





# **National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022**

**No. 89, 2022**

**An Act to deal with consequential and transitional matters arising from the enactment of the *National Anti-Corruption Commission Act 2022*, and for other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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**An Act to deal with consequential and transitional matters arising from the enactment of the *National Anti-Corruption Commission Act 2022*, and for other purposes**

[Assented to 12 December 2022]

The Parliament of Australia enacts:

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## 1 Short title

This Act is the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022*.

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	12 December 2022
2. Schedule 1	At the same time as section 40 of the <i>National Anti-Corruption Commission Act 2022</i> commences. However, the provisions do not commence at all if that section does not commence.	
3. Schedule 2, items 1 to 55	At the same time as section 40 of the <i>National Anti-Corruption Commission Act 2022</i> commences. However, the provisions do not commence at all if that section does not commence.	
4. Schedule 2, item 56	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Division 1 of Part 10 of the <i>National Anti-Corruption Commission Act 2022</i> . However, the provision does not commence at all if the event mentioned in paragraph (b) does not occur.	13 December 2022 (paragraph (b) applies)

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
5. Schedule 2, item 57	At the same time as section 40 of the <i>National Anti-Corruption Commission Act 2022</i> commences.  However, the provision does not commence at all if that section does not commence.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Repeals

#### *Law Enforcement Integrity Commissioner Act 2006*

##### **1 The whole of the Act**

Repeal the Act.

## **Part 2—Consequential amendments**

### ***Administrative Decisions (Judicial Review) Act 1977***

#### **2 At the end of Schedule 1**

Add:

- ; (zi) decisions under the following provisions of the *National Anti-Corruption Commission Act 2022*:
  - (i) provisions in Part 6 (including that Part as applied by section 211 of that Act);
  - (ii) provisions in Part 7 (including that Part as applied by sections 163 and 214 of that Act);
  - (iii) sections 161, 162, 209, 210 and 213.

#### **3 Paragraph (eaa) of Schedule 2**

Repeal the paragraph.

### ***Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

#### **4 Section 5 (definition of *Australian Commission for Law Enforcement Integrity officer*)**

Repeal the definition.

#### **5 Section 5 (paragraph (e) of the definition of *entrusted investigating official*)**

Repeal the paragraph, substitute:

- (e) the National Anti-Corruption Commissioner; or

#### **6 Section 5 (definition of *Integrity Commissioner*)**

Repeal the definition.

#### **7 Section 5 (paragraph (f) of the definition of *investigating officer*)**

Repeal the paragraph, substitute:

(f) a National Anti-Corruption Commission officer.

## 8 Section 5

Insert:

*National Anti-Corruption Commissioner* means the Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

*National Anti-Corruption Commission officer* means a staff member of the NACC within the meaning of the *National Anti-Corruption Commission Act 2022*.

## 9 Paragraph 49(1)(f)

Repeal the paragraph, substitute:

(f) the National Anti-Corruption Commissioner; or

## 10 Paragraph 121(2)(e)

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

## *Archives Act 1983*

## 11 Paragraph 33(1A)(ba)

Repeal the paragraph, substitute:

(ba) a person who is providing, or has provided, confidential information to the Inspector of the National Anti-Corruption Commission, or the National Anti-Corruption Commissioner or another staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*), in relation to such a matter; or

## *Australian Border Force Act 2015*

## 12 Section 43 (heading)

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**13 Paragraph 43(b)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

***Australian Crime Commission Act 2002***

**14 Subparagraph 7A(ca)(iii)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**15 Paragraph 21C(2)(g)**

Repeal the paragraph, substitute:

(g) as a NACC disclosure (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**16 Paragraph 21C(4)(e)**

Repeal the paragraph, substitute:

(e) by making a NACC disclosure (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**17 Paragraph 29B(2)(g)**

Repeal the paragraph, substitute:

(g) as a NACC disclosure (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**18 Paragraph 29B(4)(e)**

Repeal the paragraph, substitute:

(e) by making a NACC disclosure (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**19 Subsection 51(4) (paragraph (c) of the definition of *relevant Act*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

***Australian Federal Police Act 1979***

**20 Subsection 4(1) (definition of *corrupt conduct*)**

Repeal the definition, substitute:

*corrupt conduct* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

**21 Subsection 4(1) (definition of *corruption issue*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**22 Subsection 4(1) (definition of *engages in corrupt conduct*)**

Repeal the definition.

**23 Subsection 4(1)**

Insert:

*National Anti-Corruption Commissioner* means the Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

**24 Paragraph 40RB(2)(c)**

Omit “Integrity Commissioner under the *Law Enforcement Integrity Commissioner Act 2006*”, substitute “National Anti-Corruption Commissioner under the *National Anti-Corruption Commission Act 2022*”.

**25 At the end of paragraphs 40TL(1)(b) and (2)(b)**

Add “or a corruption issue”.

**26 Subsection 40TL(3)**

Repeal the subsection, substitute:

- (3) This Subdivision also applies if the National Anti-Corruption Commissioner refers a corruption issue that relates to the conduct of an AFP appointee to the Commissioner under paragraph 41(1)(c) of the *National Anti-Corruption Commission Act 2022*.

**27 Subsection 40TO(7)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**28 Paragraph 40UB(1)(b)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**29 Subsections 40UD(3) and 40WA(4)**

Omit “Integrity Commissioner” (wherever occurring), substitute “National Anti-Corruption Commissioner”.

**30 Subsection 40WA(4)**

Omit “Integrity Commissioner’s”, substitute “National Anti-Corruption Commissioner’s”.

**31 Subsection 40WB(1) (including the note)**

Omit “Integrity Commissioner” (wherever occurring), substitute “National Anti-Corruption Commissioner”.

**32 Paragraph 60A(2)(d)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**33 Subsection 60A(3) (subparagraph (a)(ii) of the definition of *prescribed information*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

***Australian Securities and Investments Commission Act 2001***

**34 Section 39H (modified paragraph 3ZQU(4)(h) of the *Crimes Act 1914*)**

Repeal the paragraph, substitute:

(h) conducting a NACC Act process (within the meaning of the *National Anti-Corruption Commission Act 2022*);

## ***Crimes Act 1914***

### **35 Subsection 3(1)**

Insert:

***Inspector of the National Anti-Corruption Commission*** means the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

### **36 Subsection 3(1) (definition of *Integrity Commissioner*)**

Repeal the definition.

### **37 Subsection 3(1) (paragraph (ba) of the definition of *law enforcement officer*)**

Omit “ACLEP”, substitute “the NACC”.

### **38 Subsection 3(1)**

Insert:

***National Anti-Corruption Commissioner*** means the Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

***National Anti-Corruption Deputy Commissioner*** means a Deputy Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

***person assisting the NACC Inspector*** means a person assisting the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

***staff member*** of the NACC has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

### **39 Subsection 3(1) (definition of *staff member of ACLEI*)**

Repeal the definition.

### **40 Paragraph 3ZQU(1)(i)**

Repeal the paragraph, substitute:

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- (i) conducting a NACC Act process (within the meaning of the *National Anti-Corruption Commission Act 2022*);

**41 Paragraph 3ZZEA(1)(h)**

Repeal the paragraph, substitute:

- (h) conducting a NACC Act process (within the meaning of the *National Anti-Corruption Commission Act 2022*);

**42 Section 15GC (definition of ACLEI authorising officer)**

Repeal the definition.

**43 Section 15GC (paragraph (c) of the definition of appropriate authorising officer)**

Omit “an ACLEI authorising officer—any ACLEI”, substitute “a NACC authorising officer—any NACC”.

**44 Section 15GC (paragraph (c) of the definition of authorising agency)**

Omit “an ACLEI authorising officer—the Australian Commission for Law Enforcement Integrity”, substitute “a NACC authorising officer—the National Anti-Corruption Commission”.

**45 Section 15GC (paragraph (e) of the definition of chief officer)**

Omit “Australian Commission for Law Enforcement Integrity—the Integrity Commissioner”, substitute “National Anti-Corruption Commission—the National Anti-Corruption Commissioner”.

**46 Section 15GC (paragraph (c) of the definition of disciplinary or legal action)**

Omit “, within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*,”.

**47 Section 15GC**

Insert:

*disciplinary proceeding*:

- (a) means a proceeding of a disciplinary nature under a law of the Commonwealth or of a State or Territory; and
- (b) includes action taken under Subdivision D of Division 3 of Part V of the *Australian Federal Police Act 1979*.

**48 Section 15GC (subparagraph (b)(iii) of the definition of *entrusted person*)**

Omit “the *Law Enforcement Integrity Commissioner Act 2006*”, substitute “section 12 of the *National Anti-Corruption Commission Act 2022*”.

**49 Section 15GC (subparagraph (b)(v) of the definition of *entrusted person*)**

Omit “(within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*) of the Australian Commission for Law Enforcement Integrity”, substitute “of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*)”.

**50 Section 15GC (paragraph (c) of the definition of *entrusted person*)**

Omit “government agency, or an integrity agency for a State or Territory, with which the Integrity Commissioner is jointly investigating a corruption issue under subsection 26(2) of the *Law Enforcement Integrity Commissioner Act 2006*”, substitute “Commonwealth agency, or a State or Territory government entity, with which the National Anti-Corruption Commissioner is jointly conducting a corruption investigation under paragraph 41(1)(b) of the *National Anti-Corruption Commission Act 2022*”.

**51 Section 15GC (paragraph (e) of the definition of *law enforcement agency*)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**52 Section 15GC**

Insert:

*NACC authorising officer* has the meaning given by subsection 15GF(4).

**53 Section 15GC (definition of *staff member*)**

Omit “the *Law Enforcement Integrity Commissioner Act 2006*” (first occurring), substitute “section 12 of the *National Anti-Corruption Commission Act 2022*”.

**54 Section 15GC (note to definition of *staff member*)**

Repeal the note.

**55 Section 15GC (at the end of the definition of *target agency*)**

Add:

- ; (d) any other Commonwealth agency (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**56 Paragraph 15GF(1)(d)**

Omit “investigation of a corruption issue (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)—any ACLEI”, substitute “conduct of a corruption investigation (within the meaning of the *National Anti-Corruption Commission Act 2022*)—any NACC”.

**57 Subsection 15GF(4)**

Repeal the subsection, substitute:

- (4) The following are *NACC authorising officers*:
  - (a) the National Anti-Corruption Commissioner;
  - (b) a National Anti-Corruption Deputy Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*);
  - (c) another staff member of the NACC (within the meaning of that Act) who:
    - (i) is an SES employee; and
    - (ii) is authorised in writing by the National Anti-Corruption Commissioner for the purposes of this paragraph.

**58 Paragraph 15HG(5)(d)**

Repeal the paragraph, substitute:

- (d) in relation to the National Anti-Corruption Commission—a National Anti-Corruption Deputy Commissioner (within the

meaning of the *National Anti-Corruption Commission Act 2022*); or

**59 Paragraph 15HK(2A)(b)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**60 Paragraph 15HK(3)(a)**

Omit “or the Integrity Commissioner”, substitute “, the National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission”.

**61 Subparagraph 15HK(3)(c)(i)**

Repeal the subparagraph, substitute:

- (i) a corruption issue (within the meaning of the *National Anti-Corruption Commission Act 2022*) or a NACC corruption issue (within the meaning of that Act) in relation to a controlled operation; or

**62 Paragraph 15J(1)(a)**

Omit “an ACLEP”, substitute “a NACC”.

**63 Section 15JA (paragraph beginning “This Part provides”)**

Omit “the Australian Crime Commission, the Australian Federal Police and the Immigration and Border Protection Department,”, substitute “target agencies”.

**64 Section 15JA (paragraph beginning “Integrity testing”)**

Repeal the paragraph, substitute:

Integrity testing operations may be authorised by the ACC, the Australian Federal Police and the Immigration and Border Protection Department in relation to their own agencies, or (if a corruption investigation is involved) the National Anti-Corruption Commission.

Law enforcement officers and others may take part in integrity testing operations.

**65 Section 15JC**

Insert:

*corruption investigation* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

**66 Section 15JC (definition of *corruption issue*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute *National Anti-Corruption Commission Act 2022*”.

**67 Section 15JC (note to definition of *corruption issue*)**

Repeal the note, substitute:

Note: See section 9 of the *National Anti-Corruption Commission Act 2022*.

**68 Section 15JC (paragraph (c) of the definition of *disciplinary or legal action*)**

Omit “, within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*,”.

**69 Section 15JC**

Insert:

*disciplinary proceeding*:

- (a) means a proceeding of a disciplinary nature under a law of the Commonwealth or of a State or Territory; and
- (b) includes action taken under Subdivision D of Division 3 of Part V of the *Australian Federal Police Act 1979*.

**70 Section 15JC (paragraph (b) of the definition of *integrity testing agency*)**

Repeal the paragraph.

**71 Section 15JC (at the end of the definition of *integrity testing agency*)**

Add:

; (e) the National Anti-Corruption Commission.

**72 Section 15JC (paragraph (b) of the definition of *law enforcement participant*)**

Repeal the paragraph, substitute:

- (b) an employee or officer of a body (whether incorporated or not) that is established by the law of a State or Territory for purposes that include the purpose of investigating corruption in State or Territory government entities.

**73 Section 15JC (definition of *staff member*)**

Omit “the *Law Enforcement Integrity Commissioner Act 2006*” (first occurring), substitute “section 12 of the *National Anti-Corruption Commission Act 2022*”.

**74 Section 15JC (note to definition of *staff member*)**

Repeal the note.

**75 Section 15JC (at the end of the definition of *target agency*)**

Add:

- ; (d) any other Commonwealth agency (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**76 Subsection 15JD(2) (note 1)**

Repeal the note, substitute:

Note 1: For *target agency*, see section 15JC.

**77 Subsection 15JE(1) (table item 4)**

Repeal the item, substitute:

- |   |  |   |  |
|---|--|---|--|
| 4 | a corruption investigation that relates to a staff member of a target agency | (a) the National Anti-Corruption Commission; or<br>(b) if the corruption issue being investigated relates to a staff member of the ACC—the ACC; or<br>(c) if the corruption issue being investigated relates to a staff member of the Australian Federal Police—the Australian Federal Police; or<br>(d) if the corruption issue being investigated relates to a staff member of the Immigration and Border Protection Department—that Department | (a) the National Anti-Corruption Commissioner; or<br>(b) a National Anti-Corruption Deputy Commissioner; or<br>(c) an SES employee in the National Anti-Corruption Commission. |
|---|--|---|--|

### **78 Subsection 15JE(1) (note 1)**

Repeal the note, substitute:

Note 1: For *target agency*, see section 15JC.

### **79 Subsection 15JE(2)**

Omit “a target agency”, substitute “the ACC, the Australian Federal Police or the Immigration and Border Protection Department”.

### **80 Paragraph 15JG(2)(c)**

Repeal the paragraph, substitute:

- (c) if the authorising officer is an officer of the National Anti-Corruption Commission—in addition to the matters mentioned in paragraphs (a) and (b), the operation is part of a corruption investigation.

**81 Section 15JI (heading)**

Omit “**Integrity Commissioner**”, substitute “**National Anti-Corruption Commissioner**”.

**82 Paragraphs 15JI(b) and 15JK(3)(b)**

Repeal the paragraphs, substitute:

- (b) the National Anti-Corruption Commissioner (unless the authorising officer is an officer of the National Anti-Corruption Commission).

**83 Paragraph 15JQ(2)(d)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**84 Paragraphs 15JQ(3)(a) and (d)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**85 Paragraph 15JR(2)(d)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**86 Paragraphs 15JR(3)(a) and (d)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**87 Subsection 15JS(5) (paragraph (d) of the definition of *chief officer*)**

Repeal the paragraph, substitute:

- (d) for the National Anti-Corruption Commission—the National Anti-Corruption Commissioner.

**88 Subsection 15JS(5) (definition of *Law Enforcement Minister*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**89 Section 15K (subparagraph (c)(iv) of the definition of *chief officer*)**

Repeal the subparagraph, substitute:

- (iv) in relation to the National Anti-Corruption Commission—the National Anti-Corruption Commissioner;

**90 Section 15K (paragraph (d) of the definition of *law enforcement agency*)**

Repeal the paragraph, substitute:

- (d) the National Anti-Corruption Commission;

**91 Section 15K (paragraph (d) of the definition of *law enforcement officer*)**

Repeal the paragraph, substitute:

- (d) in relation to the National Anti-Corruption Commission—a staff member of the NACC; and

**92 Paragraph 15KB(4)(d)**

Omit “Australian Commission for Law Enforcement Integrity—a staff member of the Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission—a staff member of the NACC”.

**93 Paragraph 15KB(4)(d)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**94 After paragraph 15LC(4)(d)**

Insert:

- (da) in connection with the exercise of a power, or the performance of a function or duty, of the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector; or

**95 Subsection 15LD(1)**

Omit “*Law Enforcement Integrity Commissioner Act 2006* (the *LEIC Minister*)”, substitute “*National Anti-Corruption Commission Act 2022* (the *NACC Minister*)”.

**96 Paragraph 15LD(1)(g)**

Omit “LEIC Minister”, substitute “NACC Minister”.

**97 Subsections 15LD(2) and (3)**

Omit “LEIC Minister” (wherever occurring), substitute “NACC Minister”.

**98 Subsection 15LH(3) (paragraph (d) of the definition of *senior officer*)**

Repeal the paragraph, substitute:

- (d) in relation to the National Anti-Corruption Commission:
  - (i) a National Anti-Corruption Deputy Commissioner; or
  - (ii) another staff member of the NACC who is an SES employee, or a person occupying an equivalent or higher position, and who is authorised in writing by the National Anti-Corruption Commissioner for the purposes of this provision; and

**99 Subsection 15M(1) (paragraph (d) of the definition of *chief officer*)**

Omit “Australian Commission for Law Enforcement Integrity—the Integrity Commissioner”, substitute “National Anti-Corruption Commission—the National Anti-Corruption Commissioner”.

**100 Subsection 15M(1) (paragraph (d) of the definition of *law enforcement agency*)**

Repeal the paragraph, substitute:

- (d) the National Anti-Corruption Commission;

**101 Section 85ZL (paragraph (bb) of the definition of *law enforcement agency*)**

Repeal the paragraph, substitute:

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(bb) the National Anti-Corruption Commission; or

### ***Criminal Code Act 1995***

#### **102 Subparagraph 122.5(3)(a)(iii) of the *Criminal Code***

Repeal the subparagraph, substitute:

- (iii) the National Anti-Corruption Commissioner or another staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*);
- (iv) the Inspector of the National Anti-Corruption Commission or a person assisting the Inspector (within the meaning of the *National Anti-Corruption Commission Act 2022*); and

#### **103 Paragraph 122.5(3)(b) of the *Criminal Code***

Omit “or the Law Enforcement Integrity Commissioner”, substitute “, the National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission”.

#### **104 Subparagraph 122.5(12)(b)(ii) of the *Criminal Code***

Omit “or the Law Enforcement Integrity Commissioner”, substitute “, the National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission”.

#### **105 Section 146.1 of the *Criminal Code* (paragraph (aa) of the definition of *Commonwealth law enforcement officer*)**

Repeal the paragraph, substitute:

- (aa) the National Anti-Corruption Commissioner; or

#### **106 Section 146.1 of the *Criminal Code* (paragraph (ab) of the definition of *Commonwealth law enforcement officer*)**

Repeal the paragraph, substitute:

- (ab) another staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

#### **107 Section 473.1 of the *Criminal Code* (at the end of the definition of *law enforcement officer*)**

Add:

; (m) a staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*).

### ***Data Availability and Transparency Act 2022***

#### **108 Subsection 11(3) (paragraph (a) of the definition of *excluded entity*)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

#### **109 Subsection 11(3) (after paragraph (a) of the definition of *excluded entity*)**

Add:

(ab) the Inspector of the National Anti-Corruption Commission;

#### **110 Paragraph 108(2)(k)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

#### **111 After paragraph 108(2)(k)**

Insert:

(ka) the Inspector of the National Anti-Corruption Commission;

### ***Financial Transaction Reports Act 1988***

#### **112 Subsection 3(1) (definition of *Integrity Commissioner*)**

Repeal the definition.

#### **113 Subsection 3(1)**

Insert:

***National Anti-Corruption Commissioner*** means the  
Commissioner within the meaning of the *National Anti-Corruption  
Commission Act 2022*.

#### **114 Subsection 3(1) (definition of *staff member of ACLEI*)**

Repeal the definition.

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**115 Subsection 16(6) (paragraph (d) of the definition of *investigating officer*)**

Repeal the paragraph, substitute:

- (d) a staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

**116 Subsection 16(6) (paragraph (aa) of the definition of *relevant authority*)**

Repeal the paragraph, substitute:

- (aa) the National Anti-Corruption Commissioner; or

***Inspector-General of Intelligence and Security Act 1986***

**117 Subsection 3(1) (subparagraph (a)(iv) of the definition of *integrity body*)**

Repeal the subparagraph, insert:

- (iv) the National Anti-Corruption Commissioner;
- (iva) the Inspector of the National Anti-Corruption Commission;

**118 Subsection 3(1) (definition of *Integrity Commissioner*)**

Repeal the definition.

**119 Subparagraph 11(4A)(a)(iv)**

Repeal the subparagraph, substitute:

- (iv) the National Anti-Corruption Commissioner;
- (iva) the Inspector of the National Anti-Corruption Commission;

**120 Section 32AD (note)**

Omit “23A of the *Law Enforcement Integrity Commissioner Act 2006*,”.

**121 After section 34AA**

Insert:

### **34AB Disclosure of information or documents to the National Anti-Corruption Commission**

- (1) The Inspector-General, or a member of the staff of the Inspector-General, may divulge or communicate information, or give documents, to a staff member of the NACC if:
  - (a) the information is, or the documents are, relevant to the National Anti-Corruption Commissioner's functions or powers; and
  - (b) the Inspector-General is satisfied on reasonable grounds that the National Anti-Corruption Commissioner has satisfactory arrangements in place for protecting the information or documents.
- (2) The Inspector-General, or a member of the staff of the Inspector-General, may divulge or communicate information, or give documents, to the Inspector of the National Anti-Corruption Commission or a person assisting the Inspector if:
  - (a) the information is, or the documents are, relevant to the Inspector of the National Anti-Corruption Commission's functions or powers; and
  - (b) the Inspector-General is satisfied on reasonable grounds that the Inspector of the National Anti-Corruption Commission has satisfactory arrangements in place for protecting the information or documents.
- (3) This section applies despite anything in this Act or any other Act.
- (4) In this section:

*person assisting* the Inspector has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

*staff member* of the NACC has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

### **122 At the end of section 34B**

Add:

Note: This section applies subject to sections 100 to 102 of the *National Anti-Corruption Commission Act 2022*, including those sections as applied by section 214 of that Act.

***National Consumer Credit Protection Act 2009***

**123 Section 272F (modified paragraph 3ZQU(4)(h) of the Crimes Act 1914)**

Repeal the paragraph, substitute:

(h) conducting a NACC Act process (within the meaning of the *National Anti-Corruption Commission Act 2022*);

***National Emergency Declaration Act 2020***

**124 Paragraph 15(8)(ge)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

***Ombudsman Act 1976***

**125 Subsection 3(1)**

Insert:

*National Anti-Corruption Commissioner* means the Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

**126 Subsection 5(3B)**

Repeal the subsection.

**127 Subsections 6(16) to (19)**

Repeal the subsections.

**128 Section 6B (heading)**

Omit “**Integrity Commissioner**”, substitute “**National Anti-Corruption Commissioner**”.

**129 Subparagraph 6B(1)(a)(i)**

Omit “**Integrity Commissioner**”, substitute “**National Anti-Corruption Commissioner**”.

### **130 After section 6F**

Insert:

#### **6G Transfer of information to the National Anti-Corruption Commissioner or the Inspector**

- (1) This section applies if the Ombudsman forms the opinion that a complaint raises:
  - (a) a corruption issue that is likely to involve corrupt conduct that is serious or systemic; or
  - (b) a NACC corruption issue.
- (2) The Ombudsman may:
  - (a) decide to refer the information the subject of the complaint to the National Anti-Corruption Commissioner or the Inspector, as the case requires; and
  - (b) decide:
    - (i) to investigate the complaint, or to investigate the complaint further; or
    - (ii) not to investigate the complaint, or not to investigate the complaint further.
- (3) If the Ombudsman decides to refer the information to the National Anti-Corruption Commissioner or the Inspector, the Ombudsman must:
  - (a) refer the information as soon as is reasonably practicable; and
  - (b) include with the referral all information relevant to the corruption issue or the NACC corruption issue that is in the Ombudsman's possession or control at the time the referral is made; and
  - (c) as soon as is reasonably practicable, give the complainant written notice of the following:
    - (i) that the information has been referred to the National Anti-Corruption Commissioner or the Inspector;
    - (ii) the Ombudsman's decision on whether to investigate, or continue to investigate, the complaint; and
  - (d) if the Ombudsman subsequently becomes aware of any further information that is relevant to the issue—give the

National Anti-Corruption Commissioner or the Inspector the further information as soon as is reasonably practicable.

- (4) The Ombudsman is not required to provide information to the National Anti-Corruption Commissioner or the Inspector under subsection (3) if:
- (a) the Ombudsman has reasonable grounds to believe the National Anti-Corruption Commissioner or the Inspector is already aware of the information; or
  - (b) the National Anti-Corruption Commissioner or the Inspector has advised the Ombudsman that the provision of the information is not required.
- (5) In this section:

*corruption issue* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

*Inspector* means the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

*NACC corruption issue* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

**131 Section 8C (heading)**

Omit “ACLEI”, substitute “**National Anti-Corruption Commission**”.

**132 Subsection 8C(1)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**133 Subsection 8C(1)**

Omit “ACLEI”, substitute “the NACC”.

**134 Subsection 8C(3)**

Omit “Integrity Commissioner”, substitute “Ombudsman”.

**135 Subsection 8C(7)**

Repeal the subsection, substitute:

- (7) In this section:
-

*staff member* of the NACC has the same meaning as in the  
*National Anti-Corruption Commission Act 2022*.

**136 Paragraph 9(3)(f)**

Omit “Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”, substitute “National Anti-Corruption Commissioner”.

**137 Paragraph 20ZK(1)(h)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**138 Paragraph 20ZK(1)(k)**

Omit “ACLEI”, substitute “NACC”.

**139 Subsection 20ZS(1) (table item 10, column 1)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**140 Subsection 20ZS(1) (table items 11 and 12, column 1)**

Omit “ACLEI”, substitute “NACC”.

**141 Section 35AA (heading)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner or Inspector”.

**142 At the end of paragraph 35AA(1)(b)**

Add “or a NACC corruption issue”.

**143 Subsection 35AA(2)**

Omit “to the Integrity Commissioner.”, substitute:

to:

- (d) if the information, statement or document is, or may be, relevant to a corruption issue—the National Anti-Corruption Commissioner; or
- (e) if the information, statement or document is, or may be, relevant to a NACC corruption issue—the Inspector.

**144 Subsection 35AA(3) (definition of *corruption issue*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

**145 Subsection 35AA(3) (definition of *Integrity Commissioner*)**

Repeal the definition.

**146 Subsection 35AA(3)**

Insert:

*Inspector* means the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

*NACC corruption issue* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

**147 Section 35C (heading)**

Omit “ACLEI”, substitute “NACC”.

**148 Subsection 35C(1)**

Omit “ACLEI” (wherever occurring), substitute “NACC”.

**149 Paragraph 35C(1)(c)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner or the Inspector”.

**150 Subsection 35C(2) (definition of *ACLEI information*)**

Repeal the definition.

**151 Subsection 35C(2)**

Insert:

*Inspector* means the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

*NACC information* means information or the contents of a document that is, or was, in the possession or under the control of the National Anti-Corruption Commissioner or the Inspector.

## ***Privacy Act 1988***

### **152 Subsection 6(1) (paragraph (aa) of the definition of enforcement body)**

Repeal the paragraph, substitute:

- (aa) the National Anti-Corruption Commissioner; or
- (ab) the Inspector of the National Anti-Corruption Commission;  
or

### **153 Subsection 6(1) (definition of Integrity Commissioner)**

Repeal the definition.

### **154 Subparagraph 7(1)(a)(iia)**

Repeal the subparagraph, substitute:

- (iia) the National Anti-Corruption Commissioner; or
- (iib) the Inspector of the National Anti-Corruption Commission; or

### **155 Paragraph 7(1)(ga)**

Repeal the paragraph, substitute:

- (ga) the National Anti-Corruption Commissioner or another staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*); or
- (gb) the Inspector of the National Anti-Corruption Commission or a person assisting the Inspector (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

### **156 Subsection 20E(5) (note)**

Omit “*Law Enforcement Integrity Commissioner Act 2006*”, substitute “*National Anti-Corruption Commission Act 2022*”.

### **157 Paragraph 70(2)(c)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission”.

***Proceeds of Crime Act 2002***

**158 Subsection 15B(1) (note 1)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

**159 Section 15C (note)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

**160 Subsections 15D(1) and 15P(1) (note)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

**161 Paragraph 213(3)(ca)**

Repeal the paragraph, substitute:

- (ca) the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

**162 Section 338 (paragraph (aa) of the definition of *authorised officer*)**

Repeal the paragraph, substitute:

- (aa) any of the following:
  - (i) the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*);
  - (ii) a National Anti-Corruption Deputy Commissioner (within the meaning of that Act);
  - (iii) another staff member of the NACC (within the meaning of that Act) who is authorised in writing by the National Anti-Corruption Commissioner for the purposes of this paragraph; or

## ***Public Interest Disclosure Act 2013***

### **163 Subsection 7(2)**

Omit “4”, substitute “5”.

### **164 Section 8 (paragraphs (l) and (m) of the definition of *designated publication restriction*)**

Repeal the paragraphs, substitute:

(l) section 98 or 101, or subsection 233(3), of the *National Anti-Corruption Commission Act 2022*.

### **165 Section 8**

Insert:

*NACC disclosure* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

*stop action direction under the NACC Act* means a direction under subsection 43(1) of the *National Anti-Corruption Commission Act 2022* (including as applied by section 211 of that Act) to stop taking action in relation to a corruption issue or a NACC corruption issue.

### **166 Section 25 (paragraph beginning “a disclosure to an Australian legal practitioner”)**

Omit “matters.”, substitute “matters; or”.

### **167 Section 25 (after the paragraph beginning “a disclosure to an Australian legal practitioner”)**

Insert:

- |   |
|---|
| <ul style="list-style-type: none"><li>• a NACC disclosure concerning disclosable conduct.</li></ul> |
|---|

### **168 After subsection 26(1)**

Insert:

(1A) A disclosure of information is also a *public interest disclosure* if:

- (a) the disclosure is made by a person who is, or has been, a public official; and
- (b) the information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct; and
- (c) the disclosure is a NACC disclosure.

**169 At the end of section 28**

Add:

- (4) This section does not apply to a public interest disclosure that is also a NACC disclosure (see subsection 26(1A)).

Note: NACC disclosures are dealt with under the *National Anti-Corruption Commission Act 2022*.

**170 Section 42 (after the paragraph beginning “If a disclosure”)**

Insert:

A stop action direction under the NACC Act may prevent the allocation of some or all of a disclosure.

**171 Subsection 43(5)**

Repeal the subsection, substitute:

- (5) The authorised officer must use the officer’s best endeavours to make a decision about the allocation of the disclosure within 14 days after whichever of the following days applies:
  - (a) the day the disclosure is made or given to an authorised officer;
  - (b) to the extent that a stop action direction under the NACC Act prevented the allocation of the disclosure—the day on which the authorised officer becomes aware that the direction no longer applies.

**172 At the end of section 43**

Add:

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*Stop action directions under the NACC Act*

- (7) This section has effect subject to any stop action direction under the NACC Act.

**173 After subsection 44(2)**

Insert:

- (2A) If the authorised officer does not allocate the disclosure because of a stop action direction under the NACC Act, the authorised officer must:
- (a) inform the Ombudsman of the following (unless paragraph (b) applies):
    - (i) the information that was disclosed;
    - (ii) the suspected disclosable conduct (if any);
    - (iii) if the discloser's name and contact details are known to the authorised officer, and the discloser consents to the Ombudsman being informed—the discloser's name and contact details;
    - (iv) the stop action direction under the NACC Act that prevents allocation of the disclosure; or
  - (b) inform the IGIS of those matters if the disclosure concerns conduct relating to:
    - (i) an intelligence agency; or
    - (ii) the IGIS; or
    - (iii) the intelligence functions of either ACIC or the Australian Federal Police.

**174 At the end of section 44**

Add:

- (5) To avoid doubt, this section applies despite any stop action direction under the NACC Act.

**175 Section 46 (after the paragraph beginning “The principal officer of”)**

Insert:

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However, a stop action direction under the NACC Act may prevent the investigation of some or all of the disclosure.

**176 At the end of section 47**

Add:

*Stop action directions under the NACC Act*

- (5) This section has effect subject to any stop action direction under the NACC Act.

**177 At the end of subsection 50(1)**

Add:

- ; (c) that the principal officer cannot investigate, or further investigate, the disclosure because of a stop action direction under the NACC Act.

**178 Subsection 50(4)**

After “this section”, insert “(other than subsection (4A))”.

**179 After subsection 50(4)**

Insert:

- (4A) The principal officer must, as soon as reasonably practicable, inform the discloser if the principal officer investigates, or further investigates, a disclosure that is no longer subject to a stop action direction under the NACC Act.

**180 Section 50A (heading)**

Omit “of decision not to investigate”, substitute “**about investigation**”.

**181 At the end of section 50A**

Add:

- (3) If a stop action direction under the NACC Act prevents the principal officer of the agency from investigating, or further investigating, the disclosure under this Division, the principal officer must:

- (a) inform the Ombudsman of the stop action direction (unless paragraph (b) applies); or
- (b) inform the IGIS of the stop action direction if the disclosure concerns conduct relating to:
  - (i) an intelligence agency; or
  - (ii) the IGIS; or
  - (iii) the intelligence functions of either ACIC or the Australian Federal Police.

### **182 Subsection 52(1)**

Repeal the subsection, substitute:

- (1) An investigation under this Division must be completed within 90 days after whichever of the following days applies:
  - (a) the day the relevant disclosure was allocated to the agency;
  - (b) to the extent that a stop action direction under the NACC Act prevented the investigation—the day on which the principal officer becomes aware that the direction no longer applies.

### **183 Paragraph 69(3)(c)**

Repeal the paragraph, substitute:

- (c) a person (other than the National Anti-Corruption Commissioner) who is listed in section 266 of the *National Anti-Corruption Commission Act 2022* is taken to be a member of the staff of the National Anti-Corruption Commission.

## ***Radiocommunications Act 1992***

### **184 Paragraph 27(1)(baa)**

Omit “Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”, substitute “National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*)”.

### ***Royal Commissions Act 1902***

#### **185 Subsection 6P(2B)**

Omit “Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”, substitute “National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission”.

#### **186 Subsection 6P(2B)**

Omit “, as the case may be, to the Integrity Commissioner”, substitute “to the National Anti-Corruption Commissioner or the Inspector of the National Anti-Corruption Commission, as the case requires”.

#### **187 Paragraph 9(3)(h)**

Repeal the paragraph, substitute:

- (h) the National Anti-Corruption Commission;
- (ha) the Inspector of the National Anti-Corruption Commission;

### ***Surveillance Devices Act 2004***

#### **188 Subsection 6(1) (note to definition of *appropriate authorising officer*)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

#### **189 Subsection 6(1) (definition of *disciplinary proceeding*)**

Repeal the definition, substitute:

***disciplinary proceeding:***

- (a) means a proceeding of a disciplinary nature under a law of the Commonwealth or of a State or Territory; and
- (b) includes action taken under Subdivision D of Division 3 of Part V of the *Australian Federal Police Act 1979*.

#### **190 Subsection 6(1)**

Insert:

*National Anti-Corruption Commission officer* means a staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**191 Subsection 6(1) (definition of *staff member of ACLEI*)**

Repeal the definition.

**191A Subsection 6(1)**

Insert:

*superior Court Judge* means:

- (a) a Judge of the Federal Court of Australia; or
- (b) a Judge of the Federal Circuit and Family Court of Australia (Division 1).

**192 Subsection 6(1) (at the end of the definition of *target agency*)**

Add:

- ; (d) any other Commonwealth agency (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**193 Paragraph 6(4)(c)**

Repeal the paragraph, substitute:

- (c) a reference to a person who belongs or is seconded to a law enforcement agency, in the case of the National Anti-Corruption Commission, is a reference to a National Anti-Corruption Commission officer; and

**194 Paragraph 6(4)(d)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**195 Subsection 6A(6) (table item 10)**

Repeal the item, substitute:

10	National Anti-Corruption Commission	the National Anti-Corruption Commissioner	(a) the National Anti-Corruption Commissioner; or (b) a Deputy Commissioner (within the meaning of the <i>National Anti-Corruption Commission Act 2022</i> ); or (c) a National Anti-Corruption Commission officer authorised under section 6B	(a) the National Anti-Corruption Commissioner; or (b) a Deputy Commissioner (within the meaning of the <i>National Anti-Corruption Commission Act 2022</i> ); or (c) a National Anti-Corruption Commission officer who is an SES employee the chief officer authorises under subsection (5)
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**196 Section 6B**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**197 Section 6B**

Omit “staff member of ACLEI to be a law enforcement officer of ACLEI”, substitute “National Anti-Corruption Commission officer to be a law enforcement officer of the National Anti-Corruption Commission”.

**197A Section 11**

Repeal the section, substitute:

**11 Who may issue etc. warrants?**

- (1) Any warrant under this Part may be issued by:
- (a) in relation to an application for a warrant by a law enforcement officer of the National Anti-Corruption Commission—an eligible Judge; or
  - (b) otherwise—an eligible Judge or a nominated AAT member.

*Warrants issued to law enforcement officers of the NACC*

- (2) An application made under this Part by a law enforcement officer of the National Anti-Corruption Commission may be made only to an eligible Judge.

Note: An application under this Part may be for a warrant, or to extend or vary a warrant.

- (3) A warrant issued under this Part to a law enforcement officer of the National Anti-Corruption Commission may be revoked only by an eligible Judge.

Note: Warrants may be revoked under this Part by an eligible Judge or nominated AAT member on their own initiative. As a result of this subsection, warrants issued to law enforcement officers of the National Anti-Corruption Commission may be revoked only by an eligible Judge.

**197B Subsection 12(1) (definition of *eligible Judge*)**

Repeal the definition, substitute:

*eligible Judge* means a person:

- (a) in relation to whom a consent under subsection (2) and a declaration under subsection (3) are in force; and
- (b) in relation to any of the following issued to, or applied for by, a law enforcement officer of the National Anti-Corruption Commission—who is a superior Court Judge:
  - (i) a warrant;
  - (ii) an emergency authorisation;
  - (iii) an assistance order (within the meaning of subsection 64A(1)).

**197C Subsection 13(1)**

After “warrants”, insert “(except to law enforcement officers of the National Anti-Corruption Commission)”.

**197D Subsection 33(1)**

Repeal the subsection, substitute:

- (1) Within 48 hours after giving an emergency authorisation to a law enforcement officer, the appropriate authorising officer who gave
-

the authorisation (or another person on that appropriate authorising officer's behalf) must apply, for approval of the giving of the emergency authorisation, to:

- (a) for an authorisation given to a law enforcement officer of the National Anti-Corruption Commission—an eligible Judge; or
- (b) otherwise—an eligible Judge or a nominated AAT member.

**198 Paragraphs 37(1)(aa) and 38(1)(aa)**

Repeal the paragraphs, substitute:

- (aa) if the officer belongs or is seconded to the National Anti-Corruption Commission—that is within the functions of the National Anti-Corruption Commissioner set out in section 17 of the *National Anti-Corruption Commission Act 2022*; or

**199 Subsection 45A(5) (definition of *staff member*)**

Omit “the *Law Enforcement Integrity Commissioner Act 2006* (see section 10 of that Act)”, substitute “section 12 of the *National Anti-Corruption Commission Act 2022*”.

**200 Subparagraphs 64(1)(a)(ii) and (2)(b)(ii)**

Repeal the subparagraphs, substitute:

- (ii) the National Anti-Corruption Commissioner or another National Anti-Corruption Commission officer;

**200A Subsection 64A(1)**

Omit “to an eligible Judge or to a nominated AAT member”.

**200B After subsection 64A(1)**

Insert:

- (1A) The application may be made to:
  - (a) for an application made by a law enforcement officer of the National Anti-Corruption Commission—an eligible Judge; or
  - (b) otherwise—an eligible Judge or a nominated AAT member.

### ***Taxation Administration Act 1953***

#### **201 Subsection 355-65(5) in Schedule 1 (at the end of the table)**

Add:

- |   |  |   |
|---|--|---|
| 6 | the National Anti-Corruption Commissioner (within the meaning of the <i>National Anti-Corruption Commission Act 2022</i> ) | (a) is for the purposes of the <i>National Anti-Corruption Commission Act 2022</i> ; and<br>(b) is in relation to a corruption issue that relates to the Australian Taxation Office or the Inspector-General of Taxation. |
|---|--|---|

#### **202 Paragraph 355-70(4)(d) in Schedule 1**

Repeal the paragraph, substitute:

- (d) the National Anti-Corruption Commission; or

#### **203 After section 355-190 in Schedule 1**

Insert:

#### **355-192 Exception—on-disclosure in relation to *National Anti-Corruption Commission Act 2022***

- (1) Section 355-155 does not apply if:
- (a) the entity is the Inspector-General of Taxation; and
  - (b) the information was acquired by the Inspector-General of Taxation under the exception in subsection 355-65(1) operating in relation to item 5 in the table in subsection 355-65(5); and
  - (c) the record is made for, or the disclosure is to:
    - (i) the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*); or
    - (ii) another staff member of the NACC (within the meaning of that Act); and
  - (d) the record or disclosure is:

- (i) for the purposes of the *National Anti-Corruption Commission Act 2022*; and
- (ii) in relation to a corruption issue (within the meaning of that Act) that relates to the Australian Taxation Office or the Inspector-General of Taxation.

Note: A defendant bears an evidential burden in relation to the matters in this subsection: see subsection 13.3(3) of the *Criminal Code*.

(2) Section 355-155 does not apply if:

- (a) the entity is:
  - (i) the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*); or
  - (ii) another staff member of the NACC (within the meaning of that Act); and
- (b) the information was acquired by the entity under subsection (1) or this subsection; and
- (c) the record or disclosure is for the purpose of performing a function or duty of the National Anti-Corruption Commissioner or another staff member of the NACC under the *National Anti-Corruption Commission Act 2022*.

Note: A defendant bears an evidential burden in relation to the matters in this subsection: see subsection 13.3(3) of the *Criminal Code*.

## **204 Application provision—amendments of *Taxation Administration Act 1953***

The amendments of Schedule 1 to the *Taxation Administration Act 1953* made by this Schedule apply in relation to records and disclosures of information made on or after this item's commencement (whether the information was obtained before, on or after that commencement).

## ***Telecommunications Act 1997***

### **205 Subsection 280(1A)**

Repeal the subsection, substitute:

- (1A) In applying paragraph (1)(a) to the National Anti-Corruption Commission, the reference in that paragraph to the operation of an enforcement agency is taken to be a reference to the performance

of the functions of the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*).

***Telecommunications (Interception and Access) Act 1979***

**206 Subsection 5(1) (definition of Assistant Integrity Commissioner)**

Repeal the definition.

**207 Subsection 5(1) (paragraph (aa) of the definition of certifying officer)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**208 Subsection 5(1) (subparagraphs (aa)(i) and (ii) of the definition of certifying officer)**

Repeal the subparagraphs, substitute:

- (i) the National Anti-Corruption Commissioner; or
- (ii) a National Anti-Corruption Deputy Commissioner; or

**209 Subsection 5(1) (subparagraph (aa)(iii) of the definition of certifying officer)**

Omit “ACLEP”, substitute “the National Anti-Corruption Commission”.

**210 Subsection 5(1) (paragraph (aa) of the definition of chief officer)**

Omit “Australian Commission for Law Enforcement Integrity—the Integrity Commissioner”, substitute “National Anti-Corruption Commission—the National Anti-Corruption Commissioner”.

**211 Subsection 5(1) (paragraph (aa) of the definition of Commonwealth agency)**

Repeal the paragraph, substitute:

- (aa) the National Anti-Corruption Commission; or

**212 Subsection 5(1)**

Insert:

*Inspector of the National Anti-Corruption Commission* means the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

**213 Subsection 5(1) (definition of *Integrity Commissioner*)**

Repeal the definition.

**213A Subsection 5(1) (definition of *issuing authority*)**

Repeal the definition, substitute:

*issuing authority* (except when used in Schedule 1) means a person:

- (a) in respect of whom an appointment is in force under section 6DB; and
- (b) in relation to a warrant applied for by the National Anti-Corruption Commission—who is a superior Court Judge.

**214 Subsection 5(1)**

Insert:

*National Anti-Corruption Commissioner* means the Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

*National Anti-Corruption Deputy Commissioner* means a Deputy Commissioner within the meaning of the *National Anti-Corruption Commission Act 2022*.

**215 Subsection 5(1) (paragraph (aa) of the definition of *officer*)**

Repeal the paragraph, substitute:

- (aa) in the case of the National Anti-Corruption Commission—the National Anti-Corruption Commissioner or another staff member of the NACC; or

**215A Subsection 5(1) (definition of *Part 4-1 issuing authority*)**

Repeal the definition, substitute:

***Part 4-1 issuing authority*** means a person:

- (a) in respect of whom an appointment is in force under section 6DC; and
- (b) in relation to a warrant applied for by the National Anti-Corruption Commission—who is a superior Court Judge.

**216 Subsection 5(1) (definition of *permitted purpose*)**

Omit “eligible authority of a State or ASIC”, substitute “eligible authority of a State, ASIC or the Inspector of the National Anti-Corruption Commission”.

**217 Subsection 5(1) (paragraph (baa) of the definition of *permitted purpose*)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**218 Subsection 5(1) (subparagraph (baa)(i) of the definition of *permitted purpose*)**

Omit “(within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”, substitute “or NACC corruption investigation (within the meaning of the *National Anti-Corruption Commission Act 2022*)”.

**219 Subsection 5(1) (after paragraph (baa) of the definition of *permitted purpose*)**

Insert:

- (bab) in the case of the Inspector of the National Anti-Corruption Commission:
  - (i) a NACC corruption investigation (within the meaning of the *National Anti-Corruption Commission Act 2022*); or
  - (ii) a report on such an investigation; or

**220 Subsection 5(1)**

Insert:

*person assisting the NACC Inspector* means a person assisting the Inspector within the meaning of the *National Anti-Corruption Commission Act 2022*.

**221 Subsection 5(1) (paragraph (aa) of the definition of prescribed investigation)**

Repeal the paragraph, substitute:

(aa) in the case of the National Anti-Corruption Commission— means a corruption investigation or NACC corruption investigation (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

**222 Subsection 5(1) (paragraph (aa) of the definition of relevant offence)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**223 Subsection 5(1) (definition of staff member of ACLEI)**

Repeal the definition.

**224 Subsection 5(1)**

Insert:

*staff member of the NACC* has the same meaning as in the *National Anti-Corruption Commission Act 2022*.

**224A Subsection 5(1)**

Insert:

*superior Court Judge* means:

- (a) a Judge of the Federal Court of Australia; or
- (b) a Judge of the Federal Circuit and Family Court of Australia (Division 1).

**225 Subsection 5AC(2)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**226 Subsection 5AC(2)**

Omit “ACLEP” (wherever occurring), substitute “the National Anti-Corruption Commission”.

**227 After paragraph 5B(1)(kc)**

Insert:

(kd) a NACC Act process (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

**228 Subparagraph 6A(1)(c)(ia)**

Repeal the subparagraph, substitute:

(ia) the National Anti-Corruption Commission;

**228A Subsection 6D(1) (definition of *eligible Judge*)**

Repeal the definition, substitute:

*eligible Judge* (except when used in Schedule 1) means a Judge:

- (a) in relation to whom a consent under subsection (2) and a declaration under subsection (3) are in force; and
- (b) in relation to a warrant applied for by the National Anti-Corruption Commission—who is a superior Court Judge.

**228B Subsection 6DA(1)**

After “warrants”, insert “(except to the National Anti-Corruption Commission)”.

**229 Paragraph 6L(2)(a)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**230 Subsection 6S(1) (table items 1 and 2, column 1, paragraph (c))**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**231 Subsection 6S(1) (note)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**232 Subsection 6S(2) (paragraph (c) of the definition of *disciplinary or legal action*)**

Omit “(within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”.

**233 Subsection 6S(2)**

Insert:

***disciplinary proceeding:***

- (a) means a proceeding of a disciplinary nature under a law of the Commonwealth or of a State or Territory; and
- (b) includes action taken under Subdivision D of Division 3 of Part V of the *Australian Federal Police Act 1979*.

**234 Subsection 6S(2) (definition of *eligible staff member*)**

Omit “*Law Enforcement Integrity Commissioner Act 2006* (see section 10”, substitute “*National Anti-Corruption Commission Act 2022* (see section 12”.

**234A Subsection 39(1)**

Repeal the subsection, substitute:

- (1) An agency may apply for a warrant in respect of a telecommunications service or a person to:
  - (a) for an application made by the National Anti-Corruption Commission—an eligible Judge; or
  - (b) otherwise—an eligible Judge or a nominated AAT member.

**235 Paragraph 39(2)(aa)**

Omit “Australian Commission for Law Enforcement Integrity”,  
substitute “National Anti-Corruption Commission”.

**236 Subparagraph 39(2)(aa)(i)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption  
Commissioner”.

**237 Subparagraph 39(2)(aa)(ii)**

Repeal the subparagraph, substitute:

(ii) a National Anti-Corruption Deputy Commissioner; or

**238 Subparagraph 39(2)(aa)(iii)**

Omit “ACLEP”, substitute “the National Anti-Corruption Commission”.

**239 Subparagraph 39(2)(aa)(iii)**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption  
Commissioner”.

**240 After subsection 63AB(3)**

Insert:

(3A) A person may, in connection with the performance of a function or  
duty, or the exercise of a power, of:

(a) the Inspector of the National Anti-Corruption Commission;  
or

(b) a person assisting the NACC Inspector;  
communicate to the Inspector or the person assisting (as the case  
requires), or make use of, or make a record of, general computer  
access intercept information.

**241 After subsection 63AB(4)**

Insert:

(4A) The Inspector of the National Anti-Corruption Commission or a  
person assisting the NACC Inspector may, in connection with:

(a) the performance of their functions or duties; or  
(b) the exercise of their powers;

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communicate to another person, or make use of, or make a record of, general computer access intercept information.

**242 After subsection 63AB(5)**

Insert:

(5A) If:

- (a) information was obtained by intercepting a communication passing over a telecommunications system; and
- (b) the interception was purportedly for the purposes of doing a thing specified in a general computer access warrant; and
- (c) the interception was not authorised by the general computer access warrant;

then:

- (d) a person may, in connection with the performance of a function or duty, or the exercise of a power, of:
  - (i) the Inspector of the National Anti-Corruption Commission; or
  - (ii) a person assisting the NACC Inspector;communicate to the Inspector or the person assisting (as the case requires), or make use of, or make a record of, that information; and
- (e) the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector may, in connection with:
  - (i) the performance of their functions or duties; or
  - (ii) the exercise of their powers;communicate to another person, or make use of, or make a record of, that information.

**243 After subsection 67(3)**

Insert:

*Dealing for permitted purposes in relation to NACC Inspector*

- (3A) The Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector may, for a permitted purpose, or permitted purposes, in relation to the performance of a function or duty, or the exercise of a power, of the Inspector or the person

assisting, and for no other purpose, communicate to another person, make use of, or make a record of the following:

- (a) lawfully intercepted information other than foreign intelligence information;
- (b) interception warrant information.

**244 Paragraph 68(db)**

Omit “an ACLEI corruption issue (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)—to the Integrity Commissioner”, substitute “a NACC corruption issue (within the meaning of the *National Anti-Corruption Commission Act 2022*)—to the National Anti-Corruption Commissioner”.

**245 Paragraph 68(n)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**246 Subparagraph 68(n)(ii)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**247 Paragraph 68(o)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**248 At the end of section 68**

Add:

- ; and (q) to the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector, if the information relates, or appears to relate, to a NACC corruption issue (within the meaning of the *National Anti-Corruption Commission Act 2022*).

**249 Paragraph 71(2)(ca)**

Repeal the paragraph, substitute:

- (ca) the National Anti-Corruption Commissioner; or
  - (cb) the Inspector of the National Anti-Corruption Commission;
- or

**250 Paragraph 110A(1)(c)**

Repeal the paragraph, substitute:

- (c) the National Anti-Corruption Commission;

**251 Subsection 140(1)**

Omit “Integrity Commissioner or the Chief Executive Officer of the ACC”, substitute “National Anti-Corruption Commissioner, the Chief Executive Officer of the ACC, the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector”.

**251A Clause 2 of Schedule 1 (definition of *issuing authority*)**

Repeal the definition, substitute:

*issuing authority* means a person:

- (a) in respect of whom an appointment is in force under clause 16; and
- (b) in relation to an international production order applied for by the National Anti-Corruption Commission—who is a superior Court Judge.

**251B Subclause 14(1) of Schedule 1**

Repeal the subclause, substitute:

- (1) For the purposes of this Schedule, *eligible Judge* means a person:
  - (a) in relation to whom a consent under subclause (2) and a declaration under subclause (3) are in force; and
  - (b) in relation to an international production order applied for by the National Anti-Corruption Commission—who is a superior Court Judge.

**251C Subclause 15(1) of Schedule 1**

After “orders”, insert “(except to the National Anti-Corruption Commission)”.

**251D Subclause 22(1) of Schedule 1**

Omit “to an eligible Judge or nominated AAT member”.

**251E After subclause 22(1) of Schedule 1**

Insert:

- (1A) The interception agency may apply for the order to:
- (a) for an application made by the National Anti-Corruption Commission—an eligible Judge; or
  - (b) otherwise—an eligible Judge or nominated AAT member.

**252 Paragraph 22(3)(b) of Schedule 1**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**253 Subparagraph 22(3)(b)(i) of Schedule 1**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**254 Subparagraph 22(3)(b)(ii) of Schedule 1**

Repeal the subparagraph, substitute:  
(ii) a National Anti-Corruption Deputy Commissioner; or

**255 Subparagraph 22(3)(b)(iii) of Schedule 1**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “NACC”.

**256 Subparagraph 22(3)(b)(iii) of Schedule 1**

Omit “Integrity Commissioner”, substitute “National Anti-Corruption Commissioner”.

**256A Subclause 52(1) of Schedule 1**

Omit “to an eligible Judge or nominated AAT member”.

**256B After subclause 52(1) of Schedule 1**

Insert:

- (1A) The Part 5.3 IPO agency may apply for the order to:
- (a) for an application made by the National Anti-Corruption Commission—an eligible Judge; or
  - (b) otherwise—an eligible Judge or nominated AAT member.

**257 After paragraph 153(1)(q) of Schedule 1**

Insert:

- (qa) the performance of a function or duty, or the exercise of a power, of the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector;

**258 Paragraph 157(1)(zc) of Schedule 1**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**259 Paragraph 157(2)(c) of Schedule 1 (definition of *eligible purpose*)**

Omit “Australian Commission for Law Enforcement Integrity”, substitute “National Anti-Corruption Commission”.

**260 Subparagraph 157(2)(c)(i) of Schedule 1 (definition of *eligible purpose*)**

Omit “(within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)”, substitute “or NACC corruption investigation (within the meaning of the *National Anti-Corruption Commission Act 2022*)”.

***Witness Protection Act 1994***

**261 Section 3 (paragraph (aa) of the definition of *approved authority*)**

Repeal the paragraph, substitute:

- (aa) the National Anti-Corruption Commissioner (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

**262 Paragraphs 22(5)(c), 22A(5)(c) and 22B(3)(c)**

Repeal the paragraphs, substitute:

- (c) the disclosure is a NACC disclosure (within the meaning of the *National Anti-Corruption Commission Act 2022*); or

## Part 3—Other amendments

### *Telecommunications Act 1997*

#### **263 Section 317B (after paragraph (b) of the definition of *interception agency*)**

Insert:

; or (ba) the National Anti-Corruption Commission; or

#### **264 Section 317B (at the end of the definition of *interception agency*)**

Add:

; or (d) the Independent Commission Against Corruption of New South Wales; or

(e) the New South Wales Crime Commission; or

(f) the Law Enforcement Conduct Commission of New South Wales; or

(g) the Independent Broad-based Anti-corruption Commission of Victoria; or

(h) the Crime and Corruption Commission of Queensland; or

(i) the Independent Commission Against Corruption of South Australia; or

(j) the Corruption and Crime Commission of Western Australia.

#### **265 Section 317B**

Insert:

*member of the staff of the Independent Commission Against Corruption of South Australia* means a person who is engaged under subsection 12(1) of the *Independent Commission Against Corruption Act 2012* (SA).

#### **266 Section 317ZM (after table item 3)**

Insert:

3A	National Anti-Corruption	the National Anti-Corruption	a staff member of the NACC (within the
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	Commission	Commissioner (within the meaning of the <i>National Anti-Corruption Commission Act 2022</i> )	meaning of the <i>National Anti-Corruption Commission Act 2022</i> )
<b>267 Section 317ZM (at the end of the table)</b>			
Add:			
5	Independent Commission Against Corruption of New South Wales	the Chief Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 1988</i> (NSW))	an officer of the Commission (within the meaning of the <i>Independent Commission Against Corruption Act 1988</i> (NSW)) (other than a person engaged under section 104B of that Act)
6	New South Wales Crime Commission	the Commissioner (within the meaning of the <i>Crime Commission Act 2012</i> (NSW))	an officer of the Commission (within the meaning of the <i>Crime Commission Act 2012</i> (NSW)) other than a person engaged under subsection 74(2) of that Act
7	Law Enforcement Conduct Commission of New South Wales	the Chief Commissioner (within the meaning of the <i>Law Enforcement Conduct Commission Act 2016</i> (NSW))	(a) a Commissioner (within the meaning of the <i>Law Enforcement Conduct Commission Act 2016</i> (NSW)); or (b) a member of staff of the Commission (within the meaning of the <i>Law Enforcement Conduct Commission Act 2016</i> (NSW))
8	Independent	the Commissioner	a sworn IBAC Officer

**Schedule 1** Amendments  
**Part 3** Other amendments

	Broad-based Anti-corruption Commission of Victoria	(within the meaning of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic.))	(within the meaning of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic.))
9	Crime and Corruption Commission of Queensland	the chairperson (within the meaning of the <i>Crime and Corruption Act 2001</i> (Qld))	a commission officer (as defined by paragraph (a) of the definition of <b>commission officer</b> in Schedule 2 to the <i>Crime and Corruption Act 2001</i> (Qld)) other than a person engaged under section 256 of that Act
10	Independent Commission Against Corruption of South Australia	the Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 2012</i> (SA))	(a) the Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 2012</i> (SA)); or (b) the Deputy Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 2012</i> (SA)); or (c) a member of the staff of the Independent Commission Against Corruption of South Australia
11	Corruption and Crime Commission of Western Australia	the Commissioner (within the meaning of the <i>Corruption, Crime and Misconduct Act 2003</i> (WA))	an officer of the Commission (within the meaning of the <i>Corruption, Crime and Misconduct Act 2003</i> (WA)) other than a

person engaged under  
section 182 of that Act

**268 Subsection 317ZR(1) (after table item 3)**

Insert:

- |    |   |   |
|----|---|---|
| 3A | National<br>Anti-Corruption<br>Commission | a staff member of the NACC (within the meaning of the <i>National Anti-Corruption Commission Act 2022</i> ) who is a Deputy Commissioner, SES employee or acting SES employee |
|----|---|---|

**269 Subsection 317ZR(1) (at the end of the table)**

Add:

- |   |   |   |
|---|---|---|
| 5 | Independent<br>Commission<br>Against<br>Corruption of<br>New South<br>Wales | <p>(a) a Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 1988</i> (NSW)); or</p> <p>(b) an Assistant Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 1988</i> (NSW)); or</p> <p>(c) an officer of the Commission (within the meaning of the <i>Independent Commission Against Corruption Act 1988</i> (NSW)) (other than a person engaged under section 104B of that Act) who is at executive level</p> |
| 6 | New South<br>Wales Crime<br>Commission                                      | an officer of the Commission (within the meaning of the <i>Crime Commission Act 2012</i> (NSW)) (other than a person engaged under subsection 74(2) of that Act) who is at executive level  |
| 7 | Law<br>Enforcement<br>Conduct<br>Commission of<br>New South<br>Wales        | <p>(a) a Commissioner (within the meaning of the <i>Law Enforcement Conduct Commission Act 2016</i> (NSW)); or</p> <p>(b) a member of staff of the Commission (within the meaning of the <i>Law Enforcement Conduct Commission Act 2016</i> (NSW)) who is at executive level</p>  |
| 8 | Independent<br>Broad-based<br>Anti-corruption<br>Commission of<br>Victoria  | <p>(a) a Deputy Commissioner of the Commission (within the meaning of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic.)); or</p> <p>(b) the Chief Executive Officer (within the meaning of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic.)); or</p> <p>(c) a sworn IBAC Officer (within the meaning of the</p>  |

**Schedule 1** Amendments  
**Part 3** Other amendments

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		<i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic.) who is at executive level
9	Crime and Corruption Commission of Queensland	a senior executive officer (within the meaning of the <i>Crime and Corruption Act 2001</i> (Qld))
10	Independent Commission Against Corruption of South Australia	(a) the Deputy Commissioner (within the meaning of the <i>Independent Commission Against Corruption Act 2012</i> (SA)); or (b) a member of the staff of the Independent Commission Against Corruption of South Australia who is at executive level
11	Corruption and Crime Commission of Western Australia	an officer of the Commission (within the meaning of the <i>Corruption, Crime and Misconduct Act 2003</i> (WA)) (other than a person engaged under section 182 of that Act) who is at executive level

**270 At the end of section 317ZR**

Add:

- (6) For the purposes of this section, a person is at ***executive level***, in relation to an interception agency of Western Australia, if the person occupies an office or position at an equivalent level to that of a senior executive officer (within the meaning of the *Public Sector Management Act 1994* (WA)).

## **Schedule 2—Application, saving and transitional provisions**

### **Part 1—Introduction**

#### **1 Definitions**

(1) In this Schedule:

*existing inquiry*: see paragraph 2(1)(b).

*existing investigation*: see paragraph 2(1)(a).

*instrument* includes:

- (a) a contract, deed, undertaking, arrangement or agreement; and
- (b) a notice, authority, order or instruction; and
- (c) an instrument made under an Act or a regulation.

*NACC corruption issue transition notice*: see subitem 36(4).

*new Act* means the *National Anti-Corruption Commission Act 2022*.

*old Act* means the *Law Enforcement Integrity Commissioner Act 2006*, as in force immediately before the transition time.

*rules* means the rules made under item 57.

*transition determination* means, in relation to an existing investigation or an existing inquiry, a determination under subitem 3(1).

*transition time* means the time section 40 of the new Act (which gives the National Anti-Corruption Commissioner the power to deal with a corruption issue) commences.

- (2) Expressions used in this Schedule that are defined for the purposes of the new Act, and are used in relation to that Act, have the same meaning as in that Act.
- (3) Expressions used in this Schedule that were defined for the purposes of the old Act, and are used in relation to that Act, have the same meaning as in that Act.
- (4) For the purposes of the operation of the old Act after the transition time, as provided for by this Schedule:

**Schedule 2** Application, saving and transitional provisions

**Part 1** Introduction

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- (a) the National Anti-Corruption Commissioner may exercise the powers, and perform the functions and duties, of the Integrity Commissioner; and
- (b) the Inspector may exercise the powers, and perform the functions and duties, of a special investigator; and
- (c) the old Act applies with such further modifications as are necessary for matters under the old Act to be managed by the National Anti-Corruption Commission or the Inspector, as the case requires; and
- (d) the amendments made by Part 2 of Schedule 1 are taken not to have been made.

## **Part 2—Existing investigations and inquiries**

### **2 Transitional—continuation of existing investigations and inquiries**

- (1) This item applies in relation to the following:
  - (a) an investigation (the *existing investigation*) of a corruption issue by the Integrity Commissioner, whether alone or jointly with another person or persons, under Part 6 of the old Act that has been commenced but is not yet completed at the transition time;
  - (b) a public inquiry (the *existing inquiry*) by the Integrity Commissioner under Part 8 of the old Act that has been commenced but is not yet completed at the transition time.

- (2) The National Anti-Corruption Commissioner may continue to conduct the existing investigation or existing inquiry under the old Act as if the old Act had not been repealed.

Note: An effect of this subitem is that the rights and obligations of persons and agencies in relation to the investigation or inquiry are determined by the old Act.

- (3) However, subitem (2) does not apply if the National Anti-Corruption Commissioner makes a transition determination in relation to the existing investigation or existing inquiry.

### **3 Transitional—transition determinations**

- (1) The National Anti-Corruption Commissioner may, by notice in writing (the *transition determination*), determine that the new Act applies to an existing investigation or an existing inquiry if the National Anti-Corruption Commissioner considers that:
  - (a) it is more appropriate to deal with the issues the subject of the existing investigation or existing inquiry under the new Act; and
  - (b) in the case of an existing investigation—the issues could involve corrupt conduct that is serious or systemic.
- (2) The National Anti-Corruption Commissioner must, as soon as reasonably practicable, give a copy of the transition determination to

each head of a government agency to which the existing investigation or existing inquiry relates.

- (3) The new Act applies to the existing investigation or existing inquiry from the later of the following times:
- (a) the time the transition determination is given to the head of each government agency to which the existing investigation or existing inquiry relates;
  - (b) the time specified in the transition determination.

Note: The new Act will then determine the National Anti-Corruption Commissioner's powers, functions and duties in relation to the investigation or inquiry. Similarly, the rights and obligations of persons and agencies in relation to the investigation or inquiry will be determined by the new Act.

- (4) A transition determination is not a legislative instrument.

#### **4 Transitional—investigations managed or overseen by Integrity Commissioner**

- (1) This item applies if, at the transition time, any of the following investigations had been commenced but had not yet been completed:
- (a) an investigation of a corruption issue by a law enforcement agency managed by the Integrity Commissioner under subsection 61(1) of the old Act;
  - (b) an investigation of a corruption issue by a law enforcement agency overseen by the Integrity Commissioner under subsection 62(1) of the old Act.
- (2) The National Anti-Corruption Commissioner may continue to manage, or oversee, the investigation under the old Act as if the old Act had not been repealed.
- (3) The law enforcement agency investigating the corruption issue must comply with any reporting obligations under the old Act.

#### **5 Transitional—investigations conducted solely by law enforcement agencies**

- (1) This item applies if:
-

- (a) the Integrity Commissioner referred a corruption issue to a law enforcement agency for investigation under subparagraph 26(1)(b)(iii) of the old Act; and
  - (b) the investigation had been commenced but had not yet been completed before the transition time.
- (2) The referral is taken, after the transition time, to have been made by the National Anti-Corruption Commissioner under paragraph 41(1)(c) of the new Act.

**6 Transitional—investigation of corruption issues relating to conduct of secondees**

- (1) This item applies if, immediately before the transition time:
  - (a) a government agency, or an integrity agency for a State or Territory, was investigating the conduct of a secondee to a law enforcement agency; and
  - (b) the investigation was being done under an arrangement made under subsection 30(1) of the old Act.
- (2) The government agency, or the integrity agency for the State or Territory, may continue to investigate the corruption issue as if the old Act had not been repealed.

## **Part 3—Corruption issues previously referred or notified**

### **7 Transitional—referral and notification of corruption issues**

- (1) This item applies if, before the transition time:
- (a) a person:
    - (i) had referred an allegation, or information, that raised a corruption issue to the Integrity Commissioner; or
    - (ii) had notified a corruption issue to the Integrity Commissioner; and
  - (b) the Integrity Commissioner:
    - (i) had not yet decided, under Division 2 of Part 4 of the old Act, how to deal with the corruption issue; or
    - (ii) had decided, under that Division, how to deal with the corruption issue, but had not yet commenced taking any action to deal with the issue.
- (2) The allegation or information is taken, or the corruption issue is taken, after the transition time, to have been referred to the National Anti-Corruption Commissioner under Part 5 of the new Act.

### **8 Transitional—protection of persons referring or notifying corruption issues**

If subitem 7(1) applies in relation to a person and a referral or notification, the person is taken, after the transition time, to have made a NACC disclosure under the new Act in relation to the referral or notification.

## **Part 4—Facilitating investigations and inquiries**

### **9 Transitional—notices to give information or produce documents or things**

- (1) This item applies in relation to any of the following:
  - (a) a notice given to a person, before the transition time, by the Integrity Commissioner under subsection 75(1) of the old Act requiring the recipient of the notice to give information or to produce a document or thing with which the recipient has not yet complied;
  - (b) a notation included, under subsection 77A(2) of the old Act, in such a notice prohibiting the disclosure of information.
- (2) The old Act continues to apply in relation to the notice and the notation as if the old Act had not been repealed.
- (3) However, if the notice or notation relates to an existing investigation or existing inquiry to which the new Act applies because of a transition determination, then the following apply:
  - (a) the notice is taken to be a notice to produce given by the National Anti-Corruption Commissioner under subsection 58(2) of the new Act;
  - (b) the notation is taken to be a non-disclosure notation included in the notice to produce for the purposes of subsection 95(1) of the new Act.

### **10 Transitional—protection of persons who comply with notices and protection of witnesses etc.**

- (1) This item applies if one of the following was in effect immediately before the transition time:
  - (a) an arrangement under subsection 81(3) of the old Act for the protection of a person who gave information, or produced a document or thing, in response to a notice served on the person under section 75 of the old Act;
  - (b) an arrangement under subsection 104A(3) of the old Act for the protection of a person mentioned in subsection 104A(2) of the old Act.

- (2) The arrangement continues in effect, after the transition time, as if it had been made under subsection 116(2) of the new Act.

### **11 Transitional—summons to attend hearings**

- (1) This item applies in relation to any of the following:
- (a) a summons issued to a person, before the transition time, by the Integrity Commissioner under subsection 83(1) of the old Act to attend a hearing to give evidence or to produce any document or thing referred to in the summons;
  - (b) a notation included, under subsection 91(2) of the old Act, in such a summons prohibiting the disclosure of information.
- (2) The old Act continues to apply in relation to the summons and the notation as if the old Act had not been repealed.
- (3) However, if the summons and any notation relates to an existing investigation or existing inquiry to which the new Act applies because of a transition determination, then the following apply:
- (a) the summons is taken to have been issued by the National Anti-Corruption Commissioner under subsection 63(1) of the new Act;
  - (b) the notation is taken to be a non-disclosure notation included in the summons for the purposes of subsection 95(1) of the new Act.

### **12 Transitional—directions in relation to confidentiality**

- (1) This item applies if the Integrity Commissioner gave a direction, under subsection 90(1) of the old Act, to a person in relation to the use or disclosure of hearing material before the transition time.
- (2) The old Act continues to apply in relation to the direction as if the old Act had not been repealed.
- (3) However, if the direction relates to a hearing conducted, or to be conducted, as part of an existing investigation or existing inquiry to which the new Act applies because of a transition determination, the direction is taken to have been given by the National Anti-Corruption Commissioner under subsection 100(1) of the new Act.

### **13 Transitional—applications to Court to deal with contempt**

- (1) This item applies if an application made to the Federal Court or a Supreme Court under section 96B of the old Act had not been dealt with by the Court before the transition time.
- (2) The old Act continues to apply in relation to the application as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the application relates to an existing investigation or existing inquiry to which a transition determination applies.

### **14 Transitional—directions to detain in relation to contempt**

- (1) This item applies if:
  - (a) a direction was given under subsection 96D(1) of the old Act to detain a person in relation to a hearing of an application under subsection 96B(1) of that Act; and
  - (b) the hearing had not occurred before the transition time.
- (2) The old Act continues to apply in relation to the direction as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the direction relates to an existing investigation or existing inquiry to which a transition determination applies.

### **15 Transitional—applications for order to deliver travel documents**

- (1) This item applies if an application for an order to deliver travel documents made by the Integrity Commissioner under section 97 of the old Act had not been considered by a Judge before the transition time.
- (2) The old Act continues to apply in relation to the application as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the application relates to an existing investigation or existing inquiry to which a transition determination applies.

## **16 Transitional—orders regarding delivery of travel documents**

- (1) This item applies if:
  - (a) a day specified in an order to appear before the Federal Court made under subsection 98(1) of the old Act occurs after the transition time; or
  - (b) the period specified in an order to deliver travel documents made under subsection 98(4) of the old Act, or the period specified in any extension to that period made under subsection 98(5) of that Act, ends after the transition time.
- (2) The old Act continues to apply in relation to the order as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the order relates to an existing investigation or existing inquiry to which a transition determination applies.

## **17 Transitional—applications for revocation of order to deliver travel documents**

- (1) This item applies if an application for a revocation of an order made under subsection 98(6) of the old Act had not been considered by the Federal Court before the transition time.
- (2) The old Act continues to apply in relation to the application as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the application relates to an existing investigation or existing inquiry to which a transition determination applies.

## **18 Transitional—applications for arrest warrants**

- (1) This item applies if an application for an arrest warrant made by an authorised officer under section 99 of the old Act had not been considered by a Judge before the transition time.
- (2) The old Act continues to apply in relation to the application as if the old Act had not been repealed.

- (3) Subitem (2) applies whether or not the application relates to an existing investigation or existing inquiry to which a transition determination applies.

### **19 Transitional—warrants not executed**

- (1) This item applies if, before the transition time:
- (a) an arrest warrant issued under section 100 of the old Act had not been executed; or
  - (b) a search warrant issued under section 109 of the old Act had not expired and had not been fully executed.
- (2) The old Act continues to apply in relation to the warrant as if the old Act had not been repealed.
- (3) Subitem (2) applies whether or not the warrant relates to an existing investigation or existing inquiry to which a transition determination applies.

## **Part 5—Requirements or permissions etc. under other Acts**

### **20 Transitional—notices under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

- (1) This item applies if:
  - (a) before the transition time, a notice was given under section 49 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* by:
    - (i) the Integrity Commissioner; or
    - (ii) an investigating officer who was an Australian Commission for Law Enforcement Integrity officer; and
  - (b) the period specified in the notice for compliance with the notice ends after the transition time.
- (2) The notice has effect, after the transition time, as if it had been given by the National Anti-Corruption Commissioner.

### **21 Transitional—controlled operation authorities under the *Crimes Act 1914***

- (1) This item applies if an authority to conduct a controlled operation granted under section 15GI of the *Crimes Act 1914* by an authorising officer who was an ACLEI authorising officer was in effect immediately before the transition time.
- (2) The authority has effect, after the transition time, as if it had been granted by a NACC authorising officer in relation to a corruption investigation.
- (3) To avoid doubt, a reference in this item to an authority to conduct a controlled operation includes a reference to an authority to conduct a controlled operation as varied under Part IAB of the *Crimes Act 1914* before the transition time.

## **22 Transitional—integrity testing operation authorities under the *Crimes Act 1914***

- (1) This item applies if an authority to conduct an integrity testing operation granted by one of the following under section 15JG of the *Crimes Act 1914* was in effect immediately before the transition time:
  - (a) the Integrity Commissioner;
  - (b) an Assistant Integrity Commissioner;
  - (c) an SES employee in the Australian Commission for Law Enforcement Integrity.
- (2) The authority has effect, after the transition time, as if it had been granted by the National Anti-Corruption Commissioner in relation to a corruption investigation.
- (3) To avoid doubt, a reference in this item to an authority to conduct an integrity testing operation includes a reference to an authority to conduct an integrity testing operation as varied under section 15JK of the *Crimes Act 1914* before the transition time.

## **23 Transitional—assumed identity authorities under the *Crimes Act 1914***

- (1) This item applies if an authority to acquire or use an assumed identity granted by the Integrity Commissioner under section 15KB of the *Crimes Act 1914* was in force immediately before the transition time.
- (2) The authority has effect, after the transition time, as if it had been granted by the National Anti-Corruption Commissioner.
- (3) To avoid doubt, a reference in this item to an authority to acquire or use an assumed identity includes a reference to an authority to acquire or use an assumed identity as varied under section 15KE of the *Crimes Act 1914* before the transition time.

## **24 Transitional—witness identity protection certificates under the *Crimes Act 1914***

- (1) This item applies if a witness identity protection certificate given by the Integrity Commissioner under section 15ME of the *Crimes Act 1914* was in effect immediately before the transition time.

- (2) The certificate has effect, after the transition time, as if it had been given by the National Anti-Corruption Commissioner.

**25 Transitional—requests for information from cash dealers under the *Financial Transaction Reports Act 1988***

- (1) This item applies if a request given to a cash dealer by one of the following under subsection 16(4) of the *Financial Transaction Reports Act 1988* had not been complied with before the transition time:
- (a) the Integrity Commissioner;
  - (b) an investigating officer who was a staff member of ACLEI.
- (2) The request has effect, after the transition time, as if it had been given by the National Anti-Corruption Commissioner.

**26 Transitional—freezing and production orders under the *Proceeds of Crime Act 2002***

- (1) This item applies if one of the following orders, issued by a magistrate on application by the Integrity Commissioner or an authorised officer who was a staff member of the ACLEI, was in effect immediately before the transition time:
- (a) a freezing order issued under subsection 15B(1) of the *Proceeds of Crime Act 2002*;
  - (b) a production order issued under subsection 202(1) of that Act.
- (2) The order has effect, after the transition time, as if it had been issued by the magistrate on application by an authorised officer who is a staff member of the NACC.
- (3) To avoid doubt, a reference in this item to a freezing order includes a reference to a freezing order as extended under section 15P of the *Proceeds of Crime Act 2002*, or as varied under section 15Q of that Act, before the transition time.

**27 Transitional—notices to financial institutions under the  
*Proceeds of Crime Act 2002***

- (1) This item applies if a day specified in a notice given by the Integrity Commissioner under subsection 213(1) of the *Proceeds of Crime Act 2002* for compliance with the notice occurs after the transition time.
- (2) The notice has effect, after the transition time, as if it had been given by the National Anti-Corruption Commissioner.

**28 Transitional—monitoring orders under the *Proceeds of  
Crime Act 2002***

- (1) This item applies if:
  - (a) the period during which transactions must have occurred specified in a monitoring order made by a judge of a court of a State or Territory under subsection 219(1) of the *Proceeds of Crime Act 2002* had not ended before the transition time; and
  - (b) the order was made on application by the Integrity Commissioner or an authorised officer who was a staff member of the ACLEI.
- (2) The order has effect, after the transition time, as if it had been made on application by an authorised officer who is a staff member of the NACC.

**29 Transitional—search warrants under the *Proceeds of  
Crime Act 2002***

- (1) This item applies if:
  - (a) a search warrant issued by a magistrate under section 225 of the *Proceeds of Crime Act 2002* had not expired and had not been fully executed before the transition time; and
  - (b) the warrant had been issued on application by the Integrity Commissioner or an authorised officer who was a staff member of the ACLEI.
- (2) The warrant has effect, after the transition time, as if it had been issued by the magistrate on application by an authorised officer who is a staff member of the NACC.

**30 Transitional—surveillance device, retrieval and computer access warrants under the *Surveillance Devices Act 2004***

- (1) This item applies if one of the following warrants issued by an eligible Judge or a nominated AAT member on application by a law enforcement officer of the Australian Commission for Law Enforcement Integrity was in force immediately before the transition time:
- (a) a surveillance device warrant issued under subsection 16(1) of the *Surveillance Devices Act 2004* (including such a warrant as extended or varied under section 19 of that Act);
  - (b) a retrieval warrant issued under subsection 24(1) of that Act;
  - (c) a computer access warrant issued under subsection 27C(1) of that Act (including such a warrant as extended or varied under section 27F of that Act).
- (2) The warrant has effect, after the transition time, as if it had been issued on application by a law enforcement officer who is a staff member of the NACC.

**31 Transitional—emergency and tracking device authorisations under the *Surveillance Devices Act 2004***

- (1) This item applies if one of the following authorisations given by an appropriate authorising officer of the Australian Commission for Law Enforcement Integrity was in force immediately before the transition time:
- (a) an emergency authorisation given under Part 3 of the *Surveillance Devices Act 2004*;
  - (b) a tracking device authorisation given under section 39 of that Act.
- (2) The authorisation has effect, after the transition time, as if it had been given by an appropriate authorising officer of the National Anti-Corruption Commission.

**32 Transitional—warrants under the *Telecommunications (Interception and Access) Act 1979***

- (1) This item applies if one of the following warrants issued to the Australian Commission for Law Enforcement Integrity was in force immediately before the transition time:
  - (a) an interception warrant issued under section 46, 46A or 48 of the *Telecommunications (Interception and Access) Act 1979*;
  - (b) a stored communications warrant issued under section 116 of that Act;
  - (c) a journalist information warrant issued under section 180T of that Act.
- (2) The warrant has effect, after the transition time, as if it had been issued to the National Anti-Corruption Commission.

**33 Transitional—preservation notices under the *Telecommunications (Interception and Access) Act 1979***

- (1) This item applies if a preservation notice issued by the Australian Commission for Law Enforcement Integrity under the *Telecommunications (Interception and Access) Act 1979* was in force immediately before the transition time.
- (2) The notice has effect, after the transition time, as if it had been issued by the National Anti-Corruption Commission.

**34 Transitional—telecommunications data authorisations under the *Telecommunications (Interception and Access) Act 1979***

- (1) This item applies if a telecommunication data authorisation made by an authorising officer of the Australian Commission for Law Enforcement Integrity under section 178, 179, or 180 of the *Telecommunications (Interception and Access) Act 1979* was in force immediately before the transition time.
- (2) The authorisation has effect, after the transition time, as if it had been made by an authorising officer of the National Anti-Corruption Commission.

**35 Transitional—international production orders under the  
*Telecommunications (Interception and Access) Act  
1979***

- (1) This item applies if an international production order issued on application by the Australian Commissioner for Law Enforcement Integrity under Schedule 1 of the *Telecommunications (Interception and Access) Act 1979*:
- (a) was in force immediately before the transition time; or
  - (b) had not been given to the prescribed communications provider to whom the order was directed before the transition time.
- (2) The order has effect, after the transition time, as if it had been issued on application by the National Anti-Corruption Commissioner.

## **Part 6—ACLEI corruption issues**

### **36 Transitional—investigations into ACLEI corruption issues**

- (1) This item applies if, immediately before the transition time, any of the following investigations had been commenced but not yet completed:
  - (a) an investigation of an ACLEI corruption issue by the Integrity Commissioner under Division 3 of Part 12 of the old Act;
  - (b) a special investigation of an ACLEI corruption issue by a special investigator under Division 4 of Part 12 of the old Act.
- (2) The National Anti-Corruption Commissioner may continue to conduct the investigation as if the old Act had not been repealed.
- (3) The special investigator may continue to conduct the special investigation as if the old Act had not been repealed.
- (4) However, the Inspector may, by notice in writing (the *NACC corruption issue transition notice*), determine that the new Act applies to the investigation or special investigation if the Inspector considers that:
  - (a) it is more appropriate to deal with the investigation or special investigation under the new Act; and
  - (b) the investigation or special investigation could involve corrupt conduct that is serious or systemic.
- (5) If the Inspector issues the NACC corruption issue transition notice:
  - (a) the investigation or special investigation is taken to be a NACC corruption investigation under the new Act; and
  - (b) the Inspector must continue the conduct of the investigation or special investigation under Division 3 of Part 10 of the new Act.
- (6) The Inspector must, as soon as reasonably practicable, give a copy of the NACC corruption issue transition notice to:
  - (a) the National Anti-Corruption Commissioner; and
  - (b) the special investigator.

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- (7) The new Act applies to the investigation from the later of the following times:
- (a) the time the NACC corruption issue transition notice is given to the National-Anti-Corruption Commissioner;
  - (b) the time specified in the notice.
- (8) A NACC corruption issue transition notice is not a legislative instrument.

## **Part 7—Information disclosure—prevention on public interest grounds**

### **37 Transitional—Attorney-General's certificates about release of information**

- (1) This item applies if:
  - (a) the Attorney-General certified, under subsection 149(1) of the old Act, that disclosure of information or the contents of a document would be contrary to the public interest; and
  - (b) the certificate had not been revoked before the transition time.
- (2) The old Act continues to apply in relation to the information or contents as if the old Act had not been repealed.
- (3) However, if the information or contents relate to an existing investigation or existing inquiry to which the new Act applies because of a transition determination, the information or contents are taken to be section 235 certified information under the new Act.

## Part 8—Reporting

### 38 Transitional—reports on corruption investigations

- (1) This item applies if, before the transition time, the Integrity Commissioner:
  - (a) completed an investigation of a corruption issue that related to a law enforcement agency; but
  - (b) had not yet prepared a report on the investigation under subsection 54(1) of the old Act.
- (2) The National Anti-Corruption Commissioner must prepare the report as if the old Act had not been repealed.

### 39 Transitional—reports on public inquiries

- (1) This item applies if, before the transition time, the Integrity Commissioner:
  - (a) completed a public inquiry; but
  - (b) had not yet prepared a report on the inquiry under subsection 73(1) of the old Act.
- (2) The National Anti-Corruption Commissioner must prepare the report as if the old Act had not been repealed.

### 40 Transitional—annual reports for financial year ended before transition time

- (1) This item applies if:
  - (a) the transition time occurs after the end of a financial year; and
  - (b) the annual report referred to in section 201 of the old Act had not been prepared for the financial year before the transition time.
- (2) The National Anti-Corruption Commissioner must, as soon as reasonably practicable, prepare the annual report in accordance with the old Act as if the old Act had not been repealed.

- (3) The Parliamentary Joint Committee on the National Anti-Corruption Commission may:
- (a) examine the report; and
  - (b) report to the Parliament on any matter appearing in, or arising out of, the report.

#### **41 Transitional—annual reports for financial year in which transition time occurs**

- (1) This item applies:
- (a) if the transition time occurs during a financial year; and
  - (b) in relation to the matters that would have been covered by the annual report referred to in section 201 of the old Act for the part of the financial year before the transition time if the old Act had not been repealed.
- (2) The first annual report prepared by the National Anti-Corruption Commissioner under section 271 of the new Act must cover those matters.

#### **42 Transitional—special reports not completed**

- (1) This item applies if, before the transition time, the Integrity Commissioner had started preparing a special report under section 204 of the old Act, but had not completed the report.
- (2) The National Anti-Corruption Commissioner may complete the report in accordance with the old Act as if the old Act had not been repealed.
- (3) If the National Anti-Corruption Commissioner completes the report, the Parliamentary Joint Committee on the National Anti-Corruption Commission may:
- (a) examine the report; and
  - (b) report to the Parliament on any matter appearing in, or arising out of, the report.

#### **43 Transitional—special reports not tabled**

- (1) This item applies if, before the transition time, the Integrity Commissioner had given the Minister a special report under section 204
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of the old Act, but the Minister had not laid the report before each House of the Parliament.

- (2) The old Act continues to apply, in relation to the report as if the old Act had not been repealed.

## **Part 9—Staffing**

### **44 Transitional—current ACLEI staff**

- (1) This item applies to a person who, immediately before the transition time, was engaged as a staff member of ACLEI under section 197 of the old Act.
- (2) The person is taken, after the transition time, to be engaged as a member of the staff of the NACC under subsection 262(1) of the new Act on the same terms and conditions.
- (3) The repeal of the old Act does not affect the continuity of employment of the person.

### **45 Transitional—consultants to ACLEI**

- (1) This item applies to a person who, immediately before the transition time, was engaged as a consultant to ACLEI under section 198 of the old Act.
- (2) The person is taken, after the transition time, to be engaged as a consultant to the NACC under section 263 of the new Act on the same terms and conditions.

### **46 Transitional—secondees to ACLEI**

- (1) This item applies to a person whose services were, immediately before the transition time, made available to the Integrity Commissioner under section 199 of the old Act.
- (2) The person is taken, after the transition time, to be a person whose services are made available to the NACC under section 264 of the new Act on the same terms and conditions.

### **47 Transitional—counsel assisting Integrity Commissioner**

- (1) This item applies to a person who, immediately before the transition time, was appointed as counsel assisting the Integrity Commissioner under section 200 of the old Act.

- (2) The person is taken, after the transition time, to be appointed as counsel assisting the National Anti-Corruption Commissioner under section 265 of the new Act on the same terms and conditions.

**48 Transitional—authorised officers of ACLEI**

- (1) This item applies to a person for whom an authorisation was in effect under section 140 of the old Act immediately before the transition time.
- (2) The person is taken, after the transition time, to be a person appointed as an authorised officer under section 267 of the new Act.
- (3) An identity card issued to the person under section 141 of the old Act is taken, after the transition time, to be an identity card issued to the person under section 268 of the new Act.

## **Part 10—Miscellaneous transitional provisions**

### **49 Transitional—pending proceedings**

- (1) This item applies to any proceedings:
  - (a) that were pending in any court or tribunal immediately before the transition time; and
  - (b) to which the Integrity Commissioner was a party.
- (2) The National Anti-Corruption Commissioner is, after the transition time, substituted for the Integrity Commissioner as a party to the proceedings.

### **50 Transitional—judicial review**

- (1) This item applies if, immediately before the transition time, a person was entitled to make an application to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the *Administrative Decisions (Judicial Review) Act 1977* for an order of review in respect of a matter arising under the old Act.
- (2) Despite the repeal of the old Act, the person may, after the transition time and subject to the *Administrative Decisions (Judicial Review) Act 1977*, apply for an order of review in respect of that matter.

### **51 Transitional—transfer of records**

- (1) This item applies to any records or documents that were in the possession of the following immediately before the transition time:
  - (a) the Integrity Commissioner;
  - (b) an Assistant Integrity Commissioner;
  - (c) the Australian Commission for Law Enforcement Integrity.
- (2) The records and documents are to be transferred to the National Anti-Corruption Commissioner after the transition time.

## **52 Transitional—confidential information provided under old Act**

- (1) This item applies to any confidential information provided to the following, under the old Act, before the transition time:
  - (a) the Integrity Commissioner;
  - (b) a staff member of the ACLEI;
  - (c) if the information was provided to a special investigator for the purposes of Division 4 of Part 12 of the old Act—the special investigator.
- (2) The information is taken, immediately after the transition time, to have been provided to the National Anti-Corruption Commissioner under the new Act.

## **53 Transitional—references to the Integrity Commissioner etc. in instruments**

- (1) This item applies to an instrument if:
  - (a) the instrument was in force immediately before the transition time; and
  - (b) the instrument contains a reference to:
    - (i) the Integrity Commissioner; or
    - (ii) an Assistant Integrity Commissioner; or
    - (iii) the Australian Commission for Law Enforcement Integrity.
- (2) The instrument has effect, after the transition time, as if:
  - (a) a reference in the instrument to the Integrity Commissioner were a reference to the National Anti-Corruption Commissioner; and
  - (b) a reference in the instrument to an Assistant Integrity Commissioner were a reference to a National Anti-Corruption Deputy Commissioner; and
  - (c) a reference in the instrument to the Australian Commission for Law Enforcement Integrity were a reference to the National Anti-Corruption Commission.
- (3) The rules may provide that subitem (2) does not apply in relation to a specified instrument.

- (4) This item does not prevent the instrument from being amended or repealed after the transition time.

## **Part 11—Transitional application of certain provisions in new Act**

### **54 Application—protection for journalists' informants**

Section 31 of the new Act applies in relation to information given by an informant whether the information is given before, on or after the commencement of that section.

### **55 Application—mandatory referrals**

- (1) This item applies if, in the 28 day period beginning on the day the transition time occurs:
  - (a) a person becomes aware of a corruption issue; and
  - (b) the person would, but for this item, be required to refer the corruption issue to the National Anti-Corruption Commissioner or the IGIS under Division 2 of Part 5 of the new Act.
- (2) The person is not required to refer the corruption issue to the National Anti-Corruption Commissioner or the IGIS (as the case may be) until as soon as is reasonably practicable after the end of the period.

### **56 Application—appointment of first CEO**

Subsection 254(2) of the new Act does not apply in relation to the first appointment made under subsection 254(1) of the new Act.

Note: The effect of this item is that the National Anti-Corruption Commissioner is not required to approve the appointment of the first CEO.

## **Part 12—Transitional rules**

### **57 Transitional rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
  - (a) required or permitted by this Act to be prescribed by the rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
  - (a) the amendments or repeals made by this Act; or
  - (b) the enactment of the new Act.
- (3) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund;
  - (e) directly amend the text of this Act or the new Act.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1).

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*[Minister's second reading speech made in—  
House of Representatives on 28 September 2022  
Senate on 28 November 2022]*

*(95/22)*

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