



New South Wales

Independent Commission Against Corruption Amendment (Commissioners) Regulation 2017

under the

Independent Commission Against Corruption Act 1988

His Excellency the Governor, with the advice of the Executive Council and on the recommendation of the Commissioner for the Independent Commission Against Corruption, has made the following Regulation under the *Independent Commission Against Corruption Act 1988*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to amend the *Independent Commission Against Corruption Regulation 2010* to make a transitional provision relating to the first appointment of the Chief Commissioner and other Commissioners of the Independent Commission Against Corruption who are to take office on the commencement of the *Independent Commission Against Corruption Amendment Act 2016*. Before such a Commissioner is appointed, the joint Parliamentary Committee on the Independent Commission Against Corruption must be given the opportunity to veto a proposed appointment and the Chief Commissioner must be consulted about the proposed appointment of the other Commissioners. This Regulation authorises those procedural requirements to be undertaken before the commencement of the *Independent Commission Against Corruption Amendment Act 2016*.

This Regulation is made under the *Independent Commission Against Corruption Act 1988*, including section 117 and clause 1 of Schedule 4.

Independent Commission Against Corruption Amendment (Commissioners) Regulation 2017

under the

Independent Commission Against Corruption Act 1988

1 Name of Regulation

This Regulation is the *Independent Commission Against Corruption Amendment (Commissioners) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Independent Commission Against Corruption Regulation 2010

Clause 19A

Insert after clause 19:

19A Transitional provision relating to first appointment of Chief Commissioner and other Commissioners

- (1) This clause applies to the first appointment of the Chief Commissioner and other Commissioners under the Act, as amended by the *Independent Commission Against Corruption Amendment Act 2016*.
- (2) Before the commencement of the *Independent Commission Against Corruption Amendment Act 2016*:
 - (a) the Minister may refer a proposal that a person be appointed as the Chief Commissioner or other Commissioner to the Joint Committee under section 64A of the Act, and
 - (b) the Joint Committee may consider the proposal and notify the Minister whether or not it has decided to veto the proposed appointment.

For that purpose, section 64A applies as if a reference to the Commissioner were a reference to the Chief Commissioner or other Commissioner.

- (3) A referral and notification under subclause (2) may be relied on for the purposes of clause 2 of Schedule 1 to the Act, as inserted by the *Independent Commission Against Corruption Amendment Act 2016*.
- (4) The Minister is not to refer a proposal to the Joint Committee under this clause to appoint a person as a Commissioner (other than the Chief Commissioner) until the Minister has consulted the person proposed to be appointed as the Chief Commissioner on the proposed appointment. If the person is appointed as Chief Commissioner, that consultation may be relied on for the purposes of section 5 (2) of the Act, as inserted by the *Independent Commission Against Corruption Amendment Act 2016*.