



New South Wales

Police Integrity Commission Amendment Act 1998 No 64

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Police Integrity Commission Amendment Act 1998 No 64

Act No 64, 1998

An Act to amend the *Police Integrity Commission Act 1996* with respect to the conduct of a special audit of the reform process within the Police Service, and the application of secrecy provisions to certain reports furnished by the Police Integrity Commission, and in certain other respects. [Assented to 30 June 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Integrity Commission Amendment Act 1998*.

2 Commencement

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

3 Amendment of Police Integrity Commission Act 1996 No 28

The *Police Integrity Commission Act 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section3)

[1] Section 3 Principal objects of Act

Insert at the end of section 3 (c):

, and

- (d) to provide for the auditing and monitoring of particular aspects of the operations and procedures of the Police Service.

[2] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

approved former police officer means a person designated as such under section 10 (7).

[3] Section 10 Staff of Commission

Insert after section 10 (6):

(7) **Former police of other jurisdictions**

The Commission may designate an officer of the Commission as an approved former police officer for the purposes of this Act, if:

- (a) the officer has served for at least 5 years in one or more of the following capacities:
 - (i) a member of the Australian Federal Police,
 - (ii) a member of the Police Force of another State or Territory,
 - (iii) a member of the Police Force of any country prescribed by the regulations for the purposes of this Act, and
- (b) the Commission is satisfied after inquiry that the officer's service in any such capacity was satisfactory, and
- (c) the officer is not a police officer or former police officer of New South Wales.

[4] Section 14 Other functions regarding police activities and education programs

Omit “and” where firstly occurring in section 14 (b).

[5] Section 14A

Insert after section 14:

14A Special audit of reform process

- (1) The Commission is required to engage one or more suitably qualified and experienced persons (referred to in this section as *auditors*) to conduct an ongoing audit of the kind referred to in Recommendation 174 of the Final Report of the Police Royal Commission and described in Appendix 31 to that Report.
- (2) The audit is to be conducted over the period of three years commencing with the date of commencement of this section, but is to have regard to matters arising before as well as after that date.
- (3) The Commission is responsible for the selection and engagement of the auditors, the approval of the audit specifications and terms of reference, and the oversight and administration of the audit process.
- (4) The auditors are to furnish progress reports to the Commission as to the conduct of the audit, and are to furnish a final report to the Commission as soon as possible after the end of the period of three years.
- (5) The Commission is to furnish a copy of each such report to the Minister and the Commissioner of Police, together with such comments and recommendations as it thinks fit.
- (6) Nothing in this section affects any other function of the Commission with respect to the monitoring and auditing of the operations and procedures of the Police Service.

[6] Section 18A

Insert after section 18:

18A Reports concerning proposed police appointments

- (1) The Commission may include in a report under section 24 (7), 39 (4), 64 (5) or 71 (3) of the *Police Service Act 1990* a statement that the report is furnished on the understanding that the information in the report is confidential to the following authorised persons:
 - (a) the recipient of the report, and
 - (b) any persons specified in the statement.
- (2) Each authorised person is subject to the secrecy provisions of section 56 in relation to the information, but the information may despite that section be divulged to any other such authorised person.
- (3) For the purposes of section 56, the authorised persons are taken to have acquired the information in the exercise of functions under this Act.
- (4) A person may be specified under this section by reference to the person's name or office.

[7] Section 24 Preliminary investigations

Omit "preliminary examination" from section 24 (2).
Insert instead "preliminary investigation".

[8] Section 56 Secrecy

Insert at the end of section 56 (1) (d):

- , and
- (e) an authorised person referred to in section 18A.

[9] Section 61 Secrecy provisions in other Acts

Insert after section 61 (1) (d):

- (e) section 148 (Secrecy) of the *Casino Control Act 1992*.

[10] Section 61 (3)

Insert after section 61 (2):

- (3) For the purposes of section 149 (Information gathering for law enforcement purposes) of the *Casino Control Act 1992*, the Commission is taken to be a law enforcement agency.

[11] Section 123 Commission investigator who is seconded police officer or approved former police officer to have all powers of NSW police officer

Insert “or an approved former police officer” after “seconded police officer” in section 123 (1).

[12] Section 124 Firearms and other police equipment

Insert “or approved former police officers” after “seconded police officers” wherever occurring.

[13] Section 125 Relationship with Ombudsman regarding conduct of PIC

Insert “or an officer of the Inspector” after “Inspector” in section 125 (2).

[14] Section 126 Relationship with ICAC regarding conduct of PIC

Insert “or an officer of the Inspector” after “Inspector” in section 126 (2).

[Minister’s second reading speech made in—
Legislative Assembly on 2 June 1998
Legislative Council on 24 June 1998]