

LEGISLATIVE COUNCIL

Law Enforcement Conduct Commission Bill 2016

First print

Proposed amendments

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- No. 1 **Investigation of police misconduct matters**  
Page 28, clause 44 (9), line 38. Omit “Except as provided by section 113 (6), the Commissioner must”. Insert instead “The Commissioner may”.
- No. 2 [*Amendments 2 and 3 are alternatives to amendments 7 and 8*]  
**Investigation of critical incidents by Commission**  
Page 32, clause 51 (1), line 18. Insert the end of the line:  
, or  
(f) in the case of a critical incident, if the Commission decides that it is in the public interest that it investigates the incident or investigate it concurrently with an investigation being carried out by the NSW Police Force.
- No. 3 **Investigation of critical incidents by Commission**  
Page 32, clause 51. Insert after line 45:  
(6) The Commission may decide to investigate a critical incident despite section 44 (9).  
(7) If the Commission decides to investigate a critical incident, the Commission:  
(a) must notify the Commissioner of Police of its decision to investigate the incident, and  
(b) may require the Commissioner of Police to postpone any investigation of the incident by the NSW Police Force until the Commission advises that the NSW Police Force may proceed with its investigation.
- No. 4 **Declaration of critical incident**  
Page 57, clause 111 (1), line 18. Omit “may”. Insert instead “must”.
- No. 5 **Declaration of critical incident**  
Page 57, clause 111 (2), line 27. Omit “may”. Insert instead “must”.
- No. 6 **Investigation of police misconduct matters**  
Page 58, clause 113 (6), line 30. Omit “despite section 44 (9)”.

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No. 7 **Investigation of critical incidents by Commission**

Page 58, clause 114, line 38. Insert “**or conduct own investigation**” after “**investigation**”.

No. 8 **Investigation of critical incidents by Commission**

Page 58, clause 114. Insert after line 40:

- (2) The Commission may also, if it believes that it is appropriate to do so because of the circumstances of the case or the seriousness of the issues involved:
  - (a) conduct its own investigation of a critical incident, or
  - (b) take over an investigation by the NSW Police Force of a critical incident.

No. 9 **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. 10 **Transfer of staff**

Page 111, Schedule 3. Insert after line 42:

**17 Staff transfers—preservation of remuneration and other conditions of employment**

The following applies in relation to a Public Service employee who is transferred to the Office of the Law Enforcement Conduct Commission:

- (a) the transfer is to be made at the person’s existing level of remuneration, unless the person consents to a transfer at a lower level of remuneration,
- (b) the person is, on being transferred, entitled to the conditions of employment applicable to the person as a Public Service employee immediately before the transfer, until such time as further provision is made in respect of the person’s employment under any law.