

South Australia

# **Independent Commission Against Corruption (Powers of Inspector) Amendment Regulations 2023**

under the *Independent Commission Against Corruption Act 2012*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Independent Commission Against Corruption (Powers of Inspector) Amendment Regulations 2023*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

## **Part 2—Amendment of *Independent Commission Against Corruption Regulations 2013***

### **3—Amendment of regulation 17—Service (section 58 of Act)**

Regulation 17(3)—delete subregulation (3) and substitute:

- (3) A summons issued under Schedule 2 clause 4 or Schedule 4 clause 6 of the Act requiring a person to appear before an examiner or the Inspector (as the case requires) must be served on the person—
    - (a) at least 5 days before the day specified in the summons as the day on which the person is required to appear before the examiner or the Inspector; or
    - (b) at an earlier or later date specified in the summons.
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#### **4—Amendment of regulation 18—Witness and production fees**

- (1) Regulation 18(1)—delete "the following amounts may be certified by the Commissioner as payable in respect of a person summoned to attend before an examiner at an examination" and substitute:

where a person has been summoned to appear at an examination under the Act, the following amounts may be certified by the Commissioner or, in a case where the summons was issued under Schedule 4 clause 6 of the Act, by the Inspector
- (2) Regulation 18(1)(c)—after "Commissioner" insert:

or the Inspector (in a case where the summons was issued under Schedule 4 clause 6 of the Act)
- (3) Regulation 18(1)(e)—delete "before the examiner at the examination" and substitute:

at the examination
- (4) Regulation 18(2)—after "Commissioner" insert:

or the Inspector (in a case where the summons was issued under Schedule 4 clause 6 of the Act)
- (5) Regulation 18—after subregulation (3) insert:
  - (3a) Subject to this regulation, if a person is required by order under Schedule 4 clause 7 to produce a document or thing, the Inspector may certify that an amount determined by the Inspector to be just and reasonable in the circumstances is payable to the person for expenses incurred in complying with the requirement.

#### **5—Insertion of regulation 22**

After regulation 21 insert:

##### **22—Prescribed modifications (Schedule 4 of Act)**

Pursuant to Schedule 4 clause 6(4) of the Act, the following modifications to Schedule 2 of the Act are prescribed:

- (a) references in Schedule 2 to a summons under clause 4 of that Schedule are taken to be references to a summons issued under Schedule 4 clause 6 of the Act;
- (b) references in Schedule 2 to an oath or affirmation under clause 4 of that Schedule or to a requirement to take such an oath or make such an affirmation pursuant to clause 4 of that Schedule are taken to be references to an oath or affirmation under Schedule 4 clause 5 of the Act or to a requirement to take such an oath or make such an affirmation pursuant to Schedule 4 clause 5 of the Act (as the case may be);
- (c) references in Schedule 2 to an investigation into corruption in public administration (or to an investigation) are taken to be references to a review by the Inspector under Schedule 4 of the Act;

- (d) references in Schedule 2 to the Commission, the Commissioner or the Office are taken to be references to the Inspector;
- (e) references in Schedule 2 to a member of the staff of the Commission (or to a member of the staff of the Commission approved by the examiner) are taken to be references to the Deputy Inspector and to staff referred to in Schedule 4 clause 4 of the Act who have been approved by the Inspector.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 23 March 2023

No 10 of 2023