



New South Wales

Law Enforcement Conduct Commission Amendment Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Law Enforcement Conduct Commission Act 2016* (***the Act***) to provide for the maximum term a member of the Commission, an Assistant Commissioner or an alternate Commissioner may hold office for, and provide for when an office becomes vacant.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 substitutes Schedule 1, clause 3 of the Act to provide that a member of the Commission, an Assistant Commissioner or an alternate Commissioner may not hold an office for more than 5 years, or, if appointed to a combination of offices, for more than 10 years. The clause also amends Schedule 1, clause 7 of the Act to provide that an office becomes vacant if a person holds the office for more than 5 years or a combination of offices for more than 10 years.



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New South Wales

Law Enforcement Conduct Commission Amendment Bill 2021

No. , 2021

A Bill for

An Act to amend the *Law Enforcement Conduct Commission Act 2016* in relation to the terms of office, and a vacancy in office, of a member of the Commission, an Assistant Commissioner or an alternate Commissioner.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Law Enforcement Conduct Commission Amendment Act 2021*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Law Enforcement Conduct Commission Act 2016 No 61

(1) Schedule 1 Provisions relating to members of the Commission, Assistant Commissioners and alternate Commissioners

Omit clause 3. Insert instead—

3 Terms of office

- (1) Subject to this Schedule, a member of the Commission, an Assistant Commissioner or an alternate Commissioner (a *relevant office*) holds office for the term specified in the instrument of appointment and is eligible, if otherwise qualified, for re-appointment.
- (2) A person may not, including on an acting basis, hold—
 - (a) a relevant office for more than 5 years, or
 - (b) a combination of relevant offices for a total of more than 10 years.

(2) Schedule 1, clause 7(1)(c)

Omit “holds office in any office as a member of the Commission, Assistant Commissioner or alternate Commissioner for a term or terms exceeding 5 years in total, or”.

Insert instead—

holds—

- (i) the office for more than 5 years, or
- (ii) a combination of offices for a total of more than 10 years, or