

First print



New South Wales

Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013

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 enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption (the *ICAC*) and to make admissible for that purpose self-incriminating and other evidence given to the ICAC by any such public officials.

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 [3] enables the employer of a public official to take disciplinary proceedings in connection with the employment of the official if the ICAC finds (in a report to Parliament) that the public official has engaged or attempted to engage in corrupt conduct. The person or body determining the disciplinary proceedings may take any disciplinary or other action that the person or body may otherwise take in disciplinary proceedings against the official but must give the public official an opportunity to make a submission in relation to any proposed action. Evidence given by the official in the ICAC proceedings is admissible in the disciplinary proceedings (and in any subsequent appeal or review) but such evidence does not become admissible in any other proceedings because it is so used.

Schedule 1 [1] enables statements of information or documents or other things produced to the ICAC by a public official, that tend to incriminate the official, to be used in disciplinary proceedings based on a finding of corrupt conduct (as referred to in the amendment made by Schedule 1 [3]) even if the public official has objected to the production on that basis.

Schedule 1 [2] enables answers made, or documents or other things produced, by a public official at a compulsory examination or public inquiry before the ICAC, that tend to incriminate the official, to be used in disciplinary proceedings based on a finding of corrupt conduct (as referred to in the amendment made by Schedule 1 [3]).