



New South Wales

ICAC and LECC Legislation Amendment Bill 2023

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* and the *Law Enforcement Conduct Commission Act 2016* to implement responses to recommendations of the Joint Committee on the Independent Commission Against Corruption.

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.

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

Schedule 1[1] provides that the Inspector of the Independent Commission Against Corruption (the *Inspector*) may require the Independent Commission Against Corruption (the *Commission*) to advise the Inspector, within a reasonable time, whether the Commission intends to implement the recommendation or report and, if not, the reasons for not doing so. If the Inspector is not satisfied the Commission has duly and properly taken action, the Inspector may make a report to the Presiding Officer of each House of Parliament.

Schedule 1[2] requires the Commission to publish information about the time within which reports on referred matters will be prepared and given to the Presiding Officer of each House of Parliament. This includes the Commission's standard timeframes for the preparation of the reports, how the Commission monitors progress and what action the Commission takes if the

standard timeframes are not met. The Commission must report on the Commission's performance against the time standards in each report and provide reasons for any failure to comply with the time standards.

Schedule 1[3] requires annual reports by the Commission to include the information on the Commission's performance against time standards mentioned in proposed section 74E(3)(a) and (b).

Schedule 1[4] clarifies that it is not a contravention of a direction under section 112 restricting publication of evidence to publish any evidence to a registered medical practitioner or registered psychologist for the purposes of that health practitioner providing medical or psychiatric care, treatment or counselling to a person who—

- (a) has given or may be about to give evidence at a compulsory examination or public inquiry, or
- (b) has been given a notice requiring the person to produce a statement of information, or
- (c) has been given a notice requiring the person to attend before a person specified in the notice to produce a document or other thing specified in the notice.

Schedule 1[5] clarifies that a disclosure does not contravene section 114 if a disclosure is made to a registered medical practitioner or registered psychologist in relation to the provision by that health practitioner of medical or psychiatric care, treatment or counselling to a person—

- (a) required by a summons to give evidence, or
- (b) required to produce a statement of information, or
- (c) required to attend before a person specified in the notice to produce a document or other thing specified in the notice.

Schedule 1[6] provides that a person may not hold the office of Inspector for terms totalling more than 10 years.

Schedule 1[7] updates references to the Chief Commissioner to reflect the employment arrangements in the Commission.

Schedule 1[8] allows the Governor to extend, by instrument, the term of office of a Commissioner who held office immediately before the commencement of the proposed Act by a period, not more than 12 months, specified in the instrument.

Schedule 2 Amendment of Law Enforcement Conduct Commission Act 2016 No 61

Schedule 2[1] makes a minor change to a provision heading to clarify the content of the provision.

Schedule 2[2] adjusts the period for which the Minister may appoint a person during the illness or absence at short notice of a Chief Commissioner, Commissioner or Assistant Commissioner to 30 days.

Schedule 2[3] provides for the appointment by the Chief Commissioner of the Law Enforcement Conduct Commission of an acting Chief Commissioner or acting Commissioner and the revocation of an appointment.

Schedule 2[4] provides that a person may not hold the office of Inspector of the Law Enforcement Conduct Commission for terms totalling more than 10 years.