



New South Wales

# Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Bill 2013

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows:

- (a) to enable the Governor to appoint an Assistant Inspector for the Police Integrity Commission (the *PIC*) and an Assistant Inspector for the Independent Commission Against Corruption (the *ICAC*),
- (b) to enable a person to simultaneously hold office as Inspector or Assistant Inspector of the PIC and as Inspector or Assistant Inspector of the ICAC,
- (c) to make related amendments to the *Police Integrity Commission Act 1996* and the *Public Interest Disclosures Act 1994* to ensure that the Ombudsman, instead of the ICAC, is responsible for dealing with complaints and carrying out investigations about the conduct of the Inspector of the PIC or the officers of the PIC Inspector.

## 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 to the proposed Act.

## **Schedule 1      Amendment of Police Integrity Commission Act 1996 No 28**

**Schedule 1 [2]** (together with the amendment to the *Independent Commission Against Corruption Act 1988* made in **Schedule 2 [2]**) gives effect to the objects described in paragraphs (a) and (b) of the Overview. **Schedule 1 [1], [5] and [6]** make consequential amendments.

**Schedule 1 [3] and [4]** (together with the amendments to the *Public Interest Disclosures Act 1994* made in **Schedule 3 [2]**) give effect to the object described in paragraph (c) of the Overview.

**Schedule 1 [7]** contains a savings and transitional provision consequent on the enactment of the proposed Act.

## **Schedule 2      Amendment of Independent Commission Against Corruption Act 1988 No 35**

**Schedule 2 [2]** (together with the amendment to the *Police Integrity Commission Act 1996* made in **Schedule 1 [2]**) gives effect to the objects described in paragraphs (a) and (b) of the Overview. **Schedule 2 [1], [3] and [4]** make consequential amendments.

## **Schedule 3      Amendment of Public Interest Disclosures Act 1994 No 92**

**Schedule 3 [2]** (together with the amendments to the *Police Integrity Commission Act 1996* made in **Schedule 1 [3] and [4]**) gives effect to the object described in paragraph (c) of the Overview. **Schedule 3 [1] and [3]** make consequential amendments.

**Schedule 3 [4]** contains a savings and transitional provision consequent on the enactment of the proposed Act.



New South Wales

# Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Bill 2013

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New South Wales

# **Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Bill 2013**

No. , 2013

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## **A Bill for**

An Act to amend the *Police Integrity Commission Act 1996* and *Independent Commission Against Corruption Act 1988* with respect to Inspectors and Assistant Inspectors; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Police Integrity Commission Act 1996 No 28</b>	1
		2
<b>[1] Section 4 Definitions</b>		3
	Insert in alphabetical order in section 4 (1):	4
	<i>Assistant Inspector</i> means an Assistant Inspector of the Police Integrity Commission, appointed under this Act.	5
		6
<b>[2] Sections 88A and 88B</b>		7
	Insert after section 88:	8
<b>88A Assistant Inspector</b>		9
	(1) The Governor may, with the concurrence of the Inspector, appoint an Assistant Inspector of the Police Integrity Commission.	10
		11
	(2) An Assistant Inspector may, to the extent to which he or she is directed by the Inspector to do so, exercise any function of the Inspector and for that purpose is taken to be the Inspector.	12
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		14
<b>88B Dual appointments</b>		15
	A person may hold both the office of Inspector or Assistant Inspector and the office of Inspector or Assistant Inspector of the Independent Commission Against Corruption at the same time.	16
		17
		18
<b>[3] Section 125 Relationship with Ombudsman regarding conduct of PIC</b>		19
	Omit “cannot” from section 125 (2). Insert instead “can”.	20
<b>[4] Section 126 Relationship with ICAC regarding conduct of PIC</b>		21
	Omit “can” from section 126 (2). Insert instead “cannot”.	22
<b>[5] Schedule 2, heading</b>		23
	Insert “ <b>and Assistant Inspector</b> ” after “ <b>Inspector</b> ”.	24
<b>[6] Schedule 2, clause 1A</b>		25
	Insert before clause 1:	26
<b>1A References to Inspector include references to Assistant Inspector</b>		27
	A reference in this Schedule to the Inspector is taken to include a reference to an Assistant Inspector, except:	28
		29
	(a) in clauses 8 and 10, and	30
	(b) as may be provided by the regulations.	31

<b>[7] Schedule 3 Savings, transitional and other provisions</b>	1
Insert after Part 12:	2
<b>Part 13 Provision consequent on enactment of Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013</b>	3
	4
	5
	6
<b>24 Relationship with Ombudsman concerning conduct of Inspector or officer of Inspector</b>	7
	8
Section 125 (2), as amended by the <i>Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013</i> , extends to conduct of the Inspector or an officer of the Inspector occurring before the commencement of that amendment.	9
	10
	11
	12

<b>Schedule 2</b>	<b>Amendment of Independent Commission Against Corruption Act 1988 No 35</b>	1
		2
<b>[1] Section 3 Definitions</b>		3
Insert in alphabetical order in section 3 (1):		4
	<i>Assistant Inspector</i> means an Assistant Inspector of the Independent Commission Against Corruption, appointed under this Act.	5
		6
<b>[2] Sections 57AA and 57AB</b>		7
Insert after section 57A:		8
<b>57AA Assistant Inspector</b>		9
(1)	The Governor may, with the concurrence of the Inspector, appoint an Assistant Inspector of the Independent Commission Against Corruption.	10
		11
(2)	An Assistant Inspector may, to the extent to which he or she is directed by the Inspector to do so, exercise any function of the Inspector and for that purpose is taken to be the Inspector.	12
		13
		14
<b>57AB Dual appointments</b>		15
	A person may hold both the office of Inspector or Assistant Inspector and the office of Inspector or Assistant Inspector of the Police Integrity Commission at the same time.	16
		17
		18
<b>[3] Schedule 1A, heading</b>		19
Insert “ <b>and Assistant Inspector</b> ” after “ <b>Inspector</b> ”.		20
<b>[4] Schedule 1A, clause 1A</b>		21
Insert before clause 1:		22
<b>1A References to Inspector include references to Assistant Inspector</b>		23
	A reference in this Schedule to the Inspector is taken to include a reference to an Assistant Inspector, except:	24
		25
	(a) in clauses 8 and 10, and	26
	(b) as may be provided by the regulations.	27



<b>Schedule 3</b>	<b>Amendment of Public Interest Disclosures Act 1994 No 92</b>	1
		2
<b>[1]</b>	<b>Section 5 Relationship of this Act and other Acts</b>	3
	Omit “, (4) and (4B)” from section 5 (3). Insert instead “and (4)”.	4
<b>[2]</b>	<b>Section 12A Disclosure concerning police, PIC, PIC Inspector or officers of PIC or PIC Inspector</b>	5
	Insert after section 12A (3):	6
	(4) Despite section 11, a disclosure by a public official to the Ombudsman that the person making the disclosure honestly believes, on reasonable grounds, shows or tends to show that, in the exercise of a function relating to a matter of administration conferred or imposed on the PIC Inspector, the PIC Inspector or a PICI officer has engaged or proposes to engage in conduct of a kind that amounts to corrupt conduct or maladministration, or has seriously and substantially wasted public money, is protected by this Act.	7
	(5) The Ombudsman may investigate, and report on, in accordance with the <i>Ombudsman Act 1974</i> any matter raised by a disclosure made to it that is of a kind referred to in subsection (4).	8
<b>[3]</b>	<b>Section 13 Disclosure concerning Ombudsman, Auditor-General or staff</b>	9
	Omit section 13 (4A) and (4B).	10
<b>[4]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	11
	Insert after Part 5:	12
<b>Part 6</b>	<b>Provision consequent on enactment of Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013</b>	13
		14
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<b>21</b>	<b>Disclosure concerning PIC Inspector or PICI officer</b>	18
	Section 12A, as amended by the <i>Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013</i> , extends to conduct of the PIC Inspector or a PICI officer occurring before the commencement of that amendment.	19
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