

[Act 2002 No 51]



New South Wales

Police Service Amendment (NSW Police) Bill 2002

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Police Service Act 1990* so as:

- (a) to rename the Police Service of New South Wales as “NSW Police” and, as a consequence of the proposed change of name, to rename that Act as the *Police Act 1990*, and
 - (b) to prohibit persons from carrying on activities under an operating name that includes the word “police” except with the consent of the Commissioner of Police or in other specified circumstances, and
 - (c) to enable the Commissioner to make payments to a student of policing who suffers a totally and permanently incapacitating injury while undergoing a police education course, and to the spouse of a student of policing who dies while undergoing such a course, and
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- (d) to increase the penalties for the unauthorised use of police uniforms and police insignia, the impersonation of police officers and the unauthorised use of words describing certain police positions or ranks, and
- (e) to enable the regulations under that Act to prescribe educational or other qualifications or experience not only with respect to appointment to NSW Police but also to appointments within NSW Police, and
- (f) to enact provisions of a savings or transitional nature.

The Bill also makes consequential amendments to other Acts and instruments, including amendments to the *Associations Incorporation Act 1984* and the *Business Names Act 1962* with respect to the object referred to in paragraph (b).

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, except in the case of an amendment made as a consequence of the enactment of the (uncommenced) *Compensation Court Repeal Act 2002* which is tied to the commencement of that Act.

Clause 3 is a formal provision giving effect to the amendments to the *Police Service Act 1990* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to certain other Acts and instruments set out in Schedule 2.

Schedule 1 Amendment of Police Service Act 1990

Renaming of Police Service

Schedule 1 [1]–[5] give effect to the object referred to in paragraph (a) of the Overview.

Improper use of word “police”

Schedule 1 [8] inserts proposed sections 204A and 204B, and so gives effect to the object referred to in paragraph (b) of the Overview. Proposed section 204A creates an offence (punishable by a maximum fine of 100 penalty units) of carrying on any activity under an operating name that includes the word “police”, subject to

specified exceptions. Proposed section 204B provides for the granting of consents by the Commissioner of Police that exempt persons from the operation of proposed section 204A.

Payments in relation to students of policing who suffer injury or death while undergoing police education courses

Schedule 1 [10] inserts proposed section 216AA, and so gives effect to the object referred to in paragraph (c) of the Overview. Proposed section 216AA prescribes circumstances in which the Commissioner may make payments in relation to students of policing who are injured or die while undergoing a police education course, and prescribes a formula from which the amount of any such payment is to be calculated. The proposed section mirrors existing section 216, which enables the Commissioner to make payments in relation to police officers who are injured or die while on duty. Payment to a student of policing under the proposed section will generally be 80 per cent of the payment that would be made under section 216 in similar circumstances to a probationary constable of the same age and sex. **Schedule 1 [11], [12] and [13]** make consequential amendments to section 216A.

Increase in penalties

Schedule 1 [6], [7] and [9] increase certain penalties from 10 penalty units to 100 penalty units, and so give effect to the object referred to in paragraph (d) of the Overview.

Regulations with respect to appointments

Schedule 1 [14] substitutes section 219 (2) (d), and so gives effect to the object referred to in paragraph (e) of the Overview. The existing paragraph (d) enables regulations to be made with respect to the educational and other qualifications for appointment to NSW Police. The substituted paragraph extends this power to include appointments within NSW Police, and to include experience (such as experience for an appropriate length of time in a relevant rank or grade) as well as educational and other qualifications. In particular, it makes it clear that the regulations can have regard to relevant experience outside NSW Police.

Savings and transitional provisions

Schedule 1 [15] and [16] give effect to the object referred to in paragraph (f) of the Overview.

Schedule 2 Amendment of other Acts and instruments

Schedule 2.1 and 2.2 amend the *Associations Incorporation Act 1984* and the *Business Names Act 1962* in connection with the object referred to in paragraph (b) of the Overview.

Schedule 2.3–2.13 amend various other Acts and instruments in connection with the object referred to in paragraph (a) of the Overview.