

**Submission to the Parliamentary Joint Committee  
on Intelligence and Security “Review of Item 28 of  
the *Law Enforcement Legislation Amendment (State  
Bodies and Other Measures Bill) 2016*”**

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NSW Department of Premier and Cabinet, Legal Branch  
NSW Department of Justice, Office for Police

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## Introduction

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### The Committee's Inquiry

On 30 August 2016, the NSW Premier wrote to the Commonwealth Attorney-General requesting amendments to the *Telecommunications (Interception and Access) Act 1979 (Cth)* and other Commonwealth legislation to facilitate the establishment in NSW of a new police oversight body, the Law Enforcement Conduct Commission. The necessary amendments are set out in Schedule 1 of the *Law Enforcement Legislation Amendment (State Bodies and Other Measures) Bill 2016*.

On 20 October 2016, the Attorney-General, Senator the Hon George Brandis QC, asked the Commonwealth's Parliamentary Joint Committee on Intelligence and Security to review item 28 of the *Law Enforcement Legislation Amendment (State Bodies and Other Measures) Bill 2016* which was introduced into the House of Representatives on 19 October 2016. Item 28 will amend the list of 'criminal law enforcement agencies' at subsection 110A(1) of the *Telecommunications (Interception and Access) Act 1979 (TIA Act)* to replace the Police Integrity Commission (**PIC**) with the Law Enforcement Conduct Commission (**LECC**).

Submissions are due 4 November 2016 and the Committee is expected to report by 18 November 2016.

As part of this inquiry, the Committee has written to the Premier by letter dated 31 October 2016 inviting the Premier to make a Submission to the inquiry. The NSW Government has prepared this submission in response to the Committee's request.

### Purpose of this Submission

The purpose of this Submission is to assist the Committee by providing an outline of the background to the establishment of the LECC and an overview of its functions and powers. Where it might be useful to the Committee, we have taken the opportunity to draw to the Committee's attention to the views expressed by Mr Andrew Tink AM in his report dated 31 August 2015 on police oversight in NSW.

### Background to the establishment of the Law Enforcement Conduct Commission

The Police Integrity Commission was established in 1997 on the recommendation of the Wood Royal Commission into the NSW Police Service to establish a permanent Commission to investigate serious police misconduct. It adopted a similar structure to the NSW Independent Commission Against Corruption (**ICAC**), exercised similar functions and was given similar investigative powers.

By Letters Patent dated 20 May 2015, Mr Andrew Tink AM was commissioned to review police oversight in New South Wales (the **Tink Review**). Mr Tink delivered a report to the NSW Government dated 31 August 2015 entitled *Review of Police Oversight* (the **Tink Report**). The Tink Report recommended a new model of police oversight for New South Wales under which a new body would exercise the functions currently carried out by the Police Integrity Commission, the Police Division of the Ombudsman's Office and the Inspector of the Crime Commission (Recommendation 1).

A Bill currently before the NSW Parliament, the *Law Enforcement Conduct Commission Bill 2016 (LECC Bill)*, implements the recommendations set out in the Tink Report. Under the LECC Bill:

- The PIC will be replaced with a new body, the Law Enforcement Conduct Commission (LECC). The LECC will bring together the oversight functions currently exercised by the PIC, the Police Division of the NSW Ombudsman and the Inspector of the NSW Crime Commission in a single, streamlined and simplified external civilian oversight regime for police officers, NSW Police Force administrative officers, and Crime Commission officers.
- The integrity arm of the LECC will take over from the PIC responsibility for detecting and investigating allegations of misconduct in the NSW Police Force and NSW Crime Commission. The integrity arm would be able to exercise similar powers to those of the ICAC in carrying out its functions.
- The LECC will have a wider oversight role than the PIC, in that its oversight arm will monitor complaint handling (currently a function undertaken by the Ombudsman). It will also have a new function to oversight critical incident investigations. The oversight arm will not have access to the LECC's investigation powers for these functions.

The reforms are designed to unify a fragmented system, provide better transparency and accountability, more effective use of intelligence, and an improved external investigation capacity.

## LECC functions and powers

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### Investigations

In its submission to the Tink Review, the NSW Police Force acknowledged that external investigation powers are an essential part of police accountability, are in the public interest and are warranted where allegations of serious or systemic police misconduct are made. The Tink Report accepted that the new oversight body “must have a suite of royal commission type powers” and recommended the body have significant powers to conduct covert operations and public hearings so that it has the capability to prevent, detect and investigate serious police misconduct. Investigations of serious misconduct may be conducted on the LECC’s own initiative.

The integrity arm of the LECC will take over from the PIC responsibility for detecting and investigating allegations of misconduct.

The *nature and type of the LECC’s investigative powers* will be the same as those of the PIC. Like the PIC, the LECC will have the powers of a standing Royal Commission and be able to use coercive powers. Under Part 6 of the LECC Bill, the LECC will have the same powers as the PIC to require the production of information, documents and other things, enter public premises, conduct examinations (whether in private or in public), compel evidence, punish for contempt, issue or obtain search warrants, and apply for surveillance device and telecommunications interception warrants. The attached table (**Attachment A**) sets out the relevant provisions of the LECC Bill and the equivalent current legislative provisions.

The *range of conduct* that may be the subject of an investigation by LECC will be slightly different.

Clause 51(1) of the LECC Bill sets out the conduct that the LECC may investigate.

(1) *The Commission may exercise its investigation powers in respect of conduct:*

- (a) *if the conduct concerned involves a police officer, administrative employee or Crime Commission officer and the Commission has decided that the conduct concerned is (or could be) serious misconduct or officer maladministration that is serious maladministration and should be investigated, or*
- (b) *if the conduct concerned involves the Commissioner of Police or a Deputy Commissioner of Police and is (or could be) police misconduct or officer maladministration, or*
- (c) *if the conduct concerned involves the Crime Commissioner or an Assistant Commissioner of the Crime Commission and is (or could be) Crime Commission officer misconduct or officer maladministration, or*
- (d) *if the conduct concerned is (or could be) agency maladministration, or*
- (e) *if both Houses of Parliament refer the conduct concerned to the Commission for investigation under section 196.*

With limited exceptions for Commissioners and agency maladministration, the LECC Bill confines the exercise of the Part 6 investigation powers to the investigation of serious misconduct and serious maladministration. Currently, the PIC can investigate all police officer misconduct, which includes a broad concept of maladministration. Section 13(2) of the PIC Act indicates that the PIC is “as far as practicable, required to turn its attention principally to serious officer misconduct”. The term “serious officer misconduct” is not defined in the PIC Act. In the LECC Bill, serious misconduct will be limited to one or more of the following:

- conduct that could result in the prosecution of a serious indictable offence (5 years imprisonment or more) or serious disciplinary action (termination, demotion or reduction in classification or grade)

- a pattern of misconduct or maladministration that involves more than one participant and is indicative of a systemic issue
- corruption.

Serious maladministration will be limited to conduct of a serious nature that is unlawful, unreasonable, unjust, oppressive, improperly discriminatory or arises out of improper motives.

The *range of conduct* that may be the subject of an investigation by LECC in relation to NSW Police Force administrative officers has been slightly broadened. The Police Integrity Commission is currently able to investigate only corrupt conduct by an administrative officer of the NSW Police Force, but both misconduct and corrupt conduct by a police officer. Corrupt conduct by an administrative officer includes criminal offences or conduct such as misconduct, irregularity or neglect of duty, which may constitute grounds for disciplinary action.

The LECC will be able to investigate serious misconduct and serious maladministration by an administrative officer of the NSW Police Force, giving the LECC slightly a broader remit than the PIC in relation to administrative officers. This will bring the LECC's oversight of administrative officers of the NSW Police Force into line with its oversight of police officers.

Specific provisions in the *Police Integrity Commission Act 1996* (NSW) which imposed some restrictions and preconditions on the PIC's oversight of Crime Commission officers have been removed, so that oversight of Crime Commission officers is also brought into line with that of police officers.

Finally, additional safeguards around the exercise of the LECC's investigative powers have been introduced. For example, decisions to investigate or to hold compulsory examinations in private must be made by a majority of Commissioners. The Police Integrity Commissioner currently makes these decisions.

The LECC will have comparable investigative powers to other anti-corruption and integrity bodies in Australia, such as the ICAC in NSW, the Independent Broad-based Anti-corruption Commission in Victoria, and the Corruption and Crime Commission in Western Australia.

## Telecommunications interception

The LECC will be able to apply for warrants in much the same circumstances that the PIC could. As outlined above, the LECC will have the same investigative powers as the PIC but in relation to the more narrowly defined matters of serious misconduct and serious maladministration. The TIA Act will still operate over the top of these definitions to limit warrant applications to prescribed offences.

The Bill will ensure the LECC can use lawfully intercepted information in line with the scope of its investigative functions, including to investigate serious misconduct and serious maladministration by NSW Police administrative officers. This will ensure that the LECC can oversight of the NSW Police Force as a whole, and is consistent with regimes in other States and Territories, such as the Independent Commissioner Against Corruption in NSW, the Independent Broad-based Anti-corruption Commission in Victoria, and the Corruption and Crime Commission in Western Australia.

The use of telecommunications interceptions is a necessary tool for law enforcement agencies, including the LECC. It is vitally important that law enforcement agencies and officers of law enforcement agencies act with integrity and uphold the law. The LECC will help ensure this by using its considerable investigations powers to investigate allegations of serious misconduct or serious maladministration in the NSW Police Force and NSW Crime Commission. This will include

allegations of criminal activity and corruption. Telecommunications interception powers will complement the suite of other powers the LECC will be given.

## Oversight of telecommunications interception activity in NSW

The LECC will be accountable to the Inspector of the LECC. The main functions of the Inspector of the LECC will mirror those of the Inspector of the PIC – including to audit the operations of the LECC for the purpose of monitoring compliance with the law of the State and to deal with conduct amounting to misconduct or maladministration on the part of LECC officers.

Section 35 of the TIA Act requires States to implement inspection and oversight regimes to ensure that investigative bodies comply with the record keeping requirements. These requirements are addressed by the arrangements for oversight by the Inspector of the LECC, which will be provided for in the *Telecommunications (Interception and Access) (New South Wales) Act 1987*, as amended by the LECC Bill.

The LECC Bill will transfer these functions from the NSW Ombudsman to the Inspector of the LECC. This change has been modelled on the Victorian Inspectorate.

The NSW Police Force and NSW Crime Commission are the main agencies that use telecommunications interception warrants, surveillance device warrants, controlled operations warrants and other covert powers. In comparison, the NSW ICAC and PIC generate a small amount of telecommunications interception and surveillance device material.

The inspection of records associated with the use of these warrants is an oversight activity.

One of the main aims of the LECC Bill is to unify the fragmented law enforcement oversight system and streamline the current arrangements. Given the Ombudsman will have no other role in overseeing the NSW Police Force, leaving this aspect of law enforcement oversight with the Ombudsman would be inconsistent with the policy behind establishing the LECC.

The LECC cannot inspect these records as the LECC will also use these types of warrants. The Inspector of the LECC will not have power to apply for these types of warrants and is therefore best placed to inspect the agencies' records.

The Inspector of the LECC will inspect the records for all relevant agencies, including the ICAC. To duplicate the skills and experience required for both the Inspector of the LECC and the Inspector of the ICAC to perform this function would be costly and inefficient. The Inspector of the LECC will have no other role in relation to the ICAC.

## Omission from Inspector's powers

We draw the Committee's attention to an apparently inadvertent omission from the definition of permitted purpose for the Inspector of the LECC (Schedule 1, Part 2, Item 12 – subsection 5(1), para (dc) of "permitted purpose"). The words "agency maladministration" have been omitted from the definition.

Previously, the Inspector of the PIC's permitted purpose included "misconduct on the part of the PIC", and this is equivalent to the newly defined term "agency maladministration". Excluding agency maladministration on the part of the LECC from the definition of 'permitted purpose' would therefore narrow the LECC Inspector's ability to use telecommunications intercept material.

We hope that this can be rectified by an amendment in Parliament, to reflect the full scope of the Inspector's functions under 122(2)(b) of the LECC Bill. We have raised the issue at officer level with the Commonwealth Attorney-General's Department, and understand that the Government is considering our request.

## Attachment A

### Transfer of functions from the Police Integrity Commission and the Ombudsman to the Law Enforcement Conduct Commission

<p><b>Police Integrity Commission Act 1996</b>  <b>Part 8A of the Police Act 1990</b>  <b>Ombudsman Act</b></p>	<p><b>Law Enforcement Conduct Commission Bill 2016</b></p>
<p><b>Part 1 Preliminary</b>  1 Name of Act  2 Commencement  3 Principal objects of Act</p>	<p><b>Part 1 Preliminary</b>  1 Name of Act  2 Commencement  3 Objects of Act</p>
<p><b>121 Definitions</b>  4 Definitions  4(2) special legal qualifications  <b>5A Ombudsman Act</b>  51(2) Assisting Commission  10(7) approved former police officer</p>	<p><b>Part 2 Interpretation and key concepts</b>  4 Definitions  5 Special legal qualifications  6 Presiding Officers  7. assisting Commission  8 Former police of other jurisdictions</p>
<p>5 Police misconduct  5A Corrupt conduct of administrative officers  5B Misconduct of Crime Commission officers  <b>121 – 123 Police Act (122 Application of Part to certain complaints)</b>  <b>12, 13, 26(1) – agency maladministration - Ombudsman Act</b></p>	<p><b>Part 2 Division 2 Key Concepts</b>  9 Police misconduct, admin employee misconduct, CC officer misconduct  10 Meaning of “serious misconduct”  11 Maladministration  12 Meaning of “complainant” and “complaint”  13 Misconduct information - new  14 Misconduct matters management guidelines  15 Coercive examination powers - new  16 Nominated contact of an agency - new</p>
<p><b>Part 2 Constitution of Commission</b>  6 Commission  7 Commissioner  8 Assistant Commissioners  9 Functions of Assistant Commissioner  10 Staff  11 Delegation  17 Task forces</p>	<p><b>Part 3 Constitution and management of Commission</b>  17 Constitution of Law Enforcement Conduct Commission (PIC 6(1))  18 The Commissioners (PIC 7 and Schedule 1)  19 Decisions of Commission (PIC 6(3) and new)  20 Assistant Commissioners (PIC 8, 9 and Sch 1)  21 Staff of Commission (PIC 10)</p>

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	<p>22 Independence of Commission and Commissioners</p> <p>23 Delegation (PIC 11)</p> <p>24 Task forces (PIC 17)</p>
<p>166 Limitation on delegation of functions by Ombudsman</p> <p>167 Exercise of Ombudsman's functions by officers of Ombudsman</p>	<p>23 Delegation (PIC 11)</p>
<p><b>Division 1 Functions generally</b></p> <p>13 Principal functions</p> <p>14 Other functions regarding police activities and education programs</p> <p>15 Other functions regarding evidence and information collected</p> <p>16 Provisions regarding assessments, opinions and recommendations</p> <p>19 Application of Criminal Assets Recovery Act 1990</p> <p>160 Inspection of records and reports</p>	<p><b>Part 4 Functions of Commission</b></p> <p>25 Functions of the Commission generally (PIC 6(2), 13)</p> <p>26 Functions with respect to misconduct matters</p> <p>27 Education and prevention (PIC13(1)(a), 14)</p> <p>28 Functions regarding evidence and information collected (PIC 15)</p> <p>29 Forming opinions and making recommendations (PIC 16)</p> <p>30 Disciplinary proceedings – taking action based on Commission's opinion (ICAC 114A)</p> <p>31 Application of Criminal Assets Recovery Act (PIC 19)</p> <p>32 Inspection of records and reports (Police 160)</p>
	<p><b>Part 5 Dealing with misconduct matters</b></p>
<p>75D Duty to notify Commission of possible officer misconduct</p> <p>134 Complaints referred by ICAC or NSW Crime Commission</p> <p>135 Complaints referred by Minister</p> <p>136 Complaints made by member of Parliament</p>	<p><b>Division 1 Investigation powers generally</b></p> <p>33 Duty to notify Commission of possible misconduct and serious maladministration</p> <p>34 Referral of other misconduct matters to Commission (Streamlining 134, 135, 136))</p>
<p>135 Complaints by public officials</p> <p>126 Right to make complaint</p> <p>127 Making of complaints (new 124)</p> <p>124 Application of Part to anonymous complainants (new 126)</p> <p>142 Ombudsman may request further information from complainant</p> <p>143 Ombudsman may request further</p>	<p><b>Division 2 Making complaints</b></p> <p>35 Making complaints to Commission (126)</p> <p>36 Complaint to be in writing (127)</p> <p>37 Anonymous complaints (124, 127(6))</p> <p>38 Complaints made by prisoners (127(8))</p> <p>39 Member of Parliament may make complaint on behalf of complainant (127(7))</p> <p>40 Commission may request further information</p>



<p>information from other persons</p>	<p>from complainant (142) 41 Commission may request further information from other persons (143)</p>
<p>130 Complaints received by Commissioner 131 Complaints received by Police Integrity Commission 132 Complaints received by Ombudsman 137 Multiple handling of complaints</p>	<p><b>Division 3 Dealing with misconduct matters generally</b> 42 Notice of notifiable misconduct matters to be given to Commission (130) 43 Notice of misconduct matters to be given by Commission (132,137)</p>
<p>133 Complaints lodged at Local Court</p>	<p>Streamlined into 36(3)</p>
<p><b>Division 5 Investigation by Commissioner</b> 140 Decision of Ombudsman as to investigation of complaint 70 Powers of Commission in respect of police complaints 71 Commissioner of Police to be notified of take over or referral of investigation 74 Termination of police investigations 75 This Part does not require matters to be disclosed by Commission 141 Factors affecting decision as to investigation of complaint  77 Referral of matter  13A Ombudsman Act (conciliation) 129 Registration of complaints (stays ) 138 Action on complaint not affected by failure to comply with Division (new 142)</p>	<p>44 Dealing with misconduct matters (70, 71, 74, 75, 77, 140)  45 Factors affecting decision to investigate misconduct matters and referral for police or Crime Commission investigation (141) 46 Factors affecting decision to investigate serious misconduct or serious maladministration (new) 47 Referral of misconduct matters for police or Crime Commission investigation (multiple) 48 Dealing with complaint by alternative dispute management (Ombudsman s13A) 49 Registration of misconduct matters (129) 50 Action on misconduct matter not affected by failure to comply with Part (138)</p>
<p>128 Complaints information system (stays) 144 Investigation of complaints (stays – new 135) 145 Conduct of investigation (stays – new 136)</p>	

<p>148 Proceedings to be instituted if warranted (stays – new 139)</p> <p>149 Other police investigations not affected (stays – new 141)</p>	
<p><b>Division 2 Investigations</b></p> <p>23 Investigations generally</p> <p>75A Complaints about possible corrupt conduct of administrative officers</p> <p>75C Complaints about possible misconduct of Crime Commission officers</p> <p>24 Preliminary investigations</p> <p><b>Division 7 Investigation by Ombudsman</b></p> <p>156 Investigation of complaint under Ombudsman Act 1974</p> <p>159 Investigation of conduct not the subject of a complaint</p> <p>148A Commissioner or Ombudsman may decide to take no further action new 140</p>	<p><b>Part 6 Investigation powers</b></p> <p><b>Division 1 Investigation powers generally</b></p> <p>51 Exercise of investigation powers (PIC 13(1)(b) and (2), 23,32, 75A, 75C; Ombudsman 13, 19, Police 159)</p> <p>52 Preliminary investigation (PIC 24)</p> <p>53 Discontinuance or conclusion of investigation (Police Act 148A, Ombudsman 13(3) and (4A) and 15)</p>
<p><b>Division 3 Obtaining information, documents and other things</b></p> <p>25 Power to obtain information</p> <p>26 Power to obtain documents or other things</p> <p>27 Privilege as regards information, documents or other things</p> <p>28 Self-incrimination</p> <p>29 Power to enter public premises</p> <p>30 Injunctions</p> <p>31 Powers exercisable whether or not hearings being held</p> <p><b>Division 4 Hearings</b></p> <p>32 Hearings</p> <p>33 Public and private hearings</p> <p>12 Counsel assisting Commission</p> <p>34 Right of appearance of affected person</p> <p>35 Legal representation</p> <p>36 Groups and unincorporated associations</p> <p>37 Examination and cross-examination of</p>	<p><b>Division 2 Powers to obtain information, documents and other things</b></p> <p>54 Power to obtain information (PIC 25)</p> <p>55 Power to obtain documents or other things (PIC26)</p> <p>56 Abrogation of privileges (PIC 27)</p> <p>57 Self-incrimination (PIC 28)</p> <p>58 Power to enter public premises (PIC 29)</p> <p>59 Injunctions (PIC 30)</p> <p>60 Powers exercisable whether or not examinations being held (PIC 31)</p> <p><b>Division 3 Examinations</b></p> <p>61 When may an examination be held (PIC 32)</p> <p>62 Examinations (PIC 32)</p> <p>63 Public and private examinations (PIC 33)</p> <p>64 Counsel assisting (Omb s19 (4), PIC 35 (3))</p> <p>65 Right of appearance of affected person (PIC 34)</p> <p>66 Legal representation (PIC 35)</p> <p>67 Groups and unincorporated associations (PIC 36)</p> <p>68 Examination and cross-examination of</p>

<p>witnesses</p> <p>38 Power to summon witnesses and take evidence</p> <p>20 Evidence and procedure</p> <p><b>Division 5 Attendance before Commission</b></p> <p>39 Arrest of witness</p> <p>39A Conditional release of witness</p> <p>39B Review by Supreme Court</p> <p>40 Privilege as regards answers, documents etc</p> <p>41 Declaration as to objection by witness</p> <p>42 Reimbursement of expenses of witnesses</p> <p>43 Legal and financial assistance for witness</p> <p>44 Attendance of prisoner before Commission</p> <p><b>Division 6 Search warrants</b></p> <p>45 Issue of search warrant</p> <p>46 Authority conferred by search warrant</p> <p>47 Seizure of other documents and things</p> <p>48 Application of search warrant provisions</p> <p>49 Obstruction of person executing search warrant</p> <p><b>Division 7 Surveillance device warrants</b></p> <p>50 Surveillance devices</p> <p><b>Division 8 Protection of witnesses and evidence</b></p> <p>51 Protection of witnesses and persons assisting Commission</p> <p>55 Indemnities and undertakings</p> <p><b>Part 11 Special powers and weapons</b></p> <p>122 Definitions</p> <p>123 Commission investigator who is seconded police officer or approved former police officer to have all powers of NSW police officer</p> <p>124 Firearms and other police equipment</p>	<p>witnesses (PIC 37)</p> <p>69 Power to summon witnesses and take evidence (PIC 38)</p> <p>70 Evidence and procedure (PIC 20)</p> <p><b>Division 4 Attendance before examining Commissioner</b></p> <p>71 Arrest of witness (PIC 39)</p> <p>72 Conditional release of witness (PIC 39A)</p> <p>73 Review by Supreme Court (PIC 39B)</p> <p>74 Abrogation of privilege as regards answers, documents and other things (PIC 40)</p> <p>75 Declaration as to objection by witness (PIC 41)</p> <p>76 Reimbursement of expenses of witnesses (PIC 42)</p> <p>77 Legal and financial assistance for witness (PIC 43)</p> <p>78 Appearance of inmate at examination (PIC 44)</p> <p><b>Division 5 Search warrants</b></p> <p>80 Issue of search warrant (PIC 45)</p> <p>81 Authority conferred by search warrant (46)</p> <p>82 Seizure of other documents and other things (47)</p> <p>83 Application of search warrant and other provisions (48)</p> <p>84 Obstruction of person executing search warrant (49)</p> <p><b>Division 6 Surveillance device warrants</b></p> <p>85 Surveillance devices (PIC 50)</p> <p><b>Division 7 Protection of witnesses and evidence</b></p> <p>86 Protection of witnesses and persons assisting Commission (PIC 51)</p> <p>87 Indemnities and undertakings (PIC 55)</p> <p><b>Division 8 Special powers and weapons</b></p> <p>88 Definitions (PIC 122)</p> <p>89 Commission investigator who is seconded police officer or approved former police officer to have all powers of NSW police officer (PIC 123)</p> <p>90 Firearms and other police equipment (PIC 124)</p>
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<p><b>Part 10 Contempt of Commission</b></p> <p>117 Definition</p> <p>118 Contempt</p> <p>119 Punishment of contempt</p> <p>120 General provisions regarding contempt</p> <p>120A Conditional release of offender</p> <p>120B Review by Supreme Court</p> <p>121 Act or omission that is both an offence and contempt</p> <p>21 Court proceedings</p>	<p><b>Division 9 Contempt</b></p> <p>91 Definitions (PIC 117)</p> <p>92 Contempt (PIC 118)</p> <p>93 Punishment of contempt (PIC 119)</p> <p>94 General provisions regarding contempt (PIC 120)</p> <p>95 Conditional release of contemnor (PIC 120A)</p> <p>96 Review by Supreme Court (PIC 120B)</p> <p>97 Act or omission that is both an offence and contempt (PIC 121)</p> <p><b>Division 10 Miscellaneous</b></p> <p>98 Investigation when other proceedings on foot (PIC 21)</p>
<p><b>Division 6 Procedures following investigation by Commissioner</b></p> <p>139 Decision of Commissioner as to investigation of complaint (stays – new 131)</p> <p>150 Information to be sent to complainant and Ombudsman (stays – new 137)</p> <p>146 Ombudsman may monitor investigation</p> <p>151 Ombudsman may request information concerning complaint</p> <p>152 Ombudsman may request information concerning investigation of complaint</p> <p>153 Ombudsman may request further investigation of complaint</p> <p>154 Ombudsman may request review of Commissioner’s decision on action to be taken on complaint</p>	<p><b>Part 7 Oversight of police and Crime Commission investigations</b></p> <p>98 Application of Part (Police 122)</p> <p>99 Decision of Commissioner of Police as to investigation of notifiable misconduct matter relating to police misconduct or officer maladministration or agency maladministration (Police 139)</p> <p>100 Decision of Crime Commissioner as to investigation of notifiable misconduct matter relating to Crime Commission officer misconduct, officer maladministration or agency maladministration</p> <p>101 Commission may monitor investigation</p> <p>102 Commission may request information concerning misconduct matter</p> <p>103 Commission may request information concerning investigation of misconduct matter</p> <p>104 Commission may request further investigation of misconduct matter</p> <p>105 Commission may request review of decision on action to be taken on misconduct matter</p> <p>106 Discontinuance of oversight</p> <p>107 Exercise of oversight powers (PIC 13(5)-(6))</p>

<p><b>Part 5 Referral of matters</b></p> <p><b>Division 1 Referral to police or NSW Crime Commission</b></p> <p>76 Definitions</p> <p>78 Report to Commission</p> <p>79 Further action by Commission</p> <p>79A Referrals to Crime Commission—further action by PIC</p> <p>80 Responsibility of police authority or the Crime Commission</p> <p>81 Revocation of referral, recommendation etc</p>	<p><b>Corresponds to Part 7</b></p>
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<p><b>Part 6 Inspector of the Police Integrity Commission</b></p> <p>88 Inspector of the Police Integrity Commission</p> <p>88A Assistant Inspector</p> <p>88B Dual appointments (deleted)</p> <p>89 Principal functions of Inspector</p> <p>90 Powers of Inspector</p> <p>135 Complaints by public officials</p> <p>91 Inquiries</p> <p>93 Incidental powers</p> <p>92 Staff of Inspector</p> <p>93A Former officers of the Commission</p>	<p><b>Part 9 Inspector of the Commission</b></p> <p>120 Inspector of the Law Enforcement Conduct Commission</p> <p>121 Assistant Inspector</p> <p>122 Functions of Inspector</p> <p>123 Exercise of functions by Inspector</p> <p>124 Powers of Inspector</p> <p>125 Complaints by public officials</p> <p>126 Inquiries</p> <p>127 Incidental powers</p> <p>128 Staff of Inspector</p> <p>129 Former officers of the Commission</p>
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<p><b>Part 8 Reports</b></p> <p><b>Division 1 Reports by Commission</b></p> <p>96 Reports on investigations</p> <p>97 Content of reports to Parliament</p> <p>155 Ombudsman may report on Commissioner's decision on Ombudsman's request</p>	<p><b>Part 11 Reports</b></p> <p><b>Division 1 Reports by Commission</b></p> <p>132 Reports on examinations</p> <p>133 Content of reports to Parliament</p> <p>134 Commission may report on Commissioner of Police's or Crime Commissioner's decision on Commission's request</p> <p>135 Report following Commission's investigation of</p>

<p><b>157 Report following Ombudsman's investigation</b></p> <p>100 Reports relating to authorities</p> <p>18A Reports concerning proposed police appointments</p> <p>98 Special reports</p> <p><b>161 Special reports by Ombudsman</b></p> <p>99 Annual reports</p>	<p>misconduct matter relating to police</p> <p>136 Report following Commission's investigation of misconduct matter relating to Crime Commission officer</p> <p>137 Reports concerning proposed police appointments</p> <p>138 Special reports of Commission</p> <p>139 Annual reports of Commission</p>
<p><b>Division 2 Reports by Inspector</b></p> <p>101 Special reports</p> <p>102 Annual reports</p>	<p><b>Division 2 Reports by Inspector</b></p> <p>140 Special reports</p> <p>141 Annual reports</p>
<p><b>Division 3 General</b></p> <p>103 Provisions relating to reports</p> <p><b>169 Provisions relating to reports furnished to Parliament</b></p> <p>137A Persons to be heard</p> <p><b>147 Reports to complainant</b></p> <p><b>161A Ombudsman may omit matter from reports</b></p> <p><b>158 Notification of proposed action on reports</b></p>	<p><b>Division 3 General</b></p> <p>142 Provisions relating to reports furnished to Parliament</p> <p>143 Persons to be heard</p> <p>144 Report to complainant</p> <p>145 Commission or Inspector may omit matter from reports</p> <p>146 Notification of proposed action on reports</p>
<p><b>Part 9 Certain offences</b></p> <p><b>167A Offence of making false complaint or giving false information</b></p> <p>104 Obstruction of Commission or Inspector</p> <p>105 Public and private hearings</p> <p>106 Failure to attend etc</p> <p>107 False or misleading evidence</p> <p>108 Offences relating to documents or other things</p> <p>109 Procuring false testimony by witness</p> <p>110 Bribery of witness</p> <p>111 Fraud on witness</p> <p>112 Preventing witness from attending and threats to witnesses</p> <p>113 Injury to witness or person assisting</p>	<p><b>Part 12 Offences</b></p> <p>147 Offence of making false complaint or giving false information (Police 167A)</p> <p>148 Obstruction of Commission or Inspector</p> <p>149 Public and private examinations</p> <p>150 Failure to attend and other offences</p> <p>151 False or misleading evidence</p> <p>152 Offences relating to documents or other things</p> <p>153 Procuring false testimony by witness</p> <p>154 Bribery of witness</p> <p>155 Fraud on witness</p> <p>156 Preventing witness from attending and threats to witnesses</p> <p>157 Injury to witness or person assisting Commission or examining Commissioner</p> <p>158 Dismissal of witness, or person assisting</p>

<p>Commission</p> <p>114 Dismissal of witness, or person assisting Commission, by employer</p> <p>115 Impersonation of officer of Commission</p> <p>116 Bribery of officer of Commission</p>	<p>Commission, by employer</p> <p>159 Impersonation of officer of Commission</p> <p>160 Bribery of officer of Commission</p>
<p>18 Co-operation with other agencies</p> <p><b>Division 2 Referral to other authorities or persons</b></p> <p>82 Definition</p> <p>83 Referral of matter</p> <p>85 Report to Commission</p> <p>87 Role of relevant authority</p> <p>84 Referral of matter for action under confiscation legislation</p> <p>86 Further action by Commission</p> <p><b>Part 12 Relationship of Commission with other agencies</b></p> <p>125 Relationship with Ombudsman regarding conduct of PIC</p> <p>126 Relationship with ICAC regarding conduct of PIC</p> <p>127 Statutory notification by PIC to ICAC</p> <p>128 Notification of police complaints by ICAC to Ombudsman or PIC</p> <p>129 Functions of ICAC where police officers, Crime Commission officers or administrative officers involved</p> <p>130 Functions of PIC where other public officials involved</p> <p>131 Arrangements between PIC and ICAC</p> <p>132 Other roles of ICAC not affected</p> <p>133 Relationship with Auditor-General</p>	<p><b>Part 13 Relationship of Commission with other agencies</b></p> <p>161 Co-operation with other agencies</p> <p>162 Referral of matter to other authorities (83, 85, 87)</p> <p>163 Referral of matter for action under confiscation legislation (PIC 84)</p> <p>164 Further action by Commission</p> <p>165 Relationship with Ombudsman (PIC 125)</p> <p>166 Relationship with ICAC regarding conduct of Commission (PIC 126)</p> <p>167 Statutory notification by Commission to ICAC (PIC 127)</p> <p>168 Notification of police complaints by ICAC to Commission (cf PIC 128)</p> <p>169 Functions of ICAC where police officers, Crime Commission officers or administrative employees involved (PIC Act 129)</p> <p>170 Functions of Commission where other public officials involved (cf PIC 130)</p> <p>171 Arrangements between Chief Commissioner and ICAC (PIC 131)</p> <p>172 Other roles of ICAC not affected (PIC 132)</p> <p>173 Relationship with Auditor-General (PIC 133)</p> <p>174 Roles of Coroner and WorkCover not affected by Commission oversight of critical incident investigations (new)</p>

<p>52 Restriction on publication of evidence</p> <p>53 Publication of evidence given at private hearing</p> <p>54 Disclosures prejudicing investigations</p> <p>163 Ombudsman not to publish certain information</p> <p><b>Division 9 Secrecy, disclosure, admissibility</b></p> <p>56 Secrecy</p> <p>164 Application of section 34 of Ombudsman Act 1974</p> <p>34 Secrecy (Ombudsman Act)</p> <p>57 Disclosure of information and giving of evidence by Ombudsman to Commission</p> <p>165 Ombudsman and officers of Ombudsman not competent or compellable witnesses in respect of certain matters</p> <p>58 Disclosure of information and giving of evidence by Police Royal Commission to Commission (repealed)</p> <p>59 Disclosure of information and giving of evidence by Commission to Police Royal Commission (repealed)</p> <p>60 Disclosure of information and giving of evidence by Commission to Ombudsman (repealed)</p> <p>61 Secrecy provisions in other Acts (repealed and amendments made to the other Acts)</p> <p>62 Admissibility of documents relating to complaints about police</p> <p>64 Telecommunications (Interception) (New South Wales) Act 1987</p> <p>66 Privacy and Personal Information Protection Act 1998</p> <p>162 Consultation with Minister</p> <p>169A Identity of complainant not to be disclosed</p>	<p><b>Part 14 Secrecy and confidentiality</b></p> <p>175 Definitions</p> <p>176 Disclosure and use of examination material</p> <p>177 Disclosure and use of evidence given at examination</p> <p>178 Disclosures prejudicing investigations</p> <p>179 Commission not to disclose critical police or Crime Commission information</p> <p>180 Secrecy</p> <p>181 Disclosure of information and giving of evidence by Ombudsman to Commission</p> <p>182 Officers of Commission not compellable witnesses in respect of certain matters</p> <p>183 Admissibility of documents relating to complaints about police</p> <p>184 Telecommunications (Interception and Access) (New South Wales) Act 1987</p> <p>185 Privacy and Personal Information Protection Act 1998</p> <p>186 Consultation with Minister</p> <p>187 Identity of complainant not to be disclosed</p>
<p><b>Part 13 Miscellaneous</b></p>	<p><b>Part 15 Miscellaneous</b></p>



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<p>136 Act binds Crown</p> <p>136A Vetting of prospective staff or consultants</p> <p>136B Safeguards relating to use of vetting information (repealed - spent)</p> <p>137 Protection from liability</p> <p>138 Disclosure of pecuniary interests and other matters</p> <p>139 Service of documents</p> <p>140 Penalties for offences committed by corporations</p> <p>141 Proceedings for offences</p> <p>142 Exercise of functions by police</p> <p>145 Parliament</p> <p>143 Regulations</p> <p>146 Review of Act</p>	<p>188 Act to bind Crown</p> <p>189 Vetting of prospective staff or consultants</p> <p>190 Exclusion of personal liability</p> <p>191 Disclosure of pecuniary interests and other matters</p> <p>192 Service of documents</p> <p>193 Penalties for offences committed by corporations</p> <p>194 Proceedings for offences</p> <p>195 Exercise of functions by police</p> <p>196 References by Parliament</p> <p>197 Regulations</p> <p>198 Review of Act</p>
<p><b>Division 9 Miscellaneous</b></p> <p>170 Certain documents privileged</p> <p>171 Part not to affect police officers' other powers and duties</p> <p>172 Use of Federal and interstate police for investigations</p>	<p>170 Remains in Police Act (amended for consistency)</p> <p>171 Remains in Police Act</p> <p>172 Remains in Police Act (amended for consistency)</p>