

**POLICE REGULATION (ALLEGATIONS OF
MISCONDUCT) AMENDMENT BILL 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Police Regulation (Amendment) Bill 1985.

The objects of this Bill are—

- (a) to provide that the restriction on a member of the Police Force being a member of the investigative staff of the Internal Affairs Branch for not more than 5 years does not apply to a member of the Police Force of or above the rank of Chief Inspector;
 - (b) to provide that in calculating the maximum period for which a member of the Police Force may be a member of the Internal Affairs Branch, any period of secondment as an officer of the Ombudsman is to be disregarded; and
 - (c) to remove certain restrictions on the power of the Ombudsman to delegate functions to the Deputy Ombudsman and an Assistant Ombudsman.
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Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision giving effect to the Schedule of amendments.

Schedule 1 (1) effects the objects mentioned in paragraphs (a) and (b) above.

Schedule 1 (2) (a) removes a restriction on the power of the Ombudsman to delegate functions to the Deputy Ombudsman. That restriction prevents the delegation of—

- (a) the function of dealing with complaints that have not been sustained; and
- (b) the function of reporting and commenting to a complainant as a result of an investigation.

Schedule 1 (2) (b) and (c) remove a restriction on the power of the Ombudsman to delegate functions to an Assistant Ombudsman. That restriction prevents the delegation of the function of making a report under the Principal Act.

**POLICE REGULATION (ALLEGATIONS OF
MISCONDUCT) AMENDMENT BILL 1985**

No. , 1985

A BILL FOR

An Act to amend the Police Regulation (Allegations of Misconduct) Act 1978 in relation to the Internal Affairs Branch within the Police Force and the exercise of certain functions by the Deputy Ombudsman and an Assistant Ombudsman.

Police Regulation (Allegations of Misconduct) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Police Regulation (Allegations of Misconduct) Amendment Act 1985".

Amendment of Act No. 84, 1978

2. The Police Regulation (Allegations of Misconduct) Act 1978 is
10 amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE POLICE REGULATION (ALLEGATIONS OF MISCONDUCT) ACT 1978

15 (1) Section 34 (**Constitution of Internal Affairs Branch**)—

(a) Section 34 (6)—

Before "(7)", insert "(6B), (6C)".

(b) Section 34 (6B), (6C)—

After section 34 (6A), insert:

20 (6B) Subsection (6) does not apply to a member of the Police Force of or above the rank of Chief Inspector.

25 (6C) For the purposes of subsection (6), any period during which the services of a member of the investigative staff of the Internal Affairs Branch are made use of under section 32 (2) of the Ombudsman Act 1974 shall be disregarded.

(2) Section 48 (**Powers, etc., of acting Ombudsman, Deputy Ombudsman and special officer**)—

(a) Section 48 (2)—

Omit the subsection.

Police Regulation (Allegations of Misconduct) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE POLICE REGULATION (ALLEGATIONS
OF MISCONDUCT) ACT 1978—*continued*

(b) Section 48 (3)—

After “Ombudsman” where lastly occurring, insert “(other than an Assistant Ombudsman)”.

(c) Section 48 (4)—

5 After section 48 (3), insert:

(4) The powers, authorities, duties and functions of the Ombudsman that may, under section 10 of the Ombudsman Act 1974, be delegated to an Assistant Ombudsman do not include any power or duty to make a report under this Act.



