

**POLICE SERVICE (MANAGEMENT) AMENDMENT  
BILL 1993\***

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are:

- (a) to alter the role and Composition of the Police Board; and
- (b) to alter the employment arrangements of the Commissioner of Police; and
- (c) the making of reports or recommendations to the Minister on any matter referred to it by the Minister.

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**Role of Police Board**

Under the Bill, the Commissioner of Police will have clear responsibility for the management and control of the Police Service. Accordingly, the Police Board will no longer have general statutory responsibility in connection with the improvement of the Police Service and its efficiency and performance. The Board will retain its principal statutory role in the following areas:

- (a) the employment of Police Service senior executive officers and the appointment and promotion of other commissioned police officers;
- (b) the supervision and promotion of career development and training for all members of the Police Service;
- (c) the making of reports or recommendations to the Minister on any matter referred to it by the Minister.

The Board will also be able to make its own reports or recommendations to the Minister arising from the exercise of its functions (including reports or recommendations concerning the integrity of members of the Police Service). The Board will retain its power to enter police premises, inspect police documents and question police officers.

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\* Amended in Committee — see table at end of volume.

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### **Composition of Police Board**

At present the Police Board consists of a full-time or part-time Chairperson, the commissioner and between 1 and 3 part-time members. Under the Bill, the Board will consist of a part-time Chairperson, the Commissioner, the Director-General of the Ministry for Police and between 2 and 4 part-time members. However, the Commissioner and the Director-General will not be voting members of the Board and may be excluded from particular meetings of the Board. The existing members of the Board are not continued in office, but are eligible for re-appointment.

### **Employment arrangements of Commissioner of Police**

Generally speaking, the employment of the Commissioner of Police will be placed on the same basis as that of other chief executive officers of government agencies. In particular:

- (a) **Appointment.** The Commissioner will continue to be appointed by the Governor on the recommendation of the Minister. The Minister will continue to be required to obtain and have regard to a recommendation from the Police Board of the applicant with the greatest merit. However, the Board will not be able to limit advertising for the position to police officers, but will be able to dispense with advertising the position if it decides to recommend the re-appointment of the Commissioner. In addition, the Parliamentary Joint Committee on the ICAC will be given an opportunity to report to the Minister on the integrity of the person proposed to be appointed (or re-appointed).
- (b) **Term of appointment.** All future appointments to the office of Commissioner will be for a maximum (renewable) term of 5 years, as is the case with other chief executive officers. At present a police officer who is appointed as Commissioner is appointed until the age of 65 years.
- (c) **Contract of employment and remuneration.** The Commissioner (as is the case with other chief executive officers) will be required to enter into a contract of employment with the Minister for the term of appointment that will deal with the duties of the position, the performance criteria and division of the remuneration package between salary and employment benefits. The amount of the remuneration package will be set by the Statutory and Other Offices Remuneration Tribunal.
- (d) **Removal from office.** At present the Commissioner may only be removed from office by the Governor for misbehaviour or incompetence if both Houses of Parliament agree. The Governor may also remove the Commissioner from office for engaging in other unauthorised paid employment, unauthorised absence from work, becoming bankrupt or becoming mentally ill. Under the Bill (as is the case with other chief executive officers) the Commissioner may be removed from office at any time for any reason on the recommendation of the Minister. However, the Commissioner may not be removed from office unless the Chairperson of the Police Board concurs in the recommendation of the Minister.
- (e) **Existing Commissioner.** The Commissioner holding office on the commencement of the proposed Act will be appointed by that Act as Commissioner for a period of 5 years. Although Commissioner Lauer was appointed until the age of 65 years, if another Commissioner is holding office on that commencement and was appointed for a limited term or would reach 65 years before that 5 year period, the statutory appointment would be limited to

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the balance of the term or until the age of 65 years. A Commissioner continued in office by this provision will still be required to enter into a contract of employment with the Minister and will be subject to the new employment and removal provisions during that statutory term of office and on any proposed re-appointment.

**Transfer of Inspector General**

The position of Inspector General is to be transferred from the Police Service to the Ministry for Police. The incumbent officer is to be continued in office for the balance of his term of office. The Inspector General will retain the power to enter police premises, inspect police documents and question police officers.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be proclaimed.

**Clause 3** gives effect to Schedule 1 which contains the amendments to the Police Service Act 1990 described above.

**Clause 4** gives effect to Schedule 2 which contains consequential amendments to other Acts and repeals an Act validating the original appointment of the Inspector General.

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