

National Anti‑Corruption Commission (Consequential Amendments) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 June 2023

David Hurley

Governor‑General

By His Excellency’s Command

Mark Dreyfus KC

Attorney‑General

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1 Name

This instrument is the *National Anti‑Corruption Commission (Consequential Amendments) Regulations 2023*.

2 Commencement

(1) Each provision of this instrument 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.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 July 2023. | 1 July 2023 |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the following:

(a) the *Commonwealth Electoral Act 1918*;

(b) the *Data Availability and Transparency Act 2022*;

(c) the *Defence Act 1903*;

(d) the *Law Enforcement Integrity Commissioner Act 2006*;

(e) the *Parliamentary Business Resources Act 2017*;

(f) the *Public Order (Protection of Persons and Property) Act 1971*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Data Availability and Transparency Regulations 2022

1 Section 5 (table item dealing with the *Law Enforcement Integrity Commissioner Act 2006*, column headed “Act or legislative instrument”)

After “*Law Enforcement Integrity Commissioner Act 2006*”, insert “(as that Act continues to apply under the *National Anti‑Corruption Commission (Consequential and Transitional Provisions) Act 2022*)”.

2 Section 5 (after table item dealing with the *Law Enforcement Integrity Commissioner Act 2006*)

Insert:

|  |  |
| --- | --- |
| *National Anti‑Corruption Commission Act 2022* | section 98  section 101  section 228  section 233  section 234 |

Electoral and Referendum Regulation 2016

3 Clause 1 of Schedule 1 (table item 3)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 3 | National Anti‑Corruption Commission | (a) identifying or locating offenders, suspects or witnesses in relation to:  (i) the investigation of, or reporting on, a corruption issue within the meaning of the *National Anti‑Corruption Commission Act 2022* (the ***NACC Act***); or  (ii) a preliminary investigation under section 42 of the NACC Act; or  (b) collecting, correlating, analysing or disseminating information or intelligence in relation to corruption issues within the meaning of the NACC Act; or  (c) security vetting of employees or potential employees; or  (d) identifying or locating offenders, suspects or witnesses in relation to an investigation that is being conducted, or reported on, in accordance with item 2 of Schedule 2 to the *National Anti‑Corruption Commission (Consequential and Transitional Provisions) Act 2022* after the transition time (within the meaning of that Schedule); or  (e) identifying or locating offenders, suspects or witnesses in relation to an investigation that is being reported on in accordance with item 38 of Schedule 2 to the *National Anti‑Corruption Commission (Consequential and Transitional Provisions) Act 2022* after the transition time (within the meaning of that Schedule) |

Inspector‑General of the Australian Defence Force Regulation 2016

4 Paragraph 28L(1)(d)

Repeal the paragraph, substitute:

(d) the National Anti‑Corruption Commission;

Parliamentary Business Resources Regulations 2017

5 At the end of Subdivision A of Division 2 of Part 5

Add:

82A Assistance relating to National Anti‑Corruption Commission matters

Despite section 82, assistance is not payable to an applicant under this Division in relation to proceedings or a subpoena that relate to an eligible matter within the meaning of the *National Anti‑Corruption Commission Regulations 2023*.

Public Order (Protection of Persons and Property) Regulations 2019

6 Section 5 (definition of *Integrity Commissioner*)

Repeal the definition.

7 Paragraph 6(b)

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

8 Subsection 11(3)

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

Schedule 2—Repeals

Law Enforcement Integrity Commissioner Regulations 2017

1 The whole of the instrument

Repeal the instrument.