2010

The Parliament of the Commonwealth of Australia

THE SENATE

Presented and read a first time

National Integrity Commissioner Bill 2010

No. , 2010

(Senator Bob Brown)

A Bill for an Act to establish the office of the National Integrity Commissioner, and for related purposes

Contents

Part 1—Prelimina	nry	1
1	Short title	1
2	Commencement	2
3	Objects of Act	2
4	Saving of powers, privileges and immunities	3
5	Application of Act	3
6	Definitions	3
7	Meaning of corrupt conduct	7
8	Meaning of corruption issue	10
Part 2—The Natio	onal Integrity Commission	11
Division 1—Int	roduction	11
9	Guide to this Part	11
Division 2—Est	tablishment	13
10	Establishment	13
11	Definition of integrity officers	13
Division 3—Fu	nctions and powers of the integrity officers	14
12	Definition of national integrity commissioner functions	14
13	Definition of law enforcement integrity commissioner functions	15
14	Definition of independent parliamentary advisor functions	15
15	Functions and powers of the National Integrity Commissioner	16
16	Functions and powers of the Law Enforcement Integrity Commissioner	
17	Functions and powers of the Independent Parliamentary Advisor	17
Part 3—Dealing w	vith corruption issues	18
Division 1—Int	roduction	18
18	Guide to this Part	18
Division 2—Re	ferring corruption issues to National Integrity	
	ommissioner	19
19	Referral of corruption issues	19
20	Person making referral under section 19 may elect to be kept	20

Division 3—He	ow National Integrity Commissioner deals with	
re	ferred corruption issues	21
21	How National Integrity Commissioner may deal with referred corruption issues	21
22	Advising person who refers corruption issue of decision about how to deal with corruption issue	21
23	Advising person to whom referred corruption issue relates of decision about how to deal with corruption issue	23
Division 4—Na	ational Integrity Commissioner dealing with	
	orruption issues on own initiative	24
24	National Integrity Commissioner may deal with corruption issues on own initiative	24
25	Advising head of Commonwealth agency of decision to deal with corruption issue on own initiative	24
26	Advising person of decision to deal with corruption issue on own initiative	25
Division 5—Re	econsidering how to deal with a corruption issue	27
27	Reconsidering how to deal with a corruption issue	27
Part 4—Investiga	tions by the National Integrity Commissioner	28
Division 1—In	troduction	28
28	Guide to this Part	28
Division 2—In	vestigation	29
29	Application of Division	29
30	National Integrity Commissioner to determine manner of conducting investigation	29
31	Opportunity to be heard	29
Division 3—Re	eporting	32
Subdivision	n A—Reporting during investigation	32
32	National Integrity Commissioner to keep person who referred corruption issue informed of progress of investigation	37
C-1-1!!-	-	
Subdivision 33	Beneat on investigation	32
33	Report on investigation National Integrity Commissioner to give report to Prime Minister	
35	Advising person who referred corruption issue of outcome of the investigation	
36	Advising person whose conduct is investigated of outcome of the investigation	

Part 5—Public	inquiries into corruption issues	38
Division 1—	Introduction	38
37	Guide to this Part	38
Division 2—	Conducting a public inquiry	39
38		
39		
Division 3—	Reporting	40
40		40
41	Giving report to Prime Minister	41
Part 6—Nation	al Integrity Commissioner's powers in	
	ting investigations and public inquiries	42
Division 1—	Introduction	42
42	Guide to this Part	42
Division 2—	Requiring people to give information or produce	
	documents or things	43
Subdivis	ion A—Requests by National Integrity Commissioner	43
43		43
44	-	
Subdivis	ion B—Offence and related provisions	44
45	Failure to comply with National Integrity Commissioner's request	44
46		
47		
48	Offences relating to claims for legal professional privilege	47
49	Self-incrimination etc.	48
50	Protection of person required to give information or produce documents or things	50
Division 3—	Conducting hearings	52
Subdivis	ion A—General provisions	52
51	-	52
52		
53	National Integrity Commissioner may take evidence outside Australia	55
Subdivis	ion B—Procedure at hearing	55
54	9	
55		