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LEGISLATIVE COUNCIL

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Law Enforcement Conduct Commission Bill 2016

First print

Proposed amendments

No. 1 **Transfer of Operation Prospect records**

Page 109, Schedule 3, clause 7. Insert after line 32:

- (3) As soon as practicable after the date of assent to this Act, the Ombudsman must transfer all Ombudsman records relating to Operation Prospect to the Commission.
- (4) The Commission is to maintain the Operation Prospect transferred records as a discrete part of its records until the end of the period of 10 years after the date of assent to this Act (the *access embargo period*).
- (5) The Commission must ensure that no person is given access to the Operation Prospect records transferred to it under this clause during the access embargo period except to the extent necessary for the maintenance of the records as required by subclause (4).

No. 2 **Secrecy and confidentiality of Operation Prospect transferred records**

Page 109, Schedule 3, clause 8. Insert after line 44:

- (2) Subclause (1) ceases to apply to and in respect of a transferred record relating to Operation Prospect to which section 19A, 19B, 19C or 34 of the Ombudsman Act applied before the commencement of this clause at the end of the access embargo period referred to in clause 7.

No. 3 **Termination of Operation Prospect**

Page 111, Schedule 3, clause 16, lines 22–40. Omit all words on those lines. Insert instead:

- (1) On the date of assent to this Act, Operation Prospect is terminated and accordingly the Ombudsman must discontinue any investigation relating to that inquiry and must not exercise any other function or take any further action (including making any report) in relation to that inquiry and no proceedings for an offence arising out of that inquiry may be commenced.
- (2) Clause 6 does not authorise the Commission to continue an investigation, inquiry or other matter relating to Operation Prospect commenced by the Ombudsman.