



New South Wales

ICAC and LECC Legislation Amendment Bill 2022

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*, the *Independent Commission Against Corruption (Commissioner) Act 1994* and the *Law Enforcement Conduct Commission Act 2016* to—

- (a) enable a Judge of the Supreme Court or the District Court, who has resigned immediately prior to their appointment to the Independent Commission Against Corruption (**ICAC**) as a Commissioner, Inspector or Assistant Inspector or to the Law Enforcement Conduct Commission (**LECC**), as a member of the Commission, Assistant Commissioner or Inspector, to return to their position as a Judge of the same Court, immediately after they cease to hold office for the ICAC or LECC, and
- (b) provide that, for the purposes of the *Judges' Pensions Act 1953*, time served by the person as a Commissioner, an Inspector or an Assistant Inspector of ICAC or as a member of the Commission, Assistant Commissioner or Inspector of the LECC, is time served as a Judge of the status equivalent to the judicial office held by the person immediately before their appointment.

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[1] inserts proposed clause 6A into Schedule 1A, which provides that a person who was a Judge of the Supreme Court or the District Court before being appointed as Inspector, and who resigned immediately before the appointment as Inspector, may return to their position as a Judge of the same Court at the end of the person's tenure as Inspector. The person's entitlements in relation to a judicial pension also continue while the person is Inspector, and service as Inspector is taken to be service as a Judge.

Schedule 1[2] inserts a provision to ensure the amendments made by the proposed *ICAC and LECC Legislation Amendment Act 2022* apply on and from 30 June 2022, even if the proposed Act commences after that date.

Schedule 2 Amendment of Independent Commission Against Corruption (Commissioner) Act 1994 No 61

Schedule 2[1]–[4] extend existing provisions relating to a Judge of the Supreme Court to a Judge of the District Court. **Schedule 2[5]** makes a consequential amendment.

Schedule 2[6] inserts a regulation-making power for regulations of a savings or transitional nature and inserts a provision to ensure the amendments made by the proposed *ICAC and LECC Legislation Amendment Act 2022* apply on and from 30 June 2022, even if the proposed Act commences after that date.

Schedule 3 Amendment of Law Enforcement Conduct Commission Act 2016 No 61

Schedule 3[1]–[4] and **[6]–[8]** extend existing provisions relating to a Judge of the Supreme Court to a Judge of the District Court. **Schedule 3[5]** and **[9]** make consequential amendments.

Schedule 3[10] inserts a provision to ensure the amendments made by the proposed *ICAC and LECC Legislation Amendment Act 2022* apply on and from 30 June 2022, even if the proposed Act commences after that date.