

**INDEPENDENT COMMISSION AGAINST CORRUPTION  
(AMENDMENT) BILL 1989**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Defamation (Independent Commission Against Corruption) Amendment Bill 1989 is cognate with this Bill.

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

- (a) to provide that the office of Assistant Commissioner may be held on a part-time basis;
- (b) to impose limitations on appeals relating to the appointment, promotion, removal and discipline of members of the staff of the Commission; and
- (c) to make other amendments of a minor nature.

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

**Clause 2** provides for the proposed Act to commence on a day or days appointed by proclamation.

**Clause 3** is a formal provision giving effect to the Schedule of amendments.

**SCHEDULE 1—AMENDMENTS**

**Schedule 1 (1)** states that the offence under section 88 (3) (fabricating evidence) is an indictable offence. The amendment brings this offence into line with other offences in the Act.

**Schedule 1 (2)** amends section 104 (staff etc. of Commission):

- (a) Paragraph (a) omits subsection (8), which provides for the making of arrangements regarding the discipline of seconded staff. These matters will be dealt with under other subsections proposed to be inserted by the Bill.
- (b) Paragraph (b) updates a reference to an Act, by way of statute law revision.

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(c) Paragraph (c) makes an amendment consequential on the insertion of the proposed subsection (15).

(d) Paragraph (d) inserts the following new subsections:

Subsection (12) provides that there is no right of appeal to the Government and Related Employees Appeal Tribunal for staff employed by the Commission.

Subsection (13) provides that certain matters relating to the appointment, removal, discipline etc. of staff of the Commission are not industrial matters for the purposes of the Industrial Arbitration Act 1940.

Subsection (14) provides that arrangements for the secondment etc. of staff to the Commission may be terminated at any time, with no right of appeal.

Subsection (15) enables disciplinary action to be taken against persons following termination of their secondment to the Commission (with whatever appeal rights are available), but so that no order of reinstatement to the Commission may be made.

**Schedule 1 (3)** omits section 109 (2), which deals with the defence of absolute privilege in defamation for publications made to or by the Commission. The substance of this provision is proposed to be inserted in the Defamation Act 1974 by the cognate Bill.

**Schedule 1 (4) (a)** allows for the office of Assistant Commissioner to be held on a part-time basis, if the instrument of appointment so provides.

**Schedule 1 (4) (b)** and **Schedule 1 (5)** update a reference to an Act, by way of statute law revision.

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