



New South Wales

# Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Bill 2008

## Explanatory note

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

## Overview of Bill

The object of this Bill is to extend to Ministers of the Crown, including the Premier, the duty to report possible corrupt conduct to the Independent Commission Against Corruption.

## 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** is a formal provision that gives effect to the amendments to the *Independent Commission Against Corruption Act 1988* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1      Amendments**

The *Independent Commission Against Corruption Act 1988* (*the Principal Act*) currently provides that the Ombudsman, the Commissioner of Police, the principal officer of a public authority and an officer who constitutes a public authority are under a duty to report possible corrupt conduct to the Commission.

**Schedule 1 [2]** amends the Principal Act to extend this duty to all Ministers of the Crown, including the Premier.

**Schedule 1 [1] and [3]** are consequential amendments.

**Schedule 1 [4]** provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

**Schedule 1 [5]** provides that the duty to report extends to possible corrupt conduct that occurred before the date of assent to the proposed Act.

Introduced by Mr B R O'Farrell, MP

First print



New South Wales

# Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Bill 2008

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New South Wales

# Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Bill 2008

No. , 2008

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## A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* to extend to Ministers of the Crown the duty to report possible corrupt conduct.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Act 2008</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Independent Commission Against Corruption Act 1988 No 35</b>	8
The <i>Independent Commission Against Corruption Act 1988</i> is amended as set out in Schedule 1.	9 10
<b>4 Repeal of Act</b>	11
(1) This Act is repealed on the day following the day on which this Act commences.	12 13
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	14 15

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 11 Duty to notify Commission of possible corrupt conduct</b>	3
	Omit “officers” from section 11 (1). Insert instead “persons”.	4
<b>[2]</b>	<b>Section 11 (1) (e)</b>	5
	Insert after section 11 (1) (d):	6
	(e) a Minister of the Crown.	7
<b>[3]</b>	<b>Section 11 (2)</b>	8
	Omit “An officer” and “the officer”.	9
	Insert instead “A person” and “the person”, respectively.	10
<b>[4]</b>	<b>Schedule 4 Savings, transitional and other provisions</b>	11
	Insert at the end of clause 1 (1):	12
	<i>Independent Commission Against Corruption Amendment</i>	13
	<i>(Reporting Corrupt Conduct) Act 2008</i>	14
<b>[5]</b>	<b>Schedule 4, Part 8</b>	15
	Insert after Part 7:	16
<b>Part 8</b>	<b>Provision consequent on enactment of Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Act 2008</b>	17 18 19 20
<b>22</b>	<b>Operation of amendments</b>	21
	Section 11, as amended by the <i>Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Act 2008</i> ,	22
	extends to possible corrupt conduct that occurred before the date	23
	of assent to that Act.	24 25