

Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021



Queensland

Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021

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2021

A Bill

for

An Act to amend the *Oaths Act 1867*, the *Police Powers and Responsibilities Act 2000*, the *Police Service Administration Act 1990*, the *Police Service Administration Regulation 2016* and the *Weapons Act 1990*, and to make a regulation under the *Oaths Act 1867*, for particular purposes

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	The Pa	rliament of Queensland enacts—	1
	Part	1 Preliminary	2
Clause	1	Short title	3
		This Act may be cited as the <i>Police Legislation (Efficiencies and Effectiveness) Amendment Act 2021.</i>	4 5
Clause	2	Commencement	6
		Parts 2 and 7 and schedule 1 commence on a day to be fixed by proclamation.	7 8
	Part 2	2 Amendment of Oaths Act 1867	9
Clause	3	Act amended	10
		This part amends the <i>Oaths Act 1867</i> .	11
Clause	4	Insertion of new s 43A	12
		After section 43—	13
		insert—	14
		43A Regulation made by Police Legislation (Efficiencies and Effectiveness) Amendment Act 2021	15 16 17
		(1) This section applies to the regulation made by the <i>Police Legislation (Efficiencies and Effectiveness) Amendment Act 2021.</i>	18 19 20
		(2) The regulation is subordinate legislation.	21
		(3) The <i>Statutory Instruments Act 1992</i> , part 6 does not apply to the regulation.	22 23

	Part	3		nendment of Police Powers d Responsibilities Act 2000	1 2
Clause	5	Act	amended		3
			This part amend 2000.	s the Police Powers and Responsibilities Act	4 5
Clause	6		endment of s 5 rning for conso	3BAC (Police powers for giving official rting)	6 7
		(1)	Section 53BAC(6)(b), 'means'—	8
			omit, insert—		9
			com	nmunication	10
		(2)	Section 53BAC message—	(9), definitions electronic means and SMS	11 12
			omit.		13
		(3)	Section 53BAC('means'—	(9), definition <i>prescribed way</i> , paragraph (b),	14 15
			omit, insert—		16
			com	nmunication	17
Clause	7	Am	endment of s 1	49A (Definitions for chapter)	18
			Section 149A—		19
			insert—		20
			crin	ne scene threshold offence means—	21
			(a)	an indictable offence for which the maximum penalty is at least 4 years imprisonment; or	22 23 24
			(b)	an offence involving deprivation of liberty.	25

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iause	0		en seized)	151	JAA	(Order after digital device has	2
		(1)	Section 154	I A(1))——		3
			omit, insert				4
			(1)	Thi	s sect	ion applies if—	5
				(a)	war	igital device is seized under a search rant and removed from a place, and er—	6 7 8
					(i)	the search warrant did not contain an order made under section 154(1) or (2); or	9 10 11
					(ii)	the search warrant contained an order made under section 154(1) or (2) but further access information is required for a police officer to gain access to device information from the device that may be relevant evidence; or	12 13 14 15 16 17
				(b)	und	gital device is otherwise lawfully seized er this Act, other than under section (1)(j), and removed from a place.	18 19 20
		(2)	Section 154	IA(3)	(a) a	nd (b)—	21
			omit, insert	· <u> </u>			22
				(a)	•	be made at any time after the digital ice has been seized; and	23 24
				(b)	mus	et be made—	25
					(i)	if the digital device was seized under a search warrant issued by a Supreme Court judge—to a Supreme Court judge; or	26 27 28 29
					(ii)	otherwise—to a magistrate.	30
		(3)	Section 154	IA(5))——		31
			omit, insert				32
			(5)	A n	nagist	rate or a judge (the <i>judicial officer</i>) may	33

		make an order under subsection (2) only if—	1
		(a) for a digital device seized under a search warrant issued by a magistrate or judge—the judicial officer is satisfied there are reasonable grounds for suspecting that device information from the digital device may be relevant evidence; or	2 3 4 5 6 7
		(b) otherwise—the judicial officer is satisfied there are reasonable grounds for suspecting that device information from the digital device may be evidence of—	8 9 10 11
		(i) a crime scene threshold offence; or	12
		(ii) an offence against any of the following sections of the Criminal Code—	13 14
		• section 223	15
		• section 227A	16
		• section 227B.	17
Clause	9	Amendment of s 163A (Definitions for part)	18
		Section 163A, definition crime scene threshold offence—	19
		omit.	20
Clause	10	Amendment of s 599 (Coroner's search warrant)	21
		Section 599(3), 'other electronic means'—	22
		omit, insert—	23
		electronic communication	24
Clause	11	Amendment of s 801 (Steps after issue of prescribed authority)	25 26
		(1) Section 801(1)(a)—	27
		omit, insert—	28

		(a)	if it is reasonably practicable to give a copy of the prescribed authority to the police officer or law enforcement officer by electronic communication—immediately give the copy to the police officer or law enforcement officer by electronic communication; and	1 2 3 4 5 6 7
(2)	Section 801 enforcement		'fax a copy to the police officer or law cer'—	8 9
	omit, insert-	_		10
		poli	a copy of the prescribed authority to the ce officer or law enforcement officer by tronic communication	11 12 13
(3)	Section 801	(3)—	-	14
	omit, insert-	_		15
	(3)	the (1)(a com	remove doubt, it is declared that the copy of prescribed authority given under subsection a), or the prescribed authority form properly pleted by the police officer or law preement officer—	16 17 18 19 20
		(a)	is, and is taken always to have been, of the same effect as the prescribed authority signed by the issuer; and	21 22 23
		(b)	authorises the entry and the exercise of the other powers stated in the prescribed authority issued by the issuer.	24 25 26
(4)	Section 801	(4)(a)—	27
	omit, insert-	_		28
		(a)	if section 800(4) applies in relation to the application for the prescribed authority—	29 30
			(i) for an application that is electronically sworn—a copy of the sworn application; or	31 32 33
			(ii) otherwise—the sworn application; and	3/

	(5)	Section 80	1(6)—	_	1
		omit.			2
	(6)	Section 801	1(7)—	_	3
		renumber a	is sec	tion 801(6).	4
	(7)	Section 801	l—		5
		insert—			6
		(7)	In t	nis section—	7
			for that	tronically sworn, in relation to an application a prescribed authority, means the affidavit, forms part of the application, is made and aed under the <i>Oaths Act 1867</i> , section 16C(2) 1F.	8 9 10 11 12
Clause 12	Am	nendment o	f scl	n 6 (Dictionary)	13
	(1)	Schedule 6	_		14
		insert—			15
			prog	<i>a</i> includes the whole or part of a computer gram within the meaning of the <i>Copyright Act</i> 8 (Cwlth).	16 17 18
			elec	tronic communication means—	19
			(a)	a communication of information in the form of data, text or images by guided or unguided electromagnetic energy, including, for example, by email, multimedia message or SMS message; or	20 21 22 23 24
			(b)	a communication of information in the form of sound by guided or unguided electromagnetic energy, if the sound is processed at its destination by an automated voice recognition system.	25 26 27 28 29
			the	S message means a text message sent using mobile phone service known as the short saging service.	30 31 32

s 13	s	13	1
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		(2)	Schedule 6 see section	, definition <i>crime scene threshold offence</i> , 'part 3, 163A'—	1 2
			omit, insert	<u></u>	3
				see section 149A	4
	Part	4		Amendment of Police Service Administration Act 1990	5 6
					Ü
lause	13	Act	amended		7
			This part ar	mends the Police Service Administration Act 1990.	8
lause	14	Am	endment o	f s 1.4 (Definitions)	9
			Section 1.4	<u> </u>	10
			insert—		11
				saliva analysing instrument, for part 5A, see section 5A.2.	12 13
lause	15	Am	endment o	of s 5.16 (Special constables)	14
		(1)	Section 5.1	6(2)(c), after 'officer'—	15
			insert—		16
				, under this Act or another Act,	17
		(2)	Section 5.1	6—	18
			insert—		19
			(2A)	Subject to subsection (2), other Acts apply to a special constable as if the special constable were an officer.	20 21 22
		(3)	Section 5.1	6(3), 'Subject'—	23
			omit, insert	<u></u>	24
				Also, subject	25

[s 16

		(4)	Section 5.16(2A) and (3)—	1
		(+)	renumber as section 5.16(3) and (4).	
			renumber as section 3.10(3) and (4).	2
lause	16		nendment of s 5.17 (Authorisation of non-State police icers)	3 4
		(1)	Section 5.17(2)—	5
			omit, insert—	6
			(2) The commissioner may authorise the non-State police officer to exercise the powers of a police officer under—	7 8 9
			(a) the police Acts specified in the authorisation; or	10 11
			(b) all police Acts.	12
		(2)	Section 5.17(8), 'The Police Act'—	13
			omit, insert—	14
			Each empowering Act	15
		(3)	Section 5.17(9), 'the Police Act'—	16
			omit, insert—	17
			each empowering Act	18
		(4)	Section 5.17(15)—	19
			insert—	20
			(ca) the empowering Acts under the authorisations;	21 22
		(5)	Section 5.17(15)(ca) to (e)—	23
			renumber as section 5.17(15)(d) to (f).	24
		(6)	Section 5.17(17)—	25
			insert—	26
			empowering Act means—	27

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Clause 17

	(a)	for an authorisation under subsection (2)(a)—a police Act specified in the	1 2
		authorisation; or	3
	(b)	for an authorisation under subsection (2)(b)—a police Act.	4 5
	•	ice Act means a Queensland Act that confers a ver on a police officer.	6 7
Am	nendment of s 5	6A.2 (Definitions for pt 5A)	8
(1)		efinition critical incident—	9
()	omit.		10
(2)	Section 5A.2—		11
(2)	insert—		12
		ical incident moons only of the following	
		<i>ical incident</i> means any of the following—	13
	(a)	an incident in which an officer on duty discharges a firearm—	14 15
		(i) injuring a person; or	16
		(ii) in circumstances in which a person could be injured;	17 18
	(b)	an incident in which a person in custody dies or suffers grievous bodily harm;	19 20
	(c)	a workplace incident at a police station or police establishment in which a person—	21 22
		(i) dies or suffers grievous bodily harm; or	23
		(ii) suffers injuries for which the person is admitted to hospital;	24 25
	(d)	an incident in which a person dies or suffers grievous bodily harm in the course of, or as a result of, police operations;	26 27 28
		Examples of police operations—	29
		• a vehicle pursuit	30

	• an evacuation	1
	(e) a vehicle pursuit in which a person suffers injuries for which the person is admitted to hospital.	2 3 4
	firearm does not include a firearm loaded with a projectile that is not designed to cause death or grievous bodily harm.	5 6 7
	Examples of a projectile that is not designed to cause death or grievous bodily harm—	8 9
	beanbag round, 40mm impact round	10
	grievous bodily harm see the Criminal Code, section 1.	11 12
	saliva analysing instrument means an instrument, prescribed by regulation, for finding out whether a targeted substance is present in a person's saliva by analysing a specimen of the person's saliva.	13 14 15 16 17
	<i>vehicle pursuit</i> means a police motor vehicle pursuit for the purpose of apprehending a person.	18 19
(3)	Section 5A.2, definition evidence, after 'urine'—	20
	insert—	21
	or saliva	22
(4)	Section 5A.2, definition targeted substance test, after 'urine'—	23 24
	insert—	25
	or saliva	26
Rep	placement of s 5A.4A (Analysts)	27
	Section 5A.4A—	28
	omit, insert—	29
	5A.4A Analysts	30
	The Minister may, by gazette notice, appoint an	31

Clause 18

		appropriately qualified person as an analyst for this part.	1 2
	5A.4B C	perators of saliva analysing instruments	3
	(1)	The commissioner may authorise an appropriately qualified officer or staff member to operate a saliva analysing instrument under section 5A.14.	4 5 6 7
	(2)	An authorisation may be—	8
		(a) general or limited; and	9
		Example—	10
		An authorisation may be limited to operating a saliva analysing instrument to analyse samples given by relevant persons of a stated class.	11 12 13
		(b) given on the conditions the commissioner considers appropriate.	14 15
Clause 1	9 Amendment o	f s 5A.12 (Targeted substance levels)	16
	Section 5A.	12(1) and (3), after 'urine'—	17
	insert—		18
		or saliva	19
Clause 2	0 Replacement of	of ss 5A.14 and 5A.15	20
	Sections 5A	a.14 and 5A.15—	21
	omit, insert	_	22
	5A.14 P test	roviding specimen for targeted substance	23 24
	(1)	If a relevant person is required to submit to a targeted substance test under this part, an authorised person may require the relevant person to provide a specimen of urine or saliva to an authorised tester, at a stated time and place, for the test.	25 26 27 28 29 30

(2)	If the specimen is required because of section 5A.13(1)(a)(i), the requirement must be made, and the stated time for providing the specimen must be, as soon as practicable after the critical incident happened.	1 2 3 4 5
(3)	An authorised tester may give the relevant person a direction about how the specimen is to be provided or about providing a sufficient specimen for testing.	6 7 8 9
(4)	However, a direction must be—	10
	(i) reasonably necessary; and	11
	(ii) consistent with any requirements prescribed under subsection (6).	12 13
(5)	As soon as practicable after a specimen is collected under this section, the specimen must be dealt with in the way prescribed under subsection (6).	14 15 16 17
(6)	A regulation may prescribe requirements about collecting and dealing with specimens under this section.	18 19 20
(7)	In this section—	21
	authorised tester means—	22
	(a) for a specimen of urine given by a relevant person—a doctor or registered nurse; or	23 24
	(b) for a specimen of saliva given by a relevant person—an officer or staff member authorised under section 5A.4A to operate a saliva analysing instrument to analyse a sample given by the relevant person.	25 26 27 28 29
	registered nurse means a person registered under the Health Practitioner Regulation National Law—	30 31 32
	(a) to practise in the nursing profession, other than as a student; and	33 34

		(b) in the registered nurses division of that profession.	1 2
		5A.15 Effect of failure to provide a specimen	3
		(1) This section applies to a relevant person who—	4
		(a) is required to provide a specimen of urine or saliva under section 5A.14; and	5 6
		(b) fails to provide a specimen in compliance with the requirement and any directions given by an authorised tester under that section.	7 8 9 10
		(2) However, this section does not apply to a relevant person who is unable to provide the required specimen because of a medical condition.	11 12 13
		(3) The relevant person is taken to have been tested for a targeted substance and to have been found to have had evidence of a targeted substance in the person's saliva or urine (whichever is relevant).	14 15 16 17
lause	21	Amendment of s 5A.16 (If alcohol or targeted substance test positive)	18 19
		Section 5A.16(1)(b) and (2)(a), after 'urine'—	20
		insert—	21
		or saliva	22
lause	22	Amendment of s 5A.19 (Interfering with specimens)	23
		Section 5A.19, 'or urine'—	24
		omit, insert—	25
		, urine or saliva	26

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Clause	23	Am	endment of	f s 5	A.21	(Evidentiary provision)	1
			Section 5A.	21(1))(a) a	nd (c), after 'urine'—	2
			insert—				3
				or sa	aliva		4
Clause	24	Am	endment of	fs 10	0.12	(Legal proceedings)	5
		(1)	Section 10.1	12(3)	, 'eit	ner'—	6
			omit, insert-				7
				any			8
		(2)	Section 10.1	12(3)			9
			insert—				10
				(c)	at a	stated time or during a stated period—	11
					(i)	a stated officer or staff member was authorised under section 5A.4B to operate a saliva analysing instrument; and	12 13 14 15
					(ii)	the authorisation was subject to a stated limitation or condition.	16 17
	Part	5				dment of Police Service histration Regulation 2016	18 19
Clause	25	Reg	gulation am	end	ed		20
			This part Regulation 2		ends	the Police Service Administration	21 22
Clause	26		endment of dication etc		1 (R	elevant person to advise details of	23 24
			Section 61(1	1) an	d (3)	(a)(i), after 'urine'—	25
			insert—				26

		or saliva	1
Clause	27	Amendment of s 62 (If relevant person claims to be unable to provide specimen because of a medical condition)	2 3 4
		(1) Section 62(1)(a) and (3)(b), after 'urine'—	5
		insert—	6
		or saliva	7
		(2) Section 62(1)(b) and (3), 'doctor or registered nurse'—	8
		omit, insert—	9
		authorised tester	10
		(3) Section 62(1)(b) and (2), 'a specimen of urine'—	11
		omit, insert—	12
		the required specimen	13
Clause	28	Amendment of s 63 (Water may be drunk if relevant person claims to be unable to immediately provide specimen)	14 15 16
		Section 63, heading, after 'provide'—	17
		insert—	18
		urine	19
Clause	29	Amendment of s 64 (Requirements about collecting and dealing with urine specimens)	20 21
		(1) Section 64, heading, 'urine specimens'—	22
		omit, insert—	23
		urine or saliva specimens—Act, s 5A.14	24
		(2) Section 64(1) and (2), after 'urine'—	25
		insert—	26
		or saliva	27

(3)	Section 64(3), 'urine obtained'—	1
	omit, insert—	2
	urine or saliva collected	3
(4)	Section 64(4), after 'urine'—	4
	insert—	5
	or saliva	6
(5)	Section 64(4), 'obtained'—	7
	omit, insert—	8
	collected	9
(6)	Section 64(6), definition standard—	10
	omit, insert—	11
	standard means—	12
	(a) for collecting or dealing with a specimen of urine—joint Standards Australia and Standards New Zealand standard AS/NZS 4308:2008, section 2; or	13 14 15 16
	(b) for collecting or dealing with a specimen of saliva—joint Standards Australia and Standards New Zealand standard AS/NZS 4760:2019.	17 18 19 20
	nendment of s 65 (Advice by commissioner to relevant rson of test result)	21 22
	Section 65(3) and (4), after 'urine'—	23
	insert—	24
	or saliva	25

Clause 30

[s 31]

	Part	6 Amendment of Weapons Act 1990	1 2
Clause	31	Act amended	3
		This part amends the Weapons Act 1990.	4
Clause	32	Amendment of s 35 (Acquisition of weapons)	5
		Section 35(6)(c), '3 months'—	6
		omit, insert—	7
		6 months	8
Clause	33	Amendment of s 36 (Sale or disposal of weapons)	9
		Section 36(3)(c), '3 months'—	10
		omit, insert—	11
		6 months	12
Clause	34	Amendment of s 152 (Approved officers)	13
		Section 152(1) and (2), 'officer of the public service'—	14
		omit, insert—	15
		a public service officer	16
Clause	35	Amendment of s 163 (Evidentiary provisions)	17
		(1) Section 163(2), after 'a police officer'—	18
		insert—	19
		or a public service officer	20
		(2) Section 163(2) and (3), after 'the police officer'—	21
		insert—	22
		or the public service officer	23

s	36]
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	(3)	Section 163	3	1
		insert—		2
		(5)	In this section—	3
			approved officer means a police officer or a public service officer appointed as an approved officer under section 152.	4 5 6
lause 36			f s 168B (Amnesty for firearms and ngs in particular circumstances)	7 8
	(1)	Section 168	3B(2), 'Subsections (3) and (4)'—	9
		omit, insert	<u>. </u>	10
			Subsections (3) to (5)	11
	(2)	Section 168	3B(4)—	12
		omit, insert	<u></u>	13
		(4)	Unless the approved licensed dealer has a reasonable excuse, the dealer must surrender the firearm or prescribed thing to a police officer if the dealer does not have an authorisation, mentioned in section 168D(2), for the firearm or prescribed thing.	14 15 16 17 18 19
			Maximum penalty—10 penalty units.	20
		(4A)	Without limiting subsection (4), it is a reasonable excuse for the approved licensed dealer not to surrender the firearm or prescribed thing if the dealer is seeking an authorisation, mentioned in section 168D(2), for the firearm or prescribed thing.	21 22 23 24 25 26
	(3)	Section 16 subsection	68B(7), definition approved licensed dealer, (5)'—	27 28
		omit, insert	<u></u>	29
			subsection (6)	30
	(4)	Section 168	3B(4A) to (7)—	31

		renumber as section 168B(5) to (8).	
ause	37	Amendment of s 168C (Dealing with surrendered firearm or prescribed thing)	
		Section 168C—	
		insert—	
		(3) In this section—	
		prescribed thing see section 168B(8).	
ause	38	Insertion of new s 168D	
		After section 168C—	
		insert—	
		168D Authorisation to deal with surrendered firearm or prescribed thing	
		(1) This section applies if an approved licensed dealer acquires a firearm, or a prescribed thing, under section 168B(1)(a)(i).	
		(2) An authorised officer may, in writing, authorise the approved licensed dealer to dispose of, or otherwise deal with, the firearm or prescribed thing.	•
		(3) On the giving of the authorisation, the firearm or prescribed thing—	•
		(a) becomes the property of the approved licensed dealer; and	-
		(b) may be dealt with by the approved licensed dealer in a way that is—	
		(i) stated in the authorisation; and	
		(ii) required or permitted under this Act or another Act.	•
		(4) In this section—	

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		[5 65]	
		approved licensed dealer see section 168B(8).	
		prescribed thing see section 168B(8).	2
lause	39	Amendment of sch 2 (Dictionary)	3
		Schedule 2, definition approved officer—	4
		omit.	5
	Part	7 Other matters	6
lause	40	Making of Oaths Regulation 2021	7
		(1) Schedule 1 has effect to make the <i>Oaths Regulation 2021</i> that is set out in schedule 1 as a regulation under the <i>Oaths Act 1867</i> .	8 9 1
		(2) To remove any doubt, it is declared that the <i>Oaths Regulation</i> 2021, on the commencement of schedule 1, stops being a provision of this Act and becomes a regulation made under the <i>Oaths Act 1867</i> .	1 1 1 1
lause	41	Automatic repeal	1
		For the purposes of the <i>Acts Interpretation Act 1954</i> , section 22C, this Act is an amending Act.	1

Scl	nedule 1	Oaths Regulation 2021	1
		section 40	2
1	Short tit	:le	3
	This	regulation may be cited as the Oaths Regulation 2021.	4
2	Definition	ons for regulation	5
	In th	is regulation—	6
	watc offic watc polic	cer-in-charge, of a police station, police establishment or ch-house, includes a police officer nominated by the cer-in-charge of the police station, police establishment or ch-house as the officer-in-charge of the police station, ce establishment or watch-house during the cer-in-charge's absence.	7 8 9 10 11 12
		vant affidavit means each of the following types of lavit—	13 14
	(a)	an affidavit made by a police officer for use in a proceeding under the <i>Bail Act 1980</i> ;	15 16
	(b)	an affidavit made by a police officer for use in a proceeding under the <i>Youth Justice Act 1992</i> in which a court is deciding whether to release a child in custody in connection with a charge of an offence or keep the child in custody;	17 18 19 20 21
	(c)	an affidavit made by a police officer about the giving of a document to a person where the document is required or permitted under an Act to be given to the person by a police officer;	22 23 24 25
	(d)	an affidavit made by a police officer that forms part of a sworn application sent under the <i>Police Powers and Responsibilities Act 2000</i> , section 801(4)(a).	26 27 28
	seni	or police officer means—	29

	Scriedule 1	
	(a) an officer-in-charge of a police station, police establishment or watch-house; or	1 2
	(b) a watch-house manager; or	3
	(c) a police officer of or above the rank of sergeant.	4
3	Information witness must include on affidavit—Act, s 13E	5
	For section 13E(d) of the Act, if the witness to the affidavit is a person prescribed under section 4, 6 or 8, the prescribed information is the witness's rank.	6 7 8
4	Prescribed persons for witnessing affidavits—Act, s 16A	9
	For section 16A(1)(e) of the Act, a senior police officer is prescribed.	10 11
5	Witnessing prescribed types of affidavits—Act, s 16A	12
	For section 16A(2)(a) of the Act, a relevant affidavit is prescribed as the only type of affidavit that may be witnessed by a person prescribed under section 4.	13 14 15
6	Persons prescribed as witness—Act, s 16C	16
	For section 16C(2) of the Act, a senior police officer is prescribed as a person who may witness an affidavit under that section.	17 18 19
7	Witnessing prescribed types of affidavits—Act, s 16C	20
	For section 16C(3)(a) of the Act, a relevant affidavit is prescribed as the only type of document that may be witnessed by a person prescribed under section 6.	21 22 23
8	Persons prescribed as witness—Act, s 31S	24
	For section 31S(1) of the Act, a senior police officer is prescribed.	25 26

9	Pre	escribed types of documents—Act, s 31S	1
		For section 31S(2)(a) of the Act, a relevant affidavit is prescribed as the only type of document that may be witnessed by a person prescribed under section 8.	2 3 4
10	Pre	escribed condition—Act, s 31S	5
	(1)	This section prescribes, for section 31S(2)(a) of the Act, a condition for the witnessing, by a person prescribed under section 8, of an affidavit mentioned in section 2, definition <i>relevant affidavit</i> , paragraph (a) or (b).	6 7 8 9
	(2)	The condition is that it is not reasonably practicable to witness the affidavit other than under section 31S of the Act	10 11

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