

First print



New South Wales

Independent Commission Against Corruption and Ombudsman Amendment Bill 1999

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 *Ombudsman Act 1974* to enable a person to hold both the office of Commissioner for the Independent Commission Against Corruption and the office of Ombudsman.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendment to the *Independent Commission Against Corruption Act 1988* set out in Schedule 1.

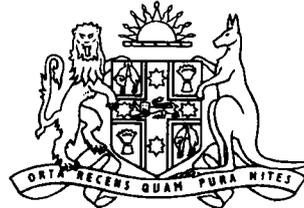
Clause 4 is a formal provision giving effect to the amendment to the *Ombudsman Act 1974* set out in Schedule 2.

Schedule 1 Amendment of Independent Commission Against Corruption Act 1988

Schedule 1 amends the *Independent Commission Against Corruption Act 1988* to enable the Commissioner for the Independent Commission Against Corruption to hold also the office of Ombudsman.

Schedule 2 Amendment of Ombudsman Act 1974

Schedule 2 amends the *Ombudsman Act 1974* to enable the Ombudsman to hold also the office of Commissioner for the Independent Commission Against Corruption. Such a person is not entitled to remuneration as the Ombudsman except to the extent expressly provided by a determination of the Statutory and Other Offices Remuneration Tribunal. The Governor may determine the remuneration of the Ombudsman in that situation pending a decision of that Tribunal.



New South Wales

Independent Commission Against Corruption and Ombudsman Amendment Bill 1999

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Independent Commission Against Corruption Act 1988 No 35	2
4 Amendment of Ombudsman Act 1974 No 68	2
Schedules	
1 Amendment of Independent Commission Against Corruption Act 1988	3
2 Amendment of Ombudsman Act 1974	4



New South Wales

Independent Commission Against Corruption and Ombudsman Amendment Bill 1999

No. , 1999

A Bill for

An Act to amend the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974* to enable a person to hold both the office of Commissioner for the Independent Commission Against Corruption and the office of Ombudsman; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Independent Commission Against Corruption and Ombudsman Amendment Act 1999</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of Independent Commission Against Corruption Act 1988 No 35	8 9
The <i>Independent Commission Against Corruption Act 1988</i> is amended as set out in Schedule 1.	10 11
4 Amendment of Ombudsman Act 1974 No 68	12
The <i>Ombudsman Act 1974</i> is amended as set out in Schedule 2.	13

Schedule 1	Amendment of Independent Commission Against Corruption Act 1988	1 2
	(Section 3)	3
	Schedule 1 Provisions relating to Commissioner and Assistant Commissioners	4 5
	Insert after clause 1 (2):	6
	(3) Nothing in this or any other Act or any law prevents the Commissioner from also holding the office of Ombudsman.	7 8

Schedule 2 Amendment of Ombudsman Act 1974	1
(Section 4)	2
[1] Section 6 Office of Ombudsman	3
Insert “except as provided by section 6B,” before “if” in section 6 (4) (b).	4
[2] Section 6B	5
Insert after section 6A:	6
6B Person holding office of Ombudsman and ICAC Commissioner	7
(1) Nothing in this or any other Act or any law prevents the Ombudsman from also holding the office of ICAC Commissioner.	8 9 10
(2) If a person holds the office of Ombudsman and the office of ICAC Commissioner, the person is not entitled to any remuneration payable in respect of the office of Ombudsman by or under this or any other Act, except:	11 12 13 14
(a) as expressly provided by a remuneration determination, or	15 16
(b) as provided by subsection (3).	17
(3) The Governor may determine the remuneration (if any) to be payable to such a person in respect of the office of Ombudsman while there is no express provision as referred to in subsection (2) (a) in force in a remuneration determination. Any such remuneration is additional to that payable to such a person in respect of the office of ICAC Commissioner.	18 19 20 21 22 23
(4) Without limiting the generality of any provisions of the Remuneration Act, the Tribunal may include express provision as referred to in subsection (2) (a) in a remuneration determination.	24 25 26 27
(5) Subject to subsection (4), this section has effect despite any provisions of the Remuneration Act.	28 29

-
- (6) Section 21 (1) of the Remuneration Act does not apply to a remuneration determination to the extent to which the determination has the effect of altering the rate of remuneration that was determined by the Governor under this section. 1
2
3
4
- (7) In this section: 5
- ICAC Commissioner** means the Commissioner for the Independent Commission Against Corruption appointed under the *Independent Commission Against Corruption Act 1988*. 6
7
8
- Remuneration Act** means the *Statutory and Other Offices Remuneration Act 1975*. 9
10
- remuneration determination** means a determination made under the Remuneration Act by the Tribunal. 11
12
- Tribunal** means the Statutory and Other Offices Remuneration Tribunal established under the Remuneration Act. 13
14