

POLICE SERVICE ADMINISTRATION AMENDMENT BILL 1997

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The legislation is intended to amend the *Police Service Administration Act 1990* (the Act) to extend the range of candidates the chairperson of the Criminal Justice Commission (CJC) may nominate as commissioners for Police Service Reviews.

At the present time section 9.2A(1) of the Act provides that:

“The chairperson of the Criminal Justice Commission may nominate a member of the Criminal Justice Commission to be a commissioner for Police Service Reviews.”

In its present construction this section permits only current members of the CJC to be nominated as review commissioners.

This has created a problem when a commissioner leaves the CJC, as he or she can no longer sit as a review commissioner. Apart from limiting the number of persons who are suitable for nomination as commissioners, this situation results in the loss of expertise and knowledge built up by a body of experienced commissioners. This has a detrimental effect on the ability of the CJC to fulfil its function as a forum for Police Service reviews.

This legislation seeks to amend the Act to allow the chairperson of the CJC to nominate former members to be review commissioners.

Means of Achieving Policy Objectives

The outcome sought is to be achieved by amendment of section 9.2A(1) of the Act.

Alternative Means of Achieving Policy Objectives

No options other than that proposed are available.

Consistency with Fundamental Legislative Principles

The proposed legislation has sufficient regard to the rights and liberties of individuals and to the institution of Parliament.

Consultation Conducted in Development of the Bill

Due to the urgency which accompanies this legislation, consultation has, of necessity, been limited. The Criminal Justice Commission and Police Service have both been consulted, and both support this Bill.

NOTES ON PROVISIONS**Short title**

Clause 1 Specifies the short title of the proposed Act.

Act amended

Clause 2 Identifies the Act being amended as the *Police Service Administration Act 1990*.

Replacement of Section 9.2A (Commissioner for Police Service Reviews)

Clause 3 Replaces section 9.2A in its entirety. There are a number of proposed subsections.

Proposed subsection (1) Provides for the persons who may act as review commissioners. In the case of persons who are already members of the Criminal Justice Commission, an appointment to that capacity is sufficient for the person to take up a position as a review commissioner. In the case of a person who is not a current member of the Commission, the person must be appointed by the Governor in Council.

Proposed subsection (2) Expands the range of persons who may be appointed as review commissioners. In its present form the section provides that the chairperson of the Criminal Justice Commission may nominate a member of the Commission to serve as a review commissioner. The proposed provision expands this to include persons who are eligible for appointment to the Criminal Justice Commission. The proposed provision largely replicates the provisions of the Criminal Justice Act which detail the qualifications of members of the Commission.

Proposed subsection (3) creates a scheme which authorises the Governor in Council to make the appointment, but does not allow the appointment of a person who is disqualified from appointment as a member of the Criminal Justice Commission.

Proposed subsection (4) requires an appointment to be notified in the Government Gazette.

Proposed subsection (5) requires the appointment to be of no longer than 3 years, and is subject to the terms and conditions of the appointment.

Proposed subsection (6) is the present subsection (2).