

c2016-074G  
CDP--Christian Democratic Party (Fred Nile Group)

## LEGISLATIVE COUNCIL

### Law Enforcement Conduct Commission Bill 2016

#### First print

#### Proposed amendments

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No. 1 **Use of compelled evidence**

Page 34, clause 57 (2), line 42. Insert "This subsection extends to any further information, document or other thing obtained as a direct or indirect consequence of the statement, document or other thing produced." after "and (5)).".

No. 2 **Use of compelled evidence**

Page 41, clause 74 (3), line 6. Omit "is admissible in evidence". Insert instead "may be used".

No. 3 **Use of compelled evidence**

Page 41, clause 74 (3). Insert after line 11:

This subsection extends to any further information, document or other thing obtained as a direct or indirect consequence of the answer made or document or other thing produced.

No. 4 **Police Act amendment**

Page 124, Schedule 5.1 [37], lines 3–14. Omit all words on those lines.

No. 5 **Disclosures by law enforcement officers**

Page 136, Schedule 6.16. Insert after line 17:

**[1] Section 15A Disclosures by law enforcement officers**

Omit "alleged indictable offences" and "alleged indictable offence" wherever occurring.

Insert instead "alleged offences" and "alleged offence", respectively.

**[2] Section 15A (1A)**

Omit the subsection. Insert instead:

(1A) The duty of disclosure arises only if the Director exercises any function under this Act with respect to the prosecution of the offence (including in connection with a law enforcement officer seeking advice from the Director under section 14A of the *Criminal Procedure Act 1986* about the commencement of proceedings for an offence).

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**[3] Section 15A (6)–(8)**

Omit the subsections. Insert instead:

- (6) The duty imposed by this section does not require law enforcement officers to provide to the Director any information, documents or other things:
  - (a) that are the subject of a claim of privilege, public interest immunity or statutory immunity, or
  - (b) that would contravene a statutory publication restriction if so provided.
- (7) The duty of a law enforcement officer in such a case is to inform the Director of:
  - (a) the existence of any information, document or other thing of that kind, and
  - (b) the nature of that information, document or other thing and the claim or publication restriction relating to it.

However, a law enforcement officer must provide to the Director any information, document or other thing of that kind if the Director requests it to be provided.

No. 6 **Disclosures by law enforcement officers**

Page 136, Schedule 6.17. Insert after line 36:

**[2] Schedule 1 Disclosure certificate (for prosecutions and advisings)**

Insert “or summary” after “indictable” wherever occurring.

**[3] Schedule 1**

Insert “if the DPP is involved in the prosecution of the offence” after “all relevant material” in the matter appearing under the heading “**Acknowledgement**”.

**[3] Schedule 1**

Omit “but only to the extent not prohibited by the statutory prohibition certificate” in the matter appearing under the heading “**Certification**”. Insert instead “and provide the material to the DPP on request”.