



New South Wales

# Law Enforcement Conduct Commission Amendment Bill 2020

## 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 eligibility requirements for appointment of the Chief Commissioner and alternate Chief Commissioner of the Law Enforcement Conduct Commission.

## 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.

## Schedule 1      **Amendment of Law Enforcement Conduct Commission Act 2016 No 61**

**Schedule 1** makes amendments to—

- (a) the eligibility requirements for appointment of the Chief Commissioner and alternate Chief Commissioner of the Law Enforcement Conduct Commission to require that a person appointed to the office of Chief Commissioner or alternate Chief Commissioner has special legal qualifications, and
- (b) clarify when an office becomes vacant, and
- (c) make transitional arrangements.



New South Wales

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New South Wales

# Law Enforcement Conduct Commission Amendment Bill 2020

No. \_\_\_\_\_, 2020

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## A Bill for

An Act to amend the *Law Enforcement Conduct Commission Act 2016* in relation to the eligibility requirements for appointment of the Chief Commissioner and in relation to vacancy of offices.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Law Enforcement Conduct Commission Amendment Act 2020*.

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**2 Commencement**

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

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<b>Schedule 1</b>	<b>Amendment of Law Enforcement Conduct Commission Act 2016 No 61</b>	1
		2
<b>[1] Section 18 The Commissioners</b>		3
	Omit section 18(3).	4
<b>[2] Section 18(4)</b>		5
	Omit “Commissioner for Integrity or Commissioner for Oversight or to act in either office”.	6
	Insert instead “a Commissioner or to act in the office of a Commissioner”.	7
<b>[3] Schedule 1 Provisions relating to members of the Commission, Assistant Commissioners and alternate Commissioners</b>		8
		9
	Omit clause 1(3).	10
<b>[4] Schedule 1, clause 1(4)</b>		11
	Omit “of Commissioner (other than the Chief Commissioner)”.	12
	Insert instead “of a Commissioner”.	13
<b>[5] Schedule 1, clause 7(1)(k)</b>		14
	Insert “or under Part 6 of the <i>Government Sector Employment Act 2013</i> ” after “clause”.	15
<b>[6] Schedule 3 Savings, transitional and other provisions</b>		16
	Insert after Part 2—	17
<b>Part 3</b>	<b>Provision consequent on enactment of Law Enforcement Conduct Commission Amendment Act 2020</b>	18
		19
		20
<b>17</b>	<b>Creation of vacancy</b>	21
(1)	The removal from office of a person referred to in clause 7 of Schedule 1 under Part 6 of the <i>Government Sector Employment Act 2013</i> before the commencement of the relevant amendment is taken to have created a vacancy in that office as if clause 7, as amended by the relevant amendment, had been in force at the time of the removal.	22
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		26
(2)	In this clause—	27
	<i>relevant amendment</i> means Schedule 1[5] to the <i>Law Enforcement Conduct Commission Amendment Act 2020</i> .	28
		29