



New South Wales

Police Integrity Commission Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Police Integrity Commission Act 1996*, so as:

- (a) to provide for a special audit of the reform process within the Police Service to be arranged and overseen by the Police Integrity Commission over a period of three years, and
 - (b) to enable the Commission to ensure the confidentiality of its reports on proposed appointees to positions in the Police Service, and
 - (c) to enable approved former police officers from other jurisdictions who are officers of the Commission to have police powers and possess certain police equipment, and
 - (d) to make several adjustments regarding the Commission's relationship with the Casino Control Authority, and the PIC Inspector's relationship with the Ombudsman and the Independent Commission Against Corruption, and
 - (e) to make other minor amendments.
-

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Police Integrity Commission Act 1996* set out in Schedule 1.

Special audit of Police Service

The Bill inserts a new section 14A to require the Police Integrity Commission to engage auditors to conduct an ongoing audit of the reform process within the Police Service, being an audit of the kind referred to in Recommendation 174 of the Final Report of the Police Royal Commission and described in Appendix 31 to the Report.

Recommendation 174 is contained in Volume II of the Report and recommends the "Appointment of an external strategic auditor upon engagement to the PIC, to carry out a qualitative and strategic audit of the reform process, and to report to the PIC, which in turn should report to the Minister and the Service".

Appendix 31 (headed "Details of the External Audit of the Reform Process") is contained in Volume III of the Report, and deals with the following Key Reform Areas:

- 1 Effective Leadership and Management
- 2 Changing Culture and Values
- 3 An Honest Service which Repels Corruption
- 4 Effective Planning
- 5 Focus on Performance Management and Quality
- 6 Focus on Staff and Teamwork
- 7 Building New Human Resource (HR) Systems
- 8 Breaking Down Outmoded Systems
- 9 The Patrol as the Service Hub
- 10 Implementation of Effective Structural Change

The audit will be conducted over a period of three years. Progress reports and a final report will be made to the Commission, the Commissioner of Police and the Minister. See **Schedule 1 [5]**.

Confidentiality of reports

The Bill inserts a new section 18A and amends section 56 to enable the Commission to ensure the confidentiality of its reports on proposed appointees to positions in the Police Service. These reports are made under the *Police Service Act 1990*. The Commission will be able to insert in a report a statement that the information is confidential to the recipient and specified persons. The result will be that the secrecy provisions in section 56 of the *Police Integrity Commission Act 1996* will apply. See **Schedule 1 [6]** and **[8]**.

Officers of Commission who are former police of other jurisdictions

The Bill amends sections 4, 10, 123 and 124 to enable certain privileges currently held by officers of the Commission who are police officers of other jurisdictions to be extended to certain officers of the Commission who are *former* police officers of other jurisdictions. This extension will apply to an officer who has had at least five years' satisfactory police service in another jurisdiction and who has been designated by the Commission as an "approved former police officer". The result will be that a Commission investigator who is an approved former police officer will have the powers of a constable of New South Wales and will be able to possess semi-automatic pistols, handcuffs and body armour vests. See **Schedule 1 [2], [3], [11]** and **[12]**.

Relationship with other authorities

The Bill amends sections 61, 125 and 126 with respect to the Casino Control Authority, the Ombudsman and the Independent Commission Against Corruption.

Section 61 is amended so that the Commission is declared to be a law enforcement agency for the purposes of section 149 of the *Casino Control Act 1992* (thus enabling the Casino Control Authority to obtain information and give it to the Police Integrity Commission for law enforcement purposes), and so that the secrecy provisions of the *Casino Control Act 1992* are included in the list of provisions that will not impede the divulging of information or production of documents or things under the *Police Integrity Commission Act 1996*. See **Schedule 1 [9]** and **[10]**.

Sections 125 and 126 are amended to provide that the current exclusion of the Inspector of the Police Integrity Commission from investigation under the *Ombudsman Act 1974* and the *Independent Commission Against Corruption Act 1988* is extended to officers of the Inspector (consistently with the treatment of officers of the Commission). See **Schedule 1 [13]** and **[14]**.

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Other amendments

The Bill amends section 3 to include among the principal objects of the Act a reference to the auditing and monitoring role that the Commission has under the Act. See **Schedule 1 [1]**.

The Bill amends sections 14 and 24 by way of statute law revision. See **Schedule 1 [4] and [7]**.

First print

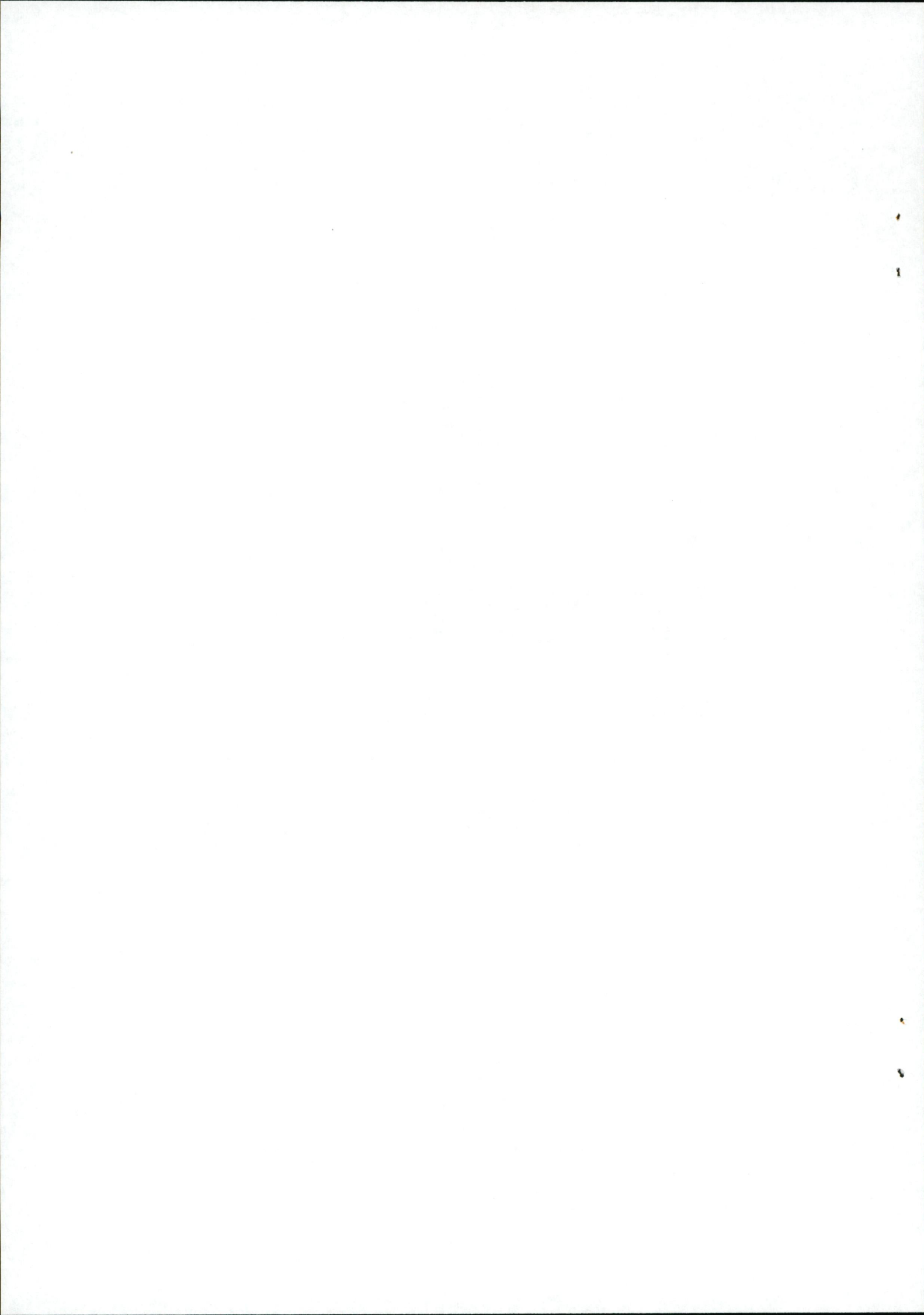


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New South Wales

Police Integrity Commission Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Police Integrity Commission Act 1996* with respect to the conduct of a special audit of the reform process within the Police Service, and the application of secrecy provisions to certain reports furnished by the Police Integrity Commission, and in certain other respects.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Integrity Commission Amendment Act 1998*.

2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Police Integrity Commission Act 1996 No 28

The *Police Integrity Commission Act 1996* is amended as set out in Schedule 1.

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Schedule 1 Amendments

(Section 3)

[1] Section 3 Principal objects of Act

Insert at the end of section 3 (c):

, and 5

- (d) to provide for the auditing and monitoring of particular aspects of the operations and procedures of the Police Service.

[2] Section 4 Definitions

Insert in alphabetical order in section 4 (1): 10

approved former police officer means a person designated as such under section 10 (7).

[3] Section 10 Staff of Commission

Insert after section 10 (6):

(7) **Former police of other jurisdictions** 15

The Commission may designate an officer of the Commission as an approved former police officer for the purposes of this Act, if:

- (a) the officer has served for at least 5 years in one or more of the following capacities: 20

(i) a member of the Australian Federal Police,

(ii) a member of the Police Force of another State or Territory,

(iii) a member of the Police Force of any country prescribed by the regulations for the purposes of this Act, and 25

- (b) the Commission is satisfied after inquiry that the officer's service in any such capacity was satisfactory, and

- (c) the officer is not a police officer or former police officer of New South Wales. 30

[4] Section 14 Other functions regarding police activities and education programs

Omit "and" where firstly occurring in section 14 (b).

[5] Section 14A

Insert after section 14:

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14A Special audit of reform process

- (1) The Commission is required to engage one or more suitably qualified and experienced persons (referred to in this section as *auditors*) to conduct an ongoing audit of the kind referred to in Recommendation 174 of the Final Report of the Police Royal Commission and described in Appendix 31 to that Report. 10
- (2) The audit is to be conducted over the period of three years commencing with the date of commencement of this section, but is to have regard to matters arising before as well as after that date. 15
- (3) The Commission is responsible for the selection and engagement of the auditors, the approval of the audit specifications and terms of reference, and the oversight and administration of the audit process. 20
- (4) The auditors are to furnish progress reports to the Commission as to the conduct of the audit, and are to furnish a final report to the Commission as soon as possible after the end of the period of three years.
- (5) The Commission is to furnish a copy of each such report to the Minister and the Commissioner of Police, together with such comments and recommendations as it thinks fit. 25
- (6) Nothing in this section affects any other function of the Commission with respect to the monitoring and auditing of the operations and procedures of the Police Service. 30

[6] Section 18A

Insert after section 18:

18A Reports concerning proposed police appointments

- (1) The Commission may include in a report under section 24 (7), 39 (4), 64 (5) or 71 (3) of the *Police Service Act 1990* a statement that the report is furnished on the understanding that the information in the report is confidential to the following authorised persons: 5
- (a) the recipient of the report, and
- (b) any persons specified in the statement. 10
- (2) Each authorised person is subject to the secrecy provisions of section 56 in relation to the information, but the information may despite that section be divulged to any other such authorised person.
- (3) For the purposes of section 56, the authorised persons are taken to have acquired the information in the exercise of functions under this Act. 15
- (4) A person may be specified under this section by reference to the person's name or office.

[7] Section 24 Preliminary investigations 20

Omit "preliminary examination" from section 24 (2).
Insert instead "preliminary investigation".

[8] Section 56 Secrecy

Insert at the end of section 56 (1) (d):

- , and 25
- (e) an authorised person referred to in section 18A.

[9] Section 61 Secrecy provisions in other Acts

Insert after section 61 (1) (d):

- (e) section 148 (Secrecy) of the *Casino Control Act 1992*.

[10] Section 61 (3)

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Insert after section 61 (2):

- (3) For the purposes of section 149 (Information gathering for law enforcement purposes) of the *Casino Control Act 1992*, the Commission is taken to be a law enforcement agency.

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[11] Section 123 Commission investigator who is seconded police officer or approved former police officer to have all powers of NSW police officer

Insert "or an approved former police officer" after "seconded police officer" in section 123 (1).

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[12] Section 124 Firearms and other police equipment

Insert "or approved former police officers" after "seconded police officers" wherever occurring.

[13] Section 125 Relationship with Ombudsman regarding conduct of PIC

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Insert "or an officer of the Inspector" after "Inspector" in section 125 (2).

[14] Section 126 Relationship with ICAC regarding conduct of PIC

Insert "or an officer of the Inspector" after "Inspector" in section 126 (2).