

92 Abuse of office

- (1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of the person's office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour, and is liable to imprisonment for 2 years.
- (2) If the act is done or directed to be done for purposes of gain, the person is liable to imprisonment for 3 years.

92A Misconduct in relation to public office

- (1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person—
 - (a) deals with information gained because of office; or
 - (b) performs or fails to perform a function of office; or
 - (c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;
 is guilty of a crime.
 Maximum penalty—7 years imprisonment.
- (2) A person who ceases to be a public officer in a particular capacity is guilty of a crime if, with intent to dishonestly gain a benefit for the person or another person or to dishonestly cause a detriment to another person, the person deals with information gained because of the capacity.
 Maximum penalty—7 years imprisonment.
- (3) Subsection (2) applies whether or not the person continues to be a public officer in some other capacity.
- (4) A reference in subsections (1) and (2) to information gained because of office or a particular capacity includes information gained because of an opportunity provided by the office or capacity.

Schedule 1 The Criminal Code

Part 3 Offences against the administration of law and justice, against office and against public authority

Chapter 13 Corruption and abuse of office

[s 93]

- (4A) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (4B) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.
- (5) In this section—
- authority**, of office, includes the trust imposed by office and the influence relating to office.
- deals with** includes the following—
- (a) uses;
 - (b) supplies;
 - (c) copies;
 - (d) publishes.
- function** includes power.
- information** includes knowledge.
- office**, in relation to a person who is a public officer, means the position, role or circumstance that makes the person a public officer.
- performs** includes purportedly performs and in relation to a power, exercises and purportedly exercises.

93 Corruption of surveyor and valuator

Any person who, being duly appointed under any statute to be a valuator for determining the compensation to be paid to any person for land compulsorily taken from the person under the authority of any statute, or for injury done to any land under the authority of any statute—

- (a) acts as such valuator while the person has, to the person's knowledge, an interest in the land in question; or