

Passed by both Houses



New South Wales

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

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2013



New South Wales

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

Act No , 2013

*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.*

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Police Integrity Commission Act 1996 No 28

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Assistant Inspector means an Assistant Inspector of the Police Integrity Commission, appointed under this Act.

[2] Sections 88A and 88B

Insert after section 88:

88A Assistant Inspector

- (1) The Governor may, with the concurrence of the Inspector, appoint an Assistant Inspector of the Police Integrity Commission.
- (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.

88B Dual appointments

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.

[3] Section 125 Relationship with Ombudsman regarding conduct of PIC

Omit “cannot” from section 125 (2). Insert instead “can”.

[4] Section 126 Relationship with ICAC regarding conduct of PIC

Omit “can” from section 126 (2). Insert instead “cannot”.

[5] Schedule 2, heading

Insert “**and Assistant Inspector**” after “**Inspector**”.

[6] Schedule 2, clause 1A

Insert before clause 1:

1A References to Inspector include references to Assistant Inspector

A reference in this Schedule to the Inspector is taken to include a reference to an Assistant Inspector, except:

- (a) in clauses 8 and 10, and
- (b) as may be provided by the regulations.

[7] Schedule 3 Savings, transitional and other provisions

Insert after Part 12:

Part 13 Provision consequent on enactment of Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013

24 Relationship with Ombudsman concerning conduct of Inspector or officer of Inspector

Section 125 (2), as amended by the *Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013*, extends to conduct of the Inspector or an officer of the Inspector occurring before the commencement of that amendment.

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

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Assistant Inspector means an Assistant Inspector of the Independent Commission Against Corruption, appointed under this Act.

[2] Sections 57AA and 57AB

Insert after section 57A:

57AA Assistant Inspector

- (1) The Governor may, with the concurrence of the Inspector, appoint an Assistant Inspector of the Independent Commission Against Corruption.
- (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.

57AB Dual appointments

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.

[3] Schedule 1A, heading

Insert “**and Assistant Inspector**” after “**Inspector**”.

[4] Schedule 1A, clause 1A

Insert before clause 1:

1A References to Inspector include references to Assistant Inspector

A reference in this Schedule to the Inspector is taken to include a reference to an Assistant Inspector, except:

- (a) in clauses 8 and 10, and
- (b) as may be provided by the regulations.

Schedule 3 Amendment of Public Interest Disclosures Act 1994 No 92

[1] Section 5 Relationship of this Act and other Acts

Omit “, (4) and (4B)” from section 5 (3). Insert instead “and (4)”.

[2] Section 12A Disclosure concerning police, PIC, PIC Inspector or officers of PIC or PIC Inspector

Insert after section 12A (3):

- (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.
- (5) The Ombudsman may investigate, and report on, in accordance with the *Ombudsman Act 1974* any matter raised by a disclosure made to it that is of a kind referred to in subsection (4).

[3] Section 13 Disclosure concerning Ombudsman, Auditor-General or staff

Omit section 13 (4A) and (4B).

[4] Schedule 2 Savings, transitional and other provisions

Insert after Part 5:

Part 6 Provision consequent on enactment of Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013

21 Disclosure concerning PIC Inspector or PICI officer

Section 12A, as amended by the *Police Integrity Commission and Independent Commission Against Corruption Legislation Amendment (Inspectors) Act 2013*, extends to conduct of the PIC Inspector or a PICI officer occurring before the commencement of that amendment.