



New South Wales

Independent Commission Against Corruption Amendment (Operations Review Committee) Bill 2006

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 *Independent Commission Against Corruption Act 1988* (the **Principal Act**) to abolish the Operations Review Committee. The Committee's role has been to advise the Commissioner of the Independent Commission Against Corruption (the **Commission**) whether the Commission should investigate a complaint made under the Principal Act or discontinue an investigation of such a complaint. More general oversight of the Commission is now undertaken by the Inspector of the Independent Commission Against Corruption, the office of which was established by the *Independent Commission Against Corruption Amendment Act 2005*. The Inspector has power to investigate any aspect of the Commission's operations or any conduct of officers of the 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 on the date of assent.

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.

Explanatory note

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

Schedule 1 [1]–[4] remove provisions from the Principal Act that deal with the Operations Review Committee.

Schedule 1 [5] inserts savings, transitional and other provisions into the Principal Act:

- (a) to formally abolish the Operations Review Committee, and
- (b) to make it clear that a person who ceases to hold office as a member of the Committee because it is abolished is not entitled to any remuneration or compensation because of the loss of that office, and
- (c) to make it clear that the Committee has no ongoing functions in relation to complaints made or matters referred before its abolition, and
- (d) to continue to apply the secrecy provisions of the Principal Act to a former member of the Committee.

First print



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Independent Commission Against Corruption Amendment (Operations Review Committee) Bill 2006

No. , 2006

A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* to abolish the Operations Review Committee.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Independent Commission Against Corruption Amendment (Operations Review Committee) Act 2006</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Independent Commission Against Corruption Act 1988 No 35	7 8
The <i>Independent Commission Against Corruption Act 1988</i> is amended as set out in Schedule 1.	9 10
4 Repeal of Act	11
(1) This Act is repealed on the day following the date of assent.	12
(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.	13 14

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 20 Investigations generally	3
	Omit section 20 (4).	4
[2]	Part 6 Operations Review Committee	5
	Omit the Part.	6
[3]	Section 111 Secrecy	7
	Omit section 111 (1) (c).	8
[4]	Schedule 2 Provisions applying to appointed members of Operations Review Committee	9
	Omit the Schedule.	10
[5]	Schedule 4 Savings, transitional and other provisions	12
	Insert at the end of the Schedule:	13
Part 6	Provisions consequent on enactment of Independent Commission Against Corruption Amendment (Operations Review Committee) Act 2006	14
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16	Definition	18
	In this Part:	19
	<i>amending Act</i> means the <i>Independent Commission Against Corruption Amendment (Operations Review Committee) Act 2006</i> .	20
		21
		22
17	Abolition of Committee	23
	(1) The Operations Review Committee is abolished.	24
	(2) A person who ceases to hold office as a member of the Operations Review Committee because of its abolition is not entitled to any remuneration or compensation because of the loss of that office.	25
		26
		27

18 Existing complaints and other matters	1
Despite the <i>Interpretation Act 1987</i> or any other law, the Operations Review Committee does not continue in existence to provide advice with respect to:	2
(a) the investigation of any complaint, or	3
(b) any other matter referred to the Committee by the Commissioner,	4
because the complaint was made, or the matter was referred, before the repeal of Part 6 of this Act by the amending Act.	5
19 Secrecy	6
Despite the repeal of section 111 (1) (c) by the amending Act, section 111 continues to apply to and in respect of a person who was a member of the Operations Review Committee as if that paragraph had not been repealed.	7
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