

LEGISLATIVE COUNCIL

Statute Law (Miscellaneous Provisions) Bill 2017

First print

Proposed amendment

No. 1 **Parliamentary veto**

Page 9. Insert after line 24:

**1.11 Independent Commission Against Corruption Amendment Act
2016 No 65**

[1] Section 2 Commencement

Insert "except as provided by subsection (2)" after "proclamation".

[2] Section 2

Insert at the end of the section:

- (2) Schedule 1 [20] commences on the date of assent to the *Statute Law (Miscellaneous Provisions) Act 2017*.

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

Insert at the end of Schedule 1 [20]:

**44 Transitional provision relating to first appointment of Chief
Commissioner and other Commissioners**

- (1) This clause applies to the first appointment of the Chief Commissioner and other Commissioners under this Act, as amended by the amending Act.
- (2) Before the commencement of Schedule 1 [4] to the amending Act:
- (a) the Minister may refer a proposal that a person be appointed as the Chief Commissioner or other Commissioner to the Joint Committee under section 64A, and
- (b) the Joint Committee may consider the proposal and notify the Minister whether or not it has decided to veto the proposed appointment.

For that purpose, section 64A applies as if a reference to the Commissioner were a reference to the Chief Commissioner or other Commissioner.

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- (3) A referral and notification under subclause (2) may be relied on for the purposes of clause 2 of Schedule 1, as inserted by the amending Act.
 - (4) The Minister is not to refer a proposal to the Joint Committee under this clause to appoint a person as a Commissioner (other than the Chief Commissioner) until the Minister has consulted the person proposed to be appointed as the Chief Commissioner on the proposed appointment. If the person is appointed as Chief Commissioner, that consultation may be relied on for the purposes of section 5 (2), as inserted by the amending Act.

Commencement

The amendments made to the *Independent Commission Against Corruption Amendment Act 2016* commence on the date of assent to this Act.

Explanatory note

Items [1]–[3] amend the *Independent Commission Against Corruption Amendment Act 2016* (the **amending Act**) to make a transitional provision relating to the first appointment of the Chief Commissioner and other Commissioners of the Independent Commission Against Corruption who are to take office on the commencement of the amending Act. Before such a Commissioner is appointed, the joint Parliamentary Committee on the Independent Commission Against Corruption must be given the opportunity to veto a proposed appointment and the Chief Commissioner must be consulted about the proposed appointment of the other Commissioners. The amendments authorises those procedural requirements to be undertaken before the commencement of the amending Act.