

Independent Commission Against Corruption Amendment Act 2008 No 123

[2008-123]



New South Wales

Status Information

Currency of version

Repealed version for 16 December 2008 to 16 December 2008 (accessed 18 July 2024 at 6:17)

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—

- **Repeal**

The Act was repealed by sec 4 (1) of this Act with effect from 17.12.2008.

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 17 December 2008

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Independent Commission Against Corruption Amendment Act 2008 No 123



New South Wales

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.

1 Name of Act

This Act is the *Independent Commission Against Corruption Amendment Act 2008*.

2 Commencement

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

3 Amendment of Acts

The Acts specified in Schedules 1 and 2 are amended as set out in those Schedules.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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

(Section 3)

[1] Section 11 Duty to notify Commission of possible corrupt conduct

Omit “officers” from section 11 (1). Insert instead “persons”.

[2] Section 11 (1) (e)

Insert after section 11 (1) (d):

- (e) a Minister of the Crown.

[3] Section 11 (2)

Omit “An officer” and “the officer”.

Insert instead “A person” and “the person”, respectively.

[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.

[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”.

[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”.

[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),

[8] Section 116 Proceedings for offences

Omit “section 80 (c) or 81” from section 116 (4).

Insert instead “section 80 (c), 81, 82 or 95”.

[9] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Independent Commission Against Corruption Amendment Act 2008

[10] Schedule 4, Part 8

Insert at the end of the Schedule:

Part 8 Provisions consequent on enactment of Independent Commission Against Corruption Amendment Act 2008

22 Definition

In this Part:

amending Act means the *Independent Commission Against Corruption Amendment Act 2008*.

23 Restriction on publication of written submissions

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.

24 Commencement of proceedings under section 82 or 95

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.

25 Operation of amendments to section 11

Section 11, as amended by the amending Act, extends to possible corrupt conduct that occurred before the date of assent to that Act.

Schedule 2 Amendment of Protected Disclosures Act 1994 No 92

(Section 3)

Section 4 Definitions

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

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