

**NATIONAL CRIME AUTHORITY (STATE PROVISIONS)
AMENDMENT ACT 1988 No. 68**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of National Crime Authority (State Provisions) Act 1984 No. 157

SCHEDULE 1—AMENDMENTS

**NATIONAL CRIME AUTHORITY (STATE PROVISIONS)
AMENDMENT ACT 1988 No. 68**

NEW SOUTH WALES



Act No. 68, 1988

An Act to amend the National Crime Authority (State Provisions) Act 1984 as a consequence of amendments to the National Crime Authority Act 1984 of the Commonwealth. [Assented to 21 November 1988]

National Crime Authority (State Provisions) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the National Crime Authority (State Provisions) Amendment Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of National Crime Authority (State Provisions) Act 1984 No. 157

3. The National Crime Authority (State Provisions) Act 1984 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 9 (**Co-operation with law enforcement agencies and co-ordination with overseas authorities**)—

At the end of section 9, insert:

(2) In performing its special functions, the Authority may co-ordinate its activities with the activities of authorities and persons in other countries performing functions similar to the functions of the Authority.

(2) Section 16 (**Hearings**)—

Section 16 (7)—

Omit “, counsel assisting the Authority in relation to the matter that is the subject of the hearing”.

(3) Section 20 (**Warrant for arrest of witness**)—

(a) Section 20 (1)—

Omit the subsection, insert instead:

(1) Where, upon application by or on behalf of the Authority, a Judge of the Federal Court sitting in chambers is satisfied by evidence on oath that there are reasonable grounds to believe—

(a) that a person who has been ordered, under section 15, to deliver the person's passport to the Authority, whether or not the person has complied with the order, is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the Authority; or

(b) that a person in relation to whom a summons has been issued under section 17 (1)—

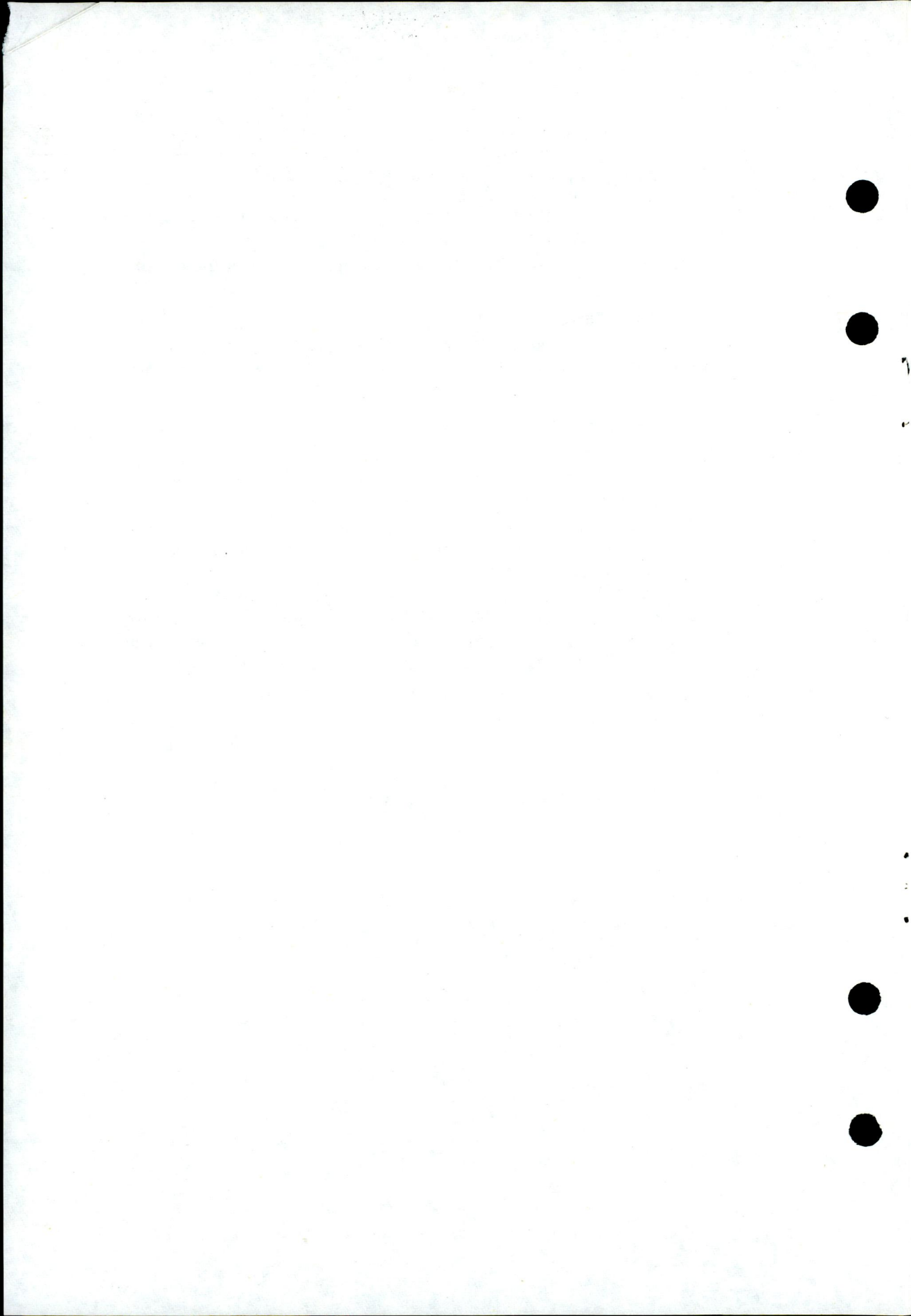
(i) has absconded or is likely to abscond; or

National Crime Authority (State Provisions) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons,
the Judge may issue a warrant for the apprehension of the person.
- (b) Section 20 (2A)—
After section 20 (2), insert:
(2A) The warrant may be executed notwithstanding that the warrant is not at the time in the possession of the person executing it.
- (4) Section 31 (**Secrecy**)—
Section 31 (4)—
After the definition of “court”, insert:
“member of the staff of the Authority” means—
(a) a person referred to in the definition of “member of the staff of the Authority” in section 4 (1) of the Commonwealth Act; or
(b) a person who assists, or performs services for or on behalf of, a legal practitioner appointed under section 50 of the Commonwealth Act in the performance of the legal practitioner’s duties as counsel to the Authority;
- (5) Section 33 (**Proceedings for offences**)—
Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.
- (6) Section 35 (**Cessation of operation of Act**)—
Omit the section.

[*Minister's second reading speech made in—
Legislative Council on 12 October 1988
Legislative Assembly on 20 October 1988*]





**NATIONAL CRIME AUTHORITY (STATE PROVISIONS)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the National Crime Authority (State Provisions) Act 1984 ("the State Act") in light of certain amendments to the National Crime Authority Act 1984 of the Commonwealth ("the Commonwealth Act"). The State Act was enacted to complement the Commonwealth Act and, among other things, authorises the New South Wales Minister to refer certain matters relating to offences against the laws of New South Wales to the National Crime Authority for investigation. In order to avoid legal difficulties, the State Act mirrors (where appropriate) the provisions of the Commonwealth Act and accordingly the amendments made by this Bill adopt relevant changes which have been made to the Commonwealth Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

Clause 3 gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 9 (Co-operation with law enforcement agencies and co-ordination with overseas authorities) of the State Act to enable the National Crime Authority to co-ordinate its activities in respect of investigating offences against the laws of New South Wales with overseas agencies performing similar functions to those of the Authority. (cf. section 5 of the National Crime Authority (Miscellaneous Amendments) Act 1985 of the Commonwealth.)

Schedule 1 (2) amends section 16 (Hearings) of the State Act as a consequence of the amendment to the Commonwealth Act relating to the definition of "member of the staff of the Authority". (cf. amendments to the Commonwealth Act in Schedule 1 to the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth.)

National Crime Authority (State Provisions) Amendment 1988

Schedule 1 (3) amends section 20 (Warrant for arrest of witness) of the State Act to enable the Authority to apply to a Judge of the Federal Court for a warrant for the arrest of a person who has absconded or is likely to abscond, or is otherwise likely to evade the service of a summons. It also enables a warrant under that section to be executed even though it is not at the time in the possession of the person executing it. (cf. amendments to the Commonwealth Act in Schedule 1 to the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth.)

Schedule 1 (4) amends section 31 (Secrecy) of the State Act which prohibits the recording or disclosing of information acquired under the State Act. This provision applies to a member of the staff of the Authority. The effect of the amendment is to extend section 31 to apply to legal practitioners appointed under the Commonwealth Act to assist the Authority as counsel, to members of task forces established under that Act and to persons who assist or perform services for appointed legal practitioners. (cf. amendments to the Commonwealth Act in Schedule 1 to the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth.)

Schedule 1 (5) makes a minor change to the State Act by way of statute law revision.

Schedule 1 (6) repeals section 35 (Cessation of operation of Act) of the State Act to enable the continuation of the State Act beyond 30 June 1989. (cf. section 6 of the Crimes Legislation Amendment Act 1988 of the Commonwealth.)

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) AMENDMENT BILL 1988

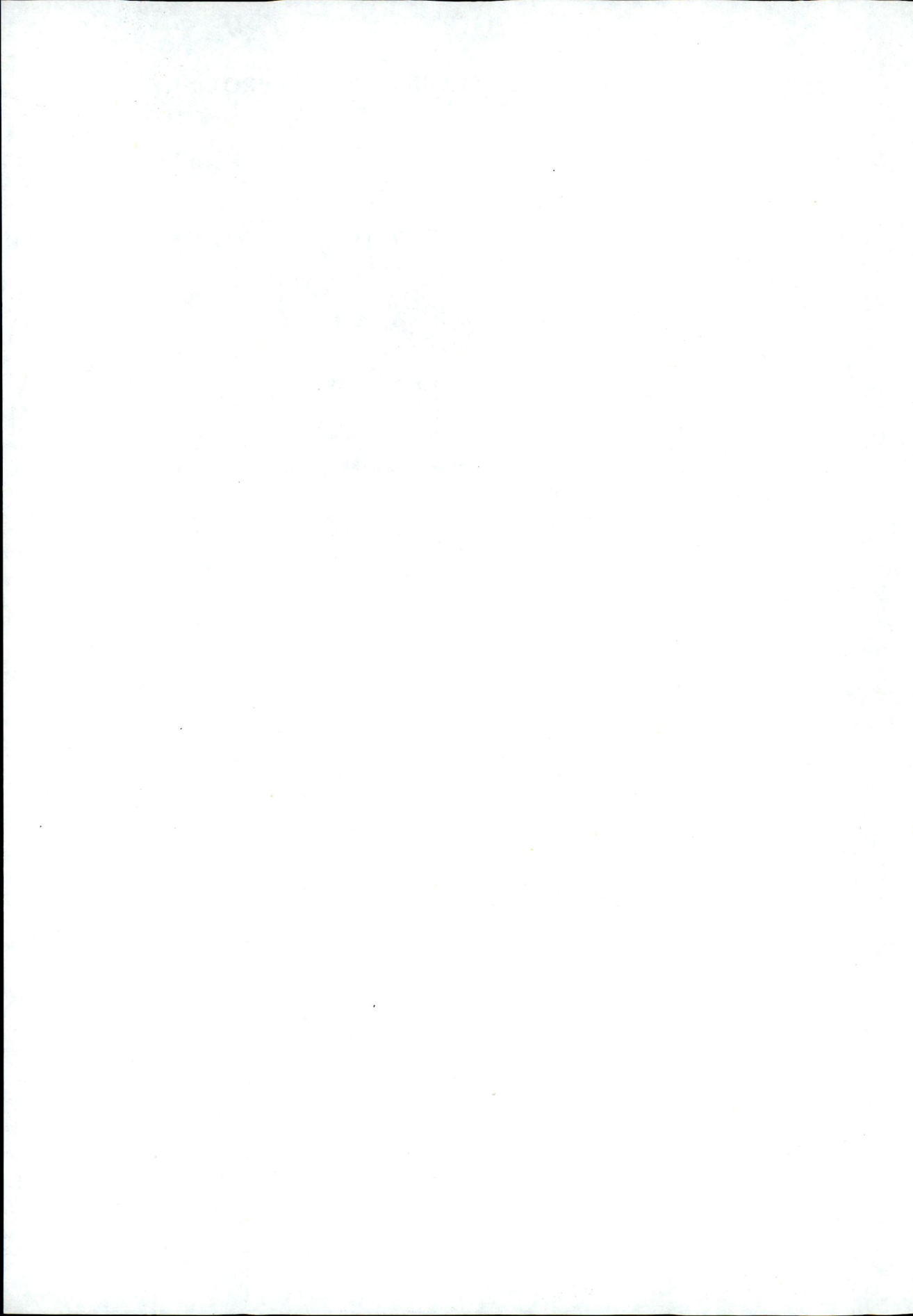
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of National Crime Authority (State Provisions) Act 1984 No. 157

SCHEDULE 1—AMENDMENTS



**NATIONAL CRIME AUTHORITY (STATE PROVISIONS)
AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the National Crime Authority (State Provisions) Act 1984 as a consequence of amendments to the National Crime Authority Act 1984 of the Commonwealth.

National Crime Authority (State Provisions) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the National Crime Authority (State Provisions) Amendment Act 1988.

5 Commencement

2. This Act commences on the date of assent.

Amendment of National Crime Authority (State Provisions) Act 1984 No. 157

3. The National Crime Authority (State Provisions) Act 1984 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 9 (**Co-operation with law enforcement agencies and co-ordination with overseas authorities**)—

At the end of section 9, insert:

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(2) In performing its special functions, the Authority may co-ordinate its activities with the activities of authorities and persons in other countries performing functions similar to the functions of the Authority.

- (2) Section 16 (**Hearings**)—

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Section 16 (7)—

Omit “, counsel assisting the Authority in relation to the matter that is the subject of the hearing”.

- (3) Section 20 (**Warrant for arrest of witness**)—

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(a) Section 20 (1)—

Omit the subsection, insert instead:

(1) Where, upon application by or on behalf of the Authority, a Judge of the Federal Court sitting in chambers is satisfied by evidence on oath that there are reasonable grounds to believe—

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(a) that a person who has been ordered, under section 15, to deliver the person's passport to the Authority, whether or not the person has complied with the order, is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the Authority; or

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(b) that a person in relation to whom a summons has been issued under section 17 (1)—

(i) has absconded or is likely to abscond; or

SCHEDULE 1—AMENDMENTS—*continued*

- (ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons,
the Judge may issue a warrant for the apprehension of the person.
- (b) Section 20 (2A)—
5 After section 20 (2), insert:
(2A) The warrant may be executed notwithstanding that the warrant is not at the time in the possession of the person executing it.
- (4) Section 31 (**Secrecy**)—
10 Section 31 (4)—
After the definition of “court”, insert:
“member of the staff of the Authority” means—
15 (a) a person referred to in the definition of “member of the staff of the Authority” in section 4 (1) of the Commonwealth Act; or
(b) a person who assists, or performs services for or on behalf of, a legal practitioner appointed under section 50 of the Commonwealth Act in the performance of the legal practitioner’s duties as counsel to the Authority;
- 20 (5) Section 33 (**Proceedings for offences**)—
Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.
- (6) Section 35 (**Cessation of operation of Act**)—
25 Omit the section.

