

**INDEPENDENT COMMISSION AGAINST CORRUPTION  
(AMENDMENT) BILL 1990\***

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Independent Commission Against Corruption Act 1988 so as:

- (a) to expand and clarify the powers of the Independent Commission Against Corruption ("the Commission") in relation to its powers to make findings, opinions and recommendations and the contents of its reports to Parliament (as a result of the changes, the Commission will be able to report a finding that a person has engaged in corrupt conduct but not that a person has committed a criminal offence) — Schedule 1 (6)-(10);
- (b) to enable a summons to give evidence or produce documents or other things to the Commission to be served outside the State — Schedule 1 (5);
- (c) to enable a requirement under the Act for the production of documents etc. to require production to a specified officer of the Commission (and not just the Commissioner or an Assistant Commissioner as at present) — Schedule 1 (4);
- (d) to change the provision that restricts the Commission's powers when pending court proceedings would be affected so that the restrictions will apply only if the proceedings are for an indictable offence conducted by or on behalf of the Crown (and then only when trial by jury is involved) and only to the extent that the accused's right to a fair trial would be prejudiced — Schedule 1 (3);
- (e) to make it clear that the secrecy requirements of the Act apply to members of any task forces to whom the Commission disseminates confidential information — Schedule 1 (2);
- (f) to require the governor of a prison to facilitate the making of, and to protect the confidentiality of, a complaint by a prisoner of corrupt conduct — Schedule 1 (1);

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\* Amended in committee — see table at end of volume.

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(g) to enact consequential savings, transitional and other provisions — Schedule 1 (11),(12).

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days to be appointed by

**Clause 3** gives effect to Schedule 1.

**Clause 4** provides that explanatory notes appearing in the Bill do not form part of the proposed Act.

**Schedule 1** makes the amendments described above. Each amendment is explained in detail in the explanatory note relating to the amendment concerned.

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