

## APPENDIX E3

### CRIME SCENE DECLARATION & SERIOUS INCIDENT SITE DECLARATION



## Crime Scene Declaration

Name of police officer, of or above the rank of Inspector, making declaration

Francis Peter POWELL

Location declared as a crime scene

(provide address details, street names, reference points or GPS coordinates to identify the boundary of the serious incident site)

All fire affected areas from Forcett to Port Arthur and Tasman Peninsula in General. This includes all private and Crown Land and building structures, infrastructure.

Reason

In interest of public safety due to fallen power poles, power lines and spot fires erupting.

Security of evacuated premises.

Safety and to prevent obstruction of Emergency Service Personnel.

Preservation of forensic evidence.

This declaration is made in accordance with Section 63(1) of the *Police Offences Act 1935*.

This crime scene declaration remains in force for a period of 7 days, unless it is sooner revoked, re-declared or amended.

Signature of person making declaration

Date

Time

5/01/2013

10am

Section 63A of the *Police Offences Act 1935* details what a police officer may do once a crime scene is declared. This section is detailed below.

The owner/person lawfully in charge of the place to which a declaration of a crime relates, may appeal against the declaration to the Magistrates Court (Administrative Appeals Tribunal).

A copy of this declaration is to be provided as soon as is practicable to:

- the owner/person lawfully in possession of the place to which the declaration relates, and
- the District Police Commander responsible for the region where the crime scene is located.

The provisions for this declaration may be found at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).



## Crime Scene Declaration

### Section 63A - Authority at crime scene

- (1) For the purpose of preserving, searching for or gathering evidence at a crime scene, a police officer is authorised to do any or all of the following at or in relation to the crime scene:
  - (a) direct a person to leave the crime scene or remove a vehicle, vessel or aircraft from the crime scene;
  - (b) remove from the crime scene –
    - (i) a person who fails to leave the crime scene when directed to do so; or
    - (ii) a vehicle, vessel or aircraft that a person fails to remove from the crime scene when directed to do so;
  - (c) direct a person not to enter the crime scene;
  - (d) prevent a person from entering the crime scene;
  - (e) prevent a person from removing evidence from, or otherwise interfering with, the crime scene or anything in it and, for that purpose, detain and search the person;
  - (f) remove, or cause to be removed, an obstruction from the crime scene;
  - (g) perform any necessary investigation, including for example, searching the crime scene without warrant and inspecting anything in it to obtain evidence of the commission of an offence or crime;
  - (h) for the purpose of performing any necessary investigation, conduct any examination or process;
  - (i) open anything at the crime scene whether or not it is locked;
  - (j) take electricity, gas or any other utility for use at the crime scene;
  - (k) direct the occupier of the premises or a person apparently involved in the management or control of the premises to maintain a continuous supply of electricity at the premises;
  - (l) photograph or otherwise record the crime scene and anything in it;
  - (m) seize and detain all or part of a thing that might provide evidence of the commission of an offence or crime;
  - (n) dig up anything at the crime scene;
  - (o) remove roofing material, wall or ceiling linings or floors of a building, or panel linings of a vehicle;
  - (p) any other function reasonably necessary or incidental to a function conferred by this subsection.
- (2) A person must not fail to comply with a direction given under subsection (1).  
Penalty: Fine not exceeding 80 penalty units.
- (3) A police officer may arrest, without warrant, a person who fails to comply with a direction given under subsection (1).
- (4) An authorisation conferred by this section to seize and retain a thing includes –
  - (a) the authority to remove the thing from the crime scene when it is found; and
  - (b) the authority to guard the thing in or on the crime scene.
- (5) A police officer may use such force as is reasonably necessary for the purposes of exercising an authorisation conferred by this section.
- (6) Nothing in this Division prevents a police officer who is lawfully on premises from using an authorisation referred to in subsection (1) or doing any other thing if the occupier of the premises consents.



## Revocation of Crime Scene Declaration

Name of police officer, of or above the rank of Inspector, revoking the declaration

Location revoked as a crime scene

(provide address details, street names, reference points or GPS coordinates to identify the boundary of the serious incident site)

Reason

This revocation of the declaration is made in accordance with Section 63 (5) of the *Police Offences Act 1935*.

Signature of person revoking declaration

Date

Time

A copy of this declaration is to be provided as soon as is practicable to:

- the owner/person lawfully in possession of the place to which the declaration relates, and
- the District Police Commander responsible for the region where the crime scene is located.

The provisions for this declaration may be found at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).



## Serious Incident Site Declaration

Name of police officer, of or above the rank of Inspector, making declaration

Inspector IJ Whish-Wilson

Location declared as a serious incident location

(provide address details, street names, reference points or GPS coordinates to identify the boundary of the serious incident site)

All fire affected areas from Forcett to Port Arthur and Tasman Peninsula in general. This includes all private and Crown Land and building structures, infrastructure.

Reason

In interest of public safety due to fallen power poles, power lines and spot fires erupting .  
Security of evacuated premises.  
Safety and prevention of obstruction of Emergency Services Personnel.  
Preservation of evidence.

This declaration is made in accordance with Section 63B of the *Police Offences Act 1935*.

This serious incident site declaration remains in force for a period of 7 days, unless it is sooner revoked, re-declared or amended.

Signature of person making declaration

Date

Time

7/01/2013

02:10

Section 63C of the *Police Offences Act 1935* details what a police officer may do once a serious incident site is declared. This section is detailed below.

The owner/person lawfully in charge of the place to which a declaration of a serious incident site relates, may appeal against the declaration to the Magistrates Court (Administrative Appeals Tribunal).

A copy of this declaration is to be provided as soon as is practicable to:

- the owner/person lawfully in possession of the place to which the declaration relates, and
- the District Police Commander responsible for the region where the crime scene is located.

The provisions for this declaration may be found at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).





## Serious Incident Site Declaration

### Section 63C - Authority at serious incident site

- (1) A police officer is authorised to do any or all of the following at or in relation to a serious incident site:
  - (a) close any road, footpath or other open space;
  - (b) direct a person to leave the serious incident site or remove a vehicle, vessel or aircraft from the site;
  - (c) remove from the serious incident site -
    - (i) a person who fails to leave the site when directed to do so; or
    - (ii) a vehicle, vessel or aircraft that a person fails to remove from the site when directed to do so;
  - (c) direct a person not to enter the serious incident site;
  - (d) prevent a person from entering the serious incident site;
  - (e) allow a person to enter or remain in the serious incident site subject to such conditions as the officer considers appropriate;
  - (f) perform any other function reasonably necessary or incidental to a function conferred by this subsection.
- (2) A person must not fail to comply with a direction given under subsection (1).

Penalty: Fine not exceeding 40 penalty units.
- (3) A police officer may arrest, without warrant, a person who fails to comply with a direction given under subsection (1).
- (4) Nothing in this Division prevents a police officer who is lawfully on premises from using an authorisation referred to in subsection (1) or doing any other thing if the occupier of the premises consents.



## Revocation of Serious Incident Site Declaration

Name of police officer, of or above the rank of Inspector, revoking the declaration

Location revoked as a serious incident location

(provide address details, street names, reference points or GPS coordinates to identify the boundary of the serious incident site)

Reason

This revocation of the declaration is made in accordance with Section 63B(5) of the *Police Offences Act 1935*.

Signature of person revoking declaration

Date

Time

A copy of this declaration is to be provided as soon as is practicable to:

- the owner/person lawfully in possession of the place to which the declaration relates, and
- the District Police Commander responsible for the region where the crime scene is located.

The provisions for this declaration may be found at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).