Area Offices of the Department of Family Services appears hereunder for the information of members of the Police Force dealing with children during office hours. (NOTE: For after hours arrangements, see G.I.9.180A(a)(ii) (A) and (B)).

AITKENVALE	(077) 75 1277	ATHERTON	(070) 91 1466
Centre Point Anne Street P.O. Box 282 <u>AITKENVALE</u> Q. 4814		Hilltop Shopping Centre Maundo Road P.O. Box 151 <u>ATHERTON</u> Q. 4883	
BEENLEIGH	(07) 287 4422	BOWEN	(077) 86 2644
1st Floor Court House Cnr. James & Kent Sts. P.O. Box 247 <u>BEENLEIGH</u> Q. 4207		36 Powell Street P.O. Box 656 <u>BOWEN</u> Q. 4805	
BUNDABERG	(071) 73 8117	BURLEIGH HEADS	(075) 35 7044
Ground Floor Qld. Government Offices Quay Street P.O. Box 1047 <u>BUNDABERG</u> Q. 4670		McDonald House 35 Connor Street P.O. Box 359 <u>BURLEIGH HEADS</u> Q. 4220	

CAIRNS	(070) 51 0300	CHARLEVILLE	(074) 54 2577
1st Floor Community Health Centre 165 Sheridan Street P.O. Box 1375 <u>CAIRNS</u> Q. 4870		86-88 Alfred Street P.O. Box 442 <u>CHARLEVILLE</u> Q. 4470	
CLEVELAND (See Redlands)		CORINDA	(07) 379 8088 379 8386
DYSART	(079) 58 1931	Cnr. Nelson Street and Oxley Road P.O. Box 143 <u>CORINDA</u> Q. 4075	
Garden Plaza Shopping Centre Queen Elizabeth Drive P.O. Box 121 <u>DYSART</u> Q. 4745		EMERALD	(079) 82 2177
FORTITUDE VALLEY	(07) 52 0988	37 Egerton Street P.O. Box 554 <u>EMERALD</u> Q. 4720	
3rd Floor British Paints Building 55 McLachlan Street P.O. Box 628 <u>FORTITUDE VALLEY</u> Q. 4006		GLADSTONE	(079) 76 1646
GYMPIE	(071) 82 4177	Government Building Cnr. Oaka Lane & Roseberry Street P.O. Box 536 <u>GLADSTONE</u> Q. 4680	
234 Mary Street P.O. Box 375 <u>GYMPIE</u> Q. 4570		INALA	(07) 372 2433
INNISFAIL	(070) 61 3141 61 3122	Community Health Services Centre Wirraway Parade P.O. Box 48 <u>INALA</u> Q. 4077	
Regent Arcade Edith Street P.O. Box 48 <u>INALA</u> Q. 4077		IPSWICH	(07) 280 8278
LOGAN CITY	(07) 208 8255	Court House Building Cnr. Limestone & East Streets P.O. Box 437 <u>IPSWICH</u> Q. 4305	
7 Station Road Logan City Area Office P.O. Box 753 <u>WOODRIDGE</u> Q. 4114		MACKAY	(079) 57 2655
MAROOCHYDORE	(071) 43 2200	1st Floor Dunkheld Gardens Cnr. Victoria & Brisbane Streets P.O. Box 790 <u>MACKAY</u> Q. 4740	
Natwest Finance House 24 Ocean Street P.O. Box 213 <u>MAROOCHYDORE</u> Q. 4558		MARYBOROUGH	(071) 23 1088
		138 Wharf Street P.O. Box 467 <u>MARYBOROUGH</u> Q. 4650	

MOUNT GRAVATT	(07) 343 4044	MOUNT ISA	(077) 43 3912 43 3611
14 Mt. Gravatt-Capalaba Road P.O. Box 38 <u>UPPER MOUNT GRAVATT</u> Q. 4122		Suite 30 Eastern Wing Mount Isa House, Mary Street P.O. Box 617 <u>MOUNT ISA</u> Q. 4825	
MURGON	(071) 68 1488	NORTH CENTRAL	See Fortitude Valley
68 Gore Street P.O. Box 264 <u>MURGON</u> Q. 4605		PINE RIVERS	(07) 205 6666
NUNDAH	(07) 266 7722	Shops 5, 6 & 7 Strathpine Business Centre 328 Gympie Road P.O. Box 335 <u>STRATHPINE</u> Q. 4500	
1st Floor Nundah Centre 82 Buckland Road P.O. Box 267 <u>NUNDAH</u> Q. 4012			
REDCLIFFE	(07) 284 1000	REDLANDS	(07) 286 4633
Phoenix House Annex Violet Street P.O. Box 344 <u>REDCLIFFE</u> Q. 4020		Pearsons Building 23 Middle Street P.O. Box 352 <u>CLEVELAND</u> Q. 4163	
ROCKHAMPTON	(079) 27 1033	ROMA	(074) 22 2811
Government Building Bolsover Street P.O. Box 738 <u>ROCKHAMPTON</u> Q. 4700		118 McDowall Street P.O. Box 386 <u>ROMA</u> Q. 4455	
SOUTHPORT	(075) 32 1999	STONES CORNER	(07) 397 6151
2nd Floor "Sunstate" Building Cnr. Nerang & Scarborough Streets P.O. Box 978 <u>SOUTHPORT</u> Q. 4215		Chadstone Building 416 Logan Road P.O. Box 120 <u>STONES CORNER</u> Q. 4120	
STRATHPINE	See Pine Rivers	TOOWONG	(07) 369 7277
TOOWOOMBA	(076) 32 8466	P.S.M. House 5th Floor 303 Coronation Drive, Milton Q. 4064 P.O. Box 78 <u>TOOWONG</u> Q. 4066	
Old Court House 46 Neil Street P.O. Box 708 <u>TOOWOOMBA</u> Q. 4350			

TOWNSVILLE CITY (077) 72 3066

Government Office Building
Cnr. Flinders & Denham Streets
P.O. Box 1140
TOWNSVILLE CITY Q. 4810

WARWICK

(076) 61 5500

79 Fitzroy Street
P.O. Box 612
WARWICK Q. 4370

WOODRIDGE (07) 208 8777

7 Station Road
Woodridge Area Office
P.O. Box 726
WOODRIDGE Q. 4114

WOOLLOONGABBA

Annerley Road &
Lockhart Street
WOOLLOONGABBA Q. 4102

WYNNUM (07) 396 7055

Rosebay House
71 Clara Street
P.O. Box 151
WYNNUM Q. 4178