



New South Wales

Police Legislation Amendment (Protective Security Group) Act 1998 No 67

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Police Legislation Amendment (Protective Security Group) Act 1998 No 67

Act No 67, 1998

An Act to amend the *Police Service Act 1990* and the *Police Integrity Commission Act 1996* in relation to the auditing, monitoring and review of the operations, policies and procedures of the Protective Security Group of the Police Service: to make a consequential amendment to the *Freedom of Information Act 1989*; and for other purposes. [Assented to 2 July 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Legislation Amendment (Protective Security Group) Act 1998*.

2 Commencement

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

3 Amendment of Police Service Act 1990 No 47

The *Police Service Act 1990* is amended as set out in Schedule 1.

4 Amendment of Police Integrity Commission Act 1996 No 28

The *Police Integrity Commission Act 1996* is amended as set out in Schedule 2.

5 Amendment of Freedom of Information Act 1989 No 5

The *Freedom of Information Act 1989* is amended as set out in Schedule 3.

Schedule 1 Amendment of Police Service Act 1990

(Section 3)

Part 3

Insert after Part 2:

Part 3 Protective Security Group

15 Definitions

In this Part:

charter means the charter of the Group as determined from time to time by the Commissioner and approved by the Minister.

Group means the Protective Security Group of the Police Service.

16 Audit of Group

- (1) The Commissioner is required to carry out an annual audit of the operations, policies and procedures of the Group.
- (2) The audit is to include an examination of the following matters:
 - (a) whether the Group as a whole is adhering to its charter and is effectively performing its role as provided in its charter,
 - (b) whether the members of the Group are adhering to its charter.
 - (c) whether proper procedures exist and are being adhered to by the Group in connection with the use and payment of informants,
 - (d) whether proper procedures exist and are being adhered to by the Group for the recording and use of intelligence gathered by the Group.

- (3) An audit is to be made in respect of each calendar year commencing with the year in which this subsection commences.
- (4) A written report of the annual audit is to be furnished to the Police Integrity Commission as soon as practicable after the end of the year concerned.

17 Special review of Group

- (1) The Commissioner is required to cause to be carried out by a Deputy Commissioner a special review of the operations, policies and procedures of the Group as soon as practicable after the conclusion of the Sydney Olympic Games.
- (2) The special review is to include an examination of the following matters:
 - (a) whether the Group has adhered to its charter, particularly in relation to matters associated with the Sydney Olympic Games,
 - (b) whether the Group will have an effective role to perform in the future.
- (3) A written report of the special review is to be furnished to the Minister and the Police Integrity Commission as soon as practicable after the review has been carried out.
- (4) In this section:

Sydney Olympic Games means the Olympic Games of the XXVII Olympiad in Sydney in the year 2000.

18 Other functions not affected

The provisions of this Part are additional to any other functions that are exercisable in relation to the Group, and in particular do not limit or affect any arrangements that may otherwise exist or be made regarding the oversight, supervision or control of the Group or its operations, policies and procedures.

Schedule 2 Amendment of Police Integrity Commission Act 1996

(Section 4)

Section 14 Other functions regarding police activities and education programs

Insert after section 14 (d):

- (e) to monitor and report on the conduct and effectiveness of the annual audits of the Protective Security Group of the Police Service under Part 3 of the *Police Service Act 1990*,
- (f) to assess and report on the recommendations as to the future of the Protective Security Group of the Police Service contained in the report of the special review of the Group under Part 3 of the *Police Service Act 1990*, and to monitor and report on the conduct and effectiveness of that review.

Schedule 3 Amendment of Freedom of Information Act 1989

(Section 5)

Schedule 1 Exempt documents

Omit “the Special Branch” from clause 4 (3) (b).

Insert instead “the Protective Security Group of the Police Service,
the former Special Branch”.

[Minister’s second reading speech made in—
Legislative Assembly on 23 June 1998
Legislative Council on 24 June 1998]