

FIRST PRINT

**NEW SOUTH WALES CRIME COMMISSION (AMENDMENT)
BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the New South Wales Crime Commission Act 1985:

- (a) to make it clear that the New South Wales Crime Commission has power to employ staff who are not public servants; and
- (b) to remove requirements that the approval of the Minister be obtained for secondment of staff by the Commission; and
- (c) to remove requirements that the approval of the New South Wales Crime Commission Management Committee be obtained for the engagement of consultants or other persons to perform services for the Commission.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 gives effect to Schedule 1 which contains amendments to the New South Wales Crime Commission Act 1985.

Clause 4 contains a provision that overcomes any implication that the proposed amendments affect the employment or engagement of, or any other arrangement relating to, staff of the Commission existing at the commencement of the proposed Act.

SCHEDULE 1—AMENDMENTS

Staff of the Commission

Schedule 1 (2) and (3) replace sections 32 and 33 of the Act with a new section 32 to make it clear that the staff of the Commission may be employed in accordance with the Public Sector Management Act 1988 or by the Commission.

Section 33 currently contains requirements that the Commission obtain the approval

New South Wales Crime Commission (Amendment) 1992

of the New South Wales Crime Commission Management Committee for the engagement of persons as consultants to, or to perform services for, the Commission and that the Commission obtain the approval of the Management Committee of the terms and conditions of the engagement of those persons. Those requirements are removed.

The new section 32 also omits the existing requirement that the Commission obtain the approval of the Minister to make use of the services of staff or the facilities of a government department, administrative office or public authority or the services of police officers or members of the Police Force of the Commonwealth or of another State or a Territory.

Section 32 currently provides that police officers whose services are made use of by the Commission retain rank, seniority and remuneration as police officers. A provision is included to make it clear that the Commission is not prevented from paying additional remuneration to those police officers.

Schedule 1 (1) contains a consequential amendment which substitutes the definition of "member of the staff of the Commission".

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NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of New South Wales Crime Commission Act 1985 No. 117
4. Savings provision

SCHEDULE 1—AMENDMENTS

**NEW SOUTH WALES CRIME COMMISSION (AMENDMENT)
BILL 1992**

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the New South Wales Crime Commission Act 1985
with respect to the staff of the New South Wales Crime Commission.

New South Wales Crime Commission (Amendment) 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the New South Wales Crime Commission (Amendment) Act 1992.

5 Commencement

2. This Act commences on the date of assent.

**Amendment of New South Wales Crime Commission Act 1985
No. 117**

3. The New South Wales Crime Commission Act 1985 is amended as
10 set out in Schedule 1.

Savings provision

4. Nothing in this Act affects the employment or engagement of, or
any other arrangement relating to, a member of the staff of the
Commission (within the meaning of the New South Wales Crime
15 Commission Act 1985) existing at the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

20 From section 3 (1), omit the definition of “member of the
staff of the Commission”, insert instead:

“member of the staff of the Commission” means:

- (a) a member of the staff referred to in section 32 (1)
or (2);
- (b) a person engaged under section 32 (3);
- 25 (c) a person referred to in section 32 (4) whose
services are made use of by the Commission;
- (d) a police officer or member of a Police Force
referred to in section 32 (5) who is performing
services for the Commission;

New South Wales Crime Commission (Amendment) 1992

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 32:

Omit the section, insert instead:

Staff of Commission

32. (1) Such staff as may be necessary to assist the Commission may be employed under Part 2 of the Public Sector Management Act 1988. 5

(2) The Commission may also employ staff. Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of any such staff. 10

(3) The Commission may engage persons as consultants to the Commission or to perform services for it.

(4) The Commission may arrange for the use of the services of any staff or facilities of a government department, an administrative office or a local or public authority. 15

(5) The Commission may arrange for one or more police officers or for one or more members of the Police Force of the Commonwealth, or of a Territory or another State, to be made available (by way of secondment or otherwise) to perform services for the Commission. 20

(6) While performing services for the Commission, a police officer retains rank, seniority and remuneration as a police officer and may continue to act as a constable. However, this subsection does not prevent the payment of additional remuneration to police officers in accordance with arrangements under subsection (5). 25

(3) Section 33 (**Employment of consultants etc.**):

Omit the section.



**NEW SOUTH WALES CRIME COMMISSION (AMENDMENT)
ACT 1992 No. 88**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of New South Wales Crime Commission Act 1985 No. 117
4. Savings provision

SCHEDULE 1—AMENDMENTS

**NEW SOUTH WALES CRIME COMMISSION (AMENDMENT)
ACT 1992 No. 88**

NEW SOUTH WALES



Act No. 88, 1992

An Act to amend the New South Wales Crime Commission Act 1985
with respect to the staff of the New South Wales Crime Commission.
[Assented to 2 December 1992]

New South Wales Crime Commission (Amendment) Act 1992 No. 88

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the New South Wales Crime Commission (Amendment) Act 1992.

Commencement

2. This Act commences on the date of assent.

Amendment of New South Wales Crime Commission Act 1985 No. 117

3. The New South Wales Crime Commission Act 1985 is amended as set out in Schedule 1.

Savings provision

4. Nothing in this Act affects the employment or engagement of, or any other arrangement relating to, a member of the staff of the Commission (within the meaning of the New South Wales Crime Commission Act 1985) existing at the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

From section 3 (1), omit the definition of “member of the staff of the Commission”, insert instead:

“**member of the staff of the Commission**” means:

- (a) a member of the staff referred to in section 32 (1) or (2);
- (b) a person engaged under section 32 (3);
- (c) a person referred to in section 32 (4) whose services are made use of by the Commission;
- (d) a police officer or member of a Police Force referred to in section 32 (5) who is performing services for the Commission;

New South Wales Crime Commission (Amendment) Act 1992 No. 88

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 32:

Omit the section, insert instead:

Staff of Commission

32. (1) Such staff as may be necessary to assist the Commission may be employed under Part 2 of the Public Sector Management Act 1988.

(2) The Commission may also employ staff. Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of any such staff.

(3) The Commission may engage persons as consultants to the Commission or to perform services for it.

(4) The Commission may arrange for the use of the services of any staff or facilities of a government department, an administrative office or a local or public authority.

(5) The Commission may arrange for one or more police officers or for one or more members of the Police Force of the Commonwealth, or of a Territory or another State, to be made available (by way of secondment or otherwise) to perform services for the Commission.

(6) While performing services for the Commission, a police officer retains rank, seniority and remuneration as a police officer and may continue to act as a constable. However, this subsection does not prevent the payment of additional remuneration to police officers in accordance with arrangements under subsection (5).

(3) Section 33 (**Employment of consultants etc.**):

Omit the section.

*[Minister's second reading speech made in—
Legislative Council on 16 September 1992
Legislative Assembly on 24 November 1992]*