

POLICE REGULATION (ALLEGATIONS OF MISCONDUCT) (OMBUDSMAN) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Ombudsman (Amendment) Bill 1988.

The object of this Bill is to amend the Police Regulation (Allegations of Misconduct) Act 1978 so as—

- (a) to enable the Ombudsman to disclose information concerning police matters (being information that had been identified by the Commissioner of Police as confidential) to a parliamentary committee, or otherwise, with the consent of the Commissioner of Police; and
- (b) to enable the Ombudsman to delegate the making of certain reports to an Assistant Ombudsman.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 26 of the Principal Act as a consequence of the amendments contained in the proposed Ombudsman (Amendment) Act 1988 (relating to disclosure of information). The proposed amendment to section 26 makes it clear that the Ombudsman may disclose information (as mentioned above) to a parliamentary committee, or otherwise, if the Commissioner of Police consents.

*Police Regulation (Allegations of Misconduct) (Ombudsman) Amendment
1988*

Schedule 1 (2) amends section 48 to enable the Ombudsman to delegate the making of certain reports to an Assistant Ombudsman.

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**POLICE REGULATION (ALLEGATIONS OF
MISCONDUCT) (OMBUDSMAN) AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Police Regulation (Allegations of Misconduct) Act 1978 with respect to the disclosure of confidential information; and for other purposes.

*Police Regulation (Allegations of Misconduct) (Ombudsman) Amendment
1988*

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Regulation (Allegations of Misconduct) (Ombudsman) Amendment Act 1988.

5 Commencement

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

Amendment of Police Regulation (Allegations of Misconduct) Act 1978 No. 84

10 3. The Police Regulation (Allegations of Misconduct) Act 1978 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 26 (Certain information to be confidential)—

15 (a) Section 26 (1A)—

Omit “subsection (2) (b)”, insert instead “subsection (3)”.

(b) Section 26 (2)–(4)—

Omit section 26 (2), insert instead:

20 (2) Where the Ombudsman is provided with material or information in respect of which the Commissioner has given the opinion referred to in subsection (1), the Ombudsman may not publish that material or information except as provided in subsection (3).

25 (3) The Ombudsman, in relation to any material or information referred to in this section, may do any one or more of the following:

(a) make a report to the Minister for presentation to Parliament, if, in the Ombudsman’s opinion, the circumstances so warrant;

30 (b) publish the material or information under section 34A of the Ombudsman Act 1974, but only if the Commissioner has informed the Ombudsman that, in the Commissioner’s opinion, publication of the material or information will not prejudice the investigation or prevention of crime, or
35 otherwise be contrary to the public interest;

*Police Regulation (Allegations of Misconduct) (Ombudsman) Amendment
1988*

SCHEDULE 1—AMENDMENTS—*continued*

- (c) disclose the material or information to a parliamentary committee under section 34B of the Ombudsman Act 1974, but only with the consent of the Commissioner.
- 5 (4) In this section, a reference to the publication of any material or information includes a reference to the disclosure of information, or the making of a statement concerning that material or information, under section 34A or 34B of the Ombudsman Act 1974.
- 10 (2) Section 48 (**Powers etc. of acting Ombudsman, Assistant Ombudsman and special officer**)—
 Section 48 (4)—
 After “this Act”, insert “(other than a report under section 27, 28 or 31)”.

CEE/20

Mrs Bignold

LEGISLATIVE COUNCIL

POLICE REGULATION (ALLEGATIONS OF MISCONDUCT)
(OMBUDSMAN) AMENDMENT BILL 1989Amendment to be moved in Committee

Page 3, Schedule 1 (1) (b). After line 3, insert:

(4) A former Ombudsman may disclose material or information referred to in this section to a parliamentary committee under section 34B of the Ombudsman Act 1974, but only with the consent of the Commissioner.

PARLIAMENTARY COMMITTEES ENABLING BILL

Schedule of Amendment referred to in the Legislative Council's
Message of 16 June 1988

Page 2, Schedule 1. After line 29 insert—

Select Committee of the Legislative Council on the Police Regulation
(Allegations of Misconduct) Amendment Bill.

