

[Act 1998 No 64]



New South Wales

Police Integrity Commission Amendment 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*, so as:

- (a) to provide for a special audit of the reform process within the Police Service to be arranged and overseen by the Police Integrity Commission over a period of three years, and
 - (b) to enable the Commission to ensure the confidentiality of its reports on proposed appointees to positions in the Police Service, and
 - (c) to enable approved former police officers from other jurisdictions who are officers of the Commission to have police powers and possess certain police equipment, and
 - (d) to make several adjustments regarding the Commission's relationship with the Casino Control Authority, and the PIC Inspector's relationship with the Ombudsman and the Independent Commission Against Corruption, and
 - (e) to make other minor amendments.
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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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Police Integrity Commission Act 1996* set out in Schedule 1.

Special audit of Police Service

The Bill inserts a new section 14A to require the Police Integrity Commission to engage auditors to conduct an ongoing audit of the reform process within the Police Service, being an audit of the kind referred to in Recommendation 174 of the Final Report of the Police Royal Commission and described in Appendix 31 to the Report.

Recommendation 174 is contained in Volume II of the Report and recommends the "Appointment of an external strategic auditor upon engagement to the PIC, to carry out a qualitative and strategic audit of the reform process, and to report to the PIC, which in turn should report to the Minister and the Service".

Appendix 31 (headed "Details of the External Audit of the Reform Process") is contained in Volume III of the Report, and deals with the following Key Reform Areas:

- 1 Effective Leadership and Management
- 2 Changing Culture and Values
- 3 An Honest Service which Repels Corruption
- 4 Effective Planning
- 5 Focus on Performance Management and Quality
- 6 Focus on Staff and Teamwork
- 7 Building New Human Resource (HR) Systems
- 8 Breaking Down Outmoded Systems
- 9 The Patrol as the Service Hub
- 10 Implementation of Effective Structural Change

The audit will be conducted over a period of three years. Progress reports and a final report will be made to the Commission, the Commissioner of Police and the Minister. See **Schedule 1 [5]**.

Confidentiality of reports

The Bill inserts a new section 18A and amends section 56 to enable the Commission to ensure the confidentiality of its reports on proposed appointees to positions in the Police Service. These reports are made under the *Police Service Act 1990*. The Commission will be able to insert in a report a statement that the information is confidential to the recipient and specified persons. The result will be that the secrecy provisions in section 56 of the *Police Integrity Commission Act 1996* will apply. See **Schedule 1 [6]** and **[8]**.

Officers of Commission who are former police of other jurisdictions

The Bill amends sections 4, 10, 123 and 124 to enable certain privileges currently held by officers of the Commission who are police officers of other jurisdictions to be extended to certain officers of the Commission who are *former* police officers of other jurisdictions. This extension will apply to an officer who has had at least five years' satisfactory police service in another jurisdiction and who has been designated by the Commission as an "approved former police officer". The result will be that a Commission investigator who is an approved former police officer will have the powers of a constable of New South Wales and will be able to possess semi-automatic pistols, handcuffs and body armour vests. See **Schedule 1 [2], [3], [11]** and **[12]**.

Relationship with other authorities

The Bill amends sections 61, 125 and 126 with respect to the Casino Control Authority, the Ombudsman and the Independent Commission Against Corruption.

Section 61 is amended so that the Commission is declared to be a law enforcement agency for the purposes of section 149 of the *Casino Control Act 1992* (thus enabling the Casino Control Authority to obtain information and give it to the Police Integrity Commission for law enforcement purposes), and so that the secrecy provisions of the *Casino Control Act 1992* are included in the list of provisions that will not impede the divulging of information or production of documents or things under the *Police Integrity Commission Act 1996*. See **Schedule 1 [9]** and **[10]**.

Sections 125 and 126 are amended to provide that the current exclusion of the Inspector of the Police Integrity Commission from investigation under the *Ombudsman Act 1974* and the *Independent Commission Against Corruption Act 1988* is extended to officers of the Inspector (consistently with the treatment of officers of the Commission). See **Schedule 1 [13]** and **[14]**.

Other amendments

The Bill amends section 3 to include among the principal objects of the Act a reference to the auditing and monitoring role that the Commission has under the Act. See **Schedule 1 [1]**.

The Bill amends sections 14 and 24 by way of statute law revision. See **Schedule 1 [4]** and [7].