

[Act 1998 No 21]



New South Wales

Police Integrity Commission Amendment (Records) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Police Integrity Commission Act 1996* to make provision regarding records of the Police Royal Commission that remained undisposed of before the Police Royal Commission came to an end.

The Bill will ensure that the Police Integrity Commission is able to initiate or continue investigations into matters referred to in those records or refer any such matters to other agencies. In particular, it will remove any uncertainty as to whether the records came lawfully into the possession of the Police Integrity Commission and as to the legal authority for their being disseminated or their contents being divulged before and after the commencement of the proposed Act. The Bill inserts a new provision into Part 2 of Schedule 3 to that Act, which deals with the continuity of matters relating to the Police Royal Commission.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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

Clause 3 is a formal provision giving effect to the Schedule of amendments to the *Police Integrity Commission Act 1996*.

Schedule 1 Amendments

Schedule 1 [1] amends section 13 to make it clear that the Police Integrity Commission has functions relating to the records of the Police Royal Commission.

Schedule 1 [2] inserts a new clause 2B into Part 2 of Schedule 3.

Clause 2B (1) defines certain words and expressions used in the clause. In particular, it defines *transferred record* as a record of the Police Royal Commission that has come or comes into the possession, custody or control of the Police Integrity Commission.

Clause 2B (2) provides that the possession by the Police Integrity Commission of transferred records is lawful.

Clause 2B (3) provides that previous dissemination of any transferred record in compliance with a direction of the Police Royal Commissioner is lawful.

Clause 2B (4) and (5) provide that section 56 of the Act (which deals with secrecy and the limited circumstances in which information can be divulged) applies to transferred records.

Clause 2B (6) provides that no liability attaches to any person in connection with any acts or omissions validated by the clause.

Clause 2B (7) makes it clear that the clause has effect despite the secrecy provisions of the *Royal Commission (Police Service) Act 1994*.

Clause 2B (8) authorises the production under section 56 of the Act of a transferred record to a court in connection with a prosecution or disciplinary proceedings instituted as a result of the Police Royal Commission's inquiry (this is a continuation of the position under the *Royal Commission (Police Service) Act 1994*).

Explanatory note

Clause 2B (9) is inserted for abundant caution, and provides that references to divulging information in transferred records include permanently parting with possession of the records.

Clause 2B (10) provides that the clause does not prevent a transferred record from being dealt with in any other lawful manner, and does not affect the operation of the *Telecommunications (Interception) (New South Wales) Act 1987*. That Act requires certain kinds of records to be destroyed.