

Passed by both Houses



New South Wales

Independent Commission Against Corruption Amendment Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Independent Commission Against Corruption Amendment Bill 2024

Act No _____, 2024

An Act to make miscellaneous amendments to the *Independent Commission Against Corruption Act 1988*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Independent Commission Against Corruption Amendment Act 2024*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 **Amendment of Independent Commission Against Corruption Act 1988 No 35**

[1] Section 111 Secrecy

Insert after section 111(4)—

- (4A) A direction under subsection (4)(c) may specify—
- (a) that the authority or person to whom information is divulged, or a person or employee under the control of the authority or person, may—
 - (i) make a record of the information, or
 - (ii) divulge or communicate the information to another person, and
 - (b) conditions or restrictions that apply to the making of the record or divulging or communicating of the information.

[2] Section 111(5A)

Insert after section 111(5)—

- (5A) Subsection (5) does not apply in relation to an authority or person to whom information is divulged under subsection (4)(c), or a person or employee under the control of the authority or person, to the extent the authority, person or employee is acting in accordance with the direction under that paragraph, including any conditions or restrictions to which the direction is subject.

[3] Section 111E, heading

Omit “**Public authority**”. Insert instead “**Relevant public authority or official**”.

[4] Section 111E(1)–(3)

Omit “public authority” wherever occurring. Insert instead “relevant public authority or official”.

[5] Section 111E(1)

Omit “furnish a copy of the recommendation to the authority and to the Minister for the authority.”.

Insert instead—

- give a copy of the recommendation to—
- (a) the relevant public authority or official, and
 - (b) for a relevant public authority or official that is a public authority—the Minister for the authority.

[6] Section 111E(4)

Insert after section 111E(3)—

- (4) In this section—
- relevant public authority or official* means the following—
- (a) a public authority,
 - (b) a Minister of the Crown.

[7] Section 111F

Insert after section 111E—

111F Parliamentary office holder

- (1) As soon as practicable after making a recommendation under section 13(3)(b) for a House, or both Houses, of Parliament to take action to reduce the likelihood of corrupt conduct occurring, the Commission must give a copy of the recommendation to—
 - (a) for a recommendation for a House of Parliament to take action—the Presiding Officer of that House, or
 - (b) for a recommendation for both Houses of Parliament to take action—the Presiding Officer of each House.
- (2) A Presiding Officer who receives a copy of a recommendation under subsection (1) must—
 - (a) as soon as practicable after receiving the recommendation, inform the relevant House of Parliament that the recommendation has been received, and
 - (b) inform the relevant House of Parliament of the Presiding Officer’s response to the recommendation, including the response to any matter for which the Presiding Officer has responsibility under an Act or an instrument made under an Act.
- (3) If a House of Parliament is, or both Houses of Parliament are, informed under subsection (2) of the receipt of a copy of a recommendation, either or both Houses may refer the recommendation to a relevant parliamentary committee.
- (4) A relevant parliamentary committee to which a recommendation is referred must report to the House or Houses that made the referral.
- (5) In this section—

relevant parliamentary committee means a committee of a House of Parliament designated by a resolution or referral by the House for this section.

relevant House of Parliament, in relation to a Presiding Officer of a House of Parliament, means the House in which the Presiding Officer sits.