

Overview of Bill

The object of this Bill is to amend the *Independent Commission Against Corruption Act 1988* (the **Act**) to strengthen, and clarify the ambit of, certain powers of the Independent Commission Against Corruption (the **Commission**) and the Inspector of the Commission (the **Inspector**).

The Bill:

(a) makes it clear that the Commission has power to gather, assemble and furnish evidence to the Director of Public Prosecutions for use in prosecutions after the discontinuance or completion of its investigations (**Schedule 1 [1] and [2]**), and

(b) broadens the powers of the Inspector by enabling the Inspector to report to Parliament at any time on any matter relating to the exercise of the Inspector's principal functions under section 57B of the Act if the Inspector considers a report to be in the public interest (**Schedule 1 [11]**), and

(c) makes it clear that the Inspector may provide a report or recommendation (or any relevant part of a report or recommendation) concerning any matter relating to the Inspector's principal functions to the Commission, an officer of Explanatory note page 2

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the Commission, a person who made a complaint or any other affected person if the Inspector considers that the matter can be effectively dealt with by such a recommendation or report (**Schedule 1 [9]**), and

(d) provides that section 40 of the *Surveillance Devices Act 2007* does not prevent the use, publication or communication of protected information within the meaning of that Act for the purpose of the exercise of the Inspector's functions under section 57B of the Act (**Schedule 1 [10]**), and

(e) permits a person who has been summonsed to appear at a compulsory examination or public inquiry for the purpose of producing a document or thing to produce the document or thing without appearing if excused from appearance by the Commissioner for the Commission and for any document or other thing so produced in accordance with the Commissioner's directions to be privileged (**Schedule 1 [3]–[8]**), and

(f) makes it clear that the Industrial Relations Commission cannot deal with an application under Part 6 (Unfair dismissals) of Chapter 2 of the *Industrial Relations Act 1996* by an officer of the Independent Commission Against Corruption whose employment is terminated by the Commissioner (**Schedule 1 [12]**), and

(g) provides for the making of savings and transitional regulations and makes amendments of a savings and transitional or consequential nature (**Schedule 1 [13] and [14]**).

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 contains the amendments described in the Overview above.