

Independent Commission Against Corruption (Commissioner) Act 1994 No 61

[1994-61]



New South Wales

Status Information

Currency of version

Current version for 27 June 2022 to date (accessed 24 May 2024 at 17:07)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

Responsible Minister

- Premier
- Special Minister of State

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 27 June 2022

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Contents

Long title 3

1 Name of Act 3

2 Commencement 3

3 Interpretation 3

4 Appointment of Supreme Court or District Court Judge as Commissioner 3

5 Savings provision relating to the Commissioner holding office immediately before commencement of Independent Commission Against Corruption Amendment Act 2016
..... 4

6 Regulations 5

7 Commencement of amendments by ICAC and LECC Legislation Amendment Act 2022 5

Independent Commission Against Corruption (Commissioner) Act 1994 No 61



New South Wales

An Act relating to the conditions of appointment of a Judge of the Supreme Court or the District Court as Commissioner under the [Independent Commission Against Corruption Act 1988](#).

1 Name of Act

This Act may be cited as the [Independent Commission Against Corruption \(Commissioner\) Act 1994](#).

2 Commencement

This Act commences on the date of assent.

3 Interpretation

Words and expressions used in this Act have the same meanings as in the [Independent Commission Against Corruption Act 1988](#).

4 Appointment of Supreme Court or District Court Judge as Commissioner

(1) This section applies to a person—

- (a) who was a Judge of the Supreme Court or the District Court before being appointed as a Commissioner (whether on a regular or an acting basis), and
- (b) whose resignation as a Judge took effect immediately before the appointment as a Commissioner took effect, and
- (c) whose instrument of appointment as a Commissioner declared that the person's commission as a Judge is to revive by force of this Act, and
- (d) who consented by letter to the Minister to the application of this Act.

(2) The person's commission as a Judge revives by force of this Act when the person ceases to hold office as a Commissioner.

(2A) The person becomes, from the time the person ceases to hold office as a

Commissioner—

- (a) if the person was a Judge of the Supreme Court before being appointed as a Commissioner—a Judge of the Supreme Court again, or
- (b) if the person was a Judge of the District Court before being appointed as a Commissioner—a Judge of the District Court again.

(2B) Subsections (2) and (2A) do not apply in relation to any other judicial office held by the person.

(3) For the purposes of the *Judges' Pensions Act 1953*—

- (a) service by the person as a Commissioner is taken to be service as a Judge, and
- (b) references to a Judge or judicial office include references to the person in his or her capacity as a Commissioner and the office of a Commissioner, and
- (c) references to notional judicial salary are, in relation to the person while a Commissioner, references to the salary payable to the holder of a judicial office having a status equivalent to that of the judicial office held by the person immediately before being appointed as a Commissioner.

(4) Subsections (2) and (2A) do not apply to the person if—

- (a) the person so requests by letter to the Minister, or
- (b) the person is removed from office as a Commissioner by the Governor on the address of both Houses of Parliament (under clause 7 of Schedule 1 to the *Independent Commission Against Corruption Act 1988*) on the ground of proved misbehaviour or incapacity.

(5) For the purposes of this section, a re-appointment of the person as a Commissioner without a break is taken to be a continuation of the previous appointment as a Commissioner.

5 Savings provision relating to the Commissioner holding office immediately before commencement of *Independent Commission Against Corruption Amendment Act 2016*

- (1) This section applies to the person who was the Commissioner for the Independent Commission Against Corruption immediately before the abolition of that office as the result of the substitution of Part 2 of the *Independent Commission Against Corruption Act 1988* by the *Independent Commission Against Corruption Amendment Act 2016*.
- (2) Section 4 applies to that person (subject to section 4 (4)).
- (3) A reference in section 4 to a person who ceases to hold office as a Commissioner includes a reference to that person ceasing to hold office as the Commissioner following the abolition of that office, unless that person is appointed as a

Commissioner with effect immediately after the abolition of that office.

- (4) A reference in section 4 to a person's appointment or service as a Commissioner, or to the office of a Commissioner, includes a reference to that person's appointment or service as the Commissioner, or to the office of the Commissioner, before the abolition of that office.

6 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
 - (a) a provision of this Act, or
 - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
 - (a) for a provision of this Act—the date of assent to this Act, or
 - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
 - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
 - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—

person does not include the State or an authority of the State.

7 Commencement of amendments by **ICAC and LECC Legislation Amendment Act 2022**

- (1) The amendments made by the amending Act apply on and from 30 June 2022, including if the amending Act commences after that date.
- (2) In this section—

amending Act means the *ICAC and LECC Legislation Amendment Act 2022*.