

THE INTEGRITY IN PUBLIC LIFE (AMENDMENT) BILL, 2009

List of Amendments made in the Senate on Tuesday January 05, 2010

<u>First Column</u> <u>Clause</u>	<u>Second Column</u> <u>Extent of Amendments</u>
Clause 3	Delete the word “alleged” wherever it occurs.
Clause 4	Delete the word “shall” in proposed subsection (2) and substitute the word “may”.
Clause 6	Delete the proposed sub-paragraph (a) and substitute the following new sub-paragraph: (a) in subsection (1), by inserting after the word “liabilities” the words “ that exceed ten thousand dollars in value.”; and
Clause 8	Delete the proposed sub-section (5)
Clause 10	Delete clause 10
Clause 12	Delete clause 12 and substitute the following new clause: 12. Section 34 of the Act is amended by renumbering subsection (5) as subsection (7), deleting subsections (3) and (4) and substituting therefor the following new subsections: “(3) Where a person fails or refuses to disclose any information or to produce any documents required under subsection (2), the Commission may apply to the High Court for an order to require the person to comply with the request. (4) A person who refuses to comply with an order of the Court commits an offence and is liable to a fine of one hundred and fifty thousand dollars and to imprisonment for three years. (5) A person who knowingly— (a) makes or causes to be made a false complaint to the Commission; or
Section 34 amended	

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(b) misleads the Commission or an investigating officer by giving false information or making false statements or accusations,

commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

(6) Where during the course of an investigation, the Commission is satisfied that there are insufficient grounds for continuing the investigation or that the complaint is frivolous, vexatious or not made in good faith, it may terminate the investigation.

Clause 13

Delete clause 13 and substitute the following new clause:

“New section 34A

13. Insert after section 34 the following new section:

34A. (1) The Commission may, on receipt of a complaint and after examining same, reject the complaint if the Commission is of the opinion that the complaint—

(a) is frivolous or vexatious;

(b) was not made in good faith;

(c) is devoid of sufficient grounds for an investigation; or

(d) is not supported by evidence of probative value.

(2) Where the Commission has rejected a complaint it shall—

(a) inform the complainant in writing of the decision within fourteen days of the date the decision was made; and

(c) provide the complainant with the reasons for its decision.

Clause 14

Delete clause 14 and substitute the following new clause:

“Section 39 amended

14. No personal liability shall be attached to any member of the Commission in the discharge of functions of the Commission under this Act unless it is shown that the member acted recklessly or in bad faith.”

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Clause 16

Delete clause 16

Clause 17

Delete clause 17

Senate Secretariat
January 05, 2010