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at 19 March 1996

WESTERN AUSTRALIA

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# OFFICIAL CORRUPTION COMMISSION ACT 1988

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## OFFICIAL CORRUPTION COMMISSION ACT 1988

AN ACT to provide for the establishment of an Official Corruption Commission to receive, consider and, if it thinks fit, refer to persons or bodies for investigation or the taking of action, or both, allegations of corruption or of the commission of certain offences made against public officers and certain other persons, and for related or incidental purposes.

*[Long title amended by No. 14 of 1994 s.4.]*

## **PART I — PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Official Corruption Commission Act 1988*<sup>1</sup>.

### **Commencement**

2. This Act shall come into operation on such day as is fixed by proclamation<sup>1</sup>.

### **Interpretation**

3. In this Act, unless the contrary intention appears —

“**allegation**” means an allegation referred to in section 7 (1) (a), (aa) or (ab);

“**Commission**” means the Official Corruption Commission established under section 5;

“**Deputy Director of Public Prosecutions**” means a person for the time being holding or acting in the office of Deputy Director of Public Prosecutions under the *Director of Public Prosecutions Act 1991*;

“**Deputy Parliamentary Commissioner**” means a person for the time being holding the office of Deputy Parliamentary Commissioner for Administrative Investigations under the *Parliamentary Commissioner Act 1971*;

“**Director of Public Prosecutions**” means a person for the time being holding or acting in the office of Director of Public Prosecutions under the *Director of Public Prosecutions Act 1991*;

**“member”** means a member of the Commission;

**“member of the staff of the Director of Public Prosecutions”** means a member of the staff referred to in section 30 of the *Director of Public Prosecutions Act 1991*;

**“officer of the Parliamentary Commissioner”** has the meaning given to “officer of the Commissioner” by the *Parliamentary Commissioner Act 1971*;

**“Parliamentary Commissioner”** means a person for the time being holding or acting in the office of the Parliamentary Commissioner for Administrative Investigations under the *Parliamentary Commissioner Act 1971*;

**“preliminary inquiry”** means a preliminary inquiry referred to in section 7 (1) (ac);

**“public officer”** has the same meaning as in *The Criminal Code* and also includes a member of Parliament;

**“seconded officer”** means a person of whose services the Commission makes use under an arrangement referred to in section 6A (1);

**“scheduled offence”** means an offence specified in the Schedule;

**“standing committee”** means —

- (a) a standing committee of either House of Parliament; or
- (b) a joint standing committee of both Houses of Parliament;

**“the Fund”** means the Official Corruption Commission Fund referred to in section 7I (2).

[Section 3 amended by No. 14 of 1994 s.5.]

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**s. 4**

**Application**

4. The Commission may receive information and otherwise perform its functions in relation to acts, omissions or conduct occurring before or after the coming into operation of this Act.

*[Section 4 amended by No. 14 of 1994 s.18.]*

## **PART II — THE OFFICIAL CORRUPTION COMMISSION**

### **Official Corruption Commission**

**5.** (1) There is established by this section a Commission by the name of the Official Corruption Commission.

(2) The Commission shall consist of three members appointed by the Governor of whom —

(a) one shall be a person who —

(i) has held office as a Judge, District Court Judge or magistrate; or

(ii) has held office as a commissioned officer of the Police Force; or

(iii) is or has been a barrister or solicitor of the Supreme Court of not less than 5 years' standing and practice, but is not a judicial officer;

and

(b) two shall be persons who are not public officers.

(3) The appointments referred to in subsection (2) shall be made in accordance with the recommendation of a committee consisting of —

(a) the Chief Justice;

(b) the Chief Judge of the District Court; and

(c) the Commissioner of Police.

(4) A member shall hold office for such term, not exceeding four years, as is specified in his instrument of appointment, and is eligible for reappointment.

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**s. 6**

(5) The office of a member becomes vacant if —

- (a) he resigns his office by written notice addressed to the Governor;
- (b) he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
- (c) he is removed from office by the Governor on the grounds of misbehaviour, incompetence, or mental or physical incapacity impairing the performance of his duties and proved to the satisfaction of the Governor.

(6) The Governor shall appoint one of the members to be the chairman of the Commission.

*[Section 5 amended by No. 14 of 1994 s.6.]*

**Officers of the Commission**

6. (1) The Commission may appoint such officers as it considers necessary for the purpose of enabling the functions of the Commission properly to be performed.

(2) Subject to this Act, the terms and conditions of service of officers of the Commission shall be such as the Commission determines.

(3) Part 3 of the *Public Sector Management Act 1994* does not apply to officers of the Commission.

(4) When an officer of the Public Service becomes an officer of the Commission he is entitled to retain all his existing and accruing rights, including any rights under the *Superannuation and Family Benefits Act 1938*, as if his service as such an officer were a continuation of his service as an officer of the Public Service.



(5) When a person ceases to be an officer of the Commission and becomes an officer of the Public Service his service as an officer of the Commission shall be regarded as service in the Public Service for the purposes of determining his rights as an officer of the Public Service and for the purposes of the *Superannuation and Family Benefits Act 1938*.

(6) An officer of the Commission shall, before he commences his duties as such, take an oath or affirmation, to be administered by the chairman of the Commission, that, except in accordance with this Act, he will not divulge any information received by him under this Act.

*[Section 6 amended by No. 14 of 1994 s.18; No. 32 of 1994 s.3(2).]*

**Use by Commission of government staff, etc.**

**6A.** (1) Subject to subsection (2), the Commission may by arrangement between the Commission and the Minister concerned make use, either full-time or part-time, of —

- (a) the services of staff employed in the Public Service of the State or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a department of the Public Service of the State or of a State agency or instrumentality.

(2) An arrangement under subsection (1) shall be made on such terms as the Commission, the Minister concerned and the Public Service Commissioner agree.

(3) A seconded officer shall, before he commences his duties as such, take an oath or affirmation, to be administered by the chairman of the Commission, that, except in accordance with this Act, he will not divulge any information received by him under this Act.

*[Section 6A inserted by No. 14 of 1994 s.7.]*

**s. 7**

**Functions of Commission**

**7.** (1) The functions of the Commission are to —

- (a) receive information furnished to it by any person who alleges that a public officer has —
  - (i) corruptly acted or corruptly failed to act in the performance of the functions of his office or employment; or
  - (ii) corruptly taken advantage of his position as holder of his office or employment to obtain any benefit for himself or any other person; or
  - (iii) committed a scheduled offence whilst acting or purporting to act in his official capacity; or
  - (iv) committed an offence under section 552 of *The Criminal Code* by attempting, whilst acting or purporting to act in his official capacity, to commit a scheduled offence; or
  - (v) committed an offence under section 553 of *The Criminal Code* by inciting, whilst acting or purporting to act in his official capacity, the commission of a scheduled offence; or
  - (vi) committed an offence under section 558 of *The Criminal Code* by conspiring, whilst acting or purporting to act in his official capacity, to commit a scheduled offence;
- (aa) receive information furnished to it by any person who alleges that another person has been involved in the commission of an offence —
  - (i) referred to in paragraph (a) (iii), (iv), (v) or (vi); and

(ii) committed by a public officer,

in such a manner as under Chapter II of *The Criminal Code* to be deemed to have taken part in committing, or to have committed, that offence or to have been an accessory after the fact to that offence;

- (ab) consider, in the light of its own experience and knowledge and independently of any allegation referred to in paragraph (a) or (aa), whether or not the Commission ought itself to allege that a public officer has conducted himself, or that another person has been involved, in a manner described in paragraph (a) or (aa);
- (ac) make such preliminary inquiry, if any, as it considers necessary to enable it to form an opinion under paragraph (b);
- (b) consider whether or not, in its opinion, there are reasonable grounds for an allegation to be referred to a person or body (other than the Parliamentary Commissioner) who, or which, is empowered by law to investigate or take action, or both, in relation to allegations of conduct or involvement of a kind described in paragraph (a) or (aa); and
- (c) consider every report forwarded to the Commission by a person or body under subsection (5).

(2) The information referred to in subsection (1) (a) or (aa) may be furnished to the Commission orally or in writing, but the Commission may then seek from the person furnishing that information such further information, in such form as it thinks fit, as it may require to perform its functions.

(3) Where the Commission is of the opinion that there are reasonable grounds for an allegation to be referred to a person or body referred to in subsection (1) (b) it shall, as soon as possible after forming that opinion, refer the allegation by forwarding a report and any recommendations it wishes to make on the

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**s. 7A**

allegation to that person or body and shall, in the case of an allegation referred to in subsection (1) (a) or (aa), inform the person who made that allegation that it has done so.

(4) Where the Commission is of the opinion that the reference of an allegation referred to in subsection (1) (a) or (aa) to a person or body referred to in subsection (1) (b) or to the Parliamentary Commissioner under section 7C (1) is not warranted, it shall so inform the person who made that allegation.

(4a) When an allegation is referred to a person or body referred to in subsection (1) (b) who or which is empowered by law to investigate that allegation, the Commission may make recommendations to that person or body in relation to the relevant investigation, but shall not give directions to that person or body in relation to that investigation.

(5) When an allegation is referred to a person or body referred to in subsection (1) (b), that person or body shall, as soon as possible after performing its functions in respect of the allegation, forward a report to the Commission as to the investigation made, or action taken, or both, by the person or body concerning the allegation.

*[Section 7 amended by No. 35 of 1991 s.3; No. 14 of 1994 s.8.]*

**Commission may report to Parliament**

**7A.** (1) During or after any investigation or taking of action by a person or body to whom or which an allegation has been referred under section 7, the Commission may report to each House of Parliament that the Commission considers that that investigation or taking of action is not being, or has not been, properly, efficiently or expeditiously carried out.

(2) After considering any report forwarded to it under section 7 (5) or by the Parliamentary Commissioner (in this

subsection and in section 7B called “**the first report**”), the Commission may report to each House of Parliament —

- (a) on any finding of illegality made in the first report; or
- (b) on any request made by a person to whose alleged conduct or involvement the first report relates that the findings of the first report be publicly disclosed.

(3) In making a report under this section, the Commission shall —

- (a) report facts only and shall not express ethical or other opinions; and
- (b) before reporting any facts adverse to a person or body, give the person or body a reasonable opportunity to make representations to the Commission concerning those facts.

(4) The Commission may make such recommendations as it thinks fit in a report made under this section.

*[Section 7A inserted by No. 14 of 1994 s.9.]*

### **Public disclosure of findings**

**7B.** If, following the making by the Commission of a report under section 7A, either House of Parliament approves the public disclosure of the findings of the first report, a person may, notwithstanding section 11B, publicly disclose those findings, whether by publication in any newspaper or other written publication or by radio or television or otherwise.

*[Section 7B inserted by No. 14 of 1994 s.9.]*

**s. 7C**

**Reference of matters to Parliamentary Commissioner**

**7C.** (1) The Commission may in writing refer an allegation relating to a member of the Police Force or Police Department to the Parliamentary Commissioner instead of referring that allegation to the Commissioner of Police under section 7 (3).

(2) The Commission shall refer an allegation to the Parliamentary Commissioner under subsection (1) by forwarding a report and any recommendations it wishes to make on the allegation to the Parliamentary Commissioner and shall, in the case of an allegation referred to in section 7 (1) (a) or (aa), inform the person who made that allegation that it has done so.

(3) A reference under subsection (1) shall be treated by the Parliamentary Commissioner as if it were a complaint duly made under section 17 of the *Parliamentary Commissioner Act 1971* and that Act shall apply to and in relation to that reference accordingly.

*[Section 7C inserted by No. 14 of 1994 s.9.]*

**Consultation**

**7D.** The Commission may, notwithstanding section 11, consult the Parliamentary Commissioner or the Director of Public Prosecutions concerning any allegation.

*[Section 7D inserted by No. 14 of 1994 s.9.]*

**Review of decisions not to refer matters**

**7E.** (1) A person may, within 30 days after having been informed under section 7 (4), or such longer period as the Commission may allow, in writing request the Commission to review its opinion that the reference of the relevant allegation is not warranted.

(2) On receiving a request made under subsection (1), the Commission shall —

- (a) review; and
- (b) confirm or reverse,

the opinion to which that request relates.

(3) The Commission shall inform each person who makes a request under subsection (1) of its decision under subsection (2) (b) on the request within 15 days after the making of the request, or such longer period as is agreed between the Commission and that person.

*[Section 7E inserted by No. 14 of 1994 s.9.]*

### **Duty to notify Commission of possible corrupt conduct**

**7F.** (1) This section applies to a person who is —

- (a) the Parliamentary Commissioner;
- (b) the principal officer of a public authority; or
- (c) an officer who constitutes a public authority,

but does not apply to the Director of Public Prosecutions.

(2) A person to whom this section applies shall report to the Commission any matter —

- (a) which that person suspects on reasonable grounds concerns or may concern conduct or involvement referred to in section 7 (1) (a) or (aa); and
- (b) which, in the case of a person referred to in subsection (1) (b) or (c), is of concern to that person in his official capacity.

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**s. 7F**

(3) The Commission may make guidelines indicating what matters are or are not required by subsection (2) to be reported to the Commission, and may amend or repeal any such guidelines.

(4) This section has effect despite any duty of secrecy or other restriction on disclosure imposed under a written law, whether enacted before or after the commencement of section 9 of the *Acts Amendment (Official Corruption Commission) Act 1994*<sup>1</sup>, and a person who complies with this section does not commit any offence by reason of that compliance.

(5) Rules of Parliament made under section 12 may prescribe who is the principal officer of a public authority, but, in the absence of any such Rules of Parliament applying in relation to a particular public authority, the principal officer of that public authority is —

- (a) the person who is the head of that public authority, its most senior officer or the person normally entitled to preside at its meetings; or
- (b) in the case of a public authority which is a department or organization within the meaning of the *Public Service Act 1978*, the chief executive officer of that department or organization.

(6) If a person to whom this section applies does not comply with subsection (2), the Commission may, after considering any guidelines made under subsection (3) and affording that person a reasonable opportunity to be heard by the Commission, report that non-compliance to any person or body who or which has the power to take disciplinary action against the person to whom this section applies.

(7) In this section —

**“public authority”** means —

- (a) department or organization within the meaning of the *Public Service Act 1978*; or



- (b) statutory authority within the meaning of the *Financial Administration and Audit Act 1985*; or
- (c) government department or other authority to which the *Parliamentary Commissioner Act 1971* applies; or
- (d) person or body, or holder of an office —
  - (i) under whom or which a public officer holds office or by whom or which a public officer is employed; or
  - (ii) who or which is prescribed for the purposes of this subparagraph,

but does not include the President of the Legislative Council or the Speaker of the Legislative Assembly.

[Section 7F inserted by No. 14 of 1994 s.9.]

**Director of Public Prosecutions to notify Commission of certain matters**

**7G.** The Director of Public Prosecutions shall —

- (a) report to the Commission any matter which the Director of Public Prosecutions suspects on reasonable grounds concerns or may concern conduct or involvement referred to in section 7 (1) (a) or (aa) on the part of the Deputy Director of Public Prosecutions or of a member of the staff of the Director of Public Prosecutions; and
- (b) provide the Commission with such statistics as are specified from time to time by the Commission by writing given to the Director of Public Prosecutions, being statistics relating to the number and types of allegations of the kind referred to in section 7 (1) (a) or (aa) or both received by the Director of Public

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**s. 7H**

Prosecutions during each calendar year or during such other period as is specified by the Commission.

[Section 7G inserted by No. 14 of 1994 s.9.]

**Any person may notify Commission of possible corrupt conduct**

**7H.** (1) A person (including a public officer) may report to the Commission any matter which that person suspects on reasonable grounds concerns or may concern conduct or involvement referred to in section 7 (1) (a) or (aa).

(2) This section has effect despite any duty of secrecy or other restriction on disclosure imposed under a written law, whether enacted before or after the commencement of section 9 of the *Acts Amendment (Official Corruption Commission) Act 1994*<sup>1</sup>, and a person who exercises the power conferred by subsection (1) does not commit any offence by reason of that exercise.

[Section 7H inserted by No. 14 of 1994 s.9.]

**Funds of Commission**

**7I.** (1) The funds available for the purpose of enabling the Commission to perform its functions consist of —

- (a) moneys from time to time appropriated by Parliament and paid to the Commission;
- (b) interest paid to the credit of the Fund under subsection (4); and
- (c) any moneys, other than moneys referred to in paragraphs (a) and (b), lawfully received by, made available to or payable to the Commission.

(2) The funds referred to in subsection (1) shall be placed to the credit of an account at the Treasury to be called the “Official Corruption Commission Fund”, which account shall form part of the Trust Fund referred to in section 9 of the *Financial Administration and Audit Act 1985*.

(3) The funds recorded as standing to the credit of the Fund shall be applied to —

- (a) the remuneration and allowances payable to members and officers of the Commission;
- (b) moneys payable under an arrangement referred to in section 6A;
- (c) expenditure incurred by the Commission in the performance of its functions; and
- (d) all expenditure, other than expenditure referred to in paragraphs (a), (b) and (c), lawfully incurred by the Commission for the purposes of, or in meeting the costs and expenses of the administration of, this Act.

(4) All funds recorded as standing to the credit of the Fund may, until required by the Commission for the purposes of this Act, be temporarily invested as the Treasurer directs in any securities in which funds standing to the credit of the Public Bank Account within the meaning of the *Financial Administration and Audit Act 1985* may lawfully be invested and the Treasurer shall cause all interest derived from that investment to be paid to the credit of the Fund.

[Section 7I inserted by No. 14 of 1994 s.9.]

**Application of *Financial Administration and Audit Act 1985* and annual report**

8. Subject to section 7I, the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commission and its operations.

[Section 8 amended by No. 14 of 1994 s.10.]

s. 8A

**PART IIA — PRELIMINARY INQUIRIES**

*[Heading inserted by No. 14 of 1994 s.11.]*

**Requests for information**

**8A.** (1) In making a preliminary inquiry, the Commission may request, orally or in writing, any person or body to supply to the Commission such information as is specified in that request in such manner, and within such period, as is so specified.

(2) A person who fails, without reasonable excuse, to comply with a request in writing made under subsection (1) commits an offence and is liable to a penalty of \$2 000.

(3) This section has effect despite any duty of secrecy or other restriction on disclosure imposed under a written law, whether enacted before or after the commencement of section 11 of the *Acts Amendment (Official Corruption Commission) Act 1994*<sup>1</sup>, and a person who complies with a request made under subsection (1) does not commit any offence by reason of that compliance.

*[Section 8A inserted by No. 14 of 1994 s.11.]*

**Requests for documents, etc.**

**8B.** (1) In making a preliminary inquiry, the Commission may request, orally or in writing, any person or body to produce to the Commission such document or other thing as is specified in that request in such manner, and within such period, as is so specified.

(2) A person who fails, without reasonable excuse, to comply with a request in writing made under subsection (1) commits an offence and is liable to a penalty of \$2 000.

(3) This section has effect despite any duty of secrecy or other restriction on disclosure imposed under a written law,

whether enacted before or after the commencement of section 11 of the *Acts Amendment (Official Corruption Commission) Act 1994*<sup>1</sup>, and a person who complies with a request made under subsection (1) does not commit any offence by reason of that compliance.

*[Section 8B inserted by No. 14 of 1994 s.11.]*

**PART III — MISCELLANEOUS**

**Protection from civil actions**

**9.** (1) The Commission, a member of the Commission, an officer of the Commission or a seconded officer is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any function under this Act.

(2) Where an allegation has been made to the Commission or any information has been furnished to the Commission the person who made the allegation or furnished the information is not liable to an action, suit or other proceeding by reason only that the allegation was made or the information was furnished.

*[Section 9 amended by No. 14 of 1994 s.12.]*

**[10.** *Repealed by No. 14 of 1994 s.13.]*

**Non-disclosure of information**

**11.** (1) A person who is, or has at any time been, a member, an officer of the Commission or a seconded officer shall not, either directly or indirectly, except in the performance of a duty under or in connection with this Act or in the performance of a function under this Act —

- (a) make a record of, or divulge or communicate to any person, any information received by him in his capacity as member, officer of the Commission or seconded officer and;
- (b) make use of any such information as is mentioned in paragraph (a); or
- (c) produce to any person a document furnished for the purposes of this Act.

Penalty: \$8 000 or imprisonment for 2 years.

(2) A person who is a member, an officer of the Commission or a seconded officer may for the purposes of this Act —

(a) divulge or communicate to a person who is —

- (i) the Parliamentary Commissioner or the Deputy Parliamentary Commissioner, or an officer of the Parliamentary Commissioner authorized for the purposes of this subparagraph by the Parliamentary Commissioner or the Deputy Parliamentary Commissioner; or
- (ii) the Director of Public Prosecutions or the Deputy Director of Public Prosecutions, or a member of the staff of the Director of Public Prosecutions authorized for the purposes of this subparagraph by the Director of Public Prosecutions or the Deputy Director of Public Prosecutions,

information received by him in his capacity as member, officer of the Commission or seconded officer;  
or

(b) produce to a person referred to in paragraph (a) (i) or (ii) a document furnished for the purposes of this Act.

(3) A person who is a member may for the purposes of this Act —

- (a) divulge or communicate to any standing committee appointed to monitor and review the performance of the functions of the Commission or to any person assisting, and authorized for the purposes of this subparagraph by, any such standing committee information received by him in his capacity as a member; or
- (b) produce to a standing committee or person referred to in paragraph (a) a document furnished for the purposes of this Act.

*[Section 11 amended by No. 14 of 1994 s.14.]*

**s. 11A**

**Victimization of persons assisting Commission, etc.**

**11A.** (1) A person shall not —

- (a) prejudice, or threaten to prejudice, the safety or career of; or
- (b) intimidate or harass, or threaten to intimidate or harass; or
- (c) do any act that is, or is likely to be, to the detriment of,

another person because the other person —

- (d) has assisted, is assisting or will or may in the future assist the Commission in the performance of its functions; or
- (e) has furnished, is furnishing or will or may in the future furnish information to the Commission; or
- (f) has been or is, or has been or is employed by or acting on behalf of, a person or body to whom or which an allegation has been or is referred under section 7 (3), or has been or is, or has been or is acting on behalf of, the Parliamentary Commissioner, the Deputy Parliamentary Commissioner or an officer of the Parliamentary Commissioner acting in relation to an allegation referred under section 7C (1); or
- (g) has exercised a power, or performed a duty, conferred or imposed by this Act on the other person or is exercising or performing, or will or may in the future exercise or perform, any such power or duty.

Penalty: \$8 000 or imprisonment for 2 years.

(2) A person who —

- (a) attempts; or



(b) intending that the offence created by subsection (1) be committed, incites another person; or

(c) conspires with another person,

to commit the offence created by subsection (1) commits an offence and is liable to the penalty set out in subsection (1).

*[Section 11A inserted by No. 14 of 1994 s.15.]*

**Restriction on publication of certain information or allegations**

**11B.** (1) Subject to subsection (2), a person shall not publish or cause to be published in any newspaper or other written publication or by radio or television —

(a) the fact that the Commission has received; or

(b) any details of,

any information or allegation referred to in section 7 (1), unless that fact or those details —

(c) is or are so published; or

(d) has or have already been publicly disclosed,

under, or in connection with the execution of, this Act.

Penalty: \$8 000 or imprisonment for 2 years.

(2) Nothing in this section prevents the compilation and publication by —

(a) the Commission of statistics relating to the number and types of allegations dealt with under this Act during any period, or of any other information of a general nature that could not be expected to lead to the identification of any person (other than the Commission, a member, an officer of the Commission or a seconded officer) to whom it relates; or

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**s. 11C**

- (b) any standing committee referred to in section 11 (3) (a) of any report.

*[Section 11B inserted by No. 14 of 1994 s.15.]*

**General offences**

**11C. (1)** A person shall not —

- (a) without reasonable excuse, wilfully obstruct, hinder, resist or threaten the Commission, a member, an officer of the Commission or a seconded officer in the performance of its or his functions under this Act; or
- (b) wilfully make any false statement to, or mislead, or attempt to mislead, the Commission, a member, an officer of the Commission or a seconded officer in the performance of its or his functions under this Act; or
- (c) disrupt any proceeding of the Commission.

Penalty: \$8 000 or imprisonment for 2 years.

(2) A person shall not, knowing that any document or other thing is or may be required in connection with a preliminary inquiry, wilfully destroy it or render it incapable of identification or, in the case of a document, render it illegible, indecipherable or unusable, with intent to prevent it from being used in connection with the preliminary inquiry.

Penalty: \$8 000 or imprisonment for 2 years.

(3) A person shall not directly or indirectly represent that he is a member, an officer of the Commission or a seconded officer unless the person is a member, an officer of the Commission or a seconded officer, as the case requires.

Penalty: \$8 000 or imprisonment for 2 years.

(4) For the purposes of subsection (3), a person represents that a state of affairs exists if the person does or says anything, or causes, permits or suffers anything to be done or said, by which it is represented, or by which a belief may be induced, that the state of affairs exists.

*[Section 11C inserted by No. 14 of 1994 s.15.]*

## **Rules of Parliament**

**12.** (1) Rules of Parliament may be made for prescribing procedures to be adopted by the Commission in the performance of its functions under this Act and for prescribing any other matter necessary or convenient for the due administration of this Act.

(2) The Rules of Parliament referred to in this section are rules that have been agreed upon by each House of Parliament in accordance with the Rules and Orders thereof.

(3) Rules of Parliament made under this Act shall be published in the *Gazette*.

(4) Section 42 of the *Interpretation Act 1984* does not apply to Rules of Parliament made under this Act.

*[Section 12 amended by No. 14 of 1994 s.18.]*

## **Consequential amendments**

**13.** (1) Schedule 1 to the *Government Employees Superannuation Act 1987\** is amended in Part A by inserting in the appropriate alphabetical position the following —

“      Official Corruption Commission      ”.

*[\* Act No. 25 of 1987 as amended by Acts Nos. 83 and 91 of 1987.]*

*Official Corruption Commission Act 1988*

**s. 13**

(2) Schedule 1 to the *Financial Administration and Audit Act 1985*\* is amended by inserting in the appropriate alphabetical position the following —

“      Official Corruption Commission      ”.

[\* *Reprinted as at 4 March 1987 and amended by Acts Nos. 9, 32, 65, 89 and 113 of 1987.*]

[14. *Repealed by No. 14 of 1994 s.16.*]

**SCHEDULE 1**

[Section 3]

*[Heading inserted by No. 14 of 1994 s.17.]*

**OFFENCES UNDER *THE CRIMINAL CODE***

Offence under section 60, 61, 81, 82, 83, 85, 86, 87, 88, 122, 169, 170, 172, 173, 177, 178, 378, 379, 380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 390B, 409, 414, 416, 418, 419, 420, 421, 424, 440A, 473, 529, 530, 532, 533, 534, 535, 536 or 537.

*[Schedule 1 inserted by No. 14 of 1994 s.17.]*

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## *Official Corruption Commission Act 1988*

### NOTES

<sup>1.</sup> This reprint is a compilation as at 19 March 1996 of the *Official Corruption Commission Act 1988* and includes the amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Official Corruption Commission Act 1988</i>	52 of 1988	8 December 1988	11 August 1989 (see <i>Gazette</i> 11 August 1989 p.2693)	
<i>Official Corruption Commission Amendment Act 1991</i>	35 of 1991	4 December 1991	4 December 1991	
<i>Acts Amendment (Official Corruption Commission) Act 1994</i>	14 of 1994	22 April 1994	24 May 1994 (see <i>Gazette</i> 24 May 1994 p.2193)	
<i>Acts Amendment (Public Sector Management) Act 1994, section 3(2)</i>	32 of 1994	29 June 1994	1 October 1994 (see <i>Gazette</i> 30 September 1994 p.4948)	