ANSWERS TO QUESTIONS ON NOTICE

Human Services Portfolio

Additional Estimates 2006-2007, 13th and 16th February, 2007

Question: HS10

Department/Agency: Department of Human Services

Outcome 1 Output 1

Topic: Search warrants – Access to premises

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SENATOR NETTLE asked on 16/02/07:

Senator NETTLE - Would the search warrant need to be for that individual's name, in order to be able to access information? You were talking about a search warrant for premises; would that include all the individuals related to those premises?
Ms Scott—I am advised that the search warrant would need to be specific.
Senator NETTLE—Have the individual's name on it?
Ms Scott—Yes. That is an example, yes.
Senator NETTLE—You gave an example before about a search warrant for premises. Would that include all the individuals associated with those premises?

Answer:

Section 3E of the *Crimes Act 1914* provides for the issuing of search warrants.

Subsection 3E(1) of the *Crimes Act 1914* provides for the issuing of warrants to search premises for the purposes of obtaining evidential material. Subsections 3E(6) and (7) and paragraphs 3F(1)(c), (d) and (e) authorise the seizure of things if an officer has reasonable grounds to believe that the seizure of the thing may contain evidential material that is relevant to an offence or another offence that is an indictable offence.

The extent of access granted under a warrant would be determined by the Magistrate or other judicial officer issuing the warrant and would be based on their construction of the power conferred in the authorising legislation and the relevance of the information or access sought to the authorising power. Each request for a warrant would be based upon the individual circumstances of the particular case and it is not possible to determine what may or may not be included in a particular warrant.

To prepare this answer it has taken approximately 2 hours at an estimated cost of $126.