

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.47 p.m.], on behalf of the Hon. Eric Roozendaal: I move:

That this bill be now read a second time.

This bill seeks to amend the Police Act 1990 to enable police officers from other jurisdictions to be recognised as law enforcement officers in New South Wales. Under the current Police (Special Provisions) Act 1901 these officers are referred to as "special constables". With origins dating back to the early nineteenth century, special constables were first established to deal with civic disturbances at a time when the New South Wales Police Force was still in its infancy. Today there are three types of special constables: serving police officers from other jurisdictions; New South Wales Police Force employees who perform security-type duties, such as those seen at New South Wales Parliament House; and employees from other law enforcement or New South Wales Government agencies, such as the RSPCA and local councils. While they undertake a range of law enforcement duties, special constables are not sworn New South Wales Police Force officers; the majority are police officers from other jurisdictions. I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

Sworn police officers from other Australian States and Territories as well as officers from the Australian Federal Police are called on to assist the New South Wales Police Force with their investigations.

Police from other jurisdictions working as special constables in New South Wales can undertake a wide range of duties from regular joint border patrols with officers from the New South Wales Police Force to assisting when there is a declared state of disaster or emergency such as wide-scale flooding, cyclone or bushfire, to working on a specific investigation when an incident such as homicide has occurred in a border area.

This bill seeks to address issues affecting only one category of special constables, sworn police officers from other jurisdictions.

To enable them to effectively carry out their duties, this bill clarifies this class of special constables may be appointed as recognised law enforcement officers in New South Wales.

This proposal will be of particular benefit for those police involved in cross-border operations as the bill seeks to rectify any uncertainty surrounding the validity of "special constable" authorisations when these operations are underway.

Schedule 1 of this bill contains various amendments to the Police Act 1990.

A new Part 10B will be introduced into the Act to enable the Commissioner of Police to appoint members of any Australian jurisdiction to be appointed as a recognised law enforcement officer in New South Wales.

These appointments may be subject to certain conditions and will be in force for a period to be determined by the Commissioner.

For example, interstate police may be granted temporary powers just for the duration of a particular investigation, such as 6 to 12 months, while those police officers assigned to border areas or frequent interstate work may be permanently appointed.

That is, for the period the officer remains at the border station.

If an officer ceases to be a member of the police force of their jurisdiction, their status as a recognised law enforcement officer in New South Wales will be terminated.

The bill also gives the Commissioner the ability to suspend a person's status as a recognised law enforcement officer if he is of the opinion that the person is not a suitable person to be recognised as such.

Accountability mechanisms are also provided for.

The granting of a person as a recognised law enforcement officer in New South Wales affords them all of the functions, including all of the powers immunities liabilities and responsibilities that a police officer of the rank of constable has.

This includes the powers a constable has in the Law Enforcement (Powers and Responsibilities) Act 2002 [LEPRA].

Under LEPRA, key police powers such as powers of arrest, search and seizure, and the power to request identification can only be exercised by police officers.

Through this bill, references to a police officer in any other Act or statutory instrument will be taken to include a reference to a recognised law enforcement officer.

This includes references in LEPRA and division 8A of part 3 of the Crimes Act 1900, which relates to assaults and other actions against police and other law enforcement officers.

Schedule 2 of the bill formalises these new arrangements through the repeal of section 101 (1A) (a) of the Police (Special Provisions) Act 1901, which relates to the appointment of police officers from other jurisdictions

The remaining classes of special constable are not affected by this bill.