

[Act 1995 No 77]



New South Wales

Police Service Amendment Bill 1995

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to provide for the summary dismissal from the Police Service of corrupt police officers, and
- (b) to provide for the acceptance of the resignation of police officers on the recommendation of the Police Royal Commission.

The Bill provides for a procedure in which the Commissioner of Police can make a recommendation to the Minister, based on information arising out of the Police Royal Commission that the police officer concerned has engaged in corrupt conduct, that the officer should be dismissed. An order by the Minister will then effect the dismissal.

* Amended in committee — see table at end of volume.

Outline of provisions

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

Clause 2 provides that the proposed Act will commence on a day to be proclaimed.

Clause 3 amends the *Police Service Act 1990*. Proposed Division 1A of Part 9 of the Act provides for the procedure described above. This procedure for the summary dismissal of corrupt police officers will prevail over any other provision of the Act to the extent of any inconsistency.

Proposed section 181B allows the Commissioner of Police to recommend that the Minister dismiss a police officer from the Police Service. A recommendation is to be made only on the basis of information arising out of the Police Royal Commission that the officer has engaged in corrupt conduct.

Proposed section 181C ensures that the police officer who is the subject of the recommendation is given an opportunity to make a submission to the Minister, and this submission must be taken into consideration by the Minister.

Proposed section 181D enables the Minister, by written order, to dismiss the police officer after the Minister has considered the recommendation and any submission by the officer or other advice received by the Minister. If the Minister decides not to dismiss the officer, disciplinary action may still be taken against the officer.

Proposed section 181E provides that the Minister's decision is not subject to any review or appeal process.

Proposed section 181F requires the Commissioner of Police (or the Police Board in the case of executive police officers) to accept the resignation of a police officer if the Police Royal Commission has recommended that the officer be allowed to resign.