

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2017

EXPLANATORY MEMORANDUM

OVERVIEW OF THE BILL

The Corruption, Crime and Misconduct Amendment Bill 2017 proposes an amendment to the *Corruption, Crime and Misconduct Act 2003* (WA) to restore the power and jurisdiction of the Corruption and Crime Commission ("the CCC"), in relation to misconduct by Members of Parliament which could constitute a breach of s 8 of the *Parliamentary Privileges Act 1891* and a breach of the *Criminal Code*.

NOTES ON CLAUSES

1. Short Title

This Clause sets out the title of the proposed Act.

2. Commencement

This Clause cites the commencement of the Act.

Sections 1 and 2 of the Act come into operation on the day it receives Royal Assent.

The rest of the Act comes into operation on the day after the day this Act receives Royal Assent.

3. Act amended

This clause states which Act this Bill amends, being the *Corruption, Crime and Misconduct Act 2003* (WA).

4. Section 3 amended

This clause amends section 3(2) of the *Corruption, Crime and Misconduct Act 2003* (WA).

The word "exclusively" is to be inserted in the section after the word "determinable" with the effect that the amended section 3(2) will read:

Section 3

[...]

- (2) Nothing in this Act affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891* and a power, right or function conferred under this Act is not to be exercised if, or to the extent, that the exercise would relate to a matter determinable exclusively by a House of Parliament

The insertion of the word "exclusively" restores the power and jurisdiction of the CCC, in relation to misconduct by Members of Parliament which could constitute a breach of the *Criminal Code*.