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Police Act 1892

## **Police Force Amendment Regulations 2019**

Made by the Commissioner of Police under section 9 of the Act.

**1. Citation**

These regulations are the *Police Force Amendment Regulations 2019*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Police Force Regulations 1979*.

**4. Regulation 104 amended**

In regulation 104 after “VI,” insert:

VII,

**5. Regulation 105 amended**

In regulation 105 after “VI,” insert:

VII,

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**6. Part VII inserted**

After regulation 6A12 insert:

**Part VII — Custody notification service**

**701. Terms used**

In this Part —

***ALSWA*** means the Aboriginal Legal Service of Western Australia Limited (ACN 617 555 843);

***ALSWA representative*** means a person employed or engaged by ALSWA;

***CNS person*** means an Aboriginal person or a Torres Strait Islander who is —

- (a) arrested or apprehended by a member under a written law; and
- (b) detained at a police facility in police custody;

***police facility*** means a police station or other premises managed or controlled by the Commissioner at which a CNS person may be detained in police custody;

***responsible officer*** means the member who is for the time being responsible for the custodial management of a CNS person detained at a police facility in police custody.

**702. Other written laws not affected**

Nothing in this Part limits the operation of the *Criminal Investigation Act 2006*, *Young Offenders Act 1994*, *Protective Custody Act 2000*, *Mental Health Act 2014* or any other written law in relation to CNS persons.

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**703. ALSWA to be notified of detention of CNS person at police facility**

- (1) Immediately after a CNS person has been detained at a police facility in police custody, the responsible officer must ensure that —
  - (a) the CNS person is informed that ALSWA will be notified by telephone of the CNS person's detention at the police facility; and
  - (b) ALSWA is notified by telephone accordingly.
- (2) The responsible officer must ensure that the notification given under subregulation (1)(b) includes the following information —
  - (a) the name of the CNS person;
  - (b) the police facility where the CNS person is detained in police custody;
  - (c) the reason why the CNS person is detained in police custody;
  - (d) the period during which the CNS person has been detained in police custody;
  - (e) if the CNS person has been arrested, whether the CNS person is likely to be granted bail by a member authorised to do so;
  - (f) if the CNS person has been arrested, the location where the CNS person is going to be detained if the CNS person is not granted bail by a member authorised to do so;
  - (g) that an ALSWA representative may speak by telephone to the CNS person as soon as the ALSWA representative wants to do so;

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- (h) the name, registered number and telephone number of the responsible officer;
  - (i) any other information relating to the CNS person that the responsible officer considers appropriate to be given to ALSWA.
- (3) For the purposes of the telephone conversation between the ALSWA representative and the CNS person referred to in subregulation (2)(g), the responsible officer must ensure that the CNS person is able to speak to the ALSWA representative for a reasonable period.
- (4) As soon as practicable after the CNS person has completed the telephone conversation with the ALSWA representative, the responsible officer must be available to be contacted by the ALSWA representative to discuss —
  - (a) any concerns held by the ALSWA representative regarding the welfare of the CNS person, including any need the CNS person has for medical attention; and
  - (b) if the CNS person has been arrested —
    - (i) whether the CNS person needs the services of an interpreter, or the presence of a support person, when the CNS person is interviewed in relation to the offence for which the CNS person has been arrested; and
    - (ii) whether the CNS person proposes to apply for bail.

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**704. Responsible officer to ensure record made of notification given to, and other contact with, ALSWA**

The responsible officer must ensure a record is made of —

- (a) a CNS person being informed under regulation 703(1)(a); and
- (b) ALSWA being notified under regulation 703(1)(b); and
- (c) any other occasion when there is contact between a member and ALSWA in respect of a CNS person, including details of any matters discussed during that contact.

C. DAWSON, Commissioner of Police.

M. ROBERTS, Minister for Police.