



New South Wales

## **Police Legislation Amendment (Protective Security Group) 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 enact provisions in connection with the Protective Security Group of the Police Service. The Bill:

- (a) requires the Commissioner of Police to conduct an annual audit of the operations, policies and procedures of the Group, and
  - (b) requires the annual audit to include an examination of:
    - (i) the Group's adherence to its charter (which is determined by the Commissioner and approved by the Minister), and
    - (ii) the adherence to the charter by the members of the Group, and
    - (iii) the Group's use and payment of informants, and
    - (iv) the Group's recording and use of intelligence gathered by it, and
  - (c) requires the Commissioner of Police to cause a Deputy Commissioner to conduct a special review of the operations, policies and procedures of the Group after the Sydney Olympic Games, and
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- (d) requires the special review to include an examination of:
  - (i) the Group's adherence to its charter, with special reference to the Sydney Olympic Games, and
  - (ii) the role of the Group after the Sydney Olympic Games, and
- (e) enables the Police Integrity Commission to monitor and report on the conduct and effectiveness of the annual audits, and
- (f) enables the Police Integrity Commission to assess and report on the recommendations of the special review, and to monitor and report on the effectiveness of the special review, and
- (g) provides for documents created by the Group to be exempt documents for the purposes of the *Freedom of Information Act 1989*.

## 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 amendment to the *Police Service Act 1990* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Police Integrity Commission Act 1996* set out in Schedule 2.

**Clause 5** is a formal provision giving effect to the amendment to the *Freedom of Information Act 1989* set out in Schedule 3.

**Schedule 1** amends the *Police Service Act 1990* to give effect to the matters described in paragraphs (a)–(d) of the Overview above.

**Schedule 2** amends the *Police Integrity Commission Act 1996* to give effect to the matters described in paragraphs (e) and (f) of the Overview above.

**Schedule 3** amends the *Freedom of Information Act 1989* to give effect to the matter described in paragraph (g) of the Overview above.



New South Wales

# Police Legislation Amendment (Protective Security Group) Bill 1998

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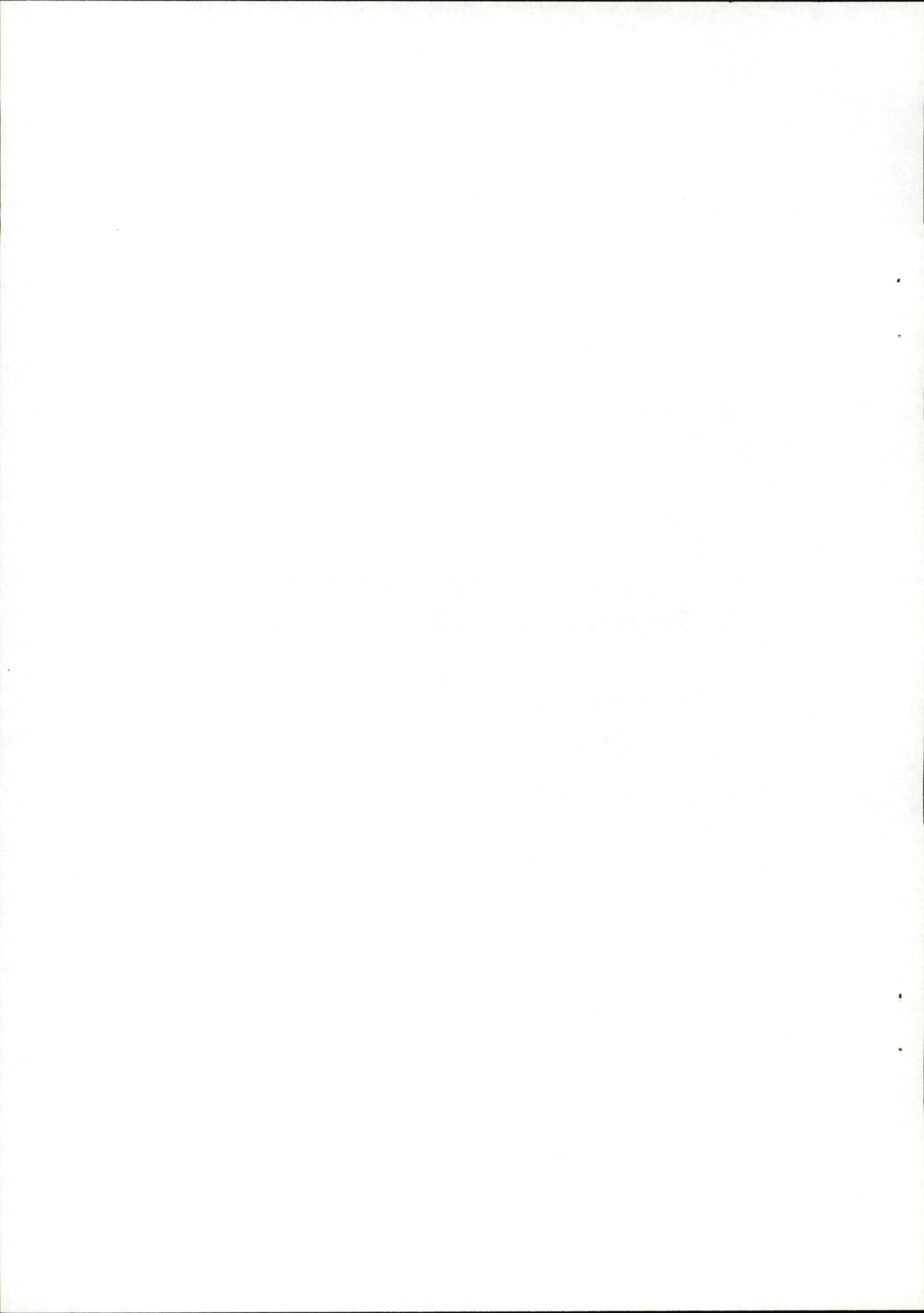
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New South Wales

## Police Legislation Amendment (Protective Security Group) Bill 1998

No. , 1998

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### A Bill for

An Act to amend the *Police Service Act 1990* and the *Police Integrity Commission Act 1996* in relation to the auditing, monitoring and review of the operations, policies and procedures of the Protective Security Group of the Police Service; to make a consequential amendment to the *Freedom of Information Act 1989*; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Police Legislation Amendment (Protective Security Group) 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 Service Act 1990 No 47**

The *Police Service Act 1990* is amended as set out in Schedule 1.

**4 Amendment of Police Integrity Commission Act 1996 No 28**

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The *Police Integrity Commission Act 1996* is amended as set out in Schedule 2.

**5 Amendment of Freedom of Information Act 1989 No 5**

The *Freedom of Information Act 1989* is amended as set out in Schedule 3.

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## Schedule 1    Amendment of Police Service Act 1990

(Section 3)

### Part 3

Insert after Part 2:

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### Part 3    Protective Security Group

#### 15 Definitions

In this Part:

*charter* means the charter of the Group as determined from time to time by the Commissioner and approved by the Minister.

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*Group* means the Protective Security Group of the Police Service.

#### 16 Audit of Group

(1) The Commissioner is required to carry out an annual audit of the operations, policies and procedures of the Group.

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(2) The audit is to include an examination of the following matters:

(a) whether the Group as a whole is adhering to its charter and is effectively performing its role as provided in its charter,

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(b) whether the members of the Group are adhering to its charter,

(c) whether proper procedures exist and are being adhered to by the Group in connection with the use and payment of informants.

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(d) whether proper procedures exist and are being adhered to by the Group for the recording and use of intelligence gathered by the Group.

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- (3) An audit is to be made in respect of each calendar year commencing with the year in which this subsection commences.
- (4) A written report of the annual audit is to be furnished to the Police Integrity Commission as soon as practicable after the end of the year concerned. 5

### 17 Special review of Group

- (1) The Commissioner is required to cause to be carried out by a Deputy Commissioner a special review of the operations, policies and procedures of the Group as soon as practicable after the conclusion of the Sydney Olympic Games. 10
- (2) The special review is to include an examination of the following matters:
  - (a) whether the Group has adhered to its charter, particularly in relation to matters associated with the Sydney Olympic Games. 15
  - (b) whether the Group will have an effective role to perform in the future.
- (3) A written report of the special review is to be furnished to the Minister and the Police Integrity Commission as soon as practicable after the review has been carried out. 20
- (4) In this section:  
*Sydney Olympic Games* means the Olympic Games of the XXVII Olympiad in Sydney in the year 2000. 25

### 18 Other functions not affected

The provisions of this Part are additional to any other functions that are exercisable in relation to the Group, and in particular do not limit or affect any arrangements that may otherwise exist or be made regarding the oversight, supervision or control of the Group or its operations, policies and procedures. 30



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## Schedule 2    Amendment of Police Integrity Commission Act 1996

(Section 4)

### Section 14 Other functions regarding police activities and education programs

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Insert after section 14 (d):

- (e) to monitor and report on the conduct and effectiveness of the annual audits of the Protective Security Group of the Police Service under Part 3 of the *Police Service Act 1990*,
- (f) to assess and report on the recommendations as to the future of the Protective Security Group of the Police Service contained in the report of the special review of the Group under Part 3 of the *Police Service Act 1990*, and to monitor and report on the conduct and effectiveness of that review.

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**Schedule 3 Amendment of Freedom of Information Act 1989**

(Section 5)

**Schedule 1 Exempt documents**

Omit "the Special Branch" from clause 4 (3) (b).

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Insert instead "the Protective Security Group of the Police Service, the former Special Branch".