

5.6 Issuing production notices

What is a production notice?

A production notice is a document authorising a police officer to obtain documents when they reasonably suspect a cash dealer holds documents that may provide evidence of the commission of an offence or suspicious financial activity by someone else.

The production notice is an approved form and consists of two parts:

1. Application – information required to substantiate the issuing of the production notice, such as details of the suspected offence, the name of the cash dealer, the type of document(s) sought and a statement indicating that the cash dealer is not party to the offence.
2. Production notice – provides details of the documents the cash dealer is to produce to a police officer.

Why would a production notice be issued?

A police officer may apply to a JP for a production notice, issued under the *Police Powers and Responsibilities Act 2000* (the Act) instead of applying for a search warrant.

The production notice gives a police officer the power to:

- inspect the document(s)
- take extracts from the document
- make copies of the document
- seize the document.

How do I issue a production notice?

The process of issuing a production notice is very similar to issuing a summons or a search warrant, and you should take the same level of care when considering whether to issue a production notice.

Before issuing the production notice, you must be satisfied:

- there are reasonable grounds for suspecting the documents are in possession of the cash dealer
- the documents may be evidence of the commission of an offence or confiscation related evidence
- the cash dealer is not a parties principally to the offence.

There are three parties principally involved:

- Applicant – the police officer applying for the production notice
- JP – the person issuing the production notice
- Cash dealer – the entity on which the production notice is to be served.

Part 1 – Application

Follow the general procedure for witnessing signatures as outlined in chapter 4.1 then:

1. Warn the applicant at the outset, and check they understand that if they knowingly provide information in the production notice application and they know the information is false they commit an offence.
Ensure the applicant understands making an oath or affirmation is a solemn matter.
2. Immediately place the applicant on oath or affirmation as outlined in chapter 4.6.

3. Read the entire application carefully. This is one of the many occasions when you must read the entire document and would be failing in your duty if you did not. Check the application gives:
 - the applicant's name, rank, registered number and station
 - the name of the cash dealer to be given the notice
 - a brief description of the offence the application relates to
 - the nature of the documents sought, for example:
 - documents relating to transactions conducted by someone between *DD MM YYYY* and *DD MM YYYY*
 - documents relating to mortgages or property sales to which someone is a party
 - information or evidence relied on to support the suspicion the documents are with the cash dealer
 - a statement that the cash dealer is not a party to the offence
 - full history of any previous production notices issued in the past year in relation to the person suspected of being involved of the offence or suspected offence.
4. Ask the applicant any questions you need to clarify why a production notice is necessary. Keep a record of any information supplied to you under oath or affirmation in case it is required for future reference.
5. If you are satisfied the production notice is justified, have the applicant sign the application, reminding them they are under oath or affirmation.

If you are not satisfied the application is justified, and you refuse to issue the production notice you should:

 - cross out the application and note your reasons on the form
 - note your reasons in your logbook
 - inform the officer in charge of the police station where the applicant officer is stationed.
6. Witness the applicant's signature. Affix your seal of office and enter your registration number. This is a requirement of the *Justices of the Peace and Commissioner for Declarations Act 1991*. If required, insert your full name, location and/or date.
7. Ensure you retain the original of the production notice application and keep it in a secure place. This is one of the few occasions where you are required to retain copies of documents.

Part 2 – Production notice

1. Check the production notice to ensure it includes:
 - the applicant's name and station
 - the name and address of the cash dealer
 - a description of the documents sought
 - a place, time and date the documents are required to be produced.
2. Insert your full name on the first page of the production notice.
3. Sign the production notice. Affix your seal of office and enter your registration number. This is a requirement of the *Justices of the Peace and Commissioner for Declarations Act 1991*. If required, insert your full name, location and/or date.
4. Return the production notice to the applicant. There is no requirement for you to retain a copy of the production notice.
5. Record all relevant information in your logbook as outlined in chapter 2.4.

Frequently asked questions

Should I keep a record of the production notices I issue?

As well as keeping, in a secure place, the copy of the sworn application upon which you issue the production notice, you should also maintain a logbook of the actions you take. This includes questions you ask and the answers you are given.

What is a cash dealer?

Under the *Commonwealth Financial Transactions Reports Act 1988*, the definition of “cash dealer” is very broad and includes, but is not limited to, a financial institution, a body corporate, an insurer, a payroll delivery service, a casino or a bookmaker.

What is confiscation related evidence?

Under the *Police Powers and Responsibilities Act 2000*, the definition of ‘confiscation related evidence’ is very broad and includes, but is not limited to, a thing or evidence of a serious crime related activity.

What if there is no date or time listed on the production notice for the cash dealer to produce the documents?

You can still proceed with issuing the production notice if the date and time is left blank. The Act does not specify a time limit for the time allowed for the cash dealer to produce the documents. The nature and length of the investigation, including the time to collate the documents sought, will determine the required date and time for the documents to be produced.

Where can I get more information?

Queensland legislation

www.legislation.qld.gov.au

Financial Transactions Reports Act 1988

www.legislation.gov.au

Queensland Police Service

www.police.qld.gov.au

5.6 Quick guide

Issuing production notices

Application

Follow the general procedure for witnessing signatures as outlined in chapter 4.1 then:

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- ① Warn the signatory that if they knowingly make a false application, they commit an offence.

 - ② Immediately place the applicant on oath or affirmation as outlined in chapter 4.6. Ensure the applicant understands that swearing an oath or making an affirmation is a solemn matter.
Carefully read the entire application. Check it gives:
 - the applicant's name, rank, registered number and station
 - the name of the cash dealer to be given the production notice
 - a brief description of the offence the application relates to

 - ③
 - the nature of the documents sought
 - information or evidence relied on to support the suspicion the documents are with the cash dealer
 - a statement the cash dealer is not a party to the offence
 - full history of any previous production notices issued in the previous year in relation to the person suspected of being involved in the commission of an offence.

 - ④ Ask questions to clarify why the production notice is necessary.
If you are satisfied the production notice is justified, have the applicant sign the production notice application. Remind them they are under oath or affirmation.

 - ⑤ If you are not satisfied the application is justified, and you refuse to issue the production notice:
 - cross out the application and note your reasons on the form
 - note your reasons in your logbook
 - inform the officer in charge of the police station where the applicant officer is stationed.

 - ⑥ Witness the applicant's signature. Affix your seal of office and enter your registration number. This is a requirement of the *Justices of the Peace and Commissioner for Declarations Act 1991*. If required, insert your full name, location and/or date.

 - ⑦ Retain the original application and keep it in a secure place.
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Production notice

Check the production notice gives:

- the name and address of the cash dealer
 - ① • the full name, rank, registered number and station of the applicant, as well as the basis of the application
 - a description of the documents sought
 - a place, date and time the documents are required to be produced, if required.
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- ② Insert your full name at the top of the production notice.
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- ③ Sign the production notice. Affix your seal of office and enter your registration number. This is a requirement of the Justices of the *Peace and Commissioner for Declarations Act 1991*. If required, insert your full name, location and/or date.
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- ④ Return the production notice to the applicant. There is no requirement for you to retain a copy of it.
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- ⑤ Record all relevant information in your logbook as outlined in chapter 2.4.
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