

# **Police and Corrections (Amendment) Bill**

## **EXPLANATORY MEMORANDUM**

### **PART 1—PRELIMINARY**

- Clause 1 sets out the main purposes of the Act.
- Clause 2 provides for the commencement of the Act.

### **PART 2—AMENDMENT OF CONTROL OF WEAPONS ACT 1990**

- Clause 3 refers to the **Control of Weapons Act 1990** as the Principal Act for this Part.
- Clause 4 substitutes a new purpose section in the Principal Act.
- Clause 5 inserts a definition of body armour into the Act.
- Clause 6 inserts a new section 8A to provide for controls on body armour.
- Clause 7 applies section 9 of the Principal Act to body armour.
- Clause 8 repeals spent provisions.

### **PART 3—AMENDMENT OF THE CORRECTIONS ACT 1986**

- Clause 9 refers to the **Corrections Act 1986** as the Principal Act for this Part.
- Clause 10 substitutes a new heading for Division 3 of Part 2A.
- Clause 11 provides for the making of custodial service agreements by the Chief Commissioner of Police.
- Clause 12 provides for the Chief Commissioner to authorise certain staff to carry out the transporting of certain persons and to exercise certain powers in relation to that transportation function.
- Clause 13 inserts a new section 9CAA to ensure that when a person is being transported that person is deemed to be in the legal custody of the Chief Commissioner of Police.
- Clause 14 provides for use of reasonable force by authorised persons.

Clause 15 provides for the appointment of monitors for the proposed contracts with the Chief Commissioner similar to those provided for prisons.

Clause 16 expressly limits the jurisdiction of the Supreme Court.

#### **PART 4—AMENDMENT OF THE FIREARMS ACT 1996**

Clause 17 refers to the **Firearms Act 1996** as the Principal Act for this Part.

Clause 18 amends section 9 of the Principal Act to limit the issue of category C firearms to a maximum of one rimfire rifle and one shotgun in all cases other than for clay target shooting where more than one shotgun may be possessed if the Chief Commissioner is satisfied that there is a genuine need.

Clause 19 makes a limited extension to the reasons for possessing a category C licence for the very limited circumstance of possession, only, (by an adult) of a longarm solely on behalf of a junior licence holder for use by that junior licence holder in clay target shooting. Both the applicant for the licence and the junior on whose behalf the firearm is possessed must be members of an approved clay target shooting club or organisation.

Clause 20 enables junior licence holders to be licensed for category C longarms for the purpose of clay target shooting.

Clause 21 makes a consequential amendment to enable the Chief Commissioner to refuse a junior licence application to use a category C longarm.

Clause 22 clarifies that where a person's licence is not renewed they have until 28 days after the licence expires or an appeal is determined to dispose of any firearms.

Clause 23 clarifies the application of firearms disposal provisions following the making of an intervention order.

Clause 24 provides for licence conditions to be set for dealers.

Clause 25 corrects a reference from licence to permit in section 112(3).

Clause 26 inserts a reference to permit in section 139.

Clause 27 provides for the approval of firearms safety instructors by the Chief Commissioner.

Clause 28 recognises interstate category C licences when their holders are temporary visitors taking part in shooting competitions conducted by an approved club or organisation.

Clause 29 requires an applicant to a court seeking relief from their prohibited person status to notify the Chief Commissioner and the person in whose favour the intervention order was made. The police or person in whose favour an order was made may appear before the court to be heard on the application.

Clause 30 provides that the offences listed are indictable offences.

Clause 31 corrects a reference in section 195(3).

Clause 32 corrects the numbering of certain provision in relation to proposed amendments to the **Crimes Act 1958** and the **Magistrates Court Act 1989**.

Clause 33 sets out the conditions applicable to the holders of category C longarms licences where the longarm is possessed on behalf of the holder of a junior licence and conditions applicable to junior licences for clay target shooting..

Clause 34 corrects a reference in section item 5(b) of Schedule 4.

## **PART 5—AMENDMENT OF THE POLICE REGULATION ACT 1958**

Clause 35 refers to the **Police Regulation Act 1958** as the Principal Act for this Part.

Clause 36 substitutes a new section 16B to enable the Chief Commissioner to initiate an inquiry into a member of the police force's fitness and capacity to discharge duties and to retire a member found incapacitated by infirmity of mind or body.

Clause 37 amends section 80 to provide for more flexible options in setting penalties where a charge is found proven against a member.

Clause 38 provides definitions of conduct and serious misconduct.

Clause 39 enables a member to make a complaint to the Deputy Ombudsman about the serious misconduct of another member.

Clause 40 substitutes a new section 86M to require the Chief Commissioner to investigate a complaint of serious misconduct made against a member of the force and inform the Deputy Ombudsman.

Clause 41 provides a requirement to answer questions in relation to a breach of discipline under section 69.

Clause 42 extends the complaints procedure for police to include police reservists and protective services officers.

Clause 43 inserts a new section 109 to extend the discipline system to police reservists.

Clause 44 inserts a new section 118F to extend the discipline system to protective services officers.

Clause 45 makes statute law revision amendments.

#### **PART 6—OTHER AMENDMENTS**

Clause 46 provides for powers of search under the **Children and Young Persons Act 1989**.

Clause 47 recognises that escape will be from the custody of the Chief Commissioner of Police when juveniles are being transported.

Clause 48 extends the operation of 361 of the **Crimes 1958** to other institutions.

Clause 49 includes the offence of escaping from the custody of the Chief Commissioner.

Clause 50 expressly limits the jurisdiction of the Supreme Court.

Clause 51 enables the Chief Commissioner to arrange the transport of persons to or from an approved mental health service unless a court specifically directs otherwise.

Clause 52 amends the **Magistrates Court Act 1989** to enable certain indictable offences under the **Firearms Act 1996** to be triable summarily.