

**STATE DRUG CRIME COMMISSION (FURTHER
AMENDMENT) ACT 1988 No. 87**

NEW SOUTH WALES



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**STATE DRUG CRIME COMMISSION (FURTHER AMENDMENT)
ACT 1988 No. 87**

NEW SOUTH WALES



Act No. 87, 1988

An Act to amend the State Drug Crime Commission Act 1985 in relation to the constitution and functions of the State Drug Crime Commission and the State Drug Crime Commission Management Committee, and for other purposes. [Assented to 12 December 1988]

State Drug Crime Commission (Further Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Drug Crime Commission (Further Amendment) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of State Drug Crime Commission Act 1985 No. 117

3. The State Drug Crime Commission Act 1985 is amended as set out in Schedule 1.

Savings

4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Long title—

Omit “related crime”, insert instead “organised and other crime”.

(2) Section 3 (**Definitions**)—

(a) Section 3 (1)—

After the definition of “document”, insert:

“illegal drug trafficking” includes crime related to illegal drug trafficking;

(b) Section 3 (1), definition of “investigation”—

After “Act”, insert “, but does not include a review by the Commission under section 6 (1) (b1) of a police inquiry”.

(c) Section 3 (1)—

After the definition of “member of the staff of the Commission”, insert:

“police inquiry” means an inquiry carried out under the authority of the Commissioner of Police;

“police task force” means a task force under the authority of the Commissioner of Police;

SCHEDULE 1—AMENDMENTS—*continued*

(d) Section 3 (1)—

Omit the definitions of “relevant drug activity” and “relevant drug offence”, insert instead:

“relevant criminal activity” means any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, or may be about to be, committed;

“relevant offence” means—

(a) a serious drug offence that involves substantial planning and organisation; or

(b) an offence—

(i) that involves 2 or more offenders and substantial planning and organisation; and

(ii) that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques; and

(iii) that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind; and

(iv) that involves theft, fraud, tax evasion, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of, or by, an officer of the State, bankruptcy and company violations, harbouring of criminals, or that involves matters of the same general nature as one or more of the foregoing,

but—

(c) does not include an offence the time for the commencement of a prosecution for which has expired; and

(d) does not include an offence for which there is no penalty of imprisonment; and

(e) does not include an offence for which the maximum penalty of imprisonment is a period of less than 3 years;

(e) Section 3 (1A)—

After section 3 (1), insert:

(1A) A reference to an officer of the State in the definition of “relevant offence” shall be taken to include a reference to—

(a) a Minister of the Crown; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (b) a member of the Legislative Council or of the Legislative Assembly; and
 - (c) a person holding or acting in an office (including a judicial office) or appointment, or employed, under a law of the State; and
 - (d) a person who is, or is a member of, an authority or body established for a public purpose by or under a law of the State or is an officer or employee of such an authority or body.
- (3) The whole Act—
Omit “relevant drug activity” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant criminal activity”.
- (4) The whole Act—
Omit “relevant drug offence” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant offence”.
- (5) Section 3A—
After section 3, insert:
Objects
3A. (1) The principal object of this Act is to reduce the incidence of illegal drug trafficking.
(2) The secondary object of this Act is to reduce the incidence of organised and other crime.
- (6) Section 5 (**The Commission**)—
 - (a) Section 5 (3)—
Omit “3 members”, insert instead “2 or more members”.
 - (b) Section 5 (4)—
Omit the subsection, insert instead:
(4) Of the members—
 - (a) one shall, in and by the instrument by which the member is appointed, be appointed as a full-time member and Chairperson of the Commission; and
 - (b) one or more shall, in and by the instruments by which they are appointed, be appointed as full-time members or part-time members.
 - (c) Section 5 (5)—
Omit the subsection.

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 5 (6)—
Omit “At least one of the full-time members”, insert instead “The Chairperson”.
- (7) Section 6 (**Principal functions of the Commission**)—
 - (a) Section 6 (1) (a)—
After “Committee”, insert “for investigation”.
 - (b) Section 6 (1) (b1)—
After section 6 (1) (b), insert:
 (b1) to review a police inquiry into matters relating to any criminal activity (being an inquiry referred for review to the Commission by the Management Committee) and to furnish its findings to the Committee together with any recommendation as to action the Commission considers should be taken in relation to those findings;
 - (c) Section 6 (1) (c)—
Omit “related crime”, insert instead “organised and other crime”.
 - (d) Section 6 (5)—
After section 6 (4), insert:
 (5) In exercising its principal functions, the Commission shall give high priority to matters relating to illegal drug trafficking, as far as practicable.
- (8) Section 9 (**Delegation by Commission**)—
Section 9 (1) (b)—
Omit “to conduct hearings”, insert instead “to make a decision whether or not to hold a hearing and to determine the number of members of the Commission who shall conduct it”.
- (9) Section 10 (**Commission may require information from certain State agencies**)—
Section 10 (1), (2)—
Omit “full-time” wherever occurring.
- (10) Section 11 (**Search warrants**)—
Section 11 (2)—
Omit “full-time”.
- (11) Section 13 (**Hearings**)—
Omit section 13 (2), (3), insert instead:
 (2) A hearing shall be conducted by one or more members of the Commission, as determined by the Commission.

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SCHEDULE 1—AMENDMENTS—*continued*

(3) At a hearing conducted by 2 or more members of the Commission, the member presiding shall be a person who has special legal qualifications and Schedule 2 shall apply, so far as it is capable of application, as if the hearing were a meeting of the Commission.

(3A) At a hearing conducted by one member of the Commission, the member shall be a person who has special legal qualifications.

(12) Section 24 (The Management Committee)—

(a) Section 24 (1)—

Omit “4 members”, insert instead “5 members”.

(b) Section 24 (1) (c)—

Omit “and”.

(c) Section 24 (1) (d), (e)—

At the end of paragraph (d), insert:

; and

(e) one shall be the Chairman of the Police Board of New South Wales,

(13) Section 25 (Functions of the Management Committee)—

(a) Section 25 (1) (a)—

Omit “relevant drug activities”, insert instead “relevant criminal activities”.

(b) Section 25 (1) (a)–(a2)—

At the end of section 25 (1) (a), insert:

; and

(a1) to refer (by a written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities; and

(a2) to arrange (in accordance with section 27A) for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities; and

(c) Section 25 (3)—

Omit the subsection, insert instead:

(3) The Management Committee may, by the terms of a reference, impose limitations—

(a) on the carrying out of an investigation by the Commission into any matter relating to a relevant criminal activity referred to the Commission for investigation; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) on the carrying out of a review of a police inquiry referred to the Commission for review.

(d) Section 25 (6)—

After section 25 (5), insert:

(6) In exercising its principal functions, the Management Committee shall give high priority to matters relating to illegal drug trafficking, as far as practicable.

(14) Section 26 (**Commission may request reference**)—

Section 26 (1)—

Omit “refer a matter relating to relevant drug activity to the Commission for investigation.”, insert instead “refer to the Commission—

(a) for investigation, a matter relating to relevant criminal activity; and

(b) for review, a police inquiry into a matter relating to any criminal activity.”.

(15) Section 27A—

After section 27, insert:

Police task forces to assist Commission

27A. (1) The Management Committee may make arrangements with the Commissioner of Police for a police task force to assist the Commission to carry out an investigation into matters relating to a relevant criminal activity.

(2) In assisting the Commission to carry out such an investigation, the police task force is (subject to subsection (3)) under the control and direction of the Commissioner of Police.

(3) The Management Committee may give directions and furnish guidelines to the Commission and the Commissioner of Police for the purpose of co-ordinating such an investigation, and the Commission and the Commissioner shall comply with any such directions and guidelines.

(16) Section 29 (**Secrecy**)—

Section 29 (1) (b), (c)—

At the end of section 29 (1) (b), insert:

; and

(c) a member of a police task force assisting the Commission in accordance with an arrangement under section 27A.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(17) Section 29A—

After section 29, insert:

Disclosures prejudicing investigations

29A. (1) A person who is required—

- (a) by a notice under section 10 or 17 to furnish information or to attend and produce a document or other thing; or
- (b) by a summons under section 16 to give evidence or to produce a document or other thing,

shall not disclose any information about the notice or summons that is likely to prejudice the investigation to which it relates.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to a notice or summons unless it (or a notice accompanying it) specifies that information about the notice or summons must not be disclosed.

(3) A person does not contravene this section if—

- (a) the disclosure is made to an employee, agent or other person in order to obtain information to comply with the notice or summons and the employee, agent or other person is directed not to inform the person to whom the information relates about the matter; or
- (b) the disclosure is made to obtain legal advice or representation in relation to the notice or summons; or
- (c) the disclosure is made for the purposes of, or in the course of, legal proceedings.

(4) A reference in this section to the disclosure of any information about a notice or summons includes a reference to—

- (a) a disclosure about the existence or nature of the notice or summons or of the investigation to which it relates; and
- (b) a disclosure of any information to a person from which the person could reasonably be expected to infer the existence or nature of the notice or summons or of the investigation to which it relates.

(18) Section 31 (Annual report)—

Section 31 (2) (b)—

After “drug trafficking”, insert “and organised and other crime”.

(19) Section 38 (Cessation of operation of Act)—

Omit the section.

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SCHEDULE 1—AMENDMENTS—*continued*

(20) Schedule 1 (**Provisions relating to the Members of the Commission**)—

(a) Clause 4 (3) (**Remuneration**)—

Omit “The part-time member”, insert instead “A part-time member”.

(b) Clause 7 (1) (c) (**Casual vacancies**)—

Omit “the part-time member”, insert instead “a part-time member”.

(c) Clause 9 (2), (3) (**Effect of certain other Acts**)—

Omit “the part-time member” wherever occurring, insert instead “a part-time member”.

(21) Schedule 2 (**Provisions relating to the Procedure of the Commission**)—

Omit clause 2, insert instead:

Quorum

2. The quorum for a meeting of the Commission is a majority of members for the time being of the Commission, but not fewer than 2 members.

SCHEDULE 2—SAVINGS

(Sec. 4)

Members holding office immediately before commencement

1. An amendment made to the State Drug Crime Commission Act 1985 by this Act does not affect the appointment, or the term of office, of any member of the State Drug Crime Commission or the State Drug Crime Commission Management Committee holding office immediately before the commencement of the amendment.

References to relevant drug activities

2. On and from the commencement of Schedule 1 (2) (d), a reference in any document to a relevant drug activity shall be read as a reference to a relevant criminal activity.

[Minister's second reading speech made in—
Legislative Council on 16 November 1988
Legislative Assembly on 29 November 1988]

STATE DRUG CRIME COMMISSION (FURTHER 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 State Drug Crime Commission Act 1985—

- (a) to change the constitution of the Commission and of the Management Committee; and
- (b) to confer on the Commission and the Management Committee functions in relation to—
 - (i) the investigation of organised crime (in addition to, and similar to, its existing functions in relation to the investigation of illegal drug trafficking); and
 - (ii) the review of police inquiries into criminal activities (to assist the Management Committee to determine which criminal activities to refer to the Commission for investigation, and to enable the Commission to make recommendations to the Committee as to action the Commission considers should be taken); and
- (c) to provide for police task forces to assist the Commission to carry out investigations.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clauses 3 and 4 are formal provisions giving effect to the Schedules.

SCHEDULE 1—AMENDMENTS

Long title

Schedule 1 (1) amends the long title as a consequence of the additional functions to be conferred under the proposed Act.

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Additional functions conferred on Commission

Schedule 1 (2), (3) and (4) contain amendments which effectively confer on the Commission additional functions relating to the investigation of organised crime.

In particular, Schedule 1 (2) replaces the existing definitions of "relevant drug activity" and "relevant drug offence" with the new wider definitions of "relevant criminal activity" and "relevant offence". (The new definitions are similar to definitions used in the National Crime Authority Act 1984 of the Commonwealth.)

Schedule 1 (3) and (4) amend the whole Act by replacing references to the old terms "relevant drug activity" and "relevant drug offence" with references to the new terms.

Objects of the Act

Schedule 1 (5) inserts a new section 3A. The new section provides that the principal object of the Act is to reduce the incidence of illegal drug trafficking and its secondary object is to reduce the incidence of organised and other crime. Accordingly, the title of the State Drug Crime Commission is to remain unchanged.

Constitution of the Commission

Schedule 1 (6) amends section 5 to provide that the Commission shall be constituted by one full-time Chairperson and one or more full-time or part-time members.

The amendment also inserts a new requirement that the Chairperson must have special legal qualifications (i.e. being a Judge or former Judge, a barrister of not less than 5 years' standing or a solicitor of not less than 7 years' standing).

Commission to review police inquiries

Schedule 1 (7) amends section 6 to increase the functions of the Commission to include the review of police inquiries into matters relating to any criminal activity (whether a relevant criminal activity or not). The inquiries proposed for review are those referred to the Commission by the Management Committee.

Hearings

Under the current provisions, only the Commission may conduct hearings. Schedule 1 (8) and (11) amend sections 9 and 13 so that, in future, a hearing may be conducted by one or more members of the Commission. The decision to hold a hearing will continue to be made by the Commission as a body, as under the current provisions.

Schedule 1 (11) further provides that the member presiding at a hearing must have special legal qualifications.

Part-time members to have same powers as full-time members

Schedule 1 (9) and (10) amend sections 10 and 11 to enable part-time members to require information from certain State agencies and to apply for the issue of search warrants. At present, these powers may be exercised only by full-time members.

Membership of Management Committee

Schedule 1 (12) amends section 24 to increase the membership of the Management Committee from 4 to 5 members. The extra member is the Chairman of the Police Board.

Additional functions conferred on Management Committee

Schedule 1 (13) amends section 25 to increase the functions of the Management Committee to include the referral to the Commission of police inquiries into any criminal activities. The police inquiries will be referred to the Commission for review. Another new function of the Committee is to arrange with the Commissioner of Police for police task forces to assist the Commission to carry out investigations.

State Drug Crime Commission (Further Amendment) 1988

Schedule 1 (14) amends section 26 to enable the Commission to ask the Management Committee to refer police inquiries to the Commission for review.

Police task forces to assist Commission

Schedule 1 (15) inserts a new section 27A. The new section provides for police task forces to assist the Commission to carry out investigations.

Schedule 1 (16) amends section 29 to extend the secrecy provisions to members of a police task force assisting the Commission.

Annual report

Schedule 1 (17) amends section 31 as a consequence of the Commission's additional functions. The amended section will provide for the Commission's annual report to include a description of organised and other crime that has come to the Commission's attention during that year.

Repeal of sunset provision

Schedule 1 (18) omits section 38, a sunset provision which would have made the Principal Act expire at the end of 31 December 1989 (in the absence of a proclamation to the contrary).

Consequential amendments

Schedule 1 (19) and (20) amend provisions in the Principal Act relating to the appointment and terms and conditions applicable to members of the Commission and to the procedure of the Commission. The amendments are consequential on amendments changing the constitution of the Commission.

SCHEDULE 2—SAVINGS

Schedule 2 contains savings provisions providing for—

- (a) existing members of the Commission and the Management Committee to continue in office despite the proposed changes to the constitution of the Commission and Committee; and
 - (b) references in documents (such as in search warrants) to relevant drug activities to be read as references to the proposed new term "relevant criminal activities".
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STATE DRUG CRIME COMMISSION (FURTHER AMENDMENT) BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of State Drug Crime Commission Act 1985 No. 117
4. Savings

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS

**STATE DRUG CRIME COMMISSION (FURTHER
AMENDMENT) BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the State Drug Crime Commission Act 1985 in relation to the constitution and functions of the State Drug Crime Commission and the State Drug Crime Commission Management Committee, and for other purposes.

State Drug Crime Commission (Further Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Drug Crime Commission (Further Amendment) Act 1988.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of State Drug Crime Commission Act 1985 No. 117

3. The State Drug Crime Commission Act 1985 is amended as set out
10 in Schedule 1.

Savings

4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

15 (1) Long title—

Omit “related crime”, insert instead “organised and other crime”.

(2) Section 3 (**Definitions**)—

(a) Section 3 (1)—

After the definition of “document”, insert:

20 “illegal drug trafficking” includes crime related to illegal drug trafficking;

(b) Section 3 (1), definition of “investigation”—

After “Act”, insert “, but does not include a review by the Commission under section 6 (1) (b1) of a police inquiry”.

25 (c) Section 3 (1)—

After the definition of “member of the staff of the Commission”, insert:

“police inquiry” means an inquiry carried out under the authority of the Commissioner of Police;

30 “police task force” means a task force under the authority of the Commissioner of Police;

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(d) Section 3 (1)—

Omit the definitions of “relevant drug activity” and “relevant drug offence”, insert instead:

“relevant criminal activity” means any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, or may be about to be, committed;

“relevant offence” means—

(a) a serious drug offence that involves substantial planning and organisation; or

(b) an offence—

(i) that involves 2 or more offenders and substantial planning and organisation; and

(ii) that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques; and

(iii) that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind; and

(iv) that involves theft, fraud, tax evasion, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of, or by, an officer of the State, bankruptcy and company violations, harbouring of criminals, or that involves matters of the same general nature as one or more of the foregoing,

but—

(c) does not include an offence the time for the commencement of a prosecution for which has expired; and

(d) does not include an offence for which there is no penalty of imprisonment; and

(e) does not include an offence for which the maximum penalty of imprisonment is a period of less than 3 years;

(e) Section 3 (1A)—

After section 3 (1), insert:

(1A) A reference to an officer of the State in the definition of “relevant offence” shall be taken to include a reference to—

(a) a Minister of the Crown; and

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SCHEDULE 1—AMENDMENTS—*continued*

- (b) a member of the Legislative Council or of the Legislative Assembly; and
 - (c) a person holding or acting in an office (including a judicial office) or appointment, or employed, under a law of the State; and
 - (d) a person who is, or is a member of, an authority or body established for a public purpose by or under a law of the State or is an officer or employee of such an authority or body.
- 5
- 10 (3) The whole Act—
Omit “relevant drug activity” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant criminal activity”.
- (4) The whole Act—
- 15 Omit “relevant drug offence” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant offence”.
- (5) Section 3A—
After section 3, insert:
- 20 **Objects**
3A. (1) The principal object of this Act is to reduce the incidence of illegal drug trafficking.
(2) The secondary object of this Act is to reduce the incidence of organised and other crime.
- 25 (6) Section 5 (**The Commission**)—
- (a) Section 5 (3)—
Omit “3 members”, insert instead “2 or more members”.
- (b) Section 5 (4)—
Omit the subsection, insert instead:
- 30 (4) Of the members—
- (a) one shall, in and by the instrument by which the member is appointed, be appointed as a full-time member and Chairperson of the Commission; and
- (b) one or more shall, in and by the instruments by which they are appointed, be appointed as full-time members or part-time members.
- 35
- (c) Section 5 (5)—
Omit the subsection.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 5 (6)—
Omit “At least one of the full-time members”, insert instead “The Chairperson”.
- (7) Section 6 (**Principal functions of the Commission**)—
 - 5 (a) Section 6 (1) (a)—
After “Committee”, insert “for investigation”.
 - (b) Section 6 (1) (b1)—
After section 6 (1) (b), insert:
 10 (b1) to review a police inquiry into matters relating to any criminal activity (being an inquiry referred for review to the Commission by the Management Committee) and to furnish its findings to the Committee together with any recommendation as to action the Commission considers should be taken in relation to those findings;
 - 15 (c) Section 6 (1) (c)—
Omit “related crime”, insert instead “organised and other crime”.
 - (d) Section 6 (5)—
After section 6 (4), insert:
 20 (5) In exercising its principal functions, the Commission shall give high priority to matters relating to illegal drug trafficking, as far as practicable.
- (8) Section 9 (**Delegation by Commission**)—
Section 9 (1) (b)—
 25 Omit “to conduct hearings”, insert instead “to make a decision whether or not to hold a hearing and to determine the number of members of the Commission who shall conduct it”.
- (9) Section 10 (**Commission may require information from certain State agencies**)—
Section 10 (1), (2)—
 30 Omit “full-time” wherever occurring.
- (10) Section 11 (**Search warrants**)—
Section 11 (2)—
Omit “full-time”.
- (11) Section 13 (**Hearings**)—
 35 Omit section 13 (2), (3), insert instead:
 (2) A hearing shall be conducted by one or more members of the Commission, as determined by the Commission.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(3) At a hearing conducted by 2 or more members of the Commission, the member presiding shall be a person who has special legal qualifications and Schedule 2 shall apply, so far as it is capable of application, as if the hearing were a meeting of the Commission.

(3A) At a hearing conducted by one member of the Commission, the member shall be a person who has special legal qualifications.

(12) Section 24 (The Management Committee)—

(a) Section 24 (1)—

Omit “4 members”, insert instead “5 members”.

(b) Section 24 (1) (c)—

Omit “and”.

(c) Section 24 (1) (d), (e)—

At the end of paragraph (d), insert:

; and

(e) one shall be the Chairman of the Police Board of New South Wales,

(13) Section 25 (Functions of the Management Committee)—

(a) Section 25 (1) (a)—

Omit “relevant drug activities”, insert instead “relevant criminal activities”.

(b) Section 25 (1) (a)–(a2)—

At the end of section 25 (1) (a), insert:

; and

(a1) to refer (by a written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities; and

(a2) to arrange (in accordance with section 27A) for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities; and

(c) Section 25 (3)—

Omit the subsection, insert instead:

(3) The Management Committee may, by the terms of a reference, impose limitations—

(a) on the carrying out of an investigation by the Commission into any matter relating to a relevant criminal activity referred to the Commission for investigation; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) on the carrying out of a review of a police inquiry referred to the Commission for review.

(d) Section 25 (6)—

After section 25 (5), insert:

5 (6) In exercising its principal functions, the Management Committee shall give high priority to matters relating to illegal drug trafficking, as far as practicable.

(14) Section 26 (**Commission may request reference**)—

Section 26 (1)—

10 Omit “refer a matter relating to relevant drug activity to the Commission for investigation.”, insert instead “refer to the Commission—

(a) for investigation, a matter relating to relevant criminal activity; and

15 (b) for review, a police inquiry into a matter relating to any criminal activity.”.

(15) Section 27A—

After section 27, insert:

Police task forces to assist Commission

20 27A. (1) The Management Committee may make arrangements with the Commissioner of Police for a police task force to assist the Commission to carry out an investigation into matters relating to a relevant criminal activity.

25 (2) In assisting the Commission to carry out such an investigation, the police task force is (subject to subsection (3)) under the control and direction of the Commissioner of Police.

30 (3) The Management Committee may give directions and furnish guidelines to the Commission and the Commissioner of Police for the purpose of co-ordinating such an investigation, and the Commission and the Commissioner shall comply with any such directions and guidelines.

(16) Section 29 (**Secrecy**)—

Section 29 (1) (b), (c)—

At the end of section 29 (1) (b), insert:

35 ; and

(c) a member of a police task force assisting the Commission in accordance with an arrangement under section 27A.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(17) Section 31 (**Annual report**)—

Section 31 (2) (b)—

After “drug trafficking”, insert “and organised and other crime”.

(18) Section 38 (**Cessation of operation of Act**)—

5 Omit the section.

(19) Schedule 1 (**Provisions relating to the Members of the Commission**)—

(a) Clause 4 (3) (**Remuneration**)—

Omit “The part-time member”, insert instead “A part-time member”.

10 (b) Clause 7 (1) (c) (**Casual vacancies**)—

Omit “the part-time member”, insert instead “a part-time member”.

(c) Clause 9 (2), (3) (**Effect of certain other Acts**)—

15 Omit “the part-time member” wherever occurring, insert instead “a part-time member”.

(20) Schedule 2 (**Provisions relating to the Procedure of the Commission**)—

Omit clause 2, insert instead:

Quorum

20 2. The quorum for a meeting of the Commission is a majority of members for the time being of the Commission, but not fewer than 2 members.

SCHEDULE 2—SAVINGS

(Sec. 4)

Members holding office immediately before commencement

25 1. An amendment made to the State Drug Crime Commission Act 1985 by this Act does not affect the appointment, or the term of office, of any member of the State Drug Crime Commission or the State Drug Crime Commission Management Committee holding office immediately before the commencement of the amendment.

References to relevant drug activities

30 2. On and from the commencement of Schedule 1 (2) (d), a reference in any document to a relevant drug activity shall be read as a reference to a relevant criminal activity.

STATE DRUG CRIME COMMISSION (FURTHER
AMENDMENT) BILL

Schedule of the amendment referred to in the Legislative Council's
Message of 29 November 1988

Page 7, Schedule 1, line 37. After line 37, insert:

(17) Section 29A—

After section 29, insert:

Disclosures prejudicing investigations

29A. (1) A person who is required—

- (a) by a notice under section 10 or 17 to furnish information or to attend and produce a document or other thing; or
- (b) by a summons under section 16 to give evidence or to produce a document or other thing,

shall not disclose any information about the notice or summons that is likely to prejudice the investigation to which it relates.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to a notice or summons unless it (or a notice accompanying it) specifies that information about the notice or summons must not be disclosed.

(3) A person does not contravene this section if—

- (a) the disclosure is made to an employee, agent or other person in order to obtain information to comply with the notice or summons and the employee, agent or other person is directed not to inform the person to whom the information relates about the matter; or
- (b) the disclosure is made to obtain legal advice or representation in relation to the notice or summons; or
- (c) the disclosure is made for the purposes of, or in the course of, legal proceedings.

(4) A reference in this section to the disclosure of any information about a notice or summons includes a reference to—

- (a) a disclosure about the existence or nature of the notice or summons or of the investigation to which it relates; and
 - (b) a disclosure of any information to a person from which the person could reasonably be expected to infer the existence or nature of the notice or summons or of the investigation to which it relates.
-

STATE DRUG CRIME COMMISSION (FURTHER AMENDMENT) BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of State Drug Crime Commission Act 1985 No. 117
4. Savings

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, , 1988*

NEW SOUTH WALES



Act No. , 1988

An Act to amend the State Drug Crime Commission Act 1985 in relation to the constitution and functions of the State Drug Crime Commission and the State Drug Crime Commission Management Committee, and for other purposes.

State Drug Crime Commission (Further Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Drug Crime Commission (Further Amendment) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of State Drug Crime Commission Act 1985 No. 117

3. The State Drug Crime Commission Act 1985 is amended as set out in Schedule 1.

Savings

4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Long title—

Omit “related crime”, insert instead “organised and other crime”.

(2) Section 3 (**Definitions**)—

(a) Section 3 (1)—

After the definition of “document”, insert:

“illegal drug trafficking” includes crime related to illegal drug trafficking;

(b) Section 3 (1), definition of “investigation”—

After “Act”, insert “, but does not include a review by the Commission under section 6 (1) (b1) of a police inquiry”.

(c) Section 3 (1)—

After the definition of “member of the staff of the Commission”, insert:

“police inquiry” means an inquiry carried out under the authority of the Commissioner of Police;

“police task force” means a task force under the authority of the Commissioner of Police;

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(d) Section 3 (1)—

Omit the definitions of “relevant drug activity” and “relevant drug offence”, insert instead:

“relevant criminal activity” means any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, or may be about to be, committed;

“relevant offence” means—

- (a) a serious drug offence that involves substantial planning and organisation; or
- (b) an offence—
 - (i) that involves 2 or more offenders and substantial planning and organisation; and
 - (ii) that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques; and
 - (iii) that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind; and
 - (iv) that involves theft, fraud, tax evasion, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of, or by, an officer of the State, bankruptcy and company violations, harbouring of criminals, or that involves matters of the same general nature as one or more of the foregoing,

but—

- (c) does not include an offence the time for the commencement of a prosecution for which has expired; and
- (d) does not include an offence for which there is no penalty of imprisonment; and
- (e) does not include an offence for which the maximum penalty of imprisonment is a period of less than 3 years;

(e) Section 3 (1A)—

After section 3 (1), insert:

(1A) A reference to an officer of the State in the definition of “relevant offence” shall be taken to include a reference to—

- (a) a Minister of the Crown; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (b) a member of the Legislative Council or of the Legislative Assembly; and
 - (c) a person holding or acting in an office (including a judicial office) or appointment, or employed, under a law of the State; and
 - (d) a person who is, or is a member of, an authority or body established for a public purpose by or under a law of the State or is an officer or employee of such an authority or body.
- (3) The whole Act—
Omit “relevant drug activity” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant criminal activity”.
- (4) The whole Act—
Omit “relevant drug offence” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant offence”.
- (5) Section 3A—
After section 3, insert:
Objects
3A. (1) The principal object of this Act is to reduce the incidence of illegal drug trafficking.
(2) The secondary object of this Act is to reduce the incidence of organised and other crime.
- (6) Section 5 (**The Commission**)—
 - (a) Section 5 (3)—
Omit “3 members”, insert instead “2 or more members”.
 - (b) Section 5 (4)—
Omit the subsection, insert instead:
(4) Of the members—
 - (a) one shall, in and by the instrument by which the member is appointed, be appointed as a full-time member and Chairperson of the Commission; and
 - (b) one or more shall, in and by the instruments by which they are appointed, be appointed as full-time members or part-time members.
 - (c) Section 5 (5)—
Omit the subsection.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 5 (6)—
Omit “At least one of the full-time members”, insert instead “The Chairperson”.
- (7) Section 6 (**Principal functions of the Commission**)—
 - (a) Section 6 (1) (a)—
After “Committee”, insert “for investigation”.
 - (b) Section 6 (1) (b1)—
After section 6 (1) (b), insert:
(b1) to review a police inquiry into matters relating to any criminal activity (being an inquiry referred for review to the Commission by the Management Committee) and to furnish its findings to the Committee together with any recommendation as to action the Commission considers should be taken in relation to those findings;
 - (c) Section 6 (1) (c)—
Omit “related crime”, insert instead “organised and other crime”.
 - (d) Section 6 (5)—
After section 6 (4), insert:
(5) In exercising its principal functions, the Commission shall give high priority to matters relating to illegal drug trafficking, as far as practicable.
- (8) Section 9 (**Delegation by Commission**)—
Section 9 (1) (b)—
Omit “to conduct hearings”, insert instead “to make a decision whether or not to hold a hearing and to determine the number of members of the Commission who shall conduct it”.
- (9) Section 10 (**Commission may require information from certain State agencies**)—
Section 10 (1), (2)—
Omit “full-time” wherever occurring.
- (10) Section 11 (**Search warrants**)—
Section 11 (2)—
Omit “full-time”.
- (11) Section 13 (**Hearings**)—
Omit section 13 (2), (3), insert instead:
(2) A hearing shall be conducted by one or more members of the Commission, as determined by the Commission.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(3) At a hearing conducted by 2 or more members of the Commission, the member presiding shall be a person who has special legal qualifications and Schedule 2 shall apply, so far as it is capable of application, as if the hearing were a meeting of the Commission.

(3A) At a hearing conducted by one member of the Commission, the member shall be a person who has special legal qualifications.

(12) Section 24 (**The Management Committee**)—

(a) Section 24 (1)—

Omit “4 members”, insert instead “5 members”.

(b) Section 24 (1) (c)—

Omit “and”.

(c) Section 24 (1) (d), (e)—

At the end of paragraph (d), insert:

; and

(e) one shall be the Chairman of the Police Board of New South Wales,

(13) Section 25 (**Functions of the Management Committee**)—

(a) Section 25 (1) (a)—

Omit “relevant drug activities”, insert instead “relevant criminal activities”.

(b) Section 25 (1) (a)–(a2)—

At the end of section 25 (1) (a), insert:

; and

(a1) to refer (by a written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities; and

(a2) to arrange (in accordance with section 27A) for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities; and

(c) Section 25 (3)—

Omit the subsection, insert instead:

(3) The Management Committee may, by the terms of a reference, impose limitations—

(a) on the carrying out of an investigation by the Commission into any matter relating to a relevant criminal activity referred to the Commission for investigation; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) on the carrying out of a review of a police inquiry referred to the Commission for review.

(d) Section 25 (6)—

After section 25 (5), insert:

(6) In exercising its principal functions, the Management Committee shall give high priority to matters relating to illegal drug trafficking, as far as practicable.

(14) Section 26 (**Commission may request reference**)—

Section 26 (1)—

Omit “refer a matter relating to relevant drug activity to the Commission for investigation.”, insert instead “refer to the Commission—

(a) for investigation, a matter relating to relevant criminal activity; and

(b) for review, a police inquiry into a matter relating to any criminal activity.”.

(15) Section 27A—

After section 27, insert:

Police task forces to assist Commission

27A. (1) The Management Committee may make arrangements with the Commissioner of Police for a police task force to assist the Commission to carry out an investigation into matters relating to a relevant criminal activity.

(2) In assisting the Commission to carry out such an investigation, the police task force is (subject to subsection (3)) under the control and direction of the Commissioner of Police.

(3) The Management Committee may give directions and furnish guidelines to the Commission and the Commissioner of Police for the purpose of co-ordinating such an investigation, and the Commission and the Commissioner shall comply with any such directions and guidelines.

(16) Section 29 (**Secrecy**)—

Section 29 (1) (b), (c)—

At the end of section 29 (1) (b), insert:

; and

(c) a member of a police task force assisting the Commission in accordance with an arrangement under section 27A.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(17) Section 31 (Annual report)—

Section 31 (2) (b)—

After “drug trafficking”, insert “and organised and other crime”.

(18) Section 38 (Cessation of operation of Act)—

Omit the section.

(19) Schedule 1 (Provisions relating to the Members of the Commission)—

(a) Clause 4 (3) (Remuneration)—

Omit “The part-time member”, insert instead “A part-time member”.

(b) Clause 7 (1) (c) (Casual vacancies)—

Omit “the part-time member”, insert instead “a part-time member”.

(c) Clause 9 (2), (3) (Effect of certain other Acts)—

Omit “the part-time member” wherever occurring, insert instead “a part-time member”.

(20) Schedule 2 (Provisions relating to the Procedure of the Commission)—

Omit clause 2, insert instead:

Quorum

2. The quorum for a meeting of the Commission is a majority of members for the time being of the Commission, but not fewer than 2 members.

SCHEDULE 2—SAVINGS

(Sec. 4)

Members holding office immediately before commencement

1. An amendment made to the State Drug Crime Commission Act 1985 by this Act does not affect the appointment, or the term of office, of any member of the State Drug Crime Commission or the State Drug Crime Commission Management Committee holding office immediately before the commencement of the amendment.

State Drug Crime Commission (Further Amendment) 1988

References to relevant drug activities

2. On and from the commencement of Schedule 1 (2) (d), a reference in any document to a relevant drug activity shall be read as a reference to a relevant criminal activity.

**STATE DRUG CRIME COMMISSION (FURTHER
AMENDMENT) BILL 1988**

NEW SOUTH WALES



TABLE OF PROVISIONS

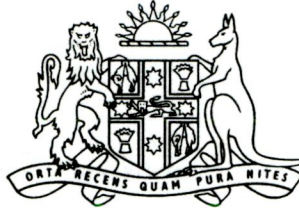
1. Short title
2. Commencement
3. Amendment of State Drug Crime Commission Act 1985 No. 117
4. Savings

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS

**STATE DRUG CRIME COMMISSION (FURTHER
AMENDMENT) BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the State Drug Crime Commission Act 1985 in relation to the constitution and functions of the State Drug Crime Commission and the State Drug Crime Commission Management Committee, and for other purposes.

State Drug Crime Commission (Further Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Drug Crime Commission (Further Amendment) Act 1988.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of State Drug Crime Commission Act 1985 No. 117

3. The State Drug Crime Commission Act 1985 is amended as set out
10 in Schedule 1.

Savings

4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

15 (1) Long title—

Omit “related crime”, insert instead “organised and other crime”.

(2) Section 3 (**Definitions**)—

(a) Section 3 (1)—

After the definition of “document”, insert:

20 “illegal drug trafficking” includes crime related to illegal drug trafficking;

(b) Section 3 (1), definition of “investigation”—

After “Act”, insert “, but does not include a review by the Commission under section 6 (1) (b1) of a police inquiry”.

25 (c) Section 3 (1)—

After the definition of “member of the staff of the Commission”, insert:

“police inquiry” means an inquiry carried out under the authority of the Commissioner of Police;

30 “police task force” means a task force under the authority of the Commissioner of Police;

SCHEDULE 1—AMENDMENTS—*continued*

(d) Section 3 (1)—

Omit the definitions of “relevant drug activity” and “relevant drug offence”, insert instead:

5 “relevant criminal activity” means any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, or may be about to be, committed;

“relevant offence” means—

- (a) a serious drug offence that involves substantial planning and organisation; or
- 10 (b) an offence—
 - (i) that involves 2 or more offenders and substantial planning and organisation; and
 - (ii) that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques; and
 - 15 (iii) that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind; and
 - 20 (iv) that involves theft, fraud, tax evasion, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of, or by, an officer of the State, bankruptcy and company violations, harbouring of criminals, or that involves matters of the same general nature as one or more of the foregoing,

but—

- (c) does not include an offence the time for the commencement of a prosecution for which has expired; and
- 30 (d) does not include an offence for which there is no penalty of imprisonment; and
- (e) does not include an offence for which the maximum penalty of imprisonment is a period of less than 3 years;

35 (e) Section 3 (1A)—

After section 3 (1), insert:

(1A) A reference to an officer of the State in the definition of “relevant offence” shall be taken to include a reference to—

- (a) a Minister of the Crown; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (b) a member of the Legislative Council or of the Legislative Assembly; and
 - (c) a person holding or acting in an office (including a judicial office) or appointment, or employed, under a law of the State; and
 - (d) a person who is, or is a member of, an authority or body established for a public purpose by or under a law of the State or is an officer or employee of such an authority or body.
- 5
- 10 (3) The whole Act—
Omit “relevant drug activity” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant criminal activity”.
- (4) The whole Act—
- 15 Omit “relevant drug offence” wherever occurring (except where those words are or are to be omitted by other provisions of this Act), insert instead “relevant offence”.
- (5) Section 3A—
After section 3, insert:
- 20 **Objects**
3A. (1) The principal object of this Act is to reduce the incidence of illegal drug trafficking.
(2) The secondary object of this Act is to reduce the incidence of organised and other crime.
- 25 (6) Section 5 (**The Commission**)—
- (a) Section 5 (3)—
Omit “3 members”, insert instead “2 or more members”.
- (b) Section 5 (4)—
Omit the subsection, insert instead:
- 30 (4) Of the members—
- (a) one shall, in and by the instrument by which the member is appointed, be appointed as a full-time member and Chairperson of the Commission; and
- (b) one or more shall, in and by the instruments by which they are appointed, be appointed as full-time members or part-time members.
- 35
- (c) Section 5 (5)—
Omit the subsection.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (d) Section 5 (6)—
Omit “At least one of the full-time members”, insert instead “The Chairperson”.
- (7) Section 6 (**Principal functions of the Commission**)—
 - 5 (a) Section 6 (1) (a)—
After “Committee”, insert “for investigation”.
 - (b) Section 6 (1) (b1)—
After section 6 (1) (b), insert:
 - 10 (b1) to review a police inquiry into matters relating to any criminal activity (being an inquiry referred for review to the Commission by the Management Committee) and to furnish its findings to the Committee together with any recommendation as to action the Commission considers should be taken in relation to those findings;
 - 15 (c) Section 6 (1) (c)—
Omit “related crime”, insert instead “organised and other crime”.
 - (d) Section 6 (5)—
After section 6 (4), insert:
 - 20 (5) In exercising its principal functions, the Commission shall give high priority to matters relating to illegal drug trafficking, as far as practicable.
- (8) Section 9 (**Delegation by Commission**)—
Section 9 (1) (b)—
25 Omit “to conduct hearings”, insert instead “to make a decision whether or not to hold a hearing and to determine the number of members of the Commission who shall conduct it”.
- (9) Section 10 (**Commission may require information from certain State agencies**)—
Section 10 (1), (2)—
30 Omit “full-time” wherever occurring.
- (10) Section 11 (**Search warrants**)—
Section 11 (2)—
Omit “full-time”.
- (11) Section 13 (**Hearings**)—
35 Omit section 13 (2), (3), insert instead:
 - (2) A hearing shall be conducted by one or more members of the Commission, as determined by the Commission.

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(3) At a hearing conducted by 2 or more members of the Commission, the member presiding shall be a person who has special legal qualifications and Schedule 2 shall apply, so far as it is capable of application, as if the hearing were a meeting of the Commission.

(3A) At a hearing conducted by one member of the Commission, the member shall be a person who has special legal qualifications.

(12) Section 24 (**The Management Committee**)—

(a) Section 24 (1)—

Omit “4 members”, insert instead “5 members”.

(b) Section 24 (1) (c)—

Omit “and”.

(c) Section 24 (1) (d), (e)—

At the end of paragraph (d), insert:

; and

(e) one shall be the Chairman of the Police Board of New South Wales,

(13) Section 25 (**Functions of the Management Committee**)—

(a) Section 25 (1) (a)—

Omit “relevant drug activities”, insert instead “relevant criminal activities”.

(b) Section 25 (1) (a)–(a2)—

At the end of section 25 (1) (a), insert:

; and

(a1) to refer (by a written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities; and

(a2) to arrange (in accordance with section 27A) for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities; and

(c) Section 25 (3)—

Omit the subsection, insert instead:

(3) The Management Committee may, by the terms of a reference, impose limitations—

(a) on the carrying out of an investigation by the Commission into any matter relating to a relevant criminal activity referred to the Commission for investigation; and

State Drug Crime Commission (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) on the carrying out of a review of a police inquiry referred to the Commission for review.

(d) Section 25 (6)—

After section 25 (5), insert:

5 (6) In exercising its principal functions, the Management Committee shall give high priority to matters relating to illegal drug trafficking, as far as practicable.

(14) Section 26 (**Commission may request reference**)—

Section 26 (1)—

10 Omit “refer a matter relating to relevant drug activity to the Commission for investigation.”, insert instead “refer to the Commission—

(a) for investigation, a matter relating to relevant criminal activity; and

15 (b) for review, a police inquiry into a matter relating to any criminal activity.”.

(15) Section 27A—

After section 27, insert:

Police task forces to assist Commission

20 27A. (1) The Management Committee may make arrangements with the Commissioner of Police for a police task force to assist the Commission to carry out an investigation into matters relating to a relevant criminal activity.

25 (2) In assisting the Commission to carry out such an investigation, the police task force is (subject to subsection (3)) under the control and direction of the Commissioner of Police.

30 (3) The Management Committee may give directions and furnish guidelines to the Commission and the Commissioner of Police for the purpose of co-ordinating such an investigation, and the Commission and the Commissioner shall comply with any such directions and guidelines.

(16) Section 29 (**Secrecy**)—

Section 29 (1) (b), (c)—

At the end of section 29 (1) (b), insert:

35 ; and

(c) a member of a police task force assisting the Commission in accordance with an arrangement under section 27A.

SCHEDULE 1—AMENDMENTS—*continued*

(17) Section 29A—

After section 29, insert:

Disclosures prejudicing investigations

29A. (1) A person who is required—

- (a) by a notice under section 10 or 17 to furnish information or to attend and produce a document or other thing; or
- (b) by a summons under section 16 to give evidence or to produce a document or other thing,

shall not disclose any information about the notice or summons that is likely to prejudice the investigation to which it relates.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to a notice or summons unless it (or a notice accompanying it) specifies that information about the notice or summons must not be disclosed.

(3) A person does not contravene this section if—

- (a) the disclosure is made to an employee, agent or other person in order to obtain information to comply with the notice or summons and the employee, agent or other person is directed not to inform the person to whom the information relates about the matter; or
- (b) the disclosure is made to obtain legal advice or representation in relation to the notice or summons; or
- (c) the disclosure is made for the purposes of, or in the course of, legal proceedings.

(4) A reference in this section to the disclosure of any information about a notice or summons includes a reference to—

- (a) a disclosure about the existence or nature of the notice or summons or of the investigation to which it relates; and
- (b) a disclosure of any information to a person from which the person could reasonably be expected to infer the existence or nature of the notice or summons or of the investigation to which it relates.

(18) Section 31 (**Annual report**)—

Section 31 (2) (b)—

After “drug trafficking”, insert “and organised and other crime”.

(19) Section 38 (**Cessation of operation of Act**)—

Omit the section.

SCHEDULE 1—AMENDMENTS—continued

- (20) Schedule 1 (**Provisions relating to the Members of the Commission**)—
- (a) Clause 4 (3) (**Remuneration**)—
 Omit “The part-time member”, insert instead “A part-time member”.
- 5 (b) Clause 7 (1) (c) (**Casual vacancies**)—
 Omit “the part-time member”, insert instead “a part-time member”.
- (c) Clause 9 (2), (3) (**Effect of certain other Acts**)—
 Omit “the part-time member” wherever occurring, insert instead
 10 “a part-time member”.
- (21) Schedule 2 (**Provisions relating to the Procedure of the Commission**)—
 Omit clause 2, insert instead:
Quorum
 2. The quorum for a meeting of the Commission is a majority
 15 of members for the time being of the Commission, but not fewer than 2 members.

SCHEDULE 2—SAVINGS

(Sec. 4)

Members holding office immediately before commencement

- 20 1. An amendment made to the State Drug Crime Commission Act 1985 by this Act does not affect the appointment, or the term of office, of any member of the State Drug Crime Commission or the State Drug Crime Commission Management Committee holding office immediately before the commencement of the amendment.

References to relevant drug activities

- 25 2. On and from the commencement of Schedule 1 (2) (d), a reference in any document to a relevant drug activity shall be read as a reference to a relevant criminal activity.

