

Officer being questioned about an 'emergent search' noted in his official diary
(transcript reference page 2561-2562)

CA Did you make a note in any index in relation to your visit at the premises that day?

W I don't know.

CA Can you recall making any note in any index?

W I don't recall.

CA Did you obtain post-search approval for the emergent search?

W If there's no offences there I don't think I did obtain a post-search approval.

CA So your understanding is you only have to do that if you charge someone?

W Um -- I think you're supposed to actually do a post-search approval regardless of whether there is any offence detected.

CA Exactly. Because you just can't keep busting into people's houses and only getting approval if you charge someone?

W (Witness nods).

CA That's right, isn't it?

W That's correct.

CA So did you or did you not obtain post-search approval for the search?

W I don't think so.

Officer questioned further about other 'emergent search' entries in his official diary
(transcript reference page 2571-2572)

PO Tell me, what's your practice when you do emergent searches, do you have someone in particular that you go back to the next day to get the post-search approval?

W Procedure is --

PO Your procedure, what is your practice?

W To attend a magistrate and have the post-search approval order -- make application for a post-search approval.

PO And you physically go to the Magistrates Court, do you?

- W That's correct. With a large workload it's also a case that it's rarely contested or rarely an issue because nobody else is going to court.
- PO Well, it's not going to be contested is it, no-one will ever know about it because you haven't charged anyone?
- W Until you come to a hearing such as this, but that's basically the case.
- CA Is that something which your supervisors are aware, that searches are being conducted without obtaining appropriate approval?
- W Yes.
- CA At what level?
- W Just -- I only know of basically immediate supervisors, so detective sergeants.
- CA Has it ever been positively suggested to you not to bother with obtaining any post-search approvals?
- W No, not from memory.
- CA It's just something that is the way that you do things at the Surfers Paradise -- sorry, on the Gold Coast at the CIB?
- W Yes.
- CA Are there any exceptions, any officers that are particularly vigilant that would always obtain -- stand out because they would always obtain approval?
- W Not from memory.
- CA So everyone is in the same boat?
- W Generally, yes.

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W Yes.

PO And seek out a magistrate?

W Yes.

PO Is that what happened on this occasion?

W I don't think so.

PO Why not?

W Well, the -- the charges ended up being discontinued in relation to the tainted property so the matter didn't go to court and therefore I didn't obtain a post-search approval order.

PO That's another unlawful search, isn't it?

W (Witness nods).

Officer's questioning about particular 'emergent search' entries in his official diary continued(transcript reference page 2576-2577)

CA In the last two years or so, do you have any sort of idea about how many post-search approvals you have obtained in relation to emergent searches?

W Personally? Oh, maybe one or two.

CA Is it your practice that if no evidence is located or no arrests are made you don't obtain post-search approvals?

W Yes.

CA Is that common in the CIB --

W Yes.

CA -- on the Gold Coast?

W Yes.

CA Why is that commonly done?

W It's, it's time. It's --

PO It's just a nuisance, is it? Is that the attitude?

W Well, basically, yes.

PO It's time and effort that you don't need to spend?