



New South Wales

Police Service Amendment Act 1995 No 77

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Police Service Act 1990 No 47	2



New South Wales

Police Service Amendment Act 1995 No 77

Act No 77, 1995

An Act to amend the *Police Service Act 1990* to provide for the dismissal of police officers on the basis of information arising out of the Police Royal Commission, and for the resignation of police officers on the recommendation of that Commission. [Assented to 13 December 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Service Amendment Act 1995*.

2 Commencement

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

3 Amendment of Police Service Act 1990 No 47

The *Police Service Act 1990* is amended by inserting after Division 1 of Part 9 the following Division:

Division 1A Dismissal and resignation of police officers—Police Royal Commission

181A Definition and operation of Division

- (1) In this Division:

Police Royal Commission means the Royal Commission of inquiry issued by the Governor by letters patent under the Public Seal on 13 May 1994, appointing the Honourable James Roland Tomson Wood sole commissioner to make inquiry into, and report on, the operations of the New South Wales Police Service.

- (2) This Division prevails to the extent of any inconsistency with any other provision of this Act.

181B Dismissal of police officers—information arising out of Police Royal Commission

- (1) The Commissioner may, by order in writing, dismiss a police officer from the Police Service if the Commissioner has formed the opinion, based on information arising out of the Police Royal Commission, that the officer:

-
- (a) has engaged in corrupt conduct (or any other conduct constituting an indictable offence), and
 - (b) is no longer a fit and proper person to hold a position in the Police Service.
 - (2) The dismissal takes effect when the order is made.
 - (3) Before deciding whether to dismiss a police officer under this section, the Commissioner must:
 - (a) give the officer a notice setting out the grounds on which the Commissioner has formed the opinion referred to in subsection (1), and
 - (b) give the officer an opportunity to make a written submission to the Commissioner within 21 days of receiving the notice, and
 - (c) take into consideration any such submission received within that period.
 - (4) Section 182 (Appeal to GREAT against disciplinary decision of Commissioner) does not apply to or in respect of the decision by the Commissioner to dismiss a police officer under this section.
 - (5) Without limiting the generality of section 218 (*Industrial Relations Act 1991* not affected), nothing in this section affects Part 8 (Unfair dismissals) of Chapter 3 of the *Industrial Relations Act 1991*.

181C Acceptance of resignation of police officers in certain cases

The Commissioner (or in the case of an executive officer within the meaning of section 32, the Police Board) is required to accept the resignation of a police officer from the Police Service if:

- (a) the officer tenders his or her resignation, and
- (b) the Police Royal Commission has recommended that the officer be allowed to resign.

[Minister's second reading speech made in—
Legislative Assembly on 20 September 1995
Legislative Council on 12 December 1995]