

**STATE DRUG CRIME COMMISSION (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 so that the notice by which matters relating to suspected serious drug offences are referred to the State Drug Crime Commission for investigation—

- (a) may describe matters by reference to information given at a meeting of the Management Committee of the Commission or other extrinsic material;
- (b) must describe the general nature of the circumstances or allegations to be investigated; and
- (c) must set out the general purpose of the investigation.

The Principal Act currently provides that a copy of the notice must accompany a summons to a witness to appear before a hearing of the Commission. The amendment is intended to prevent the disclosure of information to a witness which might prejudice the effectiveness of an investigation.

The Bill also validates any previous referral by the Management Committee to the Commission except any found to be invalid by the Supreme Court before notice of this Bill is given in Parliament.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the State Drug Crime Commission Act 1985.

Clause 4 is a validation provision. It provides that a purported referral of a matter to the Commission by the Management Committee, before the proposed Act commences, is validated for all purposes. The validation does not apply to a referral if, before notice of this Bill was given in Parliament, the Supreme Court held that the referral was invalid.

State Drug Crime Commission (Amendment) 1988

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) and (2) make minor amendments to the Principal Act to achieve consistency of expression.

Schedule 1 (3) provides that a notice referring a matter to the Commission for investigation—

- (a) can describe the matter by reference to information given at a meeting of the Management Committee of the Commission or other extrinsic material and that that information or material need not be annexed to the notice;
- (b) must describe the general nature of the circumstances or allegations with which the investigation is concerned; and
- (c) must set out the general purpose of the investigation.

It is also provided that information and material not included in the notice does not form part of the notice for the purposes of the provision of the Principal Act which requires that a summons to a witness be accompanied by a copy of the notice.
