



Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Bill 2013 (Proof)

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POLICE INTEGRITY COMMISSION AND INDEPENDENT COMMISSION AGAINST CORRUPTION LEGISLATION AMENDMENT (INSPECTORS) BILL 2013

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Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [6.11 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce this bill, which will allow for the two part-time positions of the Inspector of the Police Integrity Commission and the Inspector of the Independent Commission Against Corruption to be performed by the same person.

The bill does not abolish or merge the two positions—it merely removes the impediments to one person holding both positions, should the Government decide it is appropriate to recommend a dual appointment.

The powers and functions of the Police Integrity Commission and the Independent Commission Against Corruption are substantively similar.

The principal functions of the Police Integrity Commission are to detect, investigate and prevent police misconduct.

The Police Integrity Commission's functions also include the detection, investigation and prevention of misconduct by administrative officers of the NSW Police Force, and officers of the NSW Crime Commission.

Similarly, the Independent Commission Against Corruption's principal functions are to investigate and expose corrupt conduct in the New South Wales public sector, to actively prevent corruption through advice and assistance, and to educate the New South Wales community and public sector about corruption and its effects.

As with the institutions themselves, the powers and functions of the respective Inspectors of the Police Integrity Commission and the Independent Commission Against Corruption are comparable.

The Inspector of the Police Integrity Commission is an independent statutory officer whose role and function is to hold the Police Integrity Commission accountable in the way it carries out its functions.

Likewise, the Inspector of the Independent Commission Against Corruption is an independent statutory officer whose role and function is to hold the ICAC accountable in the way it carries out its functions.

The similar nature of these two roles is reflected in the statutory frameworks establishing the two Inspector positions.

Part SA of the *Independent Commission Against Corruption Act* and part 6 of the *Police Integrity Commission Act*, which deal with the powers and functions of the respective Inspectors, have many substantive similarities.

Furthermore, each Inspector has royal commission-like powers, authorities, protections and immunities.

Despite this overlap, the offices of Police Integrity Commission Inspector and Independent Commission Against Corruption Inspector are presently occupied by two different people, both on a part-time basis.

This bill will amend the *Police Integrity Commission Act* and the *Independent Commission Against Corruption Act* to allow for the two roles to be performed by the same person.

In addition to potentially enhancing the effectiveness of the Inspector positions, a key benefit of these amendments will be in allowing one individual to take on both highly specialised roles.

The bill does not alter the requirement for the Police Integrity Commission Inspector to hold special legal qualifications.

Nor does the bill remove Parliamentary oversight of any proposed appointment to the position of Police Integrity Commission Inspector or Independent Commission Against Corruption Inspector. The relevant parliamentary committee will retain the power of veto over the proposed appointments.

In preparing this bill, the New South Wales Government has been concerned to ensure that the amendments do not give rise to a risk of 'incompatibility of office'.

Offices will be incompatible where they cannot properly be performed by the same person, or interfere with each other. For example, two offices will be incompatible if the holding of one office means that another office cannot be executed impartially.

To avoid any risk of such incompatibility, the bill will amend the *Police Integrity Commission Act* and the Public Interest Disclosures Act to ensure that the Ombudsman—instead of the ICAC—has jurisdiction to investigate the conduct of the Police Integrity Commission Inspector, and to receive and investigate public interest disclosures about the Police Integrity Commission Inspector.

The bill will also amend both the *Police Integrity Commission Act* and the *Independent Commission Against Corruption Act* to enable the Governor to appoint an Assistant Inspector of the Police Integrity Commission, and an Assistant Inspector of the Independent Commission Against Corruption.

Appointment of an Assistant Inspector will ensure continuity in oversight of the Police Integrity Commission and the Independent Commission Against Corruption in the event the Inspector may be unavailable, or if there is an increase in the workload of the Inspectorates. For this purpose, the Assistant Inspector will be able to exercise any function of the Inspector, to the extent to which he or she is directed by the Inspector to do so.

The New South Wales Government strongly supports the work of the Inspectors of the Police Integrity Commission and of the Independent Commission Against Corruption.

These amendments will not diminish the importance of these offices, nor will they interfere with the scope of the Inspectors' powers and functions.

Instead, they are intended to allow for greater flexibility in the appointment of Inspectors, to help ensure that these important oversight roles are performed effectively.

I commend the bill to the House.