



New South Wales

Police Integrity Commission Amendment Act 2005 No 5

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Police Integrity Commission Amendment Act 2005 No 5

Act No 5, 2005

An Act to amend the *Police Integrity Commission Act 1996* and certain other Acts with respect to the giving of false or misleading evidence, the communication of information, the exercise by police of investigative and other functions and the service of documents; and with respect to other matters. [Assented to 10 March 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Integrity Commission Amendment Act 2005*.

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.

4 Amendment of other Acts

Each Act referred to in Schedule 2 is amended as set out in that Schedule.

Schedule 1 Amendment of Police Integrity Commission Act 1996

(Section 3)

[1] Section 3 Principal objects of Act

Omit “a body” from section 3 (a).

Insert instead “an independent, accountable body”.

[2] Section 47 Seizure of other documents and things

Insert after section 47 (2):

(3) Other disposal

If it appears to the Commission:

(a) that there is no person who is entitled to possession of any document or thing referred to in subsection (2), or

(b) that there is such a person, but the person does not wish to have possession of any such document or thing,

the Commission may apply to a Local Court for directions as to its disposal and dispose of it in accordance with the directions given by the Local Court in response to the application.

[3] Section 77 Referral of matter

Insert “on the understanding that the information is confidential” after “under this section” in section 77 (5).

[4] Section 83 Referral of matter

Insert “on the understanding that the information is confidential” after “under this section” in section 83 (6).

[5] Section 107 False or misleading evidence

Insert at the end of the section:

(2) Sections 331 and 332 of the *Crimes Act 1900* apply to proceedings for an offence under this section in the same way as they apply to proceedings for an offence under section 330 of that Act.

[6] Section 139 Service of documents

Insert at the end of the section:

(2) In addition to the means of service provided for under subsection (1), service of a document on a person (whether a natural person

or a body corporate) may be effected by facsimile transmission or other electronic means notified by the person as being an available means of communication.

- (3) Service of a facsimile copy of a document in accordance with subsection (1) is taken to be service of the document for the purposes of that subsection.

[7] Section 142 Exercise of functions by police

Omit “Such an authorisation may not be given without concurrence of the Minister.” from section 142 (1).

[8] Section 142 (1A)

Insert after section 142 (1):

- (1A) As soon as practicable after giving such an authorisation, the Commissioner must notify the Inspector of that fact.

[9] Section 146 Review of Act

Insert after section 146 (2):

- (2A) A further such review is to be undertaken as soon as practicable after the period of 5 years from the date of assent to the *Police Integrity Commission Amendment Act 2005*.

[10] Section 146 (3)

Omit “the review”. Insert instead “each such review”.

Schedule 2 Amendment of other Acts

(Section 4)

2.1 New South Wales Crime Commission Act 1985 No 117

[1] Section 12 Seizure pursuant to search warrant—special provisions

Insert after section 12 (3):

- (3A) If it appears to the Commission:
- (a) that there is no person who is entitled to possession of any thing referred to in subsection (2), or
 - (b) that there is such a person, but the person does not wish to have possession of any such thing,
- the Commission may apply to a Local Court for directions as to its disposal and dispose of it in accordance with the directions given by the Local Court in response to the application.

[2] Section 20 False or misleading evidence

Insert after section 20 (4):

- (5) Sections 331 and 332 of the *Crimes Act 1900* apply to proceedings for an offence under this section in the same way as they apply to proceedings for an offence under section 330 of that Act.

2.2 Police Act 1990 No 47

[1] Section 173 Commissioner may take action with respect to police officer's misconduct or unsatisfactory performance

Insert after section 173 (4):

- (4A) Before making an order under subsection (2) or (3) with respect to a police officer who is the subject of a complaint under Part 8A that is being dealt with by the Police Integrity Commission or the Ombudsman, the Commissioner must consult with the Police Integrity Commission or the Ombudsman, as the case requires.
- (4B) Failure to comply with subsection (4A) with respect to any order under subsection (2) or (3) does not affect the validity of the order.

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Schedule 2 Amendment of other Acts

[2] Section 207A Commissioner may conduct integrity testing programs

Omit “351B or section” from section 207A (4) (f).

Insert instead “section 351B or”.

[Second reading speech made in—
Legislative Assembly on 16 September 2004
Legislative Council on 1 March 2005]

BY AUTHORITY