

House of Representatives

Supplementary Order Paper

Thursday, 7 August 2008

Policing Bill

Proposed amendments

Hon Annette King, in Committee, to move the following amendments:

Clause 2

To omit *clause 2* (lines 4 and 5 on page 7) and substitute the following clause:

2 Commencement

- (1) **Section 120(1A)** comes into force on the commencement of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008.
- (2) The rest of this Act comes into force on 1 October 2008.

Clause 39(2)

To omit “**subsection (1)** (other than money or property of a kind described in **paragraph (a) or (b)** of that subsection)” at lines 15 to 17 on page 30 and substitute “**section 37** (other than money or property of a kind described in **subsection (1)(a) or (b)**)”.

New clause 53A

To insert the following clause after clause 53 (after line 17 on page 29):

53A Offences triable summarily

Every offence against this Act is punishable on summary conviction.

Clause 64

To omit from subclause (1)(b) “second” (line 27 on page 40) and substitute “assign”.

To omit from subclause (2)(a) “seconds” (line 14 on page 41) and substitute “assigns”.

Clause 94

To omit *subclause (2)* (lines 9 to 17 on page 35) and substitute the following subclauses:

- (2) The evidence must state all prescribed information and—
 - (a) if the Police employee to whom it relates is a constable, must state that he or she has the policing powers of a constable; and
 - (b) if the Police employee to whom it relates is authorised to perform one or more particular policing roles set out in **Schedule 1**, must state (by reference to the name of the role or roles concerned) that he or she has the policing powers of an authorised officer.
- (2A) The evidence—
 - (a) must bear all prescribed things;
 - (b) may state, bear, or otherwise contain (for example, by having a microchip embedded in it) any additional information or thing the Commissioner thinks appropriate;
 - (c) may be in any form the Commissioner thinks appropriate.
- (2B) **Subsection (1)** does not prevent the Commissioner from providing (in addition to the evidence required by that subsection to be provided) supplementary forms of evidence of identity, authority, or both, for particular Police employees, Police employees of a particular description, or all Police employees; and any form of evidence provided—
 - (a) may state any information (whether or not required by **subsection (1)**, or prescribed);
 - (b) may contain (for example, by having a microchip embedded in it) any information;
 - (c) may state information in a language other than English;
 - (d) may bear any things (whether or not prescribed).
- (2C) A Police employee must surrender all evidence of identity, authority, or both supplied to him or her by the Commissioner if the employee—
 - (a) goes on leave of any kind for a period longer than 12 months; or
 - (b) resigns or retires; or
 - (c) is suspended or removed.

Clause 100

To omit *paragraph (ab)* (lines 8 to 10 on page 59) and substitute the following paragraph:

- (ab) prescribing the information and things relating to a Police employee that the evidence of identity and authority provided to him or her under **section 94(1)** must state or bear:

Clause 106C(1)

To omit “regulations are made” at line 19 on page 62 and substitute “the commencement of regulations”.

Clause 120

To insert the following subclause after *subclause (1)* (after line 5 on page 69):

- (1A) Section 46F(2)(b)(i) of the Burial and Cremation Act 1964 is amended by omitting “member of the police” and substituting “constable”.

Schedule 4

To omit “1949: (SR 1959/9) regulation 93B” on lines 25 and 26 on page 88 and substitute “1949 (Reprinted with amendments Nos 1-24: SR 1985/259): Regulation 93B”.

Schedule 5

To omit lines 30 to 33 on page 65.

Explanatory note

Clause 2 (the commencement clause) is replaced by a new clause—

- postponing the commencement of the Bill until 1 October 2008; and
- providing for proposed new *clause 120(1A)*, which amends a provision of the Burial and Cremation Act 1964 that is to be inserted into that Act on the commencement of the Births, Deaths, Marriages, and Relationships Amendment Act 2008, to come into force on the commencement of that Act.

The amendment to *clause 39* corrects an erroneous cross-reference.

A new *clause 53A* is inserted, making clear that all offences against the Bill are triable summarily.

The amendment to *clause 64* makes clear that a person seconded to the Police from another organisation would be “assigned” by the Commissioner to a position in the Police rather than “seconded” to that position.

The amendment to *clause 94* (which at present provides that the evidence of identity and authority to be provided to Police employees must be “in the prescribed form”) has the effect that the evidence can be in any form the Commissioner thinks appropriate, but must state certain prescribed information and bear certain prescribed things.

The amendment to *clause 100* aligns the power to prescribe matters relating to the evidence of identity and authority to be provided to Police employees under *clause 94* with the amendment to be made to that clause.

The amendment to *clause 120* inserts a new *subclause (1A)*, substituting a reference to “constable” for a reference to “member of the police” in a provision of the Burial and Cremation Act 1964 that is to be inserted into that Act on the

commencement of the Births, Deaths, Marriages, and Relationships Amendment Act 2008.

Minor textual adjustments are made to *clause 106C* and *Schedule 4*.

The amendment to *Schedule 5* omits from that schedule amendments to certain provisions of the Government Superannuation Fund (Ceasing Contributions) Regulations 1995 that no longer have to be made, because those provisions apply to actions that could be taken only until 31 July 2008.
