

## **Legislative Council—No 95**

As received from the House of Assembly and read a first time, 2 February 2021

South Australia

# **Statutes Amendment and Repeal (Budget Measures) Bill 2020**

A BILL FOR

An Act to amend the *Aged and Infirm Persons' Property Act 1940*, the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the *Emergency Services Funding Act 1998*, the *Independent Commissioner Against Corruption Act 2012*, the *Land Acquisition Act 1969*, the *Legislation (Fees) Act 2019*, the *Mining Act 1971*, the *Police Act 1998*, the *Police Complaints and Discipline Act 2016*, the *Public Sector Act 2009*, the *Public Trustee Act 1995*, the *Security and Investigation Industry Act 1995* and the *State Lotteries Act 1966* and to repeal the *Protective Security Act 2007*.

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## **The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Statutes Amendment and Repeal (Budget Measures) Act 2020*.

## 2—Commencement

(1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.

(2) The following Parts come into operation on a day to be fixed by proclamation:

5 (a) Part 3;

(b) Part 5;

(c) Part 9;

(d) Part 10;

(e) Part 11;

10 (f) Part 12;

(g) Part 13;

(h) Part 14;

(i) Part 15.

(3) Part 7 is taken to have come into operation on 19 March 2020.

15 (4) Part 8 comes into operation—

(a) on the day on which this Act is assented to by the Governor; or

(b) immediately after section 23 of the *Statutes Amendment (Mineral Resources) Act 2019* comes into operation,

whichever is the later.

## 20 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Aged and Infirm Persons' Property Act 1940*

### 25 4—Amendment of section 20—Percentage of moneys collected payable to Public Trustee

Section 20(1)—after "direct" insert:

or such commission or fees at rates or in amounts prescribed by the Minister for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*

30

## Part 3—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

### 5—Insertion of section 4A

Before section 5 insert:

#### 4A—Interpretation

In this Part, unless the contrary intention appears—

*business day* means any day except Saturday, Sunday or a public holiday;

*clamping or impounding fees* means the fees prescribed in relation to the clamping or impounding of a motor vehicle under this Part (which, for the avoidance of doubt, may include fees for the storage of a motor vehicle beyond the clamping or impounding period for the motor vehicle);

*clamping or impounding period*, in relation to a motor vehicle, means the period for which the motor vehicle is liable to remain clamped or impounded under this Part;

*ordinary business hours* means the hours between 9 am and 5 pm on any day other than a Saturday, Sunday or public holiday;

*person entitled to custody of a motor vehicle* means—

- (a) an owner of the motor vehicle; or
- (b) a person authorised by an owner of the motor vehicle to take custody of the motor vehicle; or
- (c) a person legally entitled to possession of the motor vehicle.

### 6—Amendment of section 8—Early determination of clamping or impounding period

- (1) Section 8(1)—delete subsection (1)
- (2) Section 8(3) and (4)—delete subsections (3) and (4)

### 7—Substitution of section 9

Section 9—delete the section and substitute:

#### 9—Removal of clamps or release of impounded vehicle and fees

- (1) When the clamping or impounding period for a motor vehicle ends—
  - (a) a person entitled to custody of the motor vehicle must, after the end of the period and during ordinary business hours, apply for removal of the clamps or release of the motor vehicle; and

- (b) on the making of such an application and subject to this section, the relevant authority must release the motor vehicle, as soon as is reasonably practicable, into the custody of that person.
- 5 (2) The clamping or impounding fees applying in relation to a motor vehicle are payable to the Commissioner and, unless the Commissioner determines that 1 or more of the following circumstances apply, must be paid before the motor vehicle is released under subsection (1):
- 10 (a) grounds did not exist under section 5 to clamp or impound the motor vehicle;
- (b) the motor vehicle was, at the time of the offence in respect of which the motor vehicle was clamped or impounded, stolen or otherwise unlawfully in the possession of the  
15 person or was being used by the person in circumstances prescribed by regulation under section 8(2)(a);
- (c) the offence in respect of which the motor vehicle was clamped or impounded, occurred without the knowledge or consent of any person who was an owner of the motor  
20 vehicle at the time of the offence;
- (d) it is appropriate in the circumstances of the particular case to release the motor vehicle without payment of the clamping or impounding fees at the time of release because—
- 25 (i) the imposition of the fee or the continued clamping or impounding of the motor vehicle would cause severe financial hardship to a person other than the alleged offender or a person who was knowingly involved in, or who aided or abetted, the commission of the offence; or
- 30 (ii) other grounds exist that warrant the release of the motor vehicle without payment of the fees.
- (3) The Commissioner may make a determination under subsection (2) on the Commissioner's own initiative or on application and, if an application for a determination is made, the Commissioner must  
35 make a decision on the application as soon as is reasonably practicable.
- (4) If the Commissioner has not made a decision on an application for a determination under subsection (2) within 8 days after it is received, the Commissioner is to be taken to have refused the application.

- 5
- (5) A person who has paid clamping or impounding fees for a motor vehicle clamped or impounded under this Part in relation to a prescribed offence is, on application by the person, entitled to a refund of the amount paid if—
- 10
- (a) a court has found the alleged offender not guilty of the prescribed offence (and the alleged offender has not been found guilty of another prescribed offence arising out of the same course of conduct); or
- 15
- (b) the charge of the prescribed offence has been withdrawn (and no charge of another prescribed offence arising out of the same course of conduct has been laid); or
- (c) proceedings for the prescribed offence have been otherwise discontinued (and no other criminal proceedings for a prescribed offence arising out of the same course of conduct have been commenced).
- 20
- (6) If a court finds a person guilty of a prescribed offence in respect of which a motor vehicle has been clamped or impounded under this Part, or guilty of another prescribed offence arising out of the same course of conduct, the person is, on being found guilty—
- 25
- (a) liable to pay to the Commissioner all outstanding clamping or impounding fees payable in relation to the clamping or impounding of the motor vehicle (including where the motor vehicle has been released without payment of fees under subsection (2)) and those fees are recoverable by the Commissioner as a debt; and
- 30
- (b) liable to pay to any other person the amount that the other person has paid to the Commissioner in clamping or impounding fees in relation to the clamping or impounding of the motor vehicle and that amount is recoverable by the other person from the offender as a debt.
- 35
- (7) Despite any other provision of this section, no clamping or impounding fees are payable in respect of a motor vehicle impounded under this Part if, on application by an owner of the vehicle made to the Commissioner, a relevant authority causes the motor vehicle to be destroyed.
- 40
- (8) An application under subsection (7) in respect of a motor vehicle must—
- (a) be made within 7 business days of the impounding of the motor vehicle; and
- (b) be in a manner and form determined by the Commissioner; and
- (c) be accompanied by the prescribed fee.



- (9) The Commissioner must not approve an application under subsection (7) unless—
- (a) a registered owner of the motor vehicle who is not an applicant; and
  - (b) any person registered under the *Personal Property Securities Act 2009* of the Commonwealth as a secured party in relation to a security interest for which the motor vehicle is collateral,

has each agreed to the destruction of the motor vehicle.

- (10) On approval of an application under subsection (7), a relevant authority must, as soon as reasonably practicable—

- (a) surrender the number plates issued for the motor vehicle to the Registrar of Motor Vehicles; and
- (b) cause the motor vehicle to be destroyed,

and, despite any other Act or law, any interests in the motor vehicle existing prior to the destruction are, on its destruction, extinguished.

- (11) Nothing in this section—

- (a) prevents the relevant authority from removing clamps from a motor vehicle or releasing a motor vehicle before the end of the clamping or impounding period for administrative reasons; or
- (b) obliges the relevant authority to remove clamps from a motor vehicle or release a motor vehicle outside of ordinary business hours; or
- (c) obliges the relevant authority to remove clamps from a motor vehicle or release a motor vehicle into the custody of a person if the relevant authority is not satisfied that the person who applied for removal or release is entitled to custody of the motor vehicle.

### **8—Amendment of section 12—Court order for impounding or forfeiture on conviction of prescribed offence**

Section 12(1a)—delete "calculated in accordance with the regulations" and substitute:  
prescribed

### **9—Amendment of section 20—Disposal of vehicles**

- (1) Section 20(2)—delete "2 months" and substitute:  
10 days
- (2) Section 20(3)—delete "14 days" and substitute:  
7 days

## 10—Amendment of section 24—Regulations and fee notices

Section 24—after subsection (5) insert:

- (6) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

## 5 11—Transitional provision

The *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* as amended by this Part applies only in respect of the clamping or impounding of a motor vehicle for an offence committed after the commencement of this Part.

## Part 4—Amendment of *Emergency Services Funding Act 1998*

### 10 12—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *contiguous land* insert:

*CTP Regulator* means the CTP Regulator established under the *Compulsory Third Party Insurance Regulation Act 2016*;

- (2) Section 3(1), definition of *Motor Accident Commission*—delete the definition

### 15 13—Amendment of section 24—Declaring the amount of the levy

- (1) Section 24(2)(a)—delete "the Premium Class Code published by the Motor Accident Commission (as in force at the time of publication of the notice)" and substitute:

the premium classes for motor vehicles determined by the CTP Regulator for the purposes of the *Compulsory Third Party Insurance Regulation Act 2016* (as at the time of publication of the notice)

- (2) Section 24(2a)—delete "under the Premium Class Code"

## Part 5—Amendment of *Independent Commissioner Against Corruption Act 2012*

### 25 14—Amendment of Schedule 1—Public officers, public authorities and responsible Ministers

Schedule 1, table, row relating to protective security officers—delete the row and substitute:

a police security officer	Commissioner of Police	the Minister responsible for the administration of the <i>Police Act 1998</i>
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## Part 6—Amendment of *Land Acquisition Act 1969*

### 15—Amendment of section 24—Entry into possession

- (1) Section 24(1)—delete "being a date not less than 3 months after the date on which the notice of acquisition is published." and substitute:

5                   being—

- (a) in the case of land relating to a declared acquisition project—the date specified by the Authority (being a day on or after the date on which notice is given under this subsection); or
- (b) in any other case—a date not less than 90 days after the date on which the notice of acquisition is published.

- (2) Section 24(3)—delete "If" and substitute:

Subject to subsection (3a), if

- (3) Section 24—after subsection (3) insert:

(3a) If at the time the notice of acquisition is published there are chattels or other personal property (not being a fixture) on vacant land, the Authority may enter into possession 30 days after the date the notice is so published.

- (4) Section 24(6)—delete "possession date" and insert:

date on which the notice of acquisition is published

- (5) Section 24—after subsection (6) insert:

(6a) Except where the Authority determines otherwise, rent is payable in relation to a tenancy referred to in subsection (6) from 90 days after the date on which the notice of acquisition is published (however, nothing in this subsection authorises the Authority to charge rent for the 90 days immediately following the date on which the notice of acquisition is published).

- (6) Section 24—after subsection (7) insert:

(7a) To avoid doubt, the *Residential Tenancies Act 1995* or the *Retail and Commercial Leases Act 1995* (as the case requires) does not apply in relation to a tenancy referred to in subsection (6).

- (7) Section 24—after subsection (8) insert:

(8a) A matter referred to in subsection (8)(a) may only be referred into the Court within a period of 60 days after—

- (a) the date on which the notice of acquisition is published; or
- (b) the date on which written notice of the possession date is given to a person under subsection (1),

whichever is the later.

(8b) Subsection (8) does not apply to, or in relation to, a declared acquisition project.

(8) Section 24—after subsection (12) insert:

(13) For the purposes of this section, land will be taken to be *vacant* at a particular time if the land—

- 5
- (a) is residential land on which no person is lawfully residing at the time; or
- (b) is non-residential land that is not genuinely being used for income producing purposes at the time; or
- 10
- (c) is primary production land that is not actively being used for grazing, cropping, horticultural, horse keeping, intensive animal keeping, animal husbandry or other primary production purposes at the time; or
- (d) is land, or land of a class, prescribed by the regulations for the purposes of this paragraph.

15

(14) For the purposes of this section, the storage of chattels or other personal property on land by a person does not, of itself, constitute the person residing on the property, the use of the property for income producing purposes or the use of the land for a primary production purpose.

20

(15) In this section—

*declared acquisition project* means an acquisition project, or acquisition project of a class, declared by the relevant Minister by notice in the Gazette to be included in the ambit of this definition;

*relevant Minister* means—

- 25
- (a) in the case of an acquisition of land authorised by a special Act, the administration of which is committed to a Minister—that Minister; or
- (b) in any other case—the Minister.

## Part 7—Amendment of *Legislation (Fees) Act 2019*

### 16—Amendment of section 3—Interpretation

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Section 3(1), definition of *relevant authority*, (a) and (b)—after "prescribe a fee", wherever occurring, insert:

(other than by regulation)

## Part 8—Amendment of *Mining Act 1971*

### 17—Amendment of section 56M—Rental

35

Section 56M(5)—delete subsection (5) and substitute:

- (5) Despite subsection (4), if a tenement holder or any related body corporate is also a registered proprietor of an estate in fee simple of land, the scheme under subsection (4) will not apply in relation to the holder.

## Part 9—Amendment of *Police Act 1998*

### 18—Amendment of section 3—Interpretation

- (1) Section 3, definition of *Code*—delete the definition and substitute:

*Code* means—

- 5 (a) in relation to police security officers—the code of conduct for the maintenance of professional standards by police security officers established under the *Police Complaints and Discipline Act 2016*, as in force from time to time; or
- 10 (b) in any other case—the code of conduct for the maintenance of professional standards by designated officers established under the *Police Complaints and Discipline Act 2016*, as in force from time to time;

- (2) Section 3, definition of *member of SA Police*—delete "or special constable" and substitute:

15 , special constable or police security officer

- (3) Section 3—after the definition of *Police Review Tribunal* insert:

*police security officer* means a person appointed under Part 9A as a police security officer;

### 19—Amendment of section 9—Commissioner also responsible for control and management of police cadets, police medical officers and police security officers

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Section 9—delete "and police medical officers" and substitute:

, police medical officers and police security officers

### 20—Amendment of section 10—General management aims and standards

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Section 10(1)—delete "and the police cadets and police medical officers" and substitute:

, police cadets, police medical officers and police security officers

### 21—Amendment of section 11—Orders

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- (1) Section 11(1)—delete "and the police cadets and police medical officers" and substitute:

, police cadets, police medical officers and police security officers

- (2) Section 11(2)(d)—delete "and the police cadets and police medical officers" and substitute:

, police cadets, police medical officers and police security officers

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### 22—Amendment of heading to Part 6 Division 2

Heading to Part 6 Division 2—delete "of police, police cadets etc"

### **23—Amendment of section 41A—Interpretation**

- (1) Section 41A(1), definition of *critical incident*, (a)—after "SA Police" insert:  
or a police security officer
- (2) Section 41A(1), definition of *critical incident*, (c)—after "aircraft," insert:  
5 or a police or police security
- (3) Section 41A(1), definition of *critical incident*, (d)—after "action" insert:  
or the actions of a police security officer

### **24—Amendment of section 41B—Drug and alcohol testing**

- (1) Section 41B(1)—delete "or a police cadet" and substitute:  
10 , a police cadet or a police security officer
- (2) Section 41B(2)—delete "or a police cadet" and substitute:  
, a police cadet or a police security officer
- (3) Section 41B(2)(a)—delete "or police cadet" and substitute:  
, police cadet or police security officer
- (4) Section 41B(2)(b)—delete "or police cadet" and substitute:  
15 , police cadet or police security officer
- (5) Section 41B(2)(c)—delete "or police cadet" and substitute:  
, police cadet or police security officer
- (6) Section 41B(2)(d)—delete "or police cadet" and substitute:  
20 , police cadet or police security officer

### **25—Amendment of section 41C—Drug and alcohol testing of applicants to SA Police etc**

- (1) Section 41C(2)—after paragraph (a) insert:  
(ab) a person applying to be a police security officer; and
- (2) Section 41C(2)(b)—delete "or a police cadet" and substitute:  
25 , a police cadet or a police security officer

### **26—Amendment of section 41D—Procedures for drug and alcohol testing**

Section 41D(2)(g)—after "police work" insert:  
or police security work (as the case requires)

### **27—Amendment of section 41E—Biological samples, test results etc not to be used for other purposes**

- (1) Section 41E(1)(b)—after "SA Police" insert:  
or police security officers (as the case requires)

(2) Section 41E(1)(c)—after "Act" insert:

or the *Police Complaints and Discipline Act 2016*

## **28—Amendment of section 48—Right of review**

Section 48—after subsection (1) insert:

- 5 (1a) A police security officer or former police security officer may apply to SAET under Part 3 Division 1 of the *South Australian Employment Tribunal Act 2014* for a review of a decision to terminate the officer's appointment (other than a termination under section 26 of the *Police Complaints and Discipline Act 2016*).

## **29—Amendment of section 52—Review of certain transfers**

Section 52—after subsection (1) insert:

- 10 (1a) If—
- (a) a decision is made to transfer a police security officer; and
- 15 (b) the officer believes that the officer is being punished for particular conduct,
- the member may apply to SAET under Part 3 Division 1 of the *South Australian Employment Tribunal Act 2014* for a review of the decision.

## **30—Amendment of section 53—Interpretation and application**

- 20 (1) Section 53(1), definition of prescribed promotional position—delete "means a position in SA Police of or above the rank of senior constable but not above the rank of inspector." and substitute:

means—

- 25 (a) in relation to positions in SA Police—a position in SA Police of or above the rank of senior constable but not above the rank of inspector; or
- (b) in relation to police security officers—a position as a police security officer of a kind prescribed by the regulations.

(2) Section 53—after subsection (2) insert:

- 30 (3) Nothing in this Division applies in relation to a transfer of a police security officer under this Act from one position to another.

## **31—Amendment of section 55—Right of review**

(1) Section 55(1)—after "Gazette" insert:

and in such other manner as the Commissioner considers appropriate

35 (2) Section 55(2)—after "SA Police" insert:

or police security officer (as the case requires)

(3) Section 55(3)—after "member" insert:

or officer

### 32—Amendment of section 56—Grounds for application for review

Section 56(1)(a)—after "member" insert:

or officer

### 33—Insertion of Part 9A

After section 63 insert:

## Part 9A—Police security officers

### Division 1—Preliminary

#### 63A—Interpretation

In this Part, unless the contrary intention appears—

***dangerous object or substance*** means—

- (a) an explosive, explosive device or incendiary device; or
- (b) a dangerous article, offensive weapon or prohibited weapon, in each case within the meaning of section 21A of the *Summary Offences Act 1953*; or
- (c) a firearm within the meaning of the *Firearms Act 2015*; or
- (d) a pathogen; or
- (e) any other object or substance that is reasonably capable of being used to jeopardise the security of persons or property;

***protected person*** means a public official, or a public official of a class, determined under section 63B to be in need of protective security;

***protected place*** means a place, or a place of a class, determined under section 63B to be in need of protective security;

***protected vehicle*** means a vehicle, or a vehicle of a class, determined under section 63B to be in need of protective security;

***public area*** means an area (for example, a public road, footpath or forecourt) to which members of the public ordinarily have free access;

***public authority*** means—

- (a) the Crown; or
- (b) a Minister of the Crown; or
- (c) an agency or instrumentality of the Crown;

***public building*** includes a public monument or structure;

***public official*** includes an official or dignitary from a place other than this State;

***vehicle*** means anything designed to transport a person or goods by road, rail, air or water.



**63B—Determination of protected persons, places or vehicles**

(1) The Minister may, for the purposes of protecting the security of public officials, public buildings or public infrastructure, make any of the following determinations:

- 5 (a) a determination that specified public officials, or public officials of a specified class, are in need of protective security;
- 10 (b) a determination that specified places, or places of a specified class, (whether or not public buildings or public infrastructure) are in need of protective security;
- (c) a determination that specified vehicles, or vehicles of a specified class, are in need of protective security.

(2) A determination under this section—

- 15 (a) must be made by instrument in writing; and
- (b) takes effect from the date specified in the instrument and continues until the expiry date (if any) specified in the instrument or the making of a further determination under this section that revokes or replaces the determination.

20 (3) If a determination under subsection (1)(b) relates (in whole or in part) to a public area, the Minister must cause the area to be enclosed by barriers or signposted as a police security area (but a failure to comply with this subsection does not affect the operation of the determination).

25 (4) A determination under subsection (1)(b) may not relate (in whole or in part) to a place that is owned by a person other than a public authority and is not a public area without the consent of that person.

**63C—References to protective security officers in other Acts etc**

30 A reference in any Act, or any instrument or other document, to a protective security officer (within the meaning of the *Protective Security Act 2007* as in force immediately before the commencement of this section) will be taken to be a reference to a police security officer.

**Division 2—Modification of operation of this and other Acts etc in relation to police security officers****63D—Regulations may modify operation of this and other Acts etc in relation to police security officers**

35 (1) The Governor may make regulations—

- 40 (a) applying or modifying specified provisions of this Act; or
- (b) applying or modifying specified provisions of the *Police Complaints and Discipline Act 2016*,

in relation to police security officers (whether such regulations relate to the additional duties referred to in subsection (2) or otherwise).

- 5
- (2) The Governor may make regulations for the purpose of enabling police security officers, a class of police security officers or a specified police security officer or officers to perform additional duties.
- (3) The regulations may do any or all of the following:
- 10
- (a) modify the operation of a specified provision of this Act or any other Act that prevents, or is otherwise inconsistent with, the performance of the additional duties;
- (b) make consequential or related modifications to the operation of this or any other Act where modifications referred to in paragraph (a) are made;
- 15
- (c) confer powers on police security officers generally, a class of police security officers or a specified police security officer or officers.
- (4) The regulations may—
- (a) make provisions of a saving or transitional nature; or
- 20
- (b) provide for fines, not exceeding \$10 000, for offences against the regulations; or
- (c) prescribe expiation fees, not exceeding \$5 000, for offences against the regulations; or
- (d) provide for facilitation of proof of the commission of offences and other evidentiary matters.

### 25 **Division 3—Appointment etc of police security officers**

#### **63E—Appointment of police security officers**

The Commissioner may appoint as many police security officers as the Commissioner thinks necessary.

#### **63F—Commissioner may determine structure of ranks**

30 The Commissioner may determine a structure of ranks that will apply to police security officers.

#### **63G—Oath or affirmation by police security officers**

35 A person's appointment as a police security officer is rendered void if the person does not on appointment make an oath or affirmation in the form prescribed by regulation.

#### **63H—Conditions of appointment**

- (1) The conditions of appointment of a police security officer may be determined by the Commissioner.

- (2) A determination by the Commissioner must provide for the payment of remuneration, allowances and expenses in accordance with a specified scale.
- (3) A determination under this section may relate to police security officers generally, a class of police security officers or a particular police security officer.

### 63I—Identification of police security officers

- (1) A police security officer must be issued with an identity card in a form approved by the Commissioner—
- (a) containing a photograph of the person and the person's name or a unique identification code; and
- (b) stating that the person is a police security officer under this Act.
- (2) If a police security officer is not in official uniform, the officer must, at the request of a person in relation to whom the officer intends to exercise any powers under this Act or any other Act, produce their identity card for inspection by the person.
- (3) If a person in possession of an identity card issued to the person under this section ceases to be a police security officer, the person must immediately return the identity card to the Commissioner.

Maximum penalty: \$1 250.

### 63J—Suspension or termination of appointment of police security officer

- (1) The Commissioner may suspend or terminate a person's appointment as a police security officer if the Commissioner is satisfied after due inquiry that there is proper cause to do so.
- (2) The power to suspend or terminate a person's appointment under this section does not apply in relation to a matter to which the *Police Complaints and Discipline Act 2016* applies.
- (3) The Commissioner may at any time revoke a suspension of a person's appointment under this Part.

### 63K—Resignation and relinquishment of official duties

- (1) A police security officer may resign by not less than 14 days notice in writing to the Commissioner (unless notice of a shorter period is accepted by the Commissioner).
- (2) A police security officer must not relinquish official duties unless the officer—
- (a) is expressly authorised in writing by the Commissioner to do so; or

- (b) is incapacitated by physical or mental disability or illness from performing official duties.

Maximum penalty: \$1 250 or imprisonment for 3 months.

## **Division 4—Duties and powers of police security officers**

### **63L—Interpretation**

- (1) For the purposes of this Division—
  - (a) a reference to a *police security officer* includes a reference to a police officer; and
  - (b) a reference to a person's *possessions* includes a reference to anything that is, or has been, in the possession of the person, and any vehicle that is being, or has been, driven by the person or is, or has been, apparently in the person's charge; and
  - (c) a power to remove or detain a person or hand a person over into the custody of a police officer extends to the person's possessions.
- (2) For the purposes of this Division, if a police security officer observes (whether directly or by means of a surveillance device), or receives a report of, a person apparently abandoning in, or within the precincts or vicinity of, a protected place, protected person or protected vehicle a dangerous object or substance, or anything that appears to be or might contain a dangerous object or substance, the police security officer will be taken to have reasonable grounds to suspect that the person has committed, is committing or is about to commit an offence.
- (3) This Division does not limit or derogate from the powers of a police officer under any other Act or law.
- (4) Subsection (2) does not limit the circumstances in which a police security officer will have reasonable grounds for a suspicion referred to in that subsection.

### **63M—Duties of police security officers**

- (1) A police security officer has such duties as may be imposed by the Commissioner on police security officers generally, a class of police security officers of which the officer is a member or the police security officer personally.
- (2) A police security officer is, if so ordered by the Commissioner or by another person with requisite authority, liable to perform duties in any place within or outside the State.
- (3) A police security officer, while performing duties outside the State, is required to obey orders and is liable for breaches of the Code in the same way as if the officer were performing duties within the State.

**63N—Powers of police security officers**

A police security officer has the following powers:

- (a) the powers conferred under this Division;
- (b) the powers conferred under the regulations on police security officers generally, a class of police security officers of which the officer is a member or the police security officer personally;
- (c) such other powers as may be conferred under any other Act or law on police security officers generally, a class of police security officers of which the officer is a member or the police security officer personally.

**63O—Limitations on duties and powers**

(1) The Commissioner—

- (a) may impose a limitation on the duties or powers of a police security officer by—
  - (i) the instrument of appointment of the officer; or
  - (ii) notice in writing to the officer; and
- (b) may vary or revoke such a limitation by notice in writing to the officer.

(2) A limitation under this section may entirely exclude the exercise by a police security officer of powers under this Act.

(3) Limitations imposed under this section may vary from 1 police security officer to another.

**63P—Powers relating to security of protected person**

(1) A police security officer may give a person within the vicinity of a protected person reasonable directions for the purposes of maintaining or restoring the security of the protected person.

(2) If—

- (a) a person refuses or fails to comply with a direction given by a police security officer under subsection (1); or
- (b) a police security officer suspects on reasonable grounds that a person has committed, is committing, or is about to commit, an offence within the vicinity of a protected person,

the officer may do 1 or more of the following:

- (c) direct the person to provide—
  - (i) the person's name and address; and
  - (ii) evidence of the person's identity;
- (d) cause the person to be removed to some place away from the protected person;

- (e) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.
- (3) Reasonable force may be used for the purpose of taking action under subsection (2)(d) or (e).

5                   **63Q—Powers relating to security of protected place**

- (1) A police security officer may give a person in or within the precincts of a protected place reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the place or securing the safety of any person arriving at, in, or departing from, the place.
- (2) Without limiting subsection (1), a police security officer may, for purposes referred to in that subsection, direct a person in or about to enter a protected place—
  - (a) to provide—
    - (i) the person's name and address; and
    - (ii) evidence of the person's identity; and
    - (iii) the reason for the person's being in or about to enter the place; and
  - (b) —
    - (i) if there are reasonable grounds for suspecting that a dangerous object or substance is in the possession of the person—
      - (A) to produce the object or substance for inspection; and
      - (B) to submit to a physical search of the person and the person's possessions for the presence of any dangerous object or substance; and
      - (C) to do anything reasonably necessary for the purposes of the search under this subsection; or
    - (ii) in any other case—
      - (A) to submit to a search of the person and the person's possessions for the presence of any dangerous object or substance by means of a scanning device; and
      - (B) to allow the person's possessions to be searched for the presence of any dangerous object or substance by a physical search; and
      - (C) to do anything reasonably necessary for the purposes of a search under this subsection.

(3) The following provisions apply to a search of a person by means of a scanning device carried out under subsection (2):

(a) the search must be conducted by use of an electronic or mechanical scanning device designed to be used without coming into contact with the body of the person the subject of the search;

(b) without limiting the directions that may be given as reasonably necessary for the purposes of the search, the person may be directed—

(i) to remove all objects and substances from the person's pockets or clothing; or

(ii) to remove a belt, footwear, headwear, jewellery or other similar item that might trigger the warning signal of the scanning device; or

(iii) to adopt certain postures;

(c) the person cannot be directed to remove other clothing or to open their mouth and nothing may be introduced into an orifice of the person's body;

(d) the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.

(4) The following provisions apply to a search of possessions by means of a scanning device, or by a physical search, carried out under subsection (2):

(a) without limiting the directions that may be given as reasonably necessary for the purposes of the search, the person may be directed—

(i) to hand over the person's possessions or control of them to the police security officer; or

(ii) to open them or any part of them or to allow them or any part of them to be opened;

(b) the search must be carried out expeditiously.

(5) The following provisions apply to a physical search of a person carried out under subsection (2):

(a) without limiting the directions that may be given as reasonably necessary for the purposes of the search, the person may be directed—

(i) to remove all objects and substances from the person's pockets or clothing; or

(ii) to open their mouth; or

(iii) to adopt certain postures; or

(iv) to remove outer clothing including footwear and headwear; or

(v) to submit to being frisked;

5 (b) except in circumstances where it is not practicable, at least 2 persons (apart from the person being searched) must be present at all times and the police security officer carrying out the search must be of the same sex as the person being searched;

10 (c) the person cannot be directed to remove inner clothing or underwear and nothing may be introduced into an orifice (including the mouth) of the person's body;

15 (d) the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.

(6) If—

(a) a person refuses or fails to comply with a direction given by a police security officer under this section; or

20 (b) a police security officer suspects on reasonable grounds that a person has committed, is committing, or is about to commit, an offence in or within the precincts of a protected place,

the officer may do 1 or more of the following:

(c) refuse the person entry to the protected place;

25 (d) cause the person to be removed from the protected place;

(e) direct the person not to return to the protected place within a specified period (which may not be longer than 24 hours after being given such a direction);

30 (f) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

(7) Subsection (6) does not limit the circumstances in which a police security officer may refuse entry to a protected place.

(8) Reasonable force may be used for the purpose of taking action under subsection (6).

35 (9) Refusal or failure of a person to comply with a direction given under subsection (2)(b)(ii) does not of itself constitute grounds for suspecting that there is a dangerous object or substance in the possession of the person.

### **63R—Dealing with dangerous objects and substances etc**

40 (1) If a police security officer finds in the possession of a person in or about to enter a protected place—

(a) a dangerous object or substance; or



- (b) an object or substance that the officer believes on reasonable grounds to be a dangerous object or substance; or
- (c) an object or substance that the officer believes on reasonable grounds to be in the unlawful possession of the person,

5

the officer may do 1 or more of the following:

- (d) refuse the person entry to, or remove the person from, the protected place;
- (e) direct the person to surrender the object or substance;
- (f) if the person is in possession of an object or substance referred to in paragraph (c), or fails or refuses to comply with a direction under paragraph (e)—cause the person and the object or substance to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

10

15

- (2) Reasonable force may be used for the purpose of taking action under subsection (1).

### **63S—Powers relating to security of protected vehicle**

- (1) A police security officer may give a person within the vicinity of a protected vehicle reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the vehicle or securing the safety of any person about to enter, in, or getting out of, the vehicle.

20

- (2) If—

- (a) a person refuses or fails to comply with a direction given by a police security officer under subsection (1); or
- (b) a police security officer suspects on reasonable grounds that a person has committed, is committing, or is about to commit, an offence in or within the vicinity of a protected vehicle,

25

30

the officer may do 1 or more of the following:

- (c) direct the person to provide—
  - (i) the person's name and address; and
  - (ii) evidence of the person's identity;
- (d) cause the person to be removed to some place away from the protected vehicle;
- (e) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

35

- (3) Reasonable force may be used for the purpose of taking action under subsection (2)(d) or (e).

### **63T—Power to search persons detained by police security officers**

- 5
- (1) If a person is being detained by a police security officer under this Part, the person and the person's possessions may, before being handed over into the custody of a police officer, be searched by a police security officer in accordance with this section.
- (2) The following provisions apply to a search under this section:
- (a) the police security officer carrying out the search may—
- 10
- (i) use reasonable force for the purpose; and
- (ii) be assisted by another person;
- (b) in searching the person (as opposed to the person's possessions)—
- 15
- (i) all objects and substances may be removed from the person's pockets or clothing; and
- (ii) the person's outer clothing, including footwear and headwear, may be removed; and
- (iii) the person may be frisked; and
- 20
- (iv) except in circumstances where it is not practicable, at least 2 persons (apart from the person being searched) must be present at all times and the person carrying out the search must be of the same sex as the person being searched; and
- (v) nothing may be introduced into an orifice (including the mouth) of the person's body;
- 25
- (c) any object or substance found as a result of the search may be removed from the person and detained and handed over into the custody of the police officer as soon as reasonably practicable.

### **63U—Withdrawal of directions**

30

Nothing prevents a police security officer from withdrawing a direction given to a person under this Act (whether by that police security officer or some other police security officer).

### **63V—Offences**

- 35
- (1) A person who refuses or fails to comply with a direction of a police security officer given under this Act is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.
- (2) A person who hinders, obstructs or resists a police security officer in the performance or exercise of powers conferred by this or any other Act is guilty of an offence.
- 40
- Maximum penalty: \$2 500 or imprisonment for 6 months.

- (3) A person who, in response to a direction under this Act, provides false information or false evidence of identity to a police security officer is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (4) If a person commits an offence under subsection (2) or (3), a police security officer may cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.

- (5) Reasonable force may be used for the purpose of taking action under subsection (4).

**34—Amendment of section 65—Protection from liability for members of SA Police and police security officers**

- (1) Section 65(1)—after "SA Police" insert:

or a police security officer

- (2) Section 65(2)—after "SA Police" insert:

or a police security officer

- (3) Section 65(3)—delete "may not sue the member" and substitute:

or a police security officer may not sue the member or officer

- (4) Section 65(3)(b)—after "member" insert:

or officer

- (5) Section 65(4)—after "SA Police" insert:

or the police security officer

- (6) Section 65(4)—after "member" second occurring insert:

or officer

- (7) Section 65(5)—after "SA Police" insert:

or a police security officer

- (8) Section 65(5)(a)—after "member" wherever occurring insert:

or officer

- (9) Section 65(5)(b)—after "member" wherever occurring insert:

or officer

**35—Amendment of section 67—Divestment or suspension of powers**

- (1) Section 67(1)—after "SA Police" first occurring insert:

or a police security officer

- (2) Section 67(1)—after "constable" insert:

, or a police security officer,

- (3) Section 67(2)—after "SA Police" first occurring insert:

or a police security officer

(4) Section 67(2)—after "constable" insert:

, or a police security officer,

(5) Section 67(3)—after "constable" first occurring insert:

, or a police security officer,

5 (6) Section 67(3)—after "constable" second occurring insert:

, or a police security officer,

(7) Section 67(4)—after "SA Police" first occurring insert:

or a police security officer

(8) Section 67(4)—after "constable" insert:

10 , or a police security officer

(9) Section 67(5)—delete subsection (5) and substitute:

(5) If the Commissioner grants leave to a member of SA Police or a police security officer on account of physical or mental disability or illness of the member or officer, the Commissioner may, by instrument in writing, suspend all powers and authorities vested in the member or officer by or under this or another Act or law as a member of SA Police or constable or as a police security officer.

### **36—Amendment of section 69—False statements in applications for appointment**

20 Section 69—after subsection (3) insert:

(4) If a person who has contravened subsection (1) is appointed as a police security officer, the contravention will be taken to constitute a breach of the Code and may be dealt with as such—

25 (a) despite the fact that the person was not a police security officer at the time of the contravention; and

(b) whether or not the person is prosecuted for an offence against subsection (1).

### **37—Insertion of section 71A**

After section 71 insert:

#### **71A—Evidence**

(1) An apparently genuine document purporting to be signed by the Minister certifying that—

(a) a specified person was, at a specified time, a protected person; or

35 (b) a specified place was, at a specified time, a protected place; or

(c) a specified vehicle was, at a specified time, a protected vehicle,

will be accepted as proof, in the absence of proof to the contrary, of the matter so certified.

- (2) An apparently genuine document purporting to be signed by the Commissioner certifying that a specified person was, at a specified time, a police security officer with specified powers under Part 9A will be accepted as proof, in the absence of proof to the contrary, of the matter so certified.

### **38—Amendment of section 74—Impersonating police or police security officer and unlawful possession of certain property**

- (1) Section 74(1)(a)—after "police uniform" insert:

or police security officer uniform

- (2) Section 74(1)(b)—after "police officer" insert:

or police security officer

- (3) Section 74(2)—after "police property" insert:

, or a police security officer uniform or police security property

- (4) Section 74(3)—after "police uniform" insert:

or police security officer uniform

- (5) Section 74(4)—after the definition of *police property* insert:

*police security property* means property supplied, or to be supplied, to a police security officer for official purposes;

*police security uniform* means all or part of the official uniform of a police security officer;

### **39—Amendment of section 75—Annual reports by Commissioner**

Section 75(1)—delete "Police and its" and substitute:

Police, police security officers and their respective

## **Part 10—Amendment of *Police Complaints and Discipline Act 2016***

### **40—Amendment of section 3—Interpretation**

- (1) Section 3(1), definition of *code of conduct*—delete the definition and substitute:

*code of conduct* or *Code* means—

- (a) in relation to a designated officer who is a police security officer—the code of conduct established under section 7(1)(b); or
- (b) in relation to a designated officer who is not a police security officer—the code of conduct established under section 7(1)(a);

- (2) Section 3(1), definition of *designated officer*—after paragraph (c) insert:

or

- (d) a police security officer;

(3) Section 3(2)—after paragraph (c) insert:

(ca) *police security officer*;

#### **41—Amendment of section 7—Code of conduct**

(1) Section 7(1)—delete "regulation, establish a code of conduct for the maintenance of professional standards by designated officers." and substitute:

regulation—

(a) establish a code of conduct for the maintenance of professional standards by designated officers; and

(b) establish a code of conduct for the maintenance of professional standards by police security officers.

(2) Section 7(2)(c)—delete "and police cadets" and substitute:

, police cadets and police security officers

#### **42—Amendment of section 10—Making a complaint about conduct of designated officer or police security officer**

Section 10(3)—after subsection (3) insert:

(3a) However, a complaint about a designated officer who is not a police security officer cannot be made to a designated officer who is a police security officer.

#### **43—Amendment of section 14—Assessment of complaints and reports by IIS**

Section 14(2)(b)—delete " or the *Police Act 1998*" and substitute:

, the *Police Act 1998* or the *Protective Security Act 2007*

#### **44—Amendment of section 15—Commissioner may decline to act in relation to certain complaints**

Section 15(a)—after "*Police Act 1998*" insert:

, the *Protective Security Act 2007*

#### **45—Amendment of section 18—Dealing with matters by way of management resolution**

(1) Section 18(1)—delete "to a suitable member of SA Police (the *resolution officer*) for resolution in accordance with this Part." and substitute:

to—

(a) in the case of a designated officer who is not a police security officer—a suitable member of SA Police; or

(b) in the case of a designated officer who is a police security officer—a person determined in accordance with the orders and directions of the Commissioner,

(the *resolution officer*) for resolution in accordance with this Part.

(2) Section 18(4)(a)—after "SA Police" insert:  
or as a police security officer (as the case requires)

(3) Section 18(4)(b)—after "SA Police" insert:  
or the Commissioner

5 (4) Section 18(5)(b)(ii)—after "SA Police" insert:  
or police security officers (as the case requires)

#### **46—Amendment of section 21—Investigations of complaints and reports by IIS**

10 Section 21(2)(d)—delete "or the *Police (Complaints and Disciplinary Proceedings) Act 1985*" insert:

, the *Police (Complaints and Disciplinary Proceedings) Act 1985* or the  
*Protective Security Act 2007*

#### **47—Amendment of section 26—Commissioner may sanction designated officer following offence or breach of discipline**

15 Section 26(1)—after paragraph (g) insert:

(ga) if the designated officer is a police security officer—

(i) transfer of the officer to another position; or

(ii) reduction in the officer's rank (whether or not the loss of  
20 income resulting from the reduction exceeds the amount  
prescribed for the purposes of paragraph (h)); or

(iii) reduction in the officer's seniority;

#### **48—Amendment of section 35—Proceedings before Tribunal**

(1) Section 35(3)—after "police officer" insert:

25 or, if the designated officer concerned is a police security officer, a police  
security officer

(2) Section 35(6)—after "SA Police" insert:

or a police security officer (or both)

### **Part 11—Amendment of *Public Sector Act 2009***

#### **49—Amendment of section 25—Public Service employees**

30 Section 25(2)(c)—delete paragraph (c) and substitute:

(c) police security officers appointed under the *Police Act 1998*;

## Part 12—Amendment of *Public Trustee Act 1995*

### 50—Amendment of section 29—Common funds

Section 29(11)—delete "one per cent" and substitute:

1.2%

## 5 Part 13—Amendment of *Security and Investigation Industry Act 1995*

### 51—Amendment of section 4—Application of Act

Section 4(ab)—delete paragraph (ab) and substitute:

(ab) police security officers appointed under the *Police Act 1998* while performing official functions;

## Part 14—Amendment of *State Lotteries Act 1966*

### 52—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *foreign lotteries body* insert:

*keno coin toss* means a keno lottery in which the player is required to predict the distribution of the 20 numbers drawn between predetermined segments of the keno game grid;

*keno game grid* means a grid of numbers from 1 to 80 (inclusive) distributed into 10 equal columns of 8 numbers and 8 equal rows of 10 numbers;

*keno lottery* means—

- (a) a lottery drawn at such intervals as the Commission determines in which the player is required to select between 1 and 10 numbers out of 20 numbers drawn from the range of numbers 1 to 80 (inclusive); or
- (b) a keno coin toss;

### 53—Amendment of section 16—The Lotteries Fund

(1) Section 16(3)(b)—after "revenue" insert:

and agents' commission

(2) Section 16(3)(c)—delete "41 per cent" and substitute:

48.9%

(3) Section 16(3)(d)—delete paragraph (d) and substitute:

(d) in payment to the Hospitals Fund of—

- (i) 48.9% of net gambling revenue in respect of all lotteries conducted by the Commission except sports lotteries, special lotteries, special appeal lotteries and keno lotteries; and



- (ii) 61.1% of net gambling revenue in respect of all keno lotteries conducted by the Commission; and
- (4) Section 16(5)—before the definition of *GST* insert:
- 5                    *agents' commission* means a charge included in the price of each ticket in a lottery to be paid to the agent who sells the ticket;
- (5) Section 16(5), definition of *net gambling revenue*—after "tickets" insert:
- (excluding agents' commission)

#### 54—Transitional provision

- 10 (1) If a lottery being conducted by the Commission has not been completed before the relevant day, section 16 of the *State Lotteries Act 1966*, as amended by this Act, applies in respect of the lottery.
- (2) In this clause—
- relevant day* means the day on which section 53 of this Act comes into operation.

### 15 Part 15—Repeal of *Protective Security Act 2007* and savings and transitional provisions

#### 55—Repeal of *Protective Security Act 2007*

The *Protective Security Act 2007* is repealed.

#### 56—Continuation of appointments of protective security officers

- 20 (1) An appointment of a person who was, immediately before the commencement of this section, a protective security officer under the *Protective Security Act 2007* will, on the commencement of this section and subject to the *Police Act 1998* (as amended by this Act)—
- (a) continue in accordance with its terms; and
- 25 (b) be taken to be an appointment as a police security officer under Part 9A of the *Police Act 1998*; and
- (c) be subject to the same conditions or limitations (including, to avoid doubt, limitations of duties or powers) as applied in relation to the person's appointment immediately before the commencement of this section.
- 30 (2) To avoid doubt, subsection (1) applies in relation to an appointment that is, immediately before the commencement of this section, suspended under the *Protective Security Act 2007*.
- (3) The continuation of an appointment under this section will be taken not to amount to an interruption of service (however described).
- 35 (4) Any rights, entitlements or liabilities accrued by a person whose appointment is continued under this section will be taken not to be affected by the operation of this section.

### **57—Suspension of protective security officer to continue**

- (1) If the appointment of a protective security officer is, immediately before the commencement of this section, suspended under the *Protective Security Act 2007*, the suspension—
- 5           (a) will continue in accordance with its terms; and
- (b) will be taken to be a suspension under Part 9A of the *Police Act 1998*.
- (2) A determination of the Commissioner under section 36 of the *Protective Security Act 2007* relating to a suspension referred in subsection (1)—
- 10           (a) will continue in accordance with its terms; and
- (b) will be taken to be a determination of the Commissioner under section 70 of the *Police Act 1998*.

### **58—Identification of protective security officers taken to satisfy section 63I of *Police Act 1998***

15           An identity card issued to a protective security officer under section 32 of the *Protective Security Act 2007* (being an officer whose appointment is continued under section 56) will be taken to be an identity card issued under, and to comply with, section 63I of the *Police Act 1998*.

### **59—Continuation of determinations of protected persons, places or vehicles**

20           A determination made by the Minister under section 4 of the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- (a) will, on the commencement of this section, continue in accordance with its terms; and
- (b) will be taken to be a determination made by the Minister under section 63B of the *Police Act 1998*.

### **60—Continuation of certain orders**

25           A general or special order made by the Commissioner under section 9 of the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- 30           (a) will, on the commencement of this section, continue in accordance with its terms; and
- (b) will be taken to be a general or special order (as the case requires) made or given by the Commissioner under section 11 of the *Police Act 1998*.

### **61—Continuation of certain directions of Police Minister**

35           A direction given by the Police Minister to the Commissioner under the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- 40           (a) will, on the commencement of this section, continue in accordance with its terms; and
- (b) will be taken to be a direction of the Minister given to the Commissioner under the *Police Act 1998*.

## 62—Continuation of determination of structure of ranks

A determination of the Commissioner under section 11 of the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- (a) will, on the commencement of this section, continue in accordance with its terms; and
- (b) will be taken to be a determination of the Commissioner under section 63F of the *Police Act 1998*.

## 63—Continuation of certain directions of protective security officers

A direction given by a protective security officer under Part 4 of the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- (a) will, on the commencement of this section, continue in accordance with its terms; and
- (b) will be taken to be a direction of a police security officer under Part 9A Division 4 of the *Police Act 1998*.

## 64—Continuation of custody of certain objects and substances

An object or substance detained under section 18 of the *Protective Security Act 2007* and in the custody of a police officer immediately before the commencement of this section—

- (a) may, on the commencement of this section, continue to be detained in the custody of the police officer; and
- (b) will be taken to have been detained and handed over into the custody of the police officer under section 63R of the *Police Act 1998*.

## 65—Continuation of code of conduct

The code of conduct established under section 7 of the *Police Complaints and Discipline Act 2016* as in force immediately before the commencement of this section will be taken to continue as the code of conduct for the maintenance of professional standards by designated officers established under section 7(1)(a) of that Act, as enacted by this Act.

## 66—Continuation of certain investigations of breach of code etc

- (1) If, before the commencement of this section, the Commissioner caused a matter to be investigated under section 24 of the *Protective Security Act 2007* and that investigation had not been completed before that commencement, the matter may continue to be investigated under the *Police Complaints and Discipline Act 2016* (as amended by this Act).
- (2) If, before the commencement of this section, the Commissioner determined under section 28(1) of the *Protective Security Act 2007* that a suspected breach of the Code was to be dealt with under that section (whether or not the matter had been referred to a resolution office before that commencement) the matter is to be dealt with under section 18 of the *Police Complaints and Discipline Act 2016* (as amended by this Act).

- (3) However, Part 5 of the *Protective Security Act 2007* will be taken to apply in relation to the action that may be taken in relation to an offence or breach of the Code contemplated by this section as if that Part had not been repealed.

**67—Continuation of certain directions of Officer for Public Integrity**

5 A direction given by the Office for Public Integrity under section 31 of the *Protective Security Act 2007* and in force immediately before the commencement of this section—

- (a) will, on the commencement of this section, continue in accordance with its terms; and
- 10 (b) will be taken to be a direction of the Office for Public Integrity under section 27 of the *Police Complaints and Discipline Act 2016*.

**68—Abolition of Protective Security Officers Disciplinary Tribunal**

- (1) The Protective Security Officers Disciplinary Tribunal is abolished.
- 15 (2) To avoid doubt, this section does not limit the operation of section 16 of the *Acts Interpretation Act 1915*.