



New South Wales

# Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Independent Commission Against Corruption Act 1988* to remove any doubt that the Independent Commission Against Corruption may use the register of pecuniary interests or other matters disclosed by members of Parliament:

- (a) for the purpose of any investigation into whether or not a member publicly disclosed a particular matter or as to the nature of any matter disclosed, and
- (b) for the purpose of any finding, opinion or recommendation concerning the disclosure or non-disclosure.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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

**Schedule 1** amends section 122 of the Act (which preserves parliamentary privilege in the proceedings of Parliament) to give effect to the object in the Overview above. The amendment makes it clear that the Commission may make use of a relevant register despite any parliamentary privilege that may apply to the register. The Commission may do so in respect of current investigations and relevant registers already obtained.

A relevant register is defined as a register of pecuniary interests or other matters required to be compiled and maintained pursuant to the regulations made under section 14A of the *Constitution Act 1902*, and includes:

- (a) a copy of any such register (or of a part of any such register) that is published as a parliamentary paper or otherwise, and
- (b) a return or other document furnished by a member of Parliament for the purpose of the compilation and maintenance of the register, or a copy of the whole or any part of any such return or document.

First print



New South Wales

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New South Wales

# Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Bill 2012

No. , 2012

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## A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* with respect to the use of a register of pecuniary interests or other matters disclosed by members of Parliament.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Independent Commission Against Corruption Amendment (Register of Disclosures by Members) Act 2012</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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<b>Schedule 1</b>	<b>Amendment of Independent Commission Against Corruption Act 1988 No 35</b>	1
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<b>Section 122 Parliament</b>		4
Insert at the end of the section:		5
(2)	The Commission may use a relevant register:	6
(a)	for the purpose of any investigation into whether or not a member of Parliament publicly disclosed a particular matter or as to the nature of any matter disclosed, and	7
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(b)	for the purpose of any finding, opinion or recommendation concerning the disclosure or non-disclosure,	10
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	and for that purpose Parliament is taken to have waived any parliamentary privilege that may apply to the register.	12
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(3)	Subsection (2) extends to investigations instigated, and relevant registers obtained for use, before the commencement of that subsection.	14
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(4)	In this section, <i>relevant register</i> means a register of pecuniary interests or other matters required to be compiled and maintained pursuant to the regulations made under section 14A of the <i>Constitution Act 1902</i> , and includes:	17
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(a)	a copy of any such register (or of a part of any such register) that is published as a parliamentary paper or otherwise, and	21
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(b)	a return or other document furnished by a member of Parliament for the purpose of the compilation and maintenance of the register, or a copy of the whole or any part of any such return or document.	24
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