

LEGISLATIVE COUNCIL

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION
AMENDMENT (INVESTIGATIVE FUNCTIONS) BILL 2011

(Amendments and New Clause to be proposed in Committee by Ms PENNICUICK)

1. Clause 3, after line 9, insert—

"applicable code of conduct means, in relation to—

- (a) a responsible Minister of the Crown, a Ministerial code of conduct prescribed or adopted for the purposes of this definition or otherwise applying to a Minister of the Crown;
- (b) a member of the Legislative Assembly or the Legislative Council, including a Minister of the Crown, a code of conduct prescribed or adopted for the purposes of this definition or otherwise applying to a member of the Legislative Assembly or the Legislative Council;".

2. Clause 4, after line 27 insert—

"(e) of a responsible Minister of the Crown or a member of the Legislative Assembly or the Legislative Council that constitutes a substantial contravention of an applicable code of conduct; or".

3. Clause 4, line 28 omit "(e)" and insert "(f)".
4. Clause 4, lines 30 and 31, omit "or (d)" and insert ", (d) or (e)".
5. Clause 4, page 14, line 28, after "which" insert "does not meet the standard of conduct the community reasonably expects of a member of police personnel or".
6. Clause 4, page 15, line 17, after "which" insert "does not meet the standard of conduct the community reasonably expects of a member of police personnel or".
7. Clause 4, page 16, line 4, after "which" insert "does not meet the standard of conduct the community reasonably expects of a member of police personnel or".
8. Clause 4, page 16, line 16, after "which" insert "does not meet the standard of conduct the community reasonably expects of a member of police personnel or".
9. Insert the following new clause to follow clause 6—

'A New sections 9A and 9B inserted

After section 9 of the **Independent Broad-based Anti-corruption Act 2011** insert—

"9A Public interest is paramount

In the exercise of its functions, the IBAC must regard the protection of the public interest and the prevention of breaches of the public trust as its paramount concerns.

9B Serious corrupt conduct and systemic corrupt conduct

In the exercise of its functions, the IBAC, as far as is practicable—

- (a) is to direct its attention to serious corrupt conduct and systemic corrupt conduct; and
- (b) is to take into account the responsibility and role of any other public authorities or any public officials have in the prevention of corrupt conduct.".'.

- 10. Clause 9, page 31, line 4 omit "(1) Subject to subsection (2), the" and insert "The".
- 11. Clause 9, page 31, lines 12 to 15, omit all the words and expressions on these lines.
- 12. Clause 9, page 34, line 32 omit "41(2)".