

## Notes

- <sup>1</sup> This is a compilation of the *Anti-Corruption Commission Act 1988* and includes the amendments made by the other written laws referred to in the following table. The table also includes information about any previous reprint <sup>1a</sup>.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Official Corruption Commission Act 1988</i> <sup>2</sup>	52 of 1988	8 Dec 1988	11 Aug 1989 (see s. 2 and <i>Gazette</i> 11 Aug 1989 p. 2693)
<i>Official Corruption Commission Amendment Act 1991</i>	35 of 1991	4 Dec 1991	4 Dec 1991 (see s. 2)
<i>Acts Amendment (Official Corruption Commission) Act 1994</i>	14 of 1994	22 Apr 1994	24 May 1994 (see s. 2 and <i>Gazette</i> 24 May 1994 p. 2193)
<i>Acts Amendment (Public Sector Management) Act 1994 s. 3(2)</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<b>Reprint of the <i>Official Corruption Commission Act 1988</i> as at 19 Mar 1996</b> (includes amendments listed above)			
<i>Official Corruption Commission Amendment Act 1996</i> <sup>3, 4, 5, 10</sup>	29 of 1996	28 Aug 1996	s. 1-5, 9 and 19 and the items in s. 25 amending the definitions of “Commission” and “the Fund” and the Pt. II heading: 30 Aug 1996 (see s. 2 and <i>Gazette</i> 30 Aug 1996 p. 4365); balance: 1 Nov 1996 (see s. 2 and <i>Gazette</i> 24 Oct 1996 p. 5625)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<b>Reprint of the <i>Anti-Corruption Commission Act 1988</i> as at 1 Nov 1996</b> (includes amendments listed above) (correction in <i>Gazette</i> 8 Nov 1996 p. 6214)			
<i>Prisons Amendment Act 1999 s. 20</i> (Sch. 1 cl. 1(1)-(5))	43 of 1999	8 Dec 1999	Sch. 1, cl. 1(1) & (5): 18 Dec 1999 (see s. 2(1) and <i>Gazette</i> 17 Dec 1999 p. 6175); Sch. 1, cl. 1(2)-(4): 18 Jun 2000 (see s. 2(3) and (4) and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Court Security and Custodial Services (Consequential Provisions) Act 1999 Pt. 2</i>	47 of 1999	8 Dec 1999	18 Dec 1999 (see s. 2 and <i>Gazette</i> 17 Dec 1999 p. 6175-6)

Short title	Number and year	Assent	Commencement
<i>Telecommunications (Interception) Western Australia Amendment Act 2000</i> s. 11	1 of 2000	28 Mar 2000	10 May 2000 (see s. 2 and <i>Gazette</i> 9 May 2000 p. 2235)
<b>Reprint of the <i>Anti-Corruption Commission Act 1988</i> as at 6 Jul 2001</b> (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 28	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Inspector of Custodial Services Act 2003</i> s. 56(1)	75 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Corruption and Crime Commission Amendment and Repeal Act 2003</i> Pt. 3 Div. 3 Subdiv. 1	78 of 2003	22 Dec 2003	Pt. 3 Div. 3 Subdiv. 1: 1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Jan 2003 p. 5723)

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

#### Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 31 <sup>7</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
<i>Corruption and Crime Commission Amendment and Repeal Act 2003</i> Pt. 3 Div. 3 Subdiv. 2 <sup>11</sup>	78 of 2003	22 Dec 2003	To be proclaimed (see s. 2(1) and (3))

2 Formerly referred to as the *Official Corruption Commission Act 1988*. The short title of which was changed to the *Anti-Corruption Commission Act 1988* by the *Official Corruption Commission Amendment Act 1996* s. 5. The reference was substituted under the *Reprints Act 1984* s. 7(3)(gb).

3 This compilation has been effected in accordance with the *Official Corruption Commission Amendment Act 1996* s. 27(1) which reads as follows:

“

- (1) The principal Act as amended by this Act may be reprinted before this Act comes into operation, and for the purposes of the *Reprints Act 1984* the principal Act as so amended is to be regarded as a written law.

”.

4 In this compilation the numbering of sections, subsections, paragraphs and Parts has been changed under the *Official Corruption Commission Amendment Act 1996* s. 27(2) which reads as follows:

“

- (2) In a reprint under subsection (1) provisions of the principal Act as reprinted may be renumbered or redesignated in arithmetical or alphabetical order and, if that occurs, relevant cross-references in the principal Act are to be adjusted.

”.

5 The *Official Corruption Commission Amendment Act 1996* s. 9(10) and (11) read as follows:

“

- (10) The body renamed as the Anti-Corruption Commission by subsection (1) is the same body as the Official Corruption Commission previously established under section 5 of the principal Act.
- (11) Despite the amendments made to section 5 of the principal Act by subsections (3) to (6), a person who held office as a member of the Official Corruption Commission on 12 March 1996 and continued to hold that office immediately before the commencement of this section —
  - (a) may continue in that office as a member of the Anti-Corruption Commission until the office becomes vacant by effluxion of time or by operation of section 5(5) of the principal Act; and
  - (b) is eligible to be appointed for a further term of office, or further terms of office, as a member of the Anti-Corruption Commission.

”.

6 Repealed by the *State Superannuation Act 2000*.

7 On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 31 had not come into operation. It reads:

“

**31. *Anti-Corruption Commission Act 1988 amended***

Section 6 of the *Anti-Corruption Commission Act 1988* is amended as follows:

- (a) in subsection (4) by deleting “, including any rights under the *Superannuation and Family Benefits Act 1938*,”;
- (b) in subsection (9) by deleting “and for the purposes of the *Superannuation and Family Benefits Act 1938*”.

”.

8 Printed and designated incorrectly in the *Official Corruption Commission  
Amendment Act 1996* as s. 12(2) of that Act. Included as s. 12(2) (formerly s. 6F)  
of this Act under the *Reprints Act 1984* s. 7(5)(b)(v) and (c)(ii).

9 Now known as Police Service.

10 The *Official Corruption Commission Amendment Act 1996* s. 19(2) reads as  
follows:

“

- (2) The fund renamed as the Anti-Corruption Commission Fund by subsection (1) is the same fund as the Official Corruption Commission Fund previously referred to in section 71(2) of the principal Act.

”.

11 On the date as at which this compilation was prepared, the *Corruption and Crime  
Commission Amendment and Repeal Act 2003* Pt. 3 Div. 3 Subdiv. 2 had not come  
into operation. It reads as follows:

“

### **Part 3 — Repeals, transitional and savings provisions, and consequential amendments**

#### **Division 3 — *Anti-Corruption Commission Act 1988***

##### **Subdivision 2 — Repeal of the *Anti-Corruption Commission Act 1988* and transitional and savings provisions**

###### **53. Meaning of terms used in this Division**

In this Division —

“**commencement**” means the day on which section 54 comes into  
operation;

“**A-CC Act**” means the *Anti-Corruption Commission Act 1988*.

###### **54. *Anti-Corruption Commission Act 1988* repealed**

The *Anti-Corruption Commission Act 1988* is repealed.

###### **55. References to repealed Act and former titles**

In any written law or document, a reference to the A-CC Act may,  
if the context permits, be taken as a reference to the *Corruption  
and Crime Commission Act 2003*.

###### **56. Transfer of assets and liabilities to Commission**

On and after the commencement —

- (a) the assets and rights of the A-CC vest in the CCC by  
force of this section;
- (b) the liabilities of the A-CC become, by force of this  
section, the liabilities of the CCC;
- (c) any agreement or instrument relating to the assets, rights  
and liabilities referred to in paragraphs (a), and (b) has  
effect, by force of this section, as if the CCC were  
substituted for the A-CC in the agreement or instrument;
- (d) the CCC is a party to any proceedings by or against the  
A-CC commenced before the commencement;

- (e) any proceeding or remedy that might have been commenced by or available against or to the A-CC in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) may be commenced by or is available, by or against or to the CCC; and
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement by, to or in respect of the A-CC (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the CCC.

**57. Notices and requests**

A notice or request issued under the A-CC Act and in force immediately before the commencement is taken to be a notice or request validly issued under the *Corruption and Crime Commission Act 2003* and continues in force, with necessary changes.

**58. Proceedings**

A proceeding that could have been started or continued by, or against the A-CC may be started or continued by, or against the CCC.

**59. Continuation of allegations**

- (1) This section applies if an allegation made to the A-CC under the A-CC Act before the commencement has not been finally dealt with under that Act on the commencement.
- (2) The allegation must be dealt with as if it had been made under the *Corruption and Crime Commission Act 2003*.
- (3) If the allegation was made by a person under section 13(1)(a), (b) or (c) of the A-CC Act, section 35 of the *Corruption and Crime Commission Act 2003* applies as if the allegation were made under section 25 or 28(2), as the case requires, of that Act.

**60. Offences**

- (1) Proceedings for an offence against the A-CC Act may be continued, or started, despite the A-CC Act having been repealed and section 11 of *The Criminal Code* and for the purposes of section 10 of the *Sentencing Act 1995*, the statutory penalty for the offence immediately before the commencement continues to have effect.
- (2) Despite section 54, sections 52 to 54 of the A-CC Act continue to have effect, with any necessary modifications, as if they had not been repealed.

**61. Completion of things done**

Anything commenced to be done by the A-CC under the A-CC Act before the commencement may be continued by the CCC so far as the doing of that thing is within the functions of the CCC after the commencement.

**62. Continuing effect of things done**

Any act, matter or thing done or omitted to be done before the commencement by, to or in respect of the A-CC, to the extent that that act, matter or thing has any force is to be taken to have been done or omitted by, to or in respect of the CCC so far as the act, matter or thing is relevant to the CCC.

**63. Warrants and emergency authorisations continued in force**

- (1) Any warrant issued under section 13, 14 or 17 of the *Surveillance Devices Act 1998* to an Anti-Corruption Commission officer and in force immediately before the commencement continues in force, subject to any condition or limitation on its issue and with necessary changes, as if it were issued to an officer of the CCC.
- (2) Any emergency authorisation issued under section 21 of the *Surveillance Devices Act 1998* to an Anti-Corruption Commission officer and in force immediately before the commencement continues in force, subject to any condition or limitation on its issue and with necessary changes, as if it were issued to an officer of the CCC.

**64. Transfer of records**

- (1) On the commencement all records in the possession of the A-CC immediately before the commencement are to be transferred to the possession of the CCC, become the records of the CCC and may be dealt with accordingly.
- (2) In this section —  
“records” includes —
  - (a) evidence in any form;
  - (b) information and other things.

**65. A-CC officers**

- (1) In this section —  
“A-CC officer” means a person who, immediately before becoming an officer of the Commission within the meaning of the *Corruption and Crime Commission Act 2003*, was an officer of the Commission as that term is defined in the A-CC Act;  
“officer of the Commission” has the meaning given to that term by the *Corruption and Crime Commission Act 2003*;  
“officer of the Parliamentary Inspector” has the meaning given to that term by the *Corruption and Crime Commission Act 2003*.
- (2) If, on or before the commencement, an A-CC officer becomes an officer of the Commission or an officer of the Parliamentary Inspector, that person is entitled to retain all his or her existing and accruing rights as an A-CC officer, including any rights under the *Superannuation and Family Benefits Act 1938* and any rights that had been retained under section 6(4) of the A-CC Act, as if his or her service as an officer of the Commission or an officer of the Parliamentary Inspector were a continuation of his or her service as an A-CC officer.

- (3) Despite the repeal of the A-CC Act under section 54, section 6(6), (7), (8) and (9) of the A-CC Act continue to apply to and in relation to a person —
- (a) who was, immediately before the commencement, an officer of the Commission as that term is defined in the A-CC Act;
  - (b) who is a former public employee as that term is defined in section 6(5) of the A-CC Act; and
  - (c) who —
    - (i) on the commencement is not employed or engaged as an officer of the Commission or an officer of the Parliamentary Inspector; or
    - (ii) having become an officer of the Commission or an officer of the Parliamentary Inspector, subsequently ceases to be such an officer otherwise than in circumstances described in section 6(7) of the A-CC Act.
- (4) Nothing in this Act precludes the CCC from exercising its discretion to employ or engage as an officer of the Commission a person who before the commencement was —
- (a) an officer of the Commission;
  - (b) a seconded officer;
  - (c) a service provider; or
  - (d) a special investigator,
- as those terms are defined in the A-CC Act.

**66. Financial reporting**

- (1) In this section —
- “FAA Act”** means the *Financial Administration and Audit Act 1985*;
- “final period”** means the period starting at the beginning of 1 July last preceding the commencement;
- “reporting officer”** means the person appointed under section 65A(2) of the FAA Act as applied by subsection (2).
- (2) Section 65A of the FAA Act applies in relation to the preparation and submission of a final report in respect of the A-CC as if —
- (a) references in that section to a department were references to the A-CC; and
  - (b) references in that section to provisions of sections 62 to 65 of the FAA Act were references to the equivalent provisions of sections 66 to 70 of the FAA Act,
- except that the period to which the final report is to relate is the final period and the references in sections 66(1), 68 and 70(1) to the end of the financial year are to be read as references to the end of the final period.
- (3) If at the commencement, any duty imposed by Part II Division 14 of the FAA Act on the accountable authority of the A-CC has not been complied with in relation to the A-CC for any financial year that expired before the commencement, that duty subsists and is to be performed by the reporting officer as if the reporting officer were the accountable authority.

- (4) The time within which the reporting officer is to perform a duty referred to in subsection (3) is extended until the end of the day that is 2 months after the day on which the reporting officer is appointed, but this subsection does not prevent the time from being extended again under section 70 of the FAA Act.
- (5) The CCC is to give the reporting officer access to the records referred to in section 64 for the purposes of this section.

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