

Second print



New South Wales

Independent Commission Against Corruption Amendment Bill 2008

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Acts	2
4 Repeal of Act	2
Schedule 1 Amendment of Independent Commission Against Corruption Act 1988 No 35	3
Schedule 2 Amendment of Protected Disclosures Act 1994 No 92	5

This public bill, which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2008*



New South Wales

Independent Commission Against Corruption Amendment Bill 2008

Act No , 2008

An Act to amend the *Independent Commission Against Corruption Act 1988* in relation to proceedings for offences and other matters; and to amend the *Protected Disclosures Act 1994* in relation to the public officials covered by that Act.

EXAMINED

Assistant Speaker

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Independent Commission Against Corruption Amendment Act 2008</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Acts	7
The Acts specified in Schedules 1 and 2 are amended as set out in those Schedules.	8 9
4 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12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	Amendment of Independent Commission Against Corruption Act 1988 No 35	1 2 3
	(Section 3)	4
[1] Section 11 Duty to notify Commission of possible corrupt conduct	Omit “officers” from section 11 (1). Insert instead “persons”.	5 6
[2] Section 11 (1) (e)	Insert after section 11 (1) (d): (e) a Minister of the Crown.	7 8 9
[3] Section 11 (2)	Omit “An officer” and “the officer”. Insert instead “A person” and “the person”, respectively.	10 11 12
[4] Section 11 (3)	Insert after section 11 (3): (3A) A Minister of the Crown who is under a duty under this section to report a matter may (despite subsection (2)) report the matter either to the Commission or to the head of any agency responsible to the Minister.	13 14 15 16 17 18
[5] Section 12A Serious corrupt conduct and systemic corrupt conduct	Omit “serious and systemic corrupt conduct”. Insert instead “serious corrupt conduct and systemic corrupt conduct”.	19 20 21
[6] Section 82 Offences relating to obtaining information	Omit “20 penalty units or imprisonment for 6 months”. Insert instead “50 penalty units or imprisonment for 12 months”.	22 23 24
[7] Section 112 Restriction on publication of evidence	Insert at the end of section 112 (1) (d): or (e) any written submissions received by the Commission (including, but not limited to, submissions made by Counsel assisting the Commission),	25 26 27 28 29 30

[8] Section 116 Proceedings for offences	1
Omit “section 80 (c) or 81” from section 116 (4).	2
Insert instead “section 80 (c), 81, 82 or 95”.	3
[9] Schedule 4 Savings, transitional and other provisions	4
Insert at the end of clause 1 (1):	5
<i>Independent Commission Against Corruption Amendment Act 2008</i>	6 7
[10] Schedule 4, Part 8	8
Insert at the end of the Schedule:	9
Part 8 Provisions consequent on enactment of Independent Commission Against Corruption Amendment Act 2008	10 11 12
22 Definition	13
In this Part:	14
<i>amending Act</i> means the <i>Independent Commission Against Corruption Amendment Act 2008</i> .	15 16
23 Restriction on publication of written submissions	17
The amendment made to section 112 by the amending Act extends to any written submissions received by the Commission before the commencement of the amendment.	18 19 20
24 Commencement of proceedings under section 82 or 95	21
The amendment made to section 116 by the amending Act extends to offences committed, or alleged to have been committed, before the commencement of the amendment.	22 23 24
25 Operation of amendments to section 11	25
Section 11, as amended by the amending Act, extends to possible corrupt conduct that occurred before the date of assent to that Act.	26 27 28

**Schedule 2 Amendment of Protected Disclosures
Act 1994 No 92**

1
2

(Section 3)

3

Section 4 Definitions

4

Omit “and (without limitation), includes” from the definition of *public official*.

5
6

Insert instead “and (without limitation and to avoid doubt), includes an individual in the service of the Crown or of a public authority,”.

7
8