

POLICE AMENDMENT BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Minister for Energy)**, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [10.01 pm]: I move —

That the bill be now read a second time.

The government is introducing the bill in response to a need identified by the Commissioner of Police for there to be a provision in the Police Act 1892 that enables the appointment of police auxiliary officers with limited policing functions. The function performed by the police auxiliary officers will primarily be to assist in completing many of the secondary or associated functions currently done by police officers that, broadly, are not front line. It will allow the focus of deploying police officers to be on attending to their important front-line duties and to free them up from the many such secondary functions they presently undertake. In this regard, the police auxiliary officers will not be police officers but will be a specific category of appointee. The bill is drafted in a broad manner so that the Commissioner of Police will not be constrained in determining the nature of the secondary policing functions that will be assigned to the police auxiliary officers.

The bill provides the police auxiliary officers with the same powers as police officers when performing the secondary policing functions, unless the Commissioner of Police determines that such powers are not required. This will broadly be done on a case-by-case basis.

The appointment of the police auxiliary officers is to be done through a written document or appointment instrument signed by the Commissioner of Police. There will be an ability to limit via that appointment the powers they hold; when such powers may be exercised; the offences in which such powers may be exercised; the places, circumstances or times in which such powers may be exercised; and the purposes for which such powers may be exercised.

The bill is drafted so that the appointment instrument can specify the details of any terms and conditions by which the police auxiliary officers are appointed. However, it is important to note that these terms and conditions cannot be less than any relevant industrial award that may be in place under the Industrial Relations Act 1979 or the provisions set out in the Minimum Conditions of Employment Act 1993.

The bill provides that the police auxiliary officers will come within the disciplinary regime that currently exists with respect to police officers and Aboriginal police liaison officers. It further provides that they will be subject to such rules, orders and regulations that the Commissioner of Police may seek to impose, again in the same way that they apply to police officers and Aboriginal police liaison officers. The police auxiliary officers will be provided with the protection from personal civil liability when performing the functions of their position without corruption and malice. This is in the same manner by which police officers and Aboriginal police liaison officers are currently provided such protection.

There are also consequential provisions in the bill with respect to the Bail Act 1982, Civil Judgments Enforcement Act 2004, Criminal Code, Criminal Investigation Act 2006, Criminal Investigation (Identifying People) Act 2002, Cross-border Justice Act 2008, Food Act 2008, Juries Act 1957, Misuse of Drugs Act 1981, Public Interest Disclosure Act 2003, Spent Convictions Act 1988 and Stock (Identification and Movement) Act 1970. This is to clarify or, where appropriate, remove redundant references to the term “police officer” within these statutes. There is a consequential amendment in the bill to the Workers’ Compensation and Injury Management Act 1981. This is to ensure that the police auxiliary officers are covered by normal employee workers’ compensation arrangements.

The bill also contains a consequential amendment to schedule 3, clause 2(3) of the Industrial Relations Act 1979 to clarify that the jurisdiction of the public sector arbitrator does not extend to the police auxiliary officers. This is consistent with the current position with respect to police officers and Aboriginal police liaison officers. The Police Act 1892 contains specific appeal procedures to the police appeal board with respect to disciplinary offences and to the Western Australian Industrial Relations Commission with respect to dismissals.

This bill is important in the ongoing fight against crime as it provides the Commissioner of Police with the flexibility to appoint the police auxiliary officers to assist police officers in the completion of many non-operational duties. As a result, this will free the police officers from many such duties, enabling there to be a greater front-line policing presence. I commend this bill to the house.

Debate adjourned, pursuant to standing orders.