

I hereby certify that this PUBLIC BILL has finally passed the Legislative Assembly of Queensland.

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.
6 June 2024

In the name and on behalf of the King, I assent to this Bill.

Government House,
Brisbane,

6 June

2024.



Queensland

No. 24 of 2024

A BILL for

An Act to amend the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Corrective Services Act 2006, the Crime and Corruption Act 2001, the Mental Health Act 2016, the Planning Regulation 2017, the Police Powers and Responsibilities Act 2000, the Public Health Act 2005, the Summary Offences Act 2005, the Terrorism (Preventative Detention) Act 2005 and the legislation mentioned in schedule 1 for particular purposes



Queensland

Police Powers and Responsibilities and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, the *Corrective Services Act 2006*, the *Crime and Corruption Act 2001*, the *Mental Health Act 2016*, the *Planning Regulation 2017*, the *Police Powers and Responsibilities Act 2000*, the *Public Health Act 2005*, the *Summary Offences Act 2005*, the *Terrorism (Preventative Detention) Act 2005* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) part 2;
- (b) part 3, division 3;
- (c) parts 4 and 5;
- (d) parts 7 to 10;
- (e) schedule 1, part 2.

Part 2 Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

3 Act amended

This part amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

Note—

See also the amendments in schedule 1, part 2.

4 Amendment of s 27 (Right to privacy and support when reporting)

Section 27(6), definition *special needs*, paragraph (a), ‘sex’—
omit, insert—
gender

5 Amendment of s 31 (Power to take photographs)

Section 31(2)(c)—
omit.

6 Insertion of new s 31A

After section 31—
insert—

31A Safeguards for certain photographs

- (1) This section applies if, under section 31, a police officer requires a reportable offender to expose the offender’s breasts to enable that part of the body to be photographed.
- (2) The police officer—
 - (a) must not require the reportable offender to remove more clothing than is necessary for the photograph to be taken; and
 - (b) if reasonably practicable, must ensure the photograph is not taken—
 - (i) in the presence of someone whose presence is not required while the photograph is taken; or
 - (ii) where someone not involved in taking the photograph can see the photograph being taken.
- (3) Subject to this section, the person taking the photograph must, if reasonably practicable, be of

the same gender as the reportable offender.

- (4) The reportable offender must be given—
- (a) an explanation of the process; and
 - (b) a reasonable opportunity to express a preference about the gender of the person taking the photograph.
- (5) A preference must be accommodated unless—
- (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
 - 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.
- (6) Without limiting the power under section 31(1)(b) for the photograph to be taken by a person authorised by the officer, the police officer may authorise a person to take the photograph if reasonably necessary—
- (a) to ensure that the person taking the photograph and the reportable offender are of the same gender; or
 - (b) to accommodate a preference expressed by the person; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.

Part 3 **Amendment of Corrective Services Act 2006**

Division 1 **Preliminary**

7 **Act amended**

This part amends the *Corrective Services Act 2006*.

Note—

See also the amendments in schedule 1, part 1.

Division 2 **Amendments commencing on assent**

8 **Amendment of s 193 (Deciding parole applications—general)**

(1) Section 193(2), ‘subsection (3)’—

omit, insert—

subsection (4)

(2) Section 193(3)(a), ‘subsection (2)’—

omit, insert—

subsection (3)

(3) Section 193(5A)—

omit, insert—

(6) The period of time decided under subsection (6)(b) must not be more than—

(a) if the prisoner is serving a term of imprisonment for life—5 years; or

[s 9]

- (b) if the prisoner is serving a term of imprisonment of 10 years or more other than a term of imprisonment for life—3 years; or
 - (c) if paragraphs (a) and (b) do not apply—1 year.
- (7) In deciding the period of time under subsection (6)(b), the parole board—
 - (a) must consider—
 - (i) the nature, seriousness and circumstances of each offence for which the prisoner is serving the period of imprisonment the subject of the application; and
 - (ii) the reasons the application has been refused; and
 - (b) may have regard to—
 - (i) the likely effect that the making of a further application for a parole order may have on an eligible person or victim; and
 - (ii) the extent to which delaying the making of a further application for a parole order is in the public interest.
- (4) Section 193(1A) to (7)—
renumber as section 193(2) to (8).

9 Insertion of new s 267A

After section 267—

insert—

267A Establishing and operating particular infrastructure

- (1) The chief executive may, on relevant premises, establish and operate infrastructure to be used for

a purpose relating to the chief executive's functions under section 263 or another Act, including, for example—

- (a) a community corrections office; or
- (b) a facility for providing education and training to corrective services officers; or
- (c) a facility to be used for a purpose associated with a corrective services facility.

Examples for paragraph (c)—

administration office, staff accommodation, storage facility

- (2) In this section—

relevant premises means premises owned or leased by the department on behalf of the State.

10 Insertion of new ch 7A, pt 18

Chapter 7A—

insert—

Part 18

Transitional and validation provisions for Police Powers and Responsibilities and Other Legislation Amendment Act 2024

490ZJ Existing applications for parole orders

- (1) This section applies to an application for a parole order made under section 180, but not decided, before the commencement.
- (2) Section 193, as amended by the *Police Powers and Responsibilities and Other Legislation*

[s 10]

Amendment Act 2024, applies in relation to the application.

490ZK Validation of particular development

- (1) This section applies to development carried out before the commencement if—
 - (a) the development was carried out by or on behalf of the State on the following lots—
 - (i) lot 2 on SP257634;
 - (ii) lot 57 on SP277218;
 - (iii) lots 74 to 78 on Crown Plan E124236;
 - (iv) lot 145 on Crown Plan LN2427; and
 - (b) the development is for infrastructure mentioned in section 267A(1); and
 - (c) when the development was carried out—
 - (i) the development was assessable development under a planning Act; and
 - (ii) no development permit was in effect for the development.
- (2) The carrying out of the development without a development permit is, and is taken to have always been, valid and lawful.
- (3) In this section—

development see the *Planning Act 2016*, schedule 2.

development permit means a development permit under a planning Act.

planning Act means—

- (a) the *Planning Act 2016*; or
- (b) the repealed *Sustainable Planning Act 2009*; or

(c) the repealed *Integrated Planning Act 1997*.

Division 3 Amendments commencing by proclamation

11 Amendment of s 53 (Safety order)

(1) Section 53(1)(a), ‘a doctor or psychologist’—

omit, insert—

an authorised practitioner

(2) Section 53(1)(a), ‘the doctor or psychologist’—

omit, insert—

the authorised practitioner

(3) Section 53(3), ‘under a’—

omit, insert—

by

12 Amendment of s 54 (Consecutive safety orders)

Section 54(2)—

omit, insert—

(2) However, if the existing safety order was made on the advice of an authorised practitioner, the further safety order may be made only on the advice of another authorised practitioner.

13 Amendment of s 55 (Review of safety order—doctor or psychologist)

(1) Section 55, heading, ‘doctor or psychologist’—

omit, insert—

authorised practitioner

[s 14]

- (2) Section 55(1), ‘a doctor or psychologist’—
omit, insert—
an authorised practitioner
- (3) Section 55(1), ‘another doctor or psychologist’—
omit, insert—
another authorised practitioner

14 Amendment of s 57 (Health examination)

- Section 57, ‘health practitioner’—
omit, insert—
health practitioner, who is not an authorised practitioner,

15 Amendment of s 58 (Temporary safety order)

- (1) Section 58(1)(a), ‘a doctor or psychologist’—
omit, insert—
an authorised practitioner
- (2) Section 58(1)(b), ‘nurse advises’—
omit, insert—
health practitioner, who is not an authorised practitioner, advises
- (3) Section 58(1)(b), ‘nurse reasonably’—
omit, insert—
health practitioner reasonably
- (4) Section 58(3), ‘a doctor or psychologist’—
omit, insert—
an authorised practitioner
- (5) Section 58(4) and (5), ‘doctor or psychologist’—

omit, insert—

authorised practitioner

16 Amendment of s 59 (Record)

(1) Section 59(2)(c), ‘doctor or psychologist’—

omit, insert—

authorised practitioner

(2) Section 59(2)(g)(ii), ‘doctor, psychologist’—

omit, insert—

authorised practitioner

(3) Section 59(3)(c), ‘nurse’—

omit, insert—

health practitioner

(4) Section 59(3)(g), ‘doctor or psychologist’—

omit, insert—

authorised practitioner

17 Insertion of new ch 6, pt 8A

Chapter 6—

insert—

Part 8A Authorised practitioners

305A Definition for part

In this part—

health service means a service for maintaining, improving, restoring or managing people’s health and wellbeing.

[s 17]

305B Appointment of authorised practitioner

- (1) The chief executive may, by instrument in writing, appoint the following persons as an authorised practitioner—
 - (a) an accredited health service provider;
 - (b) a doctor;
 - (c) a nurse;
 - (d) an occupational therapist;
 - (e) a psychologist.
- (2) However, the chief executive may appoint a person as an authorised practitioner only if—
 - (a) the person is a corrective services officer or a public service officer; and
 - (b) the chief executive is satisfied the person has the necessary competencies and training, as stated in the authorised practitioner policy, to perform the functions of an authorised practitioner.
- (3) An authorised practitioner has the functions and powers given under this Act.
- (4) In this section—

accredited health service provider means an individual who—

 - (a) provides a health service, including, for example, a social worker or speech pathologist; and
 - (b) holds the necessary professional registration, licensing or authorisation, as stated in the authorised practitioner policy, to provide the health service.

Example of a professional registration, licensing or authorisation—

an accreditation given by the Australian Association of Social Workers

authorised practitioner policy means a policy made by the chief executive under section 305C.

occupational therapist means a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in the occupational therapy profession.

305C Authorised practitioner policy

- (1) The chief executive may make a policy about the following matters relating to an authorised practitioner—
 - (a) the competencies and training necessary for a person to perform the functions of an authorised practitioner;
 - (b) the professional registration, licensing or authorisation necessary to provide a health service.
- (2) The chief executive must publish the policy on the department's website.

18 Insertion of new ss 490ZL and 490ZM

After section 490ZK, as inserted by this Act—

insert—

490ZL Advice and recommendations relating to safety orders and temporary safety orders

- (1) This section applies if, before the commencement, a doctor or psychologist—
 - (a) gave advice to the chief executive as mentioned in section 53(1) or 54(2); or

[s 18]

- (b) made a recommendation to the chief executive under section 55(4) or 58(5).
- (2) For applying chapter 2, part 2, division 5 in relation to a prisoner after the commencement, the advice or recommendation is taken to have been given or made by an authorised practitioner.

490ZM Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of former chapter 2, part 2, division 5 to the operation of this Act as in force from the commencement; and
 - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) A transitional regulation may only be made within 1 year after the day this section commences.
- (5) This section and a transitional regulation expire on the day that is 2 years after the day this section commences.
- (6) In this section—
former chapter 2, part 2, division 5 means chapter 2, part 2, division 5 as in force before its amendment by the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*.

19 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

authorised practitioner means a person appointed as an authorised practitioner under section 305B.

health service, for chapter 6, part 8A, see section 305A.

Part 4 Amendment of Crime and Corruption Act 2001

20 Act amended

This part amends the *Crime and Corruption Act 2001*.

Note—

See also the amendments in schedule 1, part 2.

21 Amendment of s 100 (General provisions about searches of persons)

Section 100(2)—

omit.

22 Insertion of new s 100A

After section 100—

insert—

100A Gender safeguard for searches of persons

- (1) This section applies to a search of a person conducted by an authorised commission officer.
- (2) This section does not apply if an immediate search of the person is necessary.

[s 22]

Example—

An immediate search may be necessary because it is reasonably suspected that the person may have a bomb strapped to the person's body or a concealed firearm or knife.

- (3) Subject to this section, the person conducting the search must, if reasonably practicable, be of the same gender as the person being searched.
- (4) The person to be searched must be given—
 - (a) an explanation of the search process; and
 - (b) a reasonable opportunity to express a preference about the gender of the person who is to conduct the search.
- (5) A preference may be expressed in a way that would require different persons to search the upper body, lower body or head of the person.
- (6) A preference must be accommodated unless—
 - (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
 - 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.
- (7) The search or part of the search may be conducted by a different authorised commission officer, or under the direction of the authorised commission officer by a person who is not an authorised

commission officer, if reasonably necessary—

- (a) to ensure that the person conducting the search and the person being searched are of the same gender; or
 - (b) to accommodate a preference expressed by the person being searched; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.
- (8) Also, the authorised commission officer may conduct the search or part of the search despite not being of the same gender as the person being searched if, in the circumstances, that is the most appropriate way to address a concern related to gender.

23 Amendment of s 105 (Removal of clothing for search)

Section 105, from ‘clothing from—’—

omit, insert—

clothing from the upper or lower part of the body.

24 Amendment of s 106 (Protecting the dignity of persons during search)

Section 106(2), example, ‘of the opposite sex and by anyone’—

omit.

25 Amendment of s 108 (If video cameras monitor place where person is searched)

Section 108(1), from ‘, unless the person’ to ‘being searched’—

omit.

[s 26]

Part 5 Amendment of Mental Health Act 2016

26 Act amended

This part amends the *Mental Health Act 2016*.

27 Amendment of s 399 (Requirements for personal search)

Section 399(2)(a)—

omit, insert—

(a) to the extent reasonably practicable—

- (i) the person has been given an opportunity to express, and has expressed, their preference about the gender of someone carrying out the search (the *gender preferred* by the person); and
- (ii) the gender of the searcher is the gender preferred by, or otherwise the same gender as, the person; and

28 Amendment of s 400 (Requirements for search requiring removal of clothing)

(1) Section 400(2)—

omit, insert—

- (2) To the extent reasonably practicable, the gender of each person carrying out the search (each a *searcher*) must be the gender preferred by, or otherwise the same gender as, the person being searched.

(2) Section 400—

insert—

- (7) In this section—
gender preferred, by the person being searched,
see section 399(2)(a)(i).

Part 6 Amendment of Planning Regulation 2017

29 Regulation amended

This part amends the *Planning Regulation 2017*.

30 Insertion of new s 20B

After section 20A—

insert—

20B Category of assessment for development for particular infrastructure under Corrective Services Act 2006

- (1) This section applies to development that—
- (a) is stated in schedule 9 or 10 to be assessable development; and
 - (b) would, but for subsection (2), require impact assessment under section 20(2).
- (2) Despite section 20(2), to the extent the development is development mentioned in schedule 6, section 36, the category of assessment required for the development is code assessment.

31 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)

Schedule 6, part 5—

insert—

[s 32]

36 Development for particular infrastructure under Corrective Services Act 2006

Development for infrastructure mentioned in the *Corrective Services Act 2006*, section 267A(1) on the following lots—

- (a) lot 2 on SP257634;
- (b) lot 57 on SP277218;
- (c) lots 74 to 78 on Crown Plan E124236;
- (d) lot 145 on Crown Plan LN2427.

32 Amendment of sch 7 (Accepted development)

Schedule 7, part 4—

insert—

15 Development for particular infrastructure under Corrective Services Act 2006

Development to which schedule 6, section 36 applies.

Part 7 Amendment of Police Powers and Responsibilities Act 2000

33 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

Note—

See also the amendments in schedule 1, part 2.

34 Amendment of s 39H (Safeguards for exercise of powers)

(1) Section 39H(3)—

omit.

- (2) Section 39H(4) to (7)—
renumber as section 39H(3) to (6).

35 Amendment of s 502 (When forensic examiner may be asked to perform forensic procedure)

- (1) Section 502(2) and (3)—
omit.
- (2) Section 502(4)—
renumber as section 502(2).

36 Amendment of s 517 (Help with, and use of force for, performing forensic procedure)

- (1) Section 517(3)—
omit, insert—
- (3) Subject to this section, if it is reasonably practicable, the helper must be—
- (a) a doctor, dentist or forensic nurse examiner;
or
 - (b) a person of the same gender as the person undergoing the procedure.
- (3A) If the helper is not a doctor, dentist or forensic nurse examiner, the person who is to undergo the procedure must be given—
- (a) an explanation of the procedure; and
 - (b) a reasonable opportunity to express a preference about the gender of the helper.
- (3B) A preference must be accommodated unless—
- (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or

[s 37]

- (b) there is a significant risk of evidence being lost or destroyed if the procedure is delayed to accommodate the preference; or
- (c) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
- 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.

(3C) If it is not reasonably practicable to accommodate the preference or if no preference is expressed, a helper may be chosen to address a concern related to gender in a way that minimises embarrassment and offence.

- (2) Section 517(3A) to (4)—
renumber as section 517(4) to (7).

37 Insertion of new s 519A

After section 519—

insert—

519A Gender safeguard for photographing breasts

- (1) This section applies to a non-intimate forensic procedure that—
 - (a) consists of photographing a person's breasts; and
 - (b) is performed by a qualified person who is not a doctor or forensic nurse examiner.
- (2) Subject to this section, the person taking the

photograph must, if reasonably practicable, be of the same gender as the person being photographed.

- (3) The person to be photographed must be given—
- (a) an explanation of the process; and
 - (b) a reasonable opportunity to express a preference about the gender of the person taking the photograph.
- (4) A preference must be accommodated unless—
- (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
 - 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.
- (5) The photograph may be taken by a person authorised by the qualified person to take the photograph if reasonably necessary—
- (a) to ensure that the person taking the photograph and the person being photographed are of the same gender; or
 - (b) to accommodate a preference expressed by the person; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.

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38 Amendment of s 552 (Power to inspect entrant's belongings)

Section 552(3)—

omit.

39 Amendment of s 553 (Safeguards for inspection of entrant's belongings)

(1) Section 553, heading, 'Safeguards'—

omit, insert—

General safeguards

(2) Section 553(1)(c)—

omit.

40 Insertion of new s 553A

After section 553—

insert—

553A Gender safeguard for inspection of entrant's belongings

- (1) This section applies if, under section 552(2)(e), a police officer or protective services officer asks a person to allow the officer, or another adult assisting the officer, to touch a garment the entrant is wearing for the purposes of the officer inspecting the entrant's belongings.
- (2) Subject to this section, the person touching the garment must, if reasonably practicable, be of the same gender as the entrant.
- (3) The entrant must be given—
 - (a) an explanation of the inspection process;
and

- (b) a reasonable opportunity to express a preference about the gender of the person who is to touch the garment.
- (4) A preference may be expressed in a way that would require different persons to touch a garment on the upper body, lower body or head of the person.
- (5) A preference must be accommodated unless—
 - (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
- 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.
- (6) Without limiting the power under section 552(2)(e) for an adult to assist the officer, the officer may ask an adult to assist if reasonably necessary—
 - (a) to ensure that the person touching the garment and the entrant are of the same gender; or
 - (b) to accommodate a preference expressed by the entrant; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.
- (7) Also, the officer may touch the garment despite

[s 41]

the officer not being of the same gender as the entrant if, in the circumstances, that is the most appropriate way to address a concern related to gender.

41 Amendment of s 624 (General provision about searches of persons)

Section 624(2)—

omit.

42 Insertion of new s 624A

After section 624—

insert—

624A Gender safeguard for searches of persons

- (1) This section applies to a search of a person conducted by a police officer.
- (2) This section does not apply if an immediate search of the person is necessary.

Example—

An immediate search may be necessary because it is reasonably suspected that the person may have a bomb strapped to the person's body or a concealed firearm or knife.

- (3) Subject to this section, the person conducting the search must, if reasonably practicable, be of the same gender as the person being searched.
- (4) The person to be searched must be given—
 - (a) an explanation of the search process; and
 - (b) a reasonable opportunity to express a preference about the gender of the person who is to conduct the search.
- (5) A preference may be expressed in a way that would require different persons to search the

upper body, lower body or head of the person.

- (6) A preference must be accommodated unless—
- (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
 - 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor.
- (7) The search or part of the search may be conducted by a different police officer, or under the direction of the police officer by a person who is not a police officer, if reasonably necessary—
- (a) to ensure that the person conducting the search and the person being searched are of the same gender; or
 - (b) to accommodate a preference expressed by the person being searched; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.
- (8) Also, the police officer may conduct the search or part of the search despite not being of the same gender as the person being searched if, in the circumstances, that is the most appropriate way to address a concern related to gender.

[s 43]

43 Amendment of s 630 (Protecting the dignity of persons during search)

Section 630(2), example, ‘of the opposite sex and by anyone’—

omit.

44 Amendment of s 632 (If video cameras monitor place where person is searched)

Section 632(1), from ‘, unless the person’ to ‘being searched’—

omit.

45 Amendment of s 644 (Watch-house officer may ask entrant to remove outer garment etc.)

(1) Section 644(2)—

insert—

(da) allow the watch-house officer, or another adult assisting the officer, to touch the garments the entrant is wearing for the purpose of the officer inspecting the entrant’s belongings;

(2) Section 644(2)(da) to (f)—

renumber as section 644(2)(e) to (g).

(3) Section 644(3)—

omit.

(4) Section 644(4)—

renumber as section 644(3).

46 Insertion of new s 644A

After section 644—

insert—

644A Gender safeguard for inspection of entrant's belongings

- (1) This section applies if, under section 644(2)(e), a watch-house officer asks an entrant to allow the officer, or another adult assisting the officer, to touch a garment the entrant is wearing for the purpose of the officer inspecting the entrant's belongings.
- (2) Subject to this section, the person touching the garment must, if reasonably practicable, be of the same gender as the entrant.
- (3) The entrant must be given—
 - (a) an explanation of the inspection process; and
 - (b) a reasonable opportunity to express a preference about the gender of the person who is to touch the garment.
- (4) A preference may be expressed in a way that would require different persons to touch a garment on the upper body, lower body or head of the person.
- (5) A preference must be accommodated unless—
 - (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or
 - (b) it is not reasonably practicable to accommodate the preference.

Notes—

- 1 An improper purpose includes the following—
 - a lewd or otherwise offensive purpose;
 - an attempt to frustrate the process.
- 2 It is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In

[s 47]

other cases, the availability of a suitable person may be a determining factor.

- (6) Without limiting the power under section 644(2)(e) for an adult to assist the officer, the officer may ask an adult to assist if reasonably necessary—
- (a) to ensure that the person touching the garment and the entrant are of the same gender; or
 - (b) to accommodate a preference expressed by the entrant; or
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence.
- (7) Also, the officer may touch the garment despite the officer not being of the same gender as the entrant if, in the circumstances, that is the most appropriate way to address a concern related to gender.

47 Insertion of new ch 24, pt 26

Chapter 24—

insert—

Part 26

Validation provision for Police Powers and Responsibilities and Other Legislation Amendment Act 2024

899 Validation of watch-house entrant inspections

- (1) An inspection of a person's belongings under former section 644 involving the touching of a garment the person was wearing is, and is taken to

have always been, as valid as it would have been if, at the time it was carried out, new section 644 was in force.

(2) In this section—

former section 644 means section 644 as in force before the commencement.

new section 644 means section 644 as in force from the commencement.

48 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *DNA sample*, paragraph (a)(iii) and *intimate forensic procedure*, paragraph (b)(ii)(C), ‘if the person is a female—’—

omit.

(2) Schedule 6, definition *identifying particulars*, paragraph (g), ‘, for a female,’—

omit.

(3) Schedule 6, definition *intimate forensic procedure*, paragraph (a), ‘, for a female, breasts,’—

omit, insert—

breasts

(4) Schedule 6, definition *intimate forensic procedure*, paragraph (a)(iii)—

omit.

(5) Schedule 6, definition *intimate forensic procedure*, paragraph (a)(iv) and (v)—

renumber as paragraph (a)(iii) and (iv).

(6) Schedule 6, definition *intimate forensic procedure*—

insert—

(ab) photographing a person’s external genital or anal area or buttocks;

[s 49]

- (7) Schedule 6, definition *intimate forensic procedure*, paragraphs (ab) and (b)—
renumber as paragraphs (b) and (c).

Part 8 Amendment of Public Health Act 2005

49 Act amended

This part amends the *Public Health Act 2005*.

50 Amendment of s 157Z (Requirements for personal search)

Section 157Z(2)(a)—

omit, insert—

(a) to the extent reasonably practicable—

- (i) the person has been given an opportunity to express, and has expressed, their preference about the gender of someone carrying out the search (the *gender preferred* by the person); and
- (ii) the gender of the searcher is the gender preferred by, or otherwise the same gender as, the person; and

51 Amendment of s 157ZA (Requirements for search requiring the removal of clothing)

(1) Section 157ZA(2)—

omit, insert—

- (2) To the extent reasonably practicable, the gender of each person carrying out the search (each a *searcher*) must be the gender preferred by, or

otherwise the same gender as, the person being searched.

(2) Section 157ZA—

insert—

(7) In this section—

gender preferred, by the person being searched, see section 157Z(2)(a)(i).

Part 9 **Amendment of Summary Offences Act 2005**

52 Act amended

This part amends the *Summary Offences Act 2005*.

Note—

See also the amendments in schedule 1, part 2.

53 Amendment of pt 2, div 4, hdg (Offences relating to children or minors)

Part 2, division 4, heading, ‘children or’—

omit.

54 Amendment of s 18 (Particular body piercing of minor prohibited)

Section 18(1)(a) to (c)—

omit, insert—

- (a) the external genitalia of a minor; or
- (b) the nipples of a minor.

[s 55]

Part 10 **Amendment of Terrorism (Preventative Detention) Act 2005**

55 **Act amended**

This part amends the *Terrorism (Preventative Detention) Act 2005*.

Note—

See also the amendments in schedule 1, part 2.

56 **Amendment of s 56 (Contacting family members etc.)**

Section 56(3), definition *family member*, paragraph (a), ‘or same-sex partner’—

omit.

Part 11 **Other amendments**

57 **Legislation amended**

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 57

Part 1 Amendments commencing on assent

Corrective Services Act 2006

1 Section 180(2)(a)(i), ‘section 193(5)(b)’—

omit, insert—

section 193(6)(b)

2 Section 193B(5), note, ‘section 193(5)(a)’—

omit, insert—

section 193(6)(a)

3 Section 193C(2), ‘section 193(3)’—

omit, insert—

section 193(4)

Victims of Crime Assistance Act 2009

1 Sections 68(1) and 84(1), ‘correctional’—

omit, insert—

corrective

Part 2 **Amendments commencing by proclamation**

Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

1 **Amendment of various provisions**

Each of the following provisions is amended by omitting ‘his or her’ and inserting ‘the offender’s’—

- section 22
- section 29(2)(a)
- section 53(1)(b)
- section 54
- section 56(1)
- section 68(2)(e)(ii)
- section 74A(1)
- schedule 5, definition *reporting period*.

2 **Sections 60 and 74(5)(a), ‘his or her’—**

omit, insert—

the person’s

3 **Section 61, note, ‘him or her’—**

omit, insert—

the reportable offender

4 **Section 64, ‘his or her’—**

omit, insert—

the applicant's

5 Section 67A(a), 'he or she'—

omit, insert—

the person

6 Section 67I(6), 'his or her'—

omit, insert—

a

7 Section 68(1), 'on his or her behalf'—

omit.

Crime and Corruption Act 2001

1 Amendment of various provisions

Each of the following provisions is amended by omitting 'his or her' and inserting 'the person's'—

- section 42(8)(a)
- section 44(6)(a)
- section 46(6)(a)(i)
- section 100(1), example for paragraph (c)
- section 106(1)(b)
- section 108(2)(a).

2 Section 47(3), 'his or her'—

omit, insert—

the commissioner's

3 Section 48(3), ‘his or her’—

omit, insert—

the official’s

4 Section 106(1)(a)(i), ‘he or she’—

omit, insert—

that the person

5 Sections 175, 208(1) and 339(d), ‘his or her’—

omit, insert—

the officer’s

6 Section 180(1)(c), ‘inform himself or herself of anything in the way he or she’—

omit, insert—

be informed of anything in the way the presiding officer

7 Section 208(2), ‘himself or herself or someone else’—

omit, insert—

the officer or another person

8 Sections 208(2) and 209(1)(c), ‘his or her’—

omit, insert—

the

9 Section 238E(2)(a)(ii), ‘his or her appointment’—

omit, insert—

the appointment as chairperson

- 10 Section 238J, ‘his or her capacity as’—**
omit, insert—
the capacity of
- 11 Section 279A(1), ‘his or her functions as’—**
omit, insert—
the functions of
- 12 Section 313(1), ‘he or she’—**
omit, insert—
the commissioner
- 13 Section 314(4) and 317, ‘his or her’—**
omit, insert—
the parliamentary commissioner’s
- 14 Section 408(6)(e), ‘he or she’—**
omit, insert—
the person

Police Powers and Responsibilities Act 2000

1 Amendment of various provisions

Each of the following provisions is amended by omitting ‘harm to himself, herself or’ and inserting ‘self harm or harm to’—

- section 29(2)(b)
- section 30(1)(d)

Schedule 1

- section 31(5)(b)
- section 32(1)(m)
- section 691(3)(a)
- section 695(1)(b).

2 Section 42(5), ‘his or her’—

omit, insert—

the passenger’s

3 Amendment of various provisions

Each of the following provisions is amended by omitting ‘his or her’ and inserting ‘the person’s’—

- section 42(6)
- section 179C(3)(o), example
- section 415(1)
- section 420(5)
- section 423(2)
- section 431(3)
- section 503(b)
- section 624(1), example for subsection (1)(c)
- section 630
- section 632(3)(a)
- section 637(1)(f)
- section 744(2)
- section 754(9), definition *emergency vehicle*
- schedule 6, definitions *person with impaired capacity* and *question*.

4 Amendment of various provisions

Each of the following provisions is amended by omitting ‘he or she’ and inserting ‘the driver’—

- section 102(1)(b)
- section 103(1)(b)
- section 111(2)(a)(i)
- section 112(1)
- section 113(1).

5 Amendment of various provisions

Each of the following provisions is amended by omitting ‘he or she’ and inserting ‘the person’—

- section 103(1)(a)(ii)
- section 418(4)(b)
- section 425(2)(c)
- section 426(1)(a)
- section 434(2)
- section 437(6)
- section 452(7)
- section 474(2)(d)
- section 490(2)(d)
- section 503(c)
- section 507(2)(b)
- section 508(2)(a)
- section 540(4)
- section 627(3)(b)
- section 767(1)(b)
- section 768(1).

6 Sections 107, example and 772, example, ‘his or her’—

omit, insert—

the parent’s

7 Sections 168(1), 616(2)(b) and 637(2)(a)(i), ‘he or she’—

omit, insert—

the officer

8 Section 179B(a), ‘he or she’—

omit, insert—

the other person

9 Sections 179B(b), 474(4A) and 695(7), ‘his or her’—

omit, insert—

the

10 Section 364(1)(a), ‘him or her’—

omit, insert—

the officer

11 Sections 418(1) and 630(1)(a)(i), ‘he or she’—

omit, insert—

that the person

12 Section 418(1)(a), ‘person of his or her whereabouts and ask the person’—

omit, insert—

friend or relative of the person’s whereabouts and ask the friend or relative

- 13 Section 424(2)(d)(ii), ‘he or she’—**
omit, insert—
the lawyer
- 14 Sections 430(c), 450(6) and 451(5), ‘he or she’—**
omit, insert—
the child
- 15 Section 453(2)(b), ‘he or she’—**
omit, insert—
the child or person
- 16 Sections 470(2)(b)(ii), 483(b)(ii) and 500(b)(ii), ‘his or her’—**
omit.
- 17 Section 503(c)(i), ‘that person of his or her whereabouts and ask the person’—**
omit, insert—
the friend or relative of the person’s whereabouts
and ask the friend or relative
- 18 Section 504(4)(b), ‘indicated he or she would’—**
omit, insert—
was expected to
- 19 Section 506(1)(a), ‘that he or she is willing and able’—**
omit, insert—
a willingness and ability

Schedule 1

20 Section 599(1), ‘his or her’—

omit, insert—

the coroner’s

21 Section 637(2) and (3), ‘his or her’—

omit, insert—

the officer’s

22 Section 755A(3), ‘he or she’—

omit, insert—

the owner

23 Section 779(1), ‘he or she’—

omit, insert—

the driver or owner

Summary Offences Act 2005

1 Section 9, ‘his or her’—

omit, insert—

the person’s

2 Section 32(1)(a), ‘he or she’—

omit, insert—

the person

3 Section 36(3)(a), ‘identify himself or herself as’—

omit, insert—

state that the officer is

4 Section 37(2), ‘he or she’—

omit, insert—

the Minister or chief executive officer

Terrorism (Preventative Detention) Act 2005

1 Sections 38(6) and 40(4), ‘his or her’—

omit, insert—

the officer’s

2 Sections 45(6), 56(1), 59(4) and 60(11), ‘he or she’—

omit, insert—

the person

3 Section 51(3), ‘with him or her’—

omit.

4 Sections 56(1) and 69(7) and (11)(b) and schedule, definition *ordinary search*, paragraph (a), ‘his or her’—

omit, insert—

the person’s

5 Schedule, definition *ombudsman*, paragraph (b), ‘his or her’—

omit, insert—

the Ombudsman’s

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