



Secondary supplementary submission to the inquiry into the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018

We note that the Law Council of Australia (LCA) provided a further submission to the Committee on 22 October 2018. The Department of Home Affairs thanks you for the opportunity to provide a further submission to the Parliamentary Joint Committee on Intelligence and Security to clarify an issue raised in the LCA submission.

The LCA has said “...proposed paragraph 3UO(5)(b) would define a *senior police officer* as a *constable* with the rank of sergeant or an equivalent rank (or higher), or performing the duties of a constable having such a rank [emphasis added]. It is not clear what this may relate to and therefore who may be considered a *senior police officer*. Proposed paragraph 3UO(5)(b) of the Bill should be amended to clearly articulate what kind of officers may be considered to be performing the duties of sergeant or an equivalent rank (or higher).”

The phrase “performing the duties of a constable having such a rank” is included in the Bill to ensure the nationally consistent applicability of the proposed powers where a constable may be performing higher duties, temporarily acting as a sergeant or an equivalent rank (or higher) with formal approval from their employer.