

2002-2003

The Parliament of the
Commonwealth of Australia

THE SENATE

Australian Protective Service Amendment Bill 2003

(Government)

- (1) Schedule 1, item 1, page 6 (after line 15), after the definition of *ordinary search*, insert:

vehicle includes any means of transport (and, without limitation, includes a vessel and an aircraft).

[Searching]

- (2) Schedule 1, item 1, page 10 (after line 3), after section 18E, insert:

18F Modification of sections 18A, 18B, 18C, 18D and 18E to confer powers on the Australian Federal Police

References to a protective service officer

- (1) A reference in:

- (a) section 18A; and
- (b) section 18B; and
- (c) section 18C (other than subsection 18C(3));

to a protective service officer includes a reference to a member or a special member of the Australian Federal Police.

References to a person, place or thing in respect of which the Protective Service is performing functions

- (2) In relation to the exercise of a power under section 18A, 18B or 18C by a member or a special member of the Australian Federal Police, a reference in sections 18A, 18B, 18C, 18D and 18E to a person, place or thing in respect of which the Protective Service is performing functions includes a reference to a person, place or thing in respect of which the Protective Service has functions.

References to an offence to which section 13 applies

- (3) In relation to the exercise of a power under section 18A, 18B or 18C by a member or a special member of the Australian Federal Police, a reference in:
- (a) paragraph 18A(1)(a); and
 - (b) subsection 18B(1); and
 - (c) paragraph 18D(5)(b); and
 - (d) paragraph 18E(3)(a);
- to an offence to which section 13 applies includes a reference to an offence to which section 13 would apply if references in subsection 13(2) to a person, place or thing in respect of which the Protective Service is performing its functions were references to a person, place or thing in respect of which the Protective Service has functions.

Modification of paragraph 18A(2)(d)

- (4) In relation to the exercise of a power under section 18A by a member or a special member of the Australian Federal Police, paragraph 18A(2)(d) is modified in the following way:
- (a) if a member exercises the power—the reference in paragraph 18A(2)(d) to subsection 19(3) or 20(2) of this Act is taken to be a reference to subsection 64A(1) of the *Australian Federal Police Act 1979*; and
 - (b) if a special member exercises the power—paragraph 18A(2)(d) is taken to be omitted.

References to the day on which a thing was delivered into the custody of a police officer

- (5) In relation to a thing seized under section 18C by a member or special member of the Australian Federal Police, a reference in subsections 18D(1), (6) and (7) to the day on which the thing was delivered into the custody of a police officer is taken to be a reference to the day on which the thing was seized.

[Australian Federal Police powers]

- (3) Schedule 1, page 10 (after line 3), at the end of the Schedule, add:

2 After subsection 21(4)

Insert:

- (4A) The powers conferred, and duties imposed, by this Part on members and special members of the Australian Federal Police are in addition to, and not in derogation of, any other powers conferred, or duties imposed, by any other law of the Commonwealth or the law of a State or Territory, and this Part is not intended to exclude or limit the operation of any other law of the Commonwealth or the law of a State or Territory in so far as it is capable of operating concurrently with this Part.

[Australian Federal Police powers]