

Authorised Version No. 001
Independent Broad-based Anti-corruption
Commission Act 2011

No. 66 of 2011

Authorised Version incorporating amendments as at
1 July 2012

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Purpose	1
2 Commencement	1
3 Definitions	1
4 Objects of Act	2
5 Act binds the Crown	2
5A Application of Act	3
PART 2—THE IBAC	4
6 Establishment of the IBAC	4
7 The IBAC is a body corporate	4
8 Constitution of the IBAC	4
9 Functions of the IBAC	5
10 Powers of the IBAC	5
11 Delegation	5
12 IBAC not subject to direction or control	6
13 Independence of the Commissioner	6
14 Appointment of the Commissioner	7
15 Veto of proposed Commissioner	7
16 Duties, functions and powers of the Commissioner	8
17 Deputy Commissioners	9
18 Terms and conditions	9
19 Vacancy and resignation—office of the Commissioner	12
20 Suspension and removal from office of the Commissioner	12
21 Vacancy and resignation—office of Deputy Commissioner	13
22 Removal from office of a Deputy Commissioner	14
23 Declaration of inability to act	14
24 Acting appointment	14
25 Oath or affirmation of office	16

<i>Section</i>	<i>Page</i>
26 Delegation	17
27 Chief Executive Officer	17
28 Oath or affirmation of office by Chief Executive Officer or acting Chief Executive Officer	18
29 Staff	19
30 Consultants	19
31 Oath or affirmation by staff and consultants	19
32 Obligation on persons employed or engaged under section 29	20
33 Obligation to avoid actual or perceived conflicts of interest	21
PART 3—REPORTS	22
34 Matters to be included in annual report	22
35 Special reports	22
PART 4—GENERAL	24
Division 1—Regulations	24
36 Regulations	24
37 Regulations—specific matters	25
Division 2—Amendment of the Parliamentary Committees Act 2003	26
38 Definitions	26
39 Establishment of Joint House Committees	26
40 New section 12A inserted	26
12A IBAC Committee	26
Division 3—Miscellaneous	27
41 Amendment of the Juries Act 2000	27
42 Amendment of the Ombudsman Act 1973	27
43 Amendment of Public Administration Act 2004	28
44 Amendment of the Whistleblowers Protection Act 2001	28
45 Repeal of amending provisions	29
ENDNOTES	30
1. General Information	30
2. Table of Amendments	31
3. Explanatory Details	32

Authorised Version No. 001
**Independent Broad-based Anti-corruption
Commission Act 2011**

No. 66 of 2011

Authorised Version incorporating amendments as at
1 July 2012

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

- (1) The main purpose of this Act is to establish the Independent Broad-based Anti-corruption Commission.
- (2) This Act also amends the **Parliamentary Committees Act 2003** to constitute a Joint House Committee of the Parliament of Victoria to oversee the Independent Broad-based Anti-corruption Commission.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2012, it comes into operation on that day.

3 Definitions

In this Act—

Australian legal practitioner has the same meaning as it has in the **Legal Profession Act 2004**;

Commissioner means the person appointed under section 14;

Deputy Commissioner means a person appointed under section 17;

IBAC means the Independent Broad-based Anti-corruption Commission established under section 6;

IBAC Committee means the Joint House Committee established under section 5(fa) of the **Parliamentary Committees Act 2003**;

IBAC Officer means—

- (a) the Commissioner;
- (b) a Deputy Commissioner;
- (c) the Chief Executive Officer appointed under section 27;
- (d) a member of staff employed under section 29.

4 Objects of Act

The objects of this Act are to—

- (a) assist in the prevention of corrupt conduct;
- (b) facilitate the education of the public sector and the community about the detrimental effects of corrupt conduct on public administration and the ways in which corrupt conduct can be prevented;
- (c) assist in improving the capacity of the public sector to prevent corrupt conduct;
- (d) provide for the investigation and exposure of corrupt conduct.

5 Act binds the Crown

- (1) This Act binds the Crown—
 - (a) in right of the State of Victoria; and
 - (b) to the extent that the legislative power of the Parliament permits, in all its other capacities.

-
- (2) To avoid doubt, the Crown is a body corporate for the purposes of this Act and the regulations.

5A Application of Act

This Act does not apply to the Victorian Inspectorate or any Victorian Inspectorate Officer within the meaning of the **Victorian Inspectorate Act 2011**.

S. 5A
inserted by
No. 70/2011
s. 43.

PART 2—THE IBAC

6 Establishment of the IBAC

- (1) The Independent Broad-based Anti-corruption Commission is established.
- (2) The IBAC does not represent the Crown.

7 The IBAC is a body corporate

- (1) The IBAC—
 - (a) is a body corporate with perpetual succession;
 - (b) has an official seal;
 - (c) may sue and be sued;
 - (d) may acquire, hold and dispose of real and personal property;
 - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (2) All courts must take judicial notice of the official seal of the IBAC affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (3) The official seal of the IBAC must—
 - (a) be kept in such custody as the IBAC determines; and
 - (b) not be used except as authorised by the IBAC.

Note

The IBAC is a special body under section 6(1) of the **Public Administration Act 2004**.

8 Constitution of the IBAC

The IBAC consists of one Commissioner appointed by the Governor in Council in accordance with section 14.

9 Functions of the IBAC

- (1) The IBAC has the functions conferred on the IBAC under this Act or any other Act.
- (2) The IBAC has education and prevention functions for the purpose of achieving the objects of this Act.
- (3) Without limiting the generality of subsection (2), the IBAC has the following functions—
 - (a) to examine systems and practices in the public sector and public sector legislation;
 - (b) to provide information to, consult with and make recommendations to, the public sector;
 - (c) to assist the public sector to increase capacity to prevent corrupt conduct by providing advice, training and education services;
 - (d) to provide information and education services to the community about the detrimental effects of corruption on public administration and ways in which to assist in preventing corrupt conduct;
 - (e) to publish information on ways to prevent corrupt conduct.

10 Powers of the IBAC

The IBAC has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of this Act and the performance of its duties and functions.

11 Delegation

- (1) The IBAC by instrument may delegate to the Commissioner or a Deputy Commissioner any duty, function or power of the IBAC under this Act or any other Act or the regulations under this Act other than this power of delegation.

-
- (2) A delegation under this section to a former judge of the Supreme Court or the County Court or a former Chief Magistrate does not affect any pension or other rights or privileges that the person has as a former judge or Chief Magistrate.

12 IBAC not subject to direction or control

The IBAC is not subject to the direction or control of the Minister in respect of the performance of its duties and functions and the exercise of its powers.

13 Independence of the Commissioner

- (1) The Commissioner is an independent officer of the Parliament.
- (2) The functions, powers, immunities and obligations of the Commissioner are as specified in this Act and other laws of the State.
- (3) There are no implied functions, powers, rights, immunities or obligations arising from the Commissioner being an independent officer of the Parliament.
- (4) The powers of the Parliament to act in relation to the Commissioner are as specified in or applying under this Act, the **Constitution Act 1975** and other laws of the State.
- (5) There are no implied powers of the Parliament arising from the Commissioner being an independent officer of the Parliament.
- (6) Subject to this Act and other laws of the State, the Commissioner has complete discretion in the performance or exercise of his or her duties, functions or powers.

-
- (7) In particular and without limiting subsection (6), the Commissioner is not subject to the direction or control of the Minister in respect of the performance or exercise of his or her duties, functions or powers.

14 Appointment of the Commissioner

- (1) Subject to section 15, the Governor in Council on the recommendation of the Minister may by instrument appoint an eligible person to be the Commissioner.
- (2) A person is an eligible person if he or she—
- (a) is or has been, or is qualified for appointment as, a judge of—
 - (i) the High Court; or
 - (ii) the Federal Court; or
 - (iii) the Supreme Court of Victoria or another State or a Territory;
 - (b) is not a member of the Parliament of Victoria or of the Commonwealth or of another State or a Territory.
- (3) A person holding a judicial office immediately before being appointed to be the Commissioner must cease to hold that judicial office upon being appointed to be the Commissioner.

15 Veto of proposed Commissioner

- (1) Subject to subsection (4), the Minister must not make a recommendation under section 14 unless—
- (a) the Minister has submitted details of the proposed recommendation to the IBAC Committee; and

-
- (b) either—
- (i) within the time specified in subsection (2) the IBAC Committee has informed the Minister that it has decided not to veto the recommendation; or
 - (ii) the time specified in subsection (2) has elapsed and the IBAC Committee has not vetoed the recommendation.
- (2) The IBAC Committee must make a decision under this section within 30 days after the Minister has submitted details of the proposed recommendation to the IBAC Committee.
- (3) The IBAC Committee—
- (a) may decide to veto or not to veto the proposed recommendation;
 - (b) must notify the Minister in writing of its decision within the period specified in subsection (2).
- (4) Subsections (1) to (3) do not apply to the appointment of the first Commissioner under this Act and the Minister may make the recommendation for the appointment of the first Commissioner after the Premier has consulted in relation to the proposed recommendation with the member of the Legislative Assembly who is for the time being the Leader of Her Majesty's Opposition.

16 Duties, functions and powers of the Commissioner

The Commissioner—

- (a) constitutes the IBAC under section 8;
- (b) is responsible for undertaking the strategic leadership of the IBAC for the purpose of achieving the objects of this Act;

- (c) has the duties, functions and powers delegated to the Commissioner by the IBAC;
- (d) has any other duties, functions and powers conferred on the Commissioner under this Act or any other Act.

17 Deputy Commissioners

- (1) Subject to subsections (2) and (3), the Governor in Council on the recommendation of the Minister may by instrument appoint one or more persons as Deputy Commissioners being persons whom the Minister considers have the experience and qualifications necessary to enable the IBAC to achieve the objects of this Act and perform its duties and functions.
- (2) The Minister must not recommend that a person be appointed as a Deputy Commissioner unless the person is an Australian lawyer within the meaning of the **Legal Profession Act 2004**.
- (3) Before making a recommendation under this section, the Minister must obtain the concurrence of the Commissioner.
- (4) A person holding a judicial office immediately before being appointed to be a Deputy Commissioner must cease to hold that judicial office upon being appointed to be a Deputy Commissioner.

18 Terms and conditions

- (1) The Commissioner or a Deputy Commissioner holds office for the period not exceeding 5 years as is specified in the instrument of appointment.
- (2) The Commissioner is not eligible to be re-appointed.
- (3) A Deputy Commissioner is eligible to be re-appointed.

-
- (4) Subject to this section, the Commissioner or a Deputy Commissioner is appointed on the terms and conditions (including remuneration and allowances) that are specified in the instrument of appointment.
 - (5) The remuneration of the Commissioner or a Deputy Commissioner cannot be reduced during his or her term of office unless he or she consents to the reduction.
 - (6) If a person who has been a judge of the Supreme Court or the County Court or has been the Chief Magistrate is appointed as the Commissioner or a Deputy Commissioner, the appointment does not affect any pension or other rights or privileges the person has as a former judge or Chief Magistrate.
 - (7) If the Commissioner or a Deputy Commissioner was immediately before his or her appointment a judge of the Supreme Court, his or her service as a Commissioner or Deputy Commissioner shall count as service in the office of judge of the Supreme Court for the purposes of entitlement to a pension under section 83 of the **Constitution Act 1975**.
 - (8) If the Commissioner or a Deputy Commissioner was immediately before his or her appointment a judge of the County Court, his or her service as a Commissioner or Deputy Commissioner shall count as service in the office of judge of the County Court for the purposes of entitlement to a pension under section 14 of the **County Court Act 1958**.
 - (9) If the Commissioner or a Deputy Commissioner was immediately before his or her appointment as the Chief Magistrate, his or her service as a Commissioner or Deputy Commissioner shall count as service in the office of Chief Magistrate

for the purposes of entitlement to a pension under section 10A of the **Magistrates' Court Act 1989**.

- (10) If the Commissioner or a Deputy Commissioner was immediately before his or her appointment an officer within the meaning of the **State Superannuation Act 1988**, he or she continues to be such an officer during his or her term of office as the Commissioner or a Deputy Commissioner.
- (11) The Commissioner or a Deputy Commissioner must not engage in any employment, business or community activity outside the office of Commissioner or Deputy Commissioner that may create an actual or perceived conflict of interest with his or her role as the Commissioner or a Deputy Commissioner.
- (12) Without limiting the generality of subsection (11), the Commissioner or a Deputy Commissioner must not enter into a contract by which he or she is to provide services or provide services under any contract if the provision of services may create an actual or perceived conflict of interest with his or her role as the Commissioner or a Deputy Commissioner.
- (13) In addition to subsection (11), the Commissioner or a Deputy Commissioner must not, without the approval of the Governor in Council—
- (a) apply for, or hold, a licence or permit to conduct any trade, business or profession; or
- Note**
- This includes a legal practising certificate under the **Legal Profession Act 2004**.
- (b) conduct any trade, business or profession; or
 - (c) accept any other employment.

- (14) The **Public Administration Act 2004** does not apply to the Commissioner or a Deputy Commissioner in respect of the office of Commissioner or Deputy Commissioner.

19 Vacancy and resignation—office of the Commissioner

- (1) The Commissioner ceases to hold office if he or she—
- (a) resigns by writing delivered to the Governor; or
 - (b) becomes an insolvent under administration; or
 - (c) is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
 - (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory; or
 - (e) is appointed to a judicial office; or
 - (f) becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**.
- (2) The Commissioner ceases to hold office if he or she is removed from office under section 20.

20 Suspension and removal from office of the Commissioner

- (1) The Governor in Council may suspend the Commissioner from office on any of the following grounds—
- (a) misconduct;
 - (b) neglect of duty;
 - (c) inability to perform the duties of the office;

-
- (d) any other ground on which the Governor in Council is satisfied that the Commissioner is unfit to hold office.
- (2) The Minister must cause a full statement of the grounds of suspension to be presented to each House of the Parliament on or before the 7th sitting day of that House of the Parliament after the suspension.
- (3) The Governor in Council must remove the Commissioner from office if each House of the Parliament on or before the 7th sitting day of that House of the Parliament after the statement of the grounds of suspension is presented to it, declares by resolution that the Commissioner ought to be removed from office.
- (4) The Governor in Council must remove the suspension and restore the Commissioner to office unless each House of the Parliament makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
- (5) The Commissioner can only be removed from office in accordance with this section.

21 Vacancy and resignation—office of Deputy Commissioner

- (1) A Deputy Commissioner ceases to hold office if he or she—
- (a) resigns by writing delivered to the Governor;
or
 - (b) becomes an insolvent under administration;
or
 - (c) is convicted, or found guilty, of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or

- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory; or
- (e) is appointed to a judicial office; or
- (f) becomes a represented person within the meaning of the **Guardianship and Administration Act 1986**.

(2) A Deputy Commissioner ceases to hold office if he or she is removed from office under section 22.

22 Removal from office of a Deputy Commissioner

The Governor in Council may remove a Deputy Commissioner from office on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of the office;
- (d) any other ground on which the Governor in Council is satisfied that the Deputy Commissioner is unfit to hold office.

23 Declaration of inability to act

The Commissioner or a Deputy Commissioner may declare himself or herself unable to act in respect of a particular matter by reason of an actual or perceived conflict of interest.

24 Acting appointment

(1) The Governor in Council may on the recommendation of the Minister appoint a person to act in the office of Commissioner or a Deputy Commissioner during—

- (a) any vacancy (including an initial vacancy) in the office of the Commissioner or Deputy Commissioner; or

S. 24(1)(a)
amended by
No. 28/2012
s. 10(1).

-
- (b) any period when the person holding the office—
- (i) is absent from duty; or
 - (ii) is for any other reason unable to perform the duties of the office.
- (2) Subject to this section, a person appointed under subsection (1) can be appointed for a period not exceeding 6 months.
- (3) Subject to subsection (4), an acting appointment or acting appointments in respect of each vacancy referred to in subsection (1)(a) or each period referred to in subsection (1)(b) must not exceed a total of 6 months in duration.
- (4) An acting appointment or acting appointments in respect of each vacancy referred to in subsection (1)(a) or each period referred to in subsection (1)(b) must not exceed a total of 12 months in duration, if—
- (a) a Deputy Commissioner or Deputy Commissioners are appointed to act; or
 - (b) the person appointed to act is a person who is eligible for appointment as the Commissioner under section 14; or
 - (c) the person appointed to act is a person who, in the opinion of the Minister—
 - (i) has the experience and qualifications necessary to enable the IBAC to achieve the objects of this Act and perform its duties and functions; and
 - (ii) has prior experience in a senior role in a body with investigative functions, intelligence gathering functions or substantially similar functions.

**S. 24(4)
substituted by
No. 28/2012
s. 10(2).**

- (5) A vacancy in the office of the Commissioner must be filled by a person appointed in accordance with section 14 within the period of 12 months after the vacancy occurred.
- (6) The Governor in Council may at any time remove a person acting in the office of the Commissioner or a Deputy Commissioner from the office.
- (7) While a person is acting in the office of Commissioner or Deputy Commissioner the person—
- (a) has and may exercise all the powers, and must perform all the functions and duties, of that office; and
 - (b) unless subsection (8) applies, is entitled to be paid the remuneration and allowances which the Commissioner or Deputy Commissioner would have been entitled to.
- (8) If there is no current holder of the office of Commissioner under section 14 or Deputy Commissioner under section 17, a person appointed to act as the Commissioner or to act as the Deputy Commissioner is entitled to be paid the remuneration and allowances specified in the instrument of appointment of that person as acting Commissioner or acting Deputy Commissioner.

S. 24(7)(b)
amended by
No. 28/2012
s. 10(3).

S. 24(8)
inserted by
No. 28/2012
s. 10(4).

25 Oath or affirmation of office

- (1) Before a person appointed to be the Commissioner or a Deputy Commissioner or to act in the office of the Commissioner or a Deputy Commissioner assumes the office, he or she must have taken an oath or made an affirmation that he or she—
- (a) will faithfully and impartially perform the duties and functions and exercise the powers of the office; and

- (b) will not disclose, except as authorised or required by law, any information received in the performance of the duties and functions or the exercise of the powers of the office.
- (2) The oath or affirmation is to be administered by the Speaker of the Legislative Assembly.

26 Delegation

- (1) The Commissioner by instrument may delegate to a Deputy Commissioner, the Chief Executive Officer, a member of staff employed or engaged under section 29 or a person engaged as a consultant under section 30 any duty, function or power of the Commissioner under this Act or any other Act other than this power of delegation.
- (2) A Deputy Commissioner by instrument may delegate to the Chief Executive Officer, a member of staff employed or engaged under section 29 or a person engaged as a consultant under section 30 any duty, function or power of the Deputy Commissioner under this Act or any other Act other than this power of delegation.
- (3) A delegation under this section to a former judge of the Supreme Court or the County Court or a former Chief Magistrate does not affect any pension or other rights or privileges that the person has as a former judge or Chief Magistrate.

27 Chief Executive Officer

- (1) The IBAC must appoint a person as the Chief Executive Officer of the IBAC.
- (2) The Chief Executive Officer holds office, subject to this Act, on a full-time basis and on such terms and conditions as are determined by the IBAC and specified in the instrument of appointment.
- (3) The IBAC may at any time remove or suspend the Chief Executive Officer from office.

-
- (4) The Chief Executive Officer may resign from the office in writing signed by the Chief Executive Officer and delivered to the IBAC.
 - (5) If the Chief Executive Officer is unable, whether because of illness, suspension, absence or otherwise to perform the duties of the office of the Chief Executive Officer, the IBAC may appoint another person to act in the place of the Chief Executive Officer during the period of inability.
 - (6) A person appointed under this section to act in the place of the Chief Executive Officer while so acting—
 - (a) has all the rights and powers, and must perform the duties, of the Chief Executive Officer; and
 - (b) is entitled to be paid the remuneration and allowances which the Chief Executive Officer would have been entitled to.
 - (7) If the Chief Executive Officer was immediately before his or her appointment an officer within the meaning of the **State Superannuation Act 1988**, he or she continues to be such an officer while serving with the IBAC.
 - (8) The Chief Executive Officer is the public service body Head of the IBAC for the purposes of section 16 of the **Public Administration Act 2004**.

28 Oath or affirmation of office by Chief Executive Officer or acting Chief Executive Officer

- (1) Before a person appointed to be the Chief Executive Officer or to act in the office of the Chief Executive Officer assumes the office, he or she must have taken an oath or made an affirmation that he or she—

-
- (a) will faithfully and impartially perform the duties and functions and exercise the powers of the office; and
 - (b) will not disclose, except as authorised or required by law, any information received in the performance of the duties and functions or the exercise of the powers of the office.
- (2) The oath or affirmation is to be administered by the Commissioner.

29 Staff

- (1) Any employees that are necessary for the purposes of this Act may be employed under Part 3 of the **Public Administration Act 2004**.
- (2) The IBAC may enter into agreements or arrangements for the use of the services of any staff of a Department, statutory authority or other public body.

30 Consultants

- (1) The IBAC may engage persons with suitable qualifications and experience as consultants.
- (2) Without limiting the generality of subsection (1), the IBAC may appoint an Australian legal practitioner to assist the IBAC as counsel, either generally or in reference to a particular matter.
- (3) An engagement under this section may be on any terms and conditions the IBAC considers appropriate.

31 Oath or affirmation by staff and consultants

- (1) Before commencing employment with the IBAC, a person referred to in section 29 must take an oath or make an affirmation that he or she—
 - (a) will faithfully and impartially perform their duties and functions and exercise their powers; and

- (b) will not disclose, except as authorised or required by law, any information received in the performance of their duties and functions or the exercise of their powers.
- (2) The IBAC may require a person engaged under section 29(2) or 30 or an officer, sub-contractor, agent or employee of a person engaged under section 30 to take an oath or make an affirmation that he or she—
 - (a) will faithfully and impartially perform their duties and functions and exercise their powers in the course of the engagement; and
 - (b) will not disclose, except as authorised or required by law, any information received in the performance of their duties and functions or the exercise of their powers in the course of the engagement.
- (3) The oath or affirmation is to be administered by the Commissioner.

32 Obligation on persons employed or engaged under section 29

A person employed or engaged under section 29 must not—

- (a) publicly comment upon the administration of this Act or the performance of functions or the exercise of powers by the IBAC;
- (b) make use of, or disclose, any information obtained in the course of their employment or engagement under section 29, except in the course of the performance of their functions or the exercise of their powers in accordance with the law.

33 Obligation to avoid actual or perceived conflicts of interest

An IBAC Officer must ensure that any actual or perceived conflicts of interest are avoided in the performance of their duties and functions and in the exercise of their powers as an IBAC Officer.

PART 3—REPORTS

34 Matters to be included in annual report

The IBAC in its annual report for a financial year under Part 7 of the **Financial Management Act 1994** must include—

- (a) the prescribed information relating to the performance of its duties and functions;
- (b) any recommendations for changes to any Act or law in force in Victoria or for specified administrative actions to be taken which the IBAC considers necessary as a result of the performance of its duties and functions;
- (c) a description of its activities in relation to the performance of its duties and functions.

35 Special reports

- (1) The IBAC may at any time cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions.
- (2) The clerk of each House of the Parliament must cause the report to be laid before the House of the Parliament on the day on which it is received or on the next sitting day of that House of the Parliament.
- (3) If the IBAC proposes to transmit a report to the Parliament on a day on which neither House of the Parliament is actually sitting, the IBAC must—
 - (a) give one business day's notice of intention to do so to the clerk of each House of the Parliament; and
 - (b) give the report to the clerk of each House of the Parliament on the day indicated in the notice; and

-
- (c) publish the report on the IBAC's Internet website as soon as practicable after giving it to the clerks.
- (4) The clerk of each House of the Parliament must—
- (a) notify each member of the House of the Parliament of the receipt of the notice under subsection (3)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the report to each member of the House of the Parliament as soon as practicable after the report is received under subsection (3)(b); and
 - (c) cause the report to be laid before the House of the Parliament on the next sitting day of the House of the Parliament.
- (5) A report that is given to the clerks under subsection (3)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament.
- (6) The publication of a report by the IBAC under subsection (3)(c) is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a document to which those sections applied and had been published by the Government Printer under the authority of the Parliament.
-

PART 4—GENERAL

Division 1—Regulations

36 Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
 - (a) may be of general or specially limited application;
 - (b) may differ according to differences in time, place or circumstance;
 - (c) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of persons;
 - (d) may provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to the extent specified;
 - (e) may confer powers or impose duties in connection with the regulations on any specified person or specified class of persons;
 - (f) may apply, adopt or incorporate with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person—

-
- (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time;
 - (g) may impose a penalty not exceeding 20 penalty units for a contravention of the regulations.

37 Regulations—specific matters

Without limiting the generality of section 36, the regulations may prescribe—

- (a) security checks for IBAC Officers and other persons engaged under section 29 or 30;
- (b) requirements relating to the issue of identity cards to IBAC Officers and the use of the identity cards;
- (c) requirements for the disclosure and reporting of pecuniary interests by IBAC Officers, including providing for the manner of disclosure (whether by statutory declaration or otherwise) and the compilation, maintenance and publication of registers of pecuniary interests;
- (d) the information to be included by the IBAC in its annual report.

Division 2—Amendment of the Parliamentary Committees Act 2003

38 Definitions

See:
Act No.
110/2003.
Reprint No. 1
as at
26 July 2006
and
amending
Act Nos
43/2006,
4/2007,
7/2011 and
8/2011.
LawToday:
www.
legislation.
vic.gov.au

In section 3 of the **Parliamentary Committees Act 2003** insert the following definitions—

"Commissioner has the same meaning as it has in section 3 of the **Independent Broad-based Anti-corruption Commission Act 2011**;

IBAC means the Independent Broad-based Anti-corruption Commission established under the **Independent Broad-based Anti-corruption Commission Act 2011**;

IBAC Committee means the Independent Broad-based Anti-corruption Commission Committee established under section 5(fa);".

39 Establishment of Joint House Committees

After section 5(f) of the **Parliamentary Committees Act 2003** insert—

"(fa) the Independent Broad-based Anti-corruption Commission Committee;".

40 New section 12A inserted

After section 12 of the **Parliamentary Committees Act 2003** insert—

"12A IBAC Committee

The functions of the IBAC Committee are—

- (a) to monitor and review the performance of the duties and functions of the IBAC;
- (b) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the IBAC that require the attention of the Parliament;

- (c) to examine any reports made by the IBAC;
- (d) to consider any proposed appointment of a Commissioner and to exercise a power of veto in accordance with the **Independent Broad-based Anti-corruption Commission Act 2011**;
- (e) to carry out any other function conferred on the IBAC Committee by or under this Act or the **Independent Broad-based Anti-corruption Commission Act 2011**."

Division 3—Miscellaneous

41 Amendment of the Juries Act 2000

In Schedule 2 to the **Juries Act 2000**, after Clause 1(j) **insert**—

- "(ja) the Commissioner of the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;
- (jb) any other IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;"

42 Amendment of the Ombudsman Act 1973

After section 13(3)(da) of the **Ombudsman Act 1973** **insert**—

- "(db) by the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**, including by any IBAC Officer within the meaning of that Act, or by any other person engaged under section 29 or 30 of that Act;"

43 Amendment of Public Administration Act 2004

- (1) After section 6(1)(a) of the **Public Administration Act 2004** insert—
 - "(aa) the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;"
- (2) After section 16(1)(c) of the **Public Administration Act 2004** insert—
 - "(ca) the Chief Executive Officer of the IBAC in relation to the office of the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;"
- (3) In section 52(1)(c) of the **Public Administration Act 2004** after "special body" insert "other than the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**".

44 Amendment of the Whistleblowers Protection Act 2001

- (1) In section 4(1) of the **Whistleblowers Protection Act 2001**—
 - (a) for "appointment." substitute "appointment;"
 - (b) after paragraph (b) insert—
 - "(c) the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**."
- (2) After section 4(2)(h) of the **Whistleblowers Protection Act 2001** insert—
 - "(ha) an IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011** or any other person engaged under section 29 or 30 of that Act;"

45 Repeal of amending provisions

This Division and Division 2 are **repealed** on
1 July 2013.

Note

The repeal of these provisions does not affect the continuing
operation of the amendments made by those provisions (see
section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 27 October 2011

Legislative Council: 10 November 2011

The long title for the Bill for this Act was "A Bill for an Act to establish the Independent Broad-based Anti-corruption Commission, to amend the **Parliamentary Committees Act 2003** and certain other Acts, and for other purposes."

The **Independent Broad-based Anti-corruption Commission Act 2011** was assented to on 29 November 2011 and came into operation on 1 July 2012: section 2(2).

2. Table of Amendments

This Version incorporates amendments made to the **Independent Broad-based Anti-corruption Commission Act 2011** by Acts and subordinate instruments.

Victorian Inspectorate Act 2011, No. 70/2011

Assent Date: 29.11.11
Commencement Date: S. 43 on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Independent Broad-based Anti-corruption Commission Act 2011**

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012, No. 28/2012

Assent Date: 29.5.12
Commencement Date: S. 10 on 1.7.12: Special Gazette (No. 222) 29.6.12 p. 1
Current State: This information relates only to the provision/s amending the **Independent Broad-based Anti-corruption Commission Act 2011**

Endnotes.

3. Explanatory Details

No entries at date of publication.