

Police searches

When can police search my car?

Police can stop and search your car if they reasonably suspect that:

- your car has been involved in a crime, or your car will be involved in a crime in the future
- your car contains stolen goods or illegal drugs
- your car is in a public place and has something dangerous inside

Police can also search your car if you consent (agree) to it being searched.

Before police can search your car, they must prove that they are a police officer. They should tell you their name and police station and tell you the reason why they are searching your car.

If police find drugs or anything they believe is stolen, or that was used to commit a crime or is dangerous, they can take those things and may charge you with an offence.

If police don't find anything illegal or dangerous, they should let you go.

What to do and say?

If your car is stopped and you are the driver, you will usually have to show police your licence if they ask to see it.

You can show the police officer your card licence. Always ask permission before pulling your phone out to show your digital licence.

If you don't have your licence with you, you may get a fine.

If police ask to search your car, you don't have to consent. You can ask why they want to search the car and you can say that you don't consent to the search.

For example, you could say 'I want you to record that I don't agree to the search'. Police may still search your car even if you don't consent. It is an offence to

interfere with a lawful search of a person or car, so you shouldn't interfere with a police search. If police have not already told you, you should ask for their names and station and you can ask them to turn on their body-worn video cameras.

As long as you are no longer driving and your engine is off, you can film the police if they are in a public space. However, it is important that you do not obstruct their duties or enter their personal space with a camera, as those actions can lead to you being charged with a criminal offence.

If you are charged with an offence

If the search results in you being charged (e.g. for stolen goods or drugs) and if you think the search was not lawful, discuss this with your criminal lawyer, as it might mean that police can't use anything they found in the search against you in court.

Produced by Redfern Legal Centre.

This factsheet is not a substitute for legal advice. If you have a problem, please contact Redfern Legal Centre at www.rlc.org.au/contact or phone 02 9698 7277.