

**INDEPENDENT COMMISSION AGAINST CORRUPTION  
(AMENDMENT) BILL 1991**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to address a number of procedural matters in the Independent Commission Against Corruption Act 1988 and in particular to enlarge the discretion of the Commission to decide, in the public interest, to hold hearings in private.

---

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** is a formal provision giving effect to the Schedule of amendments.

**SCHEDULE 1—AMENDMENTS**

**Providing evidence and information to other authorities**

**Schedule 1 (1)** provides greater flexibility for the Commission to furnish evidence of criminal offences that it has obtained in the course of its investigations. The amendments enable the Commission to furnish the evidence directly to interstate or Commonwealth authorities (as well as to the Attorney General as the Act provides at present). Again, the amendments would allow the Commission to report relevant matters directly to a New South Wales public authority (as well as to the authority's Minister, as the Act provides at present).

**Public and private hearings**

**Schedule 1 (2)** is aimed at giving the Commission a greater discretion to determine whether or not to conduct a hearing in public or in private, including closing submissions. The Commission would be obliged to have regard to matters which it

---

*Independent Commission Against Corruption (Amendment) 1991*

---

considers to be related to the public interest. At present, the Commission may not direct that a hearing be heard in private unless “it is satisfied that it is desirable to do so in the public interest for reasons connected with the subject-matter of the investigation or the nature of the evidence to be given”: section 31 (4).

**Groups and unincorporated associations**

**Schedule 1 (3)** inserts a provision that expressly authorises groups and unincorporated associations to appear at and be represented at hearings before the Commission.

**Legal and financial assistance**

**Schedule 1 (4)** deals with the grant of legal or financial assistance to a witness before the Commission. It is proposed that assistance may be granted after consideration of the prospect of hardship to the witness if assistance is declined, the significance of the witness’s evidence, or any other matter relating to the public interest.

**Reports of Parliamentary Joint Committee**

**Schedule 1** covers the situation where the Parliamentary Joint Committee on the Independent Commission Against Corruption wishes to furnish a report, but Parliament is not in session. The Committee would transmit the report to the Clerk of a House, who is authorised to have it printed.

---