

Act No. 135

**POLICE REGULATION (ALLEGATIONS OF
MISCONDUCT) AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Ombudsman (Amendment) Bill 1987 is cognate with this Bill.

The object of this Bill is to amend the Police Regulation (Allegations of Misconduct) Act 1978 to enable the Ombudsman to investigate complaints against members of the Police Force if action has not been taken by the Internal Affairs Branch in relation to a complaint within the required time.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 applies the Principal Act, as amended by the proposed Act, to complaints made before the commencement of the proposed Act.

Schedule 1 (1) inserts proposed sections 24A (Investigation under the Ombudsman Act 1974 where complaint not dealt with in time), 24B (Extension of time where complaint not dealt with) and 24C (Extension of time where application for deferral etc.) into the Principal Act.

Police Regulation (Allegations of Misconduct) Amendment 1987

Proposed section 24A enables the Ombudsman to investigate a complaint under the Ombudsman Act 1974 if the Ombudsman has not received a report on the investigation of the complaint within 180 days after the Commissioner notifies the Ombudsman that the complaint is being investigated or the Ombudsman notifies the Commissioner of a determination by the Ombudsman that the complaint should be investigated.

Proposed section 24B enables the Commissioner to ask the Ombudsman for an extension of the 180 day period and provides a right of appeal to the Police Tribunal if the Ombudsman refuses or fails to grant the extension. An application may be made for one or more extensions.

Proposed section 24C extends the 180 day period while an application under section 20 is being dealt with and stops the period from running while the commencement or continuation of an investigation is deferred.

Schedule 1 (2) amends section 60 (Publicity) of the Principal Act to update an out of date reference.
