

TASMANIA

**POLICE SERVICE (CONSEQUENTIAL
AMENDMENTS) BILL 2003**

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POLICE SERVICE (CONSEQUENTIAL AMENDMENTS) BILL 2003

*(Brought in by the Minister for Police and Public Safety,
the Honourable David Edward Llewellyn)*

A BILL FOR

An Act to amend certain legislation consequent on the enactment of the *Police Service Act 2003*

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Police Service
(Consequential Amendments) Act 2003*.

Commencement

2. This Act commences on a day to be proclaimed.

Consequential amendments

3. The legislation specified in Schedule 1 is amended as
specified in that Schedule.

THIS BILL IS COGNATE WITH THE *POLICE SERVICE BILL 2003*

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Acts Interpretation Act 1931

1. Section 46 is amended as follows:

- (a) by inserting the following definitions after the definition of “Building Regulations”:

“commissioned police officer” means
a commissioned police officer as
defined in the *Police Service Act
2003*;

“Commissioner of Police” means the
Commissioner of Police as defined
in the *Police Service Act 2003*;

- (b) by inserting the following definitions after the definition of “Plumbing Regulations”:

“police officer” means a police officer
as defined in the *Police Service Act
2003*;

“Police Service” means the Police
Service established under the
Police Service Act 2003;

Admission to Courts Act 1916

- 1. Section 1A is amended by omitting “member of the police force, within the meaning of the *Police Regulation***

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Act 1898,” from the definition of “authorized officer” and substituting “police officer”.

Animal Welfare Act 1993

1. Section 3 is amended by omitting paragraph (a) from the definition of “officer” and substituting:

(a) a police officer; or

2. Section 39(1)(d) is amended by omitting “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”.

Archives Act 1983

1. Section 3(1A) is amended by omitting paragraph (a) and substituting the following paragraph:

(a) the Police Service; and

Bail Act 1994

1. Section 3(1) is amended by omitting the definition of “police officer”.

***Children, Young Persons and Their Families Act
1997***

1. Section 3(1) is amended as follows:

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- (a) by omitting the definition of “authorised police officer” and substituting the following definition:

“authorised police officer” means a police officer –

- (a) who is of or above a rank as specified by the Commissioner of Police for the purpose of this Act; or
- (b) who is designated as an authorised police officer by the Commissioner of Police for the purpose of this Act;

- (b) by omitting the definition of “police officer”.

2. Section 14(1) is amended by omitting paragraph (f) from the definition of “prescribed person”.

***Classification (Publications, Films and
Computer Games) Enforcement Act 1995***

1. Section 3 is amended by omitting the definition of “police officer”.

Commissions of Inquiry Act 1995

1. Section 3 is amended by omitting the definition of “police officer”.

Cooperatives Act 1999

1. Section 3(1) is amended by omitting the definition of “police force”.
2. Section 402(4) is amended by omitting “member of the police force” and substituting “police officer”.
3. Section 405 is amended as follows:
 - (a) by omitting from subsection (1) “member of the police force” and substituting “police officer”;
 - (b) by omitting from subsection (2) “member of the police force” and substituting “police officer”.
4. Section 449(4) is amended by omitting paragraph (j) and substituting the following paragraph:
 - (j) a police officer performing a function as a police officer; or

Coroners Act 1995

1. Section 3 is amended as follows:
 - (a) by omitting paragraph (b) from the definition of “person held in custody” and substituting the following paragraph:
 - (b) a person detained –
 - (i) in a prison as defined in the *Corrections Act 1997*; or

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(ii) in a building or part of a building at a police station used for the confinement of persons under arrest or otherwise lawfully detained in custody; or

(iii) in a detention centre;

(b) by omitting the definition of “police officer”.

2. Section 15(2) is amended by omitting “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”.

Corporations (Tasmania) Act 1990

1. Section 91(2)(a) is amended by omitting “police force of Tasmania” and substituting “Police Service”.

Corrections Act 1997

1. Section 3 is amended by omitting the definition of “police officer”.

Crime (Confiscation of Profits) Act 1993

1. Section 4(1) is amended by omitting the definition of “police officer”.

Criminal Code Act 1924

1. Schedule 1 is amended as follows:

- (a) by omitting the definition of “police officer” from section 1;
- (b) by omitting from section 205(1)(e) “officer of Police” and substituting “commissioned police officer”.

Criminal Injuries Compensation Act 1976

1. Section 13 is amended by omitting the definition of “police officer”.

***Criminal Investigation (Extra-Territorial
Offences) Act 1987***

1. Section 3(1) is amended as follows:

- (a) by omitting “police force of this State” from paragraph (a) of the definition of “appropriate authority” and substituting “Police Service of this State”;
- (b) by omitting “appointed under the *Police Regulation Act 1898*” from the definition of “Commissioner”;
- (c) by omitting the definition of “police officer”.

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***Criminal Law (Detention and Interrogation) Act
1995***

1. Section 3(1) is amended by omitting the definition of “police officer”.

Crowd Controllers Act 1999

1. Section 3(1) is amended by omitting the definition of “police officer”.

Dangerous Goods Act 1998

1. Section 3 is amended by omitting the definition of “police officer”.

Defacement of Property Act 1898

1. Section 9 is amended by omitting “constable” twice occurring and substituting “police officer”.

Egg Industry Act 2002

1. Section 12(4) is amended by omitting “member of the police force” and substituting “police officer”.

***Electricity Industry Safety and Administration
Act 1997***

1. Section 98 is amended as follows:

- (a) by omitting from subsection (1) “member of the police force” and substituting “police officer”;
- (b) by omitting from subsection (2) “member of the police force” and substituting “police officer”.

Electricity Supply Industry Act 1995

- 1. Section 66(2) is amended by omitting “member of the police force” and substituting “police officer”.
- 2. Section 88(4) is amended by omitting “member of the police force” and substituting “police officer”.

Emergency Services Act 1976

1. Section 2 is amended by omitting the definition of “Region Disaster Controller” and substituting the following definition:

“Region Disaster Controller” means a commissioned police officer appointed as such under section 14;

2. Section 14 is amended by omitting “an officer of police” and substituting “a commissioned police officer”.

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3. Section 35A(1) is amended by omitting the definitions of “commissioned police officer” and “police officer”.

4. Section 36 is amended by omitting “member of the Police Force” and substituting “police officer or a trainee or junior constable as defined in the *Police Service Act 2003*”.

***Environmental Management and Pollution
Control Act 1994***

1. Section 20 is amended by omitting subsection (3) and substituting the following subsection:

(3) A police officer is an authorized officer.

Firearms Act 1996

1. Section 3 is amended by omitting the definition of “police officer”.

Food Act 2003

1. Section 4(1) is amended by omitting the definition of “police officer”.

Forensic Procedures Act 2000

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “Officer of Police” and substituting the following definition:

“Officer of Police” means a
commissioned police officer;

- (b) by omitting the definition of “police officer”.

Forestry Act 1920

1. Section 4(1) is amended by omitting the definition of “police officer”.

Freedom of Information Act 1991

1. Section 5(1) is amended by omitting “police force, as defined by section 5 of the *Police Regulation Act 1898*,” from the definition of “agency” and substituting “Police Service”.

Gaming Control Act 1993

1. Section 3(1) is amended by omitting paragraph (a) from the definition of “law enforcement agency” and substituting the following paragraphs:

- (a) the Police Service; or
- (ab) the police force of any other State or of a Territory; or

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Gas Act 2000

1. Section 87(4) is amended by omitting “member of the police force” and substituting “police officer”.

Guardianship and Administration Act 1995

1. Section 3(1) is amended by omitting the definition of “police officer”.

HIV/AIDS Preventive Measures Act 1993

1. Section 3 is amended by omitting the definition of “police officer”.

Industrial Relations Act 1984

1. Section 3(1) is amended as follows:
 - (a) by omitting paragraph (b) from the definition of “controlling authority” and substituting the following paragraph:
 - (b) a person appointed under section 11(3), 12 or 15 of the *Police Service Act 2003* – the Commissioner of Police; or
 - (b) by omitting paragraph (d) from the definition of “employee” and substituting the following paragraph:

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- (d) a person appointed under section 11(3), 12 or 15 of the *Police Service Act 2003*;
- (c) by omitting paragraph (b) from the definition of “Government department” and substituting the following paragraph:
 - (b) the Police Service;

Inland Fisheries Act 1995

1. Section 84 is amended by omitting “member of the police force” and substituting “police officer”.

Judicial Review Act 2000

1. Clause 5(a) of Schedule 3 is amended by inserting “of a junior constable or trainee as defined in the *Police Service Act 2003* or” after “appointment”.

Jury Act 1899

1. Clause 1 of Schedule I is amended as follows:
 - (a) by omitting from paragraph (i) “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”;
 - (b) by omitting from paragraph (l)(ii) “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”.

Justices Act 1959

1. Section 3(1) is amended by omitting the definition of “police officer”.
2. Section 34(1) is amended by omitting paragraph (a) and substituting the following paragraph:
 - (a) a commissioned police officer; or
3. Section 41(3)(a) is amended by omitting “superintendent of police” and substituting “police officer of the rank of commander”.

Legal Profession Act 1993

1. Section 125(3)(d) is amended by omitting “within the meaning of the *Police Regulation Act 1898*”.

Listening Devices Act 1991

1. Section 3(1) is amended by omitting the definition of “the police force”.
2. Section 5(2)(e) is amended by omitting “member of the police force and a person suspected by a member of the police force” and substituting “police officer and a person suspected by a police officer”.
3. Section 17(1) is amended by omitting “member of the police force” twice occurring and substituting “police officer”.
4. Section 18 is amended as follows:

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- (a) by omitting from subsection (2) “member of the police force” twice occurring and substituting “police officer”;
- (b) by omitting from subsection (4) “member of the police force” twice occurring and substituting “police officer”;
- (c) by omitting from subsection (5) “member of the police force” three times occurring and substituting “police officer”;
- (d) by omitting from subsection (7)(a) “member of the police force” and substituting “police officer”;
- (e) by omitting from subsection (7)(b) “member of the police force” twice occurring and substituting “police officer”.

5. Section 26(4) is amended by omitting “member of the police force” and substituting “police officer”.

Litter Act 1973

1. Section 3(1)(b) is amended by omitting “within the meaning of the *Police Regulation Act 1898*”.

Living Marine Resources Management Act 1995

1. Section 21(1)(b) is amended as follows:

- (a) by omitting from subparagraph (i) “police force” and substituting “Police Service”;

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(b) by omitting from subparagraph (ii) “police force” and substituting “Police Service”.

2. Section 169 is amended by omitting “member of the police force” and substituting “police officer”.

Long Service Leave (State Employees) Act 1994

1. Schedule 1 is amended by omitting

Employees employed under the *Police Regulation Act 1898* The Commissioner of Police

and substituting:

Persons appointed to the Police Service The Commissioner of Police

Magistrates Court (Civil Division) Act 1992

1. Section 15 is amended by omitting subsection (2) and substituting the following subsection:

(2) A police officer is a bailiff for the purpose of this Act.

Mental Health Act 1996

1. Section 3 is amended by omitting the definition of “police officer”.

Misuse of Drugs Act 2001

1. Section 3(1) is amended by omitting the definition of “police officer”.

***Motor Accidents (Liabilities and Compensation)
Act 1973***

1. Section 2(1) is amended by omitting the definition of “police officer” and substituting the following definition:

“**police officer**” means –

- (a) in respect of a personal injury suffered in Tasmania, a police officer in this State; and
- (b) in respect of a personal injury suffered in another State or a Territory of the Commonwealth, a police officer in that State or Territory;

***National Parks and Reserves Management Act
2002***

1. Section 3(1) is amended by omitting paragraph (a) from the definition of “authorised officer” and substituting:

- (a) a police officer; and

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Nature Conservation Act 2002

1. Section 3(1) is amended by omitting paragraph (a) from the definition of “authorised officer” and substituting:

- (a) a police officer; and

Ombudsman Act 1978

1. Schedule 1 is amended as follows:

- (a) by omitting item 45 and substituting the following item:

45. Police Service.

- (b) by omitting item 46.

Passenger Transport Regulations 2000

1. Regulation 3(1) is amended by omitting the definition of “police officer”.

Petroleum Products Emergency Act 1994

1. Section 3 is amended by omitting the definition of “police officer”.

Petroleum (Submerged Lands) Act 1982

1. Section 137B(1) is amended by omitting paragraph (a) from the definition of “authorized person” and substituting:

- (a) a police officer; or

Poisons Act 1971

1. Section 23(2) is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) a police officer; or

Police Offences Act 1935

1. Section 3(1) is amended by omitting the definition of “police officer”.

2. Section 43 is amended as follows:

- (a) by omitting from subsection (7) “, cadet, or departmental employee.”;
- (b) by omitting subsection (8).

3. Section 57 is amended as follows:

- (a) by omitting from subsection (1) “superintendent” and substituting “police officer of the rank of commander”;

- (b) by omitting from subsection (2) “superintendent of police” and substituting “police officer of the rank of commander”;
- (c) by omitting from subsection (3) “superintendent” and substituting “police officer of the rank of commander”.

4. Section 58(2) is amended by omitting “constable” and substituting “police officer”.

5. Section 58B is amended as follows:

- (a) by omitting from subsection (1) “after having been arrested for an offence against any Act”;
- (b) by inserting the following paragraph after paragraph (a) in subsection (1):
 - (ab) for the purpose of removing into safe keeping any other articles belonging to, or in the possession of, the person; or
- (c) by omitting subsections (2) and (3) and substituting the following subsections:

(2) Subsection (1)(b) does not authorise a police officer to require a person to remove any clothing unless there are reasonable grounds for believing that the removal may provide evidence of the commission of an offence.

(3) A police officer may take and retain –

- (a) any weapon or article found as a result of the search under subsection (1)(a); and

- (b) any article of clothing removed under subsection (2).

Police Powers (Vehicle Interception) Act 2000

1. Section 3 is amended as follows:

- (a) by omitting the definition of “Commissioner” and substituting the following definition:

“Commissioner” means the
Commissioner of Police;

- (b) by omitting the definition of “senior police officer” and substituting the following definition:

“senior police officer” means a
commissioned police officer;

2. Section 6(1)(b) is amended by omitting “sergeant of police” and substituting “police officer of the rank of sergeant”.

***Pollution of Waters by Oil and Noxious
Substances Act 1987***

1. Section 3(1) is amended by omitting paragraph (d) from the definition of “authorized officer” and substituting:

- (d) a police officer;

2. Section 26(8) is amended by omitting “member of the police force” and substituting “police officer”.

3. Section 26A(4)(a) is amended by omitting “member of the police force” and substituting “police officer”.
4. Section 35(2)(c)(iv) is amended by omitting “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”.

Prisoners (Interstate Transfer) Act 1982

1. Section 3(1) is amended by omitting the definition of “police officer”.
2. Section 15 is amended as follows:
 - (a) by omitting from paragraph (a) “member of the police force” and substituting “police officer”;
 - (b) by omitting from paragraph (b) “member of the police force” and substituting “police officer”.
3. Section 22(2) is amended by omitting “member of the police force” and substituting “police officer”.
4. Section 30(1) is amended by omitting “member of the Tasmania Police” and substituting “police officer”.

Public Interest Disclosures Act 2002

1. Section 3(1) is amended by omitting the definition of “police force” and substituting the following definition:

“police force” means the Police Service;

Public Sector Superannuation Reform Act 1999**1. Section 3(1) is amended as follows:**

- (a) by inserting “and a trainee and junior constable as defined in the *Police Service Act 2003*” after “police officer” in the definition of “employee”;
- (b) by omitting the definition of “police officer”.

Racing Regulation Act 1952**1. Section 57ZQ is amended as follows:**

- (a) by omitting from subsection (2) “member of the police force” and substituting “police officer”;
- (b) by omitting from subsection (3) “member of the police force” and substituting “police officer”.

Rail Safety Act 1997**1. Section 3 is amended by omitting the definition of “police force”.****2. Section 52 is amended as follows:**

- (a) by omitting from subsection (1) “member of the police force” and substituting “police officer”;

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- (b) by omitting from subsection (2)(a) “member of the police force” and substituting “police officer”;
- (c) by omitting from subsection (3) “member of the police force” and substituting “police officer”.

Rail Safety Regulations 1999

1. Schedule 1 is amended by omitting paragraph (b) from the definition of “authorised person” in clause 1(1) of Part 1 and substituting:

- (b) a police officer;

Retirement Benefits Regulations 1994

1. Regulation 3(1) is amended by omitting the definition of “police officer” and substituting the following definition:

“police officer” includes a trainee and a junior constable as defined in the *Police Service Act 2003*;

Road Safety (Alcohol and Drugs) Regulations 1999

1. Regulation 13 is amended by omitting “Superintendent” and substituting “Commander”.

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Search Warrants Act 1997

1. Section 3 is amended by omitting the definition of “police officer”.

Second-hand Dealers and Pawnbrokers Act 1994

1. Section 3(1) is amended by omitting the definition of “police officer”.

Sentencing Act 1997

1. Section 4 is amended by omitting the definition of “police officer”.

State Service Act 2000

1. Section 41 is amended by inserting after subsection (3) the following subsection:

(3A) An employee or officer may be transferred to the Police Service as a police officer in accordance with section 24 of the *Police Service Act 2003*.

Taxi and Luxury Hire Car Industries Act 1995

1. Section 23A is amended by omitting the definition of “police officer”.

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***Telecommunications (Interception) Tasmania
Act 1999***

1. Section 3(1) is amended by omitting the definition of “Tasmania Police Service” and substituting the following definition:

“Tasmania Police Service” means the Police Service as defined in the *Police Service Act 2003*;

Town Building Act 1962

1. Section 9(2) is amended by omitting “within the meaning of the *Police Regulation Act 1898*”.

Traffic (Road Rules) Regulations 1999

1. Schedule 6 is amended by omitting “within the meaning of the *Police Regulation Act 1898*” from clause 5 of Division 1 of Part 2 and substituting “as defined in the *Police Service Act 2003*”.

TT-Line Gaming Act 1993

1. Section 3 is amended by omitting the definition of “police officer”.

Vehicle and Traffic Act 1999

1. Section 3(1) is amended by omitting the definition of “police officer”.

Witness Protection Act 2000

1. Section 3 is amended as follows:
 - (a) by omitting the definition of “police force”;
 - (b) by omitting “the Commissioner of Police, another member of the police force” from paragraph (c) of the definition of “witness” and substituting “a police officer”.
2. Section 7(1) is amended by omitting “member of the police force” and substituting “police officer”.
3. Section 8(3) is amended by omitting “the Commissioner of Police or another member of the police force” and substituting “a police officer”.
4. Section 9(1) is amended by omitting “member or members of the police force” and substituting “police officer”.
5. Section 11(a) is amended by omitting “member or members of the police force” and substituting “police officer”.
6. Section 13(3) is amended as follows:
 - (a) by omitting from paragraph (c) “the Commissioner of Police or another member of the police force” and substituting “a police officer”;

- (b) by omitting from paragraph (d) “member of the police force” and substituting “police officer”.

7. Section 15 is amended as follows:

- (a) by omitting paragraphs (c) and (d) from subsection (1) and substituting the following paragraph:

(c) a police officer; or

- (b) by omitting from subsection (4) “the Commissioner of Police or another member of the police force” and substituting “a police officer”.

8. Section 24(2)(a) is amended by omitting “the Commissioner of Police or a member of the police force” and substituting “a police officer”.

9. Section 26 is amended as follows:

- (a) by omitting from subsection (2)(a) “member of the police force” and substituting “police officer”;
- (b) by omitting from subsection (2)(b) “member of the police force” and substituting “police officer”;
- (c) by omitting from subsection (3)(a) “member of the police force” and substituting “police officer”;
- (d) by omitting from subsection (3)(b) “member of the police force” and substituting “police officer”.

10. Section 27(2)(d) is amended by omitting “members of the police force” and substituting “a police officer”.

11. Section 28(a)(iv) is amended by omitting “the Commissioner of Police or a member of the police force” and substituting “a police officer”.

***Workers Rehabilitation and Compensation Act
1988***

1. Section 3(1) is amended by omitting the definition of “police officer” and substituting the following definition:

“police officer” includes a junior constable and a trainee as defined in the *Police Service Act 2003*;

2. Section 6A(1) is amended by omitting “*Police Regulation Act 1898*” and substituting “*Police Service Act 2003*”.

Youth Justice Act 1997

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “police officer”;
- (b) by omitting paragraph (a) from the definition of “watch-house” and substituting the following paragraph:
 - (a) a building or part of a building at a police station used for the confinement of persons under arrest or otherwise lawfully detained in custody; and