

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to repeal the provisions of the Police (Special Provisions) Act 1901 that allow the appointment of police officers from other Australian jurisdictions as special constables, and

(b) to amend the Police Act 1990 to include provisions for the appointment by the Commissioner of Police of police officers from other Australian jurisdictions as recognised law enforcement officers, and

(c) to confer functions on recognised law enforcement officers that are similar to those exercised by New South Wales police officers of the rank of constable.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Explanatory note page 2

Police Legislation Amendment (Recognised Law Enforcement Officers) Bill 2010

Explanatory note

Schedule 1 Amendment of Police Act 1990 No 47

Schedule 1 [2] inserts into the Act proposed Part 10B which contains proposed sections 207B–207E.

Proposed section 207B provides for the appointment by the Commissioner of Police of police officers of other Australian jurisdictions as recognised law enforcement officers. The Commissioner must be satisfied before appointing a person as a recognised law enforcement officer that the person will be subject to an appropriate disciplinary system in exercising his or her functions.

Proposed section 207C enables the Commissioner of Police to vary or revoke the appointment of a recognised law enforcement officer.

Proposed section 207D requires a person to take the oath or make the affirmation of office in accordance with the regulations before exercising any functions as a recognised law enforcement officer.

Proposed section 207E confers on recognised law enforcement officers the functions (including powers, immunities, liabilities and responsibilities) of a police officer of the rank of constable appointed under the Act. The proposed section specifically applies and disapplies certain provisions of Acts and statutory instruments that apply to police officers in relation to recognised law enforcement officers. The proposed section also enables the regulations to declare provisions that are to apply or not apply to recognised law enforcement officers and to apply provisions with prescribed modifications.

Schedule 1 [1] makes a consequential amendment.

Schedule 1 [3] amends Schedule 4 to the Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [4] amends Schedule 4 to the Act to provide that police officers of other jurisdictions appointed as special constables under section 101 (1A) (a) of the Police (Special Provisions) Act 1901 cease to hold that office on the repeal of that paragraph by Schedule 2 to the proposed Act.

Schedule 2 Amendment of Police (Special Provisions) Act 1901 No 5

Schedule 2 [1] amends section 101 of the Police (Special Provisions) Act 1901 to remove the provision which enables the appointment of police officers of other Australian jurisdictions as special constables. Schedule 2 [2] makes a consequential amendment.