

**INDEPENDENT COMMISSION AGAINST CORRUPTION
(COMMISSIONER) ACT 1994 No. 61**

NEW SOUTH WALES



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**INDEPENDENT COMMISSION AGAINST CORRUPTION
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Act No. 61, 1994

An Act relating to the conditions of appointment of a Judge of the Supreme Court as Commissioner under the Independent Commission Against Corruption Act 1988. [Assented to 2 November 1994]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Independent Commission Against Corruption (Commissioner) Act 1994.

Commencement

2. This Act commences on the date of assent.

Interpretation

3. Words and expressions used in this Act have the same meanings as in the *Independent Commission Against Corruption Act 1988*.

Appointment of Supreme Court Judge as Commissioner

4. (1) This section applies to a person:

- (a) who was a Judge of the Supreme Court before being appointed as Commissioner (whether on a regular or an acting basis); and
- (b) whose resignation as a Judge took effect immediately before the appointment as Commissioner took effect; and
- (c) whose instrument of appointment as Commissioner declared that the person's commission as a Judge is to revive by force of this Act (or, in the case of an appointment that took place before the commencement of this Act, by force of legislation to be subsequently enacted and having that effect); and
- (d) who consented by letter to the Minister to the application of this Act (or, in the case of an appointment that took place before the commencement of this Act, to the application of any such legislation).

(2) The person's commission as a Judge revives by force of this Act when the person ceases to hold office as Commissioner. The person becomes a Judge of the Supreme Court again as from that time. This subsection does not apply in relation to any other judicial office held by the person.

(3) For the purposes of the Judges' Pensions Act 1953:

- (a) service by the person as Commissioner (including service as Commissioner before the commencement of this Act) is taken to be service as a Judge of the Supreme Court; and
- (b) references to a Judge or judicial office include references to the person in his or her capacity as Commissioner and the office of Commissioner; and

- (c) references to notional judicial salary are, in relation to the person while a Commissioner, references to the salary payable to the holder of a judicial office having a status equivalent to that of the judicial office held by the person immediately before being appointed as Commissioner.
- (4) Subsection (2) ceases to apply to the person if:
 - (a) the person so requests by letter to the Minister; or
 - (b) the person is removed from office as Commissioner by the Governor on the address of both Houses of Parliament (under clause 6 of Schedule 1 to the Independent Commission Against Corruption Act 1988) on the ground of proved misbehaviour or incapacity.
- (5) For the purposes of this section, a re-appointment of the person as Commissioner without a break is taken to be a continuation of the previous appointment as Commissioner.

*[Minister's second reading speech made in—
Legislative Assembly on 15 September 1994
Legislative Council on 26 October 1994]*