

c2016-080B
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Law Enforcement Conduct Commission Bill 2016

First print

Proposed amendments

No. 1 Age of Chief Commissioner

Page 14, clause 18. Insert after line 16:

- (4) A person is not eligible to be appointed as Chief Commissioner or to act in that office if the person has reached the age of 72 years, and may not be appointed for any period that extends beyond the day on which the person reaches the age of 72 years.

No. 2 Decisions of Commissioners

Pages 14 and 15, clause 19, line 27 on page 14 to line 9 on page 15. Omit all words on those lines. Insert instead:

19 Exercise of Commission's functions

- (1) Except as otherwise provided by this section, the functions of the Commission are exercisable by a Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by a Commissioner is taken to have been done by the Commission.
- (2) A decision of the Commission to exercise any of the following functions must be authorised by the Chief Commissioner and at least one other Commissioner:
- (a) a decision under sections 44 (1) (a) and 51 (1), made after taking into account the relevant factors set out in sections 45 and 46, that conduct is (or could be) serious misconduct, serious maladministration, police misconduct, Crime Commission officer misconduct, officer maladministration or agency maladministration and should be investigated,
 - (b) a decision to hold an examination under Division 3 of Part 6 (except where there is a duty to hold an examination into conduct referred by Parliament for investigation under section 196),
 - (c) a decision under Division 3 of Part 6 to hold an examination (or part of an examination) in public,
 - (d) a decision under section 79 (2) that there are reasonable grounds to issue a search warrant,
 - (e) a decision under section 23 (1) to delegate a function of the Commission.

(3) A decision of the Commission referred to in subsection (2) is presumed to have been duly authorised unless the contrary is established.

(4) Except as provided by subsection (2), a decision of the Chief Commissioner prevails in the event of an inconsistency in the decisions of Commissioners with respect to a matter.

No. 3 **Exercise of investigative powers**

Page 32, clause 51 (1) (a), line 8. Insert “or, though not serious misconduct or serious maladministration, is conduct of such a nature that it should be investigated” after “investigated”.

No. 4 **Examinations**

Page 36, clause 62 (1), line 26. Insert “, the Commissioner for Oversight” after “Integrity”.

No. 5 **Monitoring conduct of critical incident investigations**

Page 59, clause 114 (3) (c), lines 8 and 9. Omit “with the consent of the person being interviewed and the senior critical incident investigator,”.

No. 6 **Conferral with critical incident investigators**

Page 60, clause 115 (6), lines 15–17. Omit all words on those lines. Insert instead:

(6) For the purposes of exercising its monitoring function in relation to a critical incident, the Commission may confer with the nominated contact for the critical incident and any police officers investigating the critical incident.

No. 7 **Publication of critical incident investigation advice**

Page 61, clause 117 (8), line 26. Insert “and at any other time if it considers a critical incident investigation has not been completed in a reasonable period and that it is in the public interest to publish the advice” after “investigation”.