

[Act 1999 No 73]



New South Wales

Police Service Amendment Bill 1999

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 Service Act 1990*, so as:

- (a) to provide for the confidentiality of financial statements furnished by members of the Police Service, so that the statements and their contents will be able to be accessed in limited circumstances only, and
 - (b) to make it an offence for a police officer to make a retaliatory complaint or report against another police officer who has made an allegation of police misconduct or criminal activity, and
 - (c) to enable a police officer conducting an investigation into a complaint to attempt to resolve the complaint by means of alternative dispute management procedures, and
 - (d) to restrict the use in legal proceedings of statements made by police officers in the course of alternative dispute management procedures, and
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- (e) to enable long-term temporary employees in the Police Service to be appointed to permanent positions in the Police Service as administrative officers, and
- (f) to protect police insignia from unauthorised manufacture, sale or use, and
- (g) to make it an offence for any person to disclose information concerning the functions of the former Police Board that the person has acquired in the course of exercising official functions, except in circumstances authorised by or under the amended Act, and
- (h) to omit an obsolete provision relating to appointment to non-executive positions in the Police Service.

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 Service Act 1990* set out in Schedule 1.

Schedule 1 [1] gives effect to paragraph (h) of the Overview above. It omits section 81 (4), which provides for the appointment of persons to non-executive positions in the Police Service, without advertisement, where they have passed competitive examinations prescribed by the regulations. No such examinations are prescribed.

Schedule 1 [2] gives effect to paragraph (e) of the Overview above. It inserts section 91A, which is in similar terms to provisions (section 38A) of the *Public Sector Management Act 1988*.

Schedule 1 [3] gives effect to paragraph (a) of the Overview above. It inserts section 97A, which protects financial statements and associated information from being required to be produced.

Schedule 1 [4] gives effect to paragraph (c) of the Overview above. It inserts section 148A, which enables a police officer conducting an investigation into a complaint to attempt to resolve the complaint by means of alternative dispute management procedures.

Schedule 1 [5] gives effect to paragraph (f) of the Overview above. It replaces the existing section 203, which prohibits the unauthorised wearing or possession of police uniforms. The substituted section also restricts the manufacture and sale (which is defined to include hiring) of police insignia, the improper use of police insignia and the use of police insignia on private motor vehicles.

Schedule 1 [6] gives effect to paragraph (b) of the Overview above. It amends section 206 by inserting into the definition of *detrimental action* a reference to the making of complaints or the furnishing of reports. The result is that it will be an offence for a police officer to take detrimental action of this nature against another or a former police officer in reprisal for making an allegation of misconduct or criminal activity against a police officer.

Schedule 1 [7] gives effect to paragraphs (d) and (g) of the Overview above.

It inserts section 211D, which restricts the use in legal proceedings of statements made by police officers in the course of alternative dispute management procedures.

It inserts section 211E, which makes it an offence for any person to disclose information concerning the functions of the former Police Board that the person has acquired in the course of exercising official functions, except in circumstances authorised by or under the amended Act.