



New South Wales

Crimes (Criminal Organisations Control) Amendment Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The *Crimes (Criminal Organisations Control) Act 2012* (the *CCOC Act*) provides that an eligible Judge of the Supreme Court may, on the application of the Commissioner of Police, declare an organisation to be subject to the Act if its members associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and the organisation represents a risk to public safety and order in New South Wales. As a consequence of the declaration of an organisation, the Supreme Court has jurisdiction to make a control order against a member of the organisation that prevents the person from associating with other controlled members of the organisation and from holding a number of statutory authorities such as firearms and liquor licences.

The object of this Bill is to amend the CCOC Act:

- (a) to provide for the recognition and enforcement, in New South Wales, of comparable declarations and orders made in other States and Territories in relation to criminal organisations and their members, and
- (b) to elaborate on the facts about which an eligible Judge must be satisfied before making a declaration, and

- (c) to provide for the reasons given by an eligible Judge for making a declaration to be admissible in proceedings for the making of a control order as evidence of certain matters, and
- (d) to redefine *serious criminal activity* consistently with the definition of *serious criminal offence* within the meaning of the *Criminal Assets Recovery Act 1990*, and
- (e) to confer on eligible Judges additional powers with respect to the examination of submissions concerning applications for declarations, and
- (f) to enable such submissions to be made personally or through a legal representative and to ensure that legal representatives at hearings before eligible Judges have the same protections and immunities as barristers appearing in proceedings before the Supreme Court, and
- (g) to provide for declarations to be in force for 5 (instead of 3) years, and
- (h) to correct a note by way of statute law revision.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Crimes (Criminal Organisations Control) Act 2012 No 9

Mutual recognition of declarations and orders

Schedule 1 [17] inserts proposed Part 3A into the CCOC Act to achieve the object described in paragraph (a) of the Overview above. **Schedule 1 [1]** contains a consequential amendment. The proposed Part provides for a Supreme Court Registrar to register declarations and orders made in other States and Territories in relation to criminal organisations and their members.

An interstate declaration is treated on registration as if it were a declaration under section 9 of the CCOC Act. Accordingly, control orders may be made under the CCOC Act with respect to members of that organisation in New South Wales.

An interstate control order may be registered in New South Wales with such adaptations or modifications as the Supreme Court considers are necessary or desirable for its effective operation in New South Wales. The registered interstate control order will operate in New South Wales as if it were a control order made under Part 3 of the CCOC Act and can be enforced accordingly.

Grounds for making a declaration

Schedule 1 [6] and [8]–[11] amend section 9 of the CCOC Act to achieve the object described in paragraph (b) of the Overview above. The amendments will make it

clear that the eligible Judge need only be satisfied that members of an organisation in New South Wales associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity, not members wherever the organisation has a presence. **Schedule 1 [7]** amends section 9 to make it clear that it is not sufficient for the eligible Judge to be satisfied that the organisation represents a risk to public safety and order in New South Wales—the eligible Judge must be satisfied that the continued existence of the organisation represents such a risk.

Schedule 1 [13] and [14] contain consequential amendments.

Duration of declaration

Schedule 1 [12] amends section 11 of the CCOC Act to achieve the object described in paragraph (g) of the Overview above.

Reasons

Schedule 1 [15] amends section 13 of, and **Schedule 1 [16]** inserts proposed section 20A into, the CCOC Act to achieve the object described in paragraph (c) of the Overview above.

Meaning of “serious criminal activity”

Section 3 of the CCOC Act defines *serious criminal activity* by reference (among other things) to the obtaining of material benefits from conduct constituting a serious indictable offence and committing a serious violence offence. **Schedule 1 [2] and [3]** redefine *serious criminal activity* to achieve the object described in paragraph (d) of the Overview above by reference instead to the definition of *serious criminal offence* in section 6 of the *Criminal Assets Recovery Act 1990* and omit the definition of *serious violence offence*. The amendments will ensure, for example, that serious offences that do not necessarily involve material benefits and offences involving violence punishable by 5 or more years’ imprisonment (not only 10 years’ or more) are covered by the definition.

Proceedings before eligible Judge

Schedule 1 [5] inserts proposed sections 8A and 8B into the CCOC Act to achieve the object described in paragraph (e) of the Overview above. An eligible Judge is given powers to summon persons and require them to answer questions on oath or affirmation and produce documents, and the power to report various matters to the Supreme Court that may be dealt with as if they were a contempt of that Court.

Schedule 1 [4] and [18] amend sections 8 and 34, respectively, of the CCOC Act to achieve the object described in paragraph (f) of the Overview above.

Statute law revision

Schedule 1 [19] contains an amendment by way of statute law revision.

First print



New South Wales

Crimes (Criminal Organisations Control) Amendment Bill 2012

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New South Wales

Crimes (Criminal Organisations Control) Amendment Bill 2012

No. , 2012

A Bill for

An Act to amend the *Crimes (Criminal Organisations Control) Act 2012* to make further provision with respect to the control of criminal organisations and their members.

| | |
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| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Crimes (Criminal Organisations Control) Amendment Act 2012</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act commences on the date of assent to this Act. | 6 |

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| Schedule 1 | Amendment of Crimes (Criminal Organisations Control) Act 2012 No 9 | 1 |
| | | 2 |
| [1] Section 3 Definitions | | 3 |
| Insert in alphabetical order in section 3 (1): | | 4 |
| <i>interstate control order</i> —see section 27A. | | 5 |
| <i>interstate declaration</i> —see section 27A. | | 6 |
| <i>registrar</i> —see section 27A. | | 7 |
| [2] Section 3 (1), definition of “serious criminal activity” | | 8 |
| Omit the definition. Insert instead: | | 9 |
| <i>serious criminal activity</i> means any of the following: | | 10 |
| (a) committing a serious criminal offence within the meaning of section 6 of the <i>Criminal Assets Recovery Act 1990</i> , | | 11 |
| (b) obtaining material benefits from conduct that constitutes any such offence, | | 12 |
| (whether or not any person has been charged or convicted of any such offence). | | 13 |
| | | 14 |
| | | 15 |
| | | 16 |
| [3] Section 3 (1), definition of “serious violence offence” | | 17 |
| Omit the definition. | | 18 |
| [4] Section 8 Submissions at the hearing | | 19 |
| Insert “(personally or through a legal representative)” after “submissions” wherever occurring in section 8 (1) and (2). | | 20 |
| | | 21 |
| [5] Sections 8A and 8B | | 22 |
| Insert after section 8: | | 23 |
| 8A Examination of submissions | | 24 |
| (1) The eligible Judge may, so far as the eligible Judge thinks proper, question any person (including a legal representative) who makes a submission in relation to an application under this Part on any matter that the eligible Judge thinks relevant, or allow a legal representative of a person to do so. | | 25 |
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| (2) The eligible Judge may require a person present at the hearing to produce a document or other thing that the eligible Judge considers may be relevant. | | 30 |
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| (3) The eligible Judge may summon any other person whom the eligible Judge considers may have relevant information in | | 33 |
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| | relation to an application under this Part to be present at the hearing of the application to be questioned and to produce such documents or other things (if any) as are referred to in the summons. | 1 2 3 4 |
| (4) | The eligible Judge may, at the hearing, take evidence on oath or affirmation and for that purpose: | 5 6 |
| | (a) the eligible Judge may require a person being questioned at the hearing to either take an oath or make an affirmation in a form approved by the eligible Judge, and | 7 8 9 |
| | (b) the eligible Judge may administer an oath or affirmation to the person. | 10 11 |
| (5) | The eligible Judge has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the eligible Judge's functions with respect to the hearing of an application, and any specific powers conferred on the eligible Judge by this Act must not be taken to limit by implication the generality of this subsection. | 12 13 14 15 16 17 |
| 8B | Contempt of eligible Judge | 18 |
| (1) | The eligible Judge may report the following matters to the Court: | 19 |
| | (a) if a person fails to be present at a hearing of an application under this Part after having been served with a summons under section 8A, | 20 21 22 |
| | (b) if a person fails to produce any document or other thing in the person's custody or control that the person is required by such a summons to produce, | 23 24 25 |
| | (c) if a person refuses to be sworn or to make an affirmation or refuses or otherwise fails to answer any question that is put to the person by the eligible Judge at the hearing of an application under this Part, | 26 27 28 29 |
| | (d) if a person wilfully threatens or insults the eligible Judge or any other person present at such a hearing, | 30 31 |
| | (e) if a person misbehaves himself or herself before the eligible Judge, | 32 33 |
| | (f) if a person interrupts the proceedings of the hearing, | 34 |
| | (g) if a person obstructs or attempts to obstruct the eligible Judge, | 35 36 |
| | (h) if a person does any other thing that, if the eligible Judge were a court of law having power to commit for contempt, would be contempt of that court. | 37 38 39 |

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| (2) | If the eligible Judge reports a matter to the Court under subsection (1), the Court may deal with the matter as if it were a contempt of the Court. However, a person is not liable to be punished for contempt under this subsection if the person establishes that there was a reasonable excuse for the act or omission concerned. | 1 2 3 4 5 6 |
| [6] | Section 9 Eligible Judge may make declaration | 7 |
| | Insert “in New South Wales” after “organisation” in section 9 (1) (a). | 8 |
| [7] | Section 9 (1) (b) | 9 |
| | Omit the paragraph. Insert instead: | 10 |
| | (b) the continued existence of the organisation represents a risk to public safety and order in this State, | 11 12 |
| [8] | Section 9 (2) (a) | 13 |
| | Insert “in New South Wales” after “activity”. | 14 |
| [9] | Section 9 (2) (b) and (c) | 15 |
| | Insert “in New South Wales” after “organisation” wherever occurring. | 16 |
| [10] | Section 9 (4) (a) | 17 |
| | Omit the paragraph. Insert instead: | 18 |
| | (a) whether or not all the members in New South Wales associate for that purpose or only some of the members (provided that, if the eligible Judge is satisfied that only some of the members in New South Wales associate for that purpose, the eligible Judge must be satisfied that those members constitute a significant group within the organisation in New South Wales, either in terms of their numbers or in terms of their capacity to influence the organisation or its members in New South Wales), and | 19 20 21 22 23 24 25 26 27 |
| [11] | Section 9 (4) (b) and (c) | 28 |
| | Insert “in New South Wales” after “members” wherever occurring. | 29 |
| [12] | Section 11 Duration of declaration | 30 |
| | Omit “3 years” from section 11 (2). Insert instead “5 years”. | 31 |
| [13] | Section 12 Revocation of declaration | 32 |
| | Insert “in New South Wales” after “organisation” in section 12 (4) (a). | 33 |

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| [14] Section 12 (4) (b) | 1 |
| Insert “continued existence of the” before “organisation”. | 2 |
| [15] Section 13 Conduct of hearings of applications for declarations under this Part | 3 |
| Insert after section 13 (2): | 4 |
| (3) The eligible Judge is to prepare and sign a written statement of reasons for the decision. | 5 |
| (4) The eligible Judge must, as soon as practicable, provide a copy of the statement to the Commissioner and the registrar. | 6 |
| (5) The Commissioner is to ensure that the written statement is published in the Gazette. | 7 |
| (6) Nothing in this section authorises or requires the disclosure of information by an eligible Judge where an obligation to maintain the confidentiality of the information otherwise exists (whether under section 28 or 29 or some other Act or law). | 8 |
| [16] Section 20A | 9 |
| Insert after section 20: | 10 |
| 20A Proof of certain matters | 11 |
| (1) A copy of a written statement of reasons for making a declaration under Part 2 in respect of an organisation identified in the declaration that was signed in accordance with section 13 (3) by the eligible Judge who made the declaration is admissible in proceedings under this Division with respect to an application for a control order and is evidence of the following facts: | 12 |
| (a) that the organisation is a declared organisation, | 13 |
| (b) that a person identified as a member of that organisation is a member of that organisation, | 14 |
| (c) that: | 15 |
| (i) members of that organisation in New South Wales associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity, and | 16 |
| (ii) the continued existence of that organisation represents a risk to public safety and order in this State. | 17 |

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| (2) | Except for the purpose of proceedings under this Division, a finding or opinion in the written statement that specified persons: | 1 |
| | | 2 |
| (a) | are members of the declared organisation identified in the declaration, and | 3 |
| | | 4 |
| (b) | associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity, | 5 |
| | | 6 |
| | | 7 |
| | is not in itself a finding or opinion that the persons are guilty of or have committed, or are about to commit, criminal offences. | 8 |
| | | 9 |
| [17] | Part 3A | 10 |
| | Insert after Part 3: | 11 |
| | Part 3A Reciprocal recognition and enforcement of declarations and orders | 12 |
| | | 13 |
| | Division 1 Preliminary | 14 |
| | 27A Definitions | 15 |
| | In this Act: | 16 |
| | <i>interstate control order</i> means an order made under a provision of a law of another State or Territory that is prescribed by the regulations for the purposes of this definition. | 17 |
| | | 18 |
| | | 19 |
| | <i>interstate declaration</i> means a declaration made under a provision of a law of another State or Territory that is prescribed by the regulations for the purposes of this definition. | 20 |
| | | 21 |
| | | 22 |
| | <i>registrar</i> means a person who is: | 23 |
| (a) | appointed in accordance with section 120 of the <i>Supreme Court Act 1970</i> , and | 24 |
| | | 25 |
| (b) | nominated by the Principal Registrar of the Court for the purposes of this Act. | 26 |
| | | 27 |
| | <i>respondent</i> means the organisation the subject of an interstate declaration or the person the subject of an interstate control order (as the case may be). | 28 |
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| Division 2 | Registration of interstate declaration in New South Wales | 1 |
| | | 2 |
| 27B | Application for registration of interstate declaration in New South Wales | 3 |
| | | 4 |
| (1) | The Commissioner may apply to the registrar for the registration of an interstate declaration. | 5 |
| | | 6 |
| (2) | An application for registration must: | 7 |
| (a) | be made in writing, and | 8 |
| (b) | be accompanied by an affidavit from the Commissioner including or accompanied by the following: | 9 |
| | | 10 |
| (i) | a copy of the interstate declaration, | 11 |
| (ii) | enough information to satisfy the registrar that the declaration is an interstate declaration that is in force. | 12 |
| | | 13 |
| | | 14 |
| (3) | An application for registration of an interstate declaration does not need to be served on the respondent. | 15 |
| | | 16 |
| 27C | When interstate declaration cannot be registered | 17 |
| | An application for registration of an interstate declaration cannot be made, and an interstate declaration cannot be registered, if any of the following apply to the declaration: | 18 |
| | | 19 |
| | | 20 |
| (a) | the law of the jurisdiction in which the declaration was made specifies a period within which the respondent may appeal against the declaration, and that period is still running, | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
| (b) | the determination of an application by the respondent for leave to appeal against the declaration (whether made before or after any appeal period has expired) is pending, | 25 |
| | | 26 |
| | | 27 |
| (c) | the determination of an appeal by the respondent against the declaration is pending. | 28 |
| | | 29 |
| 27D | Registration of interstate declaration | 30 |
| | The registrar must register an interstate declaration that is the subject of an application under this Division if the registrar is satisfied of the following: | 31 |
| | | 32 |
| | | 33 |
| (a) | that the declaration is in force, | 34 |
| (b) | if the law of the jurisdiction in which the declaration was made requires notice of the declaration to be published—that the requirement has been complied with, | 35 |
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| (c) | if the law of the jurisdiction in which the declaration was made requires notice of the declaration to be served on any organisation, person or group of persons—that the requirement has been complied with or is taken to have been complied with, | 1 2 3 4 5 |
| (d) | that section 27C does not prevent registration of the declaration. | 6 7 |
| 27E | Period of registration | 8 |
| (1) | On registering an interstate declaration, the registrar is to specify the date on which the registration expires. | 9 10 |
| (2) | The date specified by the registrar is to be the date on which the interstate declaration would cease to be in force in the jurisdiction in which it was made if it were not sooner revoked. | 11 12 13 |
| (3) | The registration of the interstate declaration expires on the specified date. | 14 15 |
| (4) | Subsections (1)–(3) do not apply if, under the law of the jurisdiction in which the interstate declaration was made, the interstate declaration remains in force for an indefinite period, in which case: | 16 17 18 19 |
| (a) | on registering the declaration—the registrar is to specify that the registration is in force for an indefinite period, and | 20 21 |
| (b) | the registration of the interstate declaration does not expire. | 22 23 |
| 27F | Notice of registration | 24 |
| (1) | Not later than 2 working days after registering an interstate declaration, the registrar must give the Commissioner a certificate of the registration with a copy of the registered interstate declaration attached. | 25 26 27 28 |
| (2) | As soon as practicable after receiving a copy of the registered interstate declaration, the Commissioner must: | 29 30 |
| (a) | publish notice of the registration of the interstate declaration in the Gazette and in at least one newspaper circulating throughout the State, and | 31 32 33 |
| (b) | give notice of the registration to the commissioner (by whatever name called) of the police force or police service of the State or Territory in which the interstate declaration was made and, if the interstate declaration was made by a court, a registrar of that court. | 34 35 36 37 38 |

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| 27G | Commencement and duration of registered interstate declaration | 1 |
| | A registered interstate declaration: | 2 |
| | (a) comes into force in New South Wales on the day after the day on which notice of registration of the declaration is published in the Gazette under section 27F, and | 3 4 5 |
| | (b) remains in force in New South Wales until one of the following occurs: | 6 7 |
| | (i) the registration of the declaration expires in accordance with section 27E, | 8 9 |
| | (ii) the registration of the declaration is cancelled under this Part. | 10 11 |
| 27H | Effect of registration of interstate declaration | 12 |
| | (1) A registered interstate declaration that has come into force under section 27G operates in New South Wales as if it were a declaration made under section 9. | 13 14 15 |
| | (2) A change in the name or the membership of an organisation that is the subject of a registered interstate declaration does not affect its registration or effect in this State. | 16 17 18 |
| 27I | Cancellation of registration of interstate declaration on revocation in jurisdiction where originally made | 19 20 |
| | (1) This section applies to a registered interstate declaration if: | 21 |
| | (a) the declaration is revoked in the jurisdiction in which it was made, and | 22 23 |
| | (b) the registrar receives notice of the revocation. | 24 |
| | (2) On receiving notice of the revocation of the registered interstate declaration, the registrar must: | 25 26 |
| | (a) cancel the registration of the declaration without delay, and the cancellation takes effect immediately, and | 27 28 |
| | (b) give the Commissioner written notice of the cancellation. | 29 |
| 27J | Cancellation of registration of interstate declaration at request of Commissioner | 30 31 |
| | (1) The Commissioner may, at any time while an interstate declaration is registered under this Part, apply to the registrar to cancel the registration of the declaration. | 32 33 34 |
| | (2) On receiving an application under this section, the registrar must: | 35 |
| | (a) cancel the registration of the declaration without delay, and the cancellation takes effect immediately, and | 36 37 |

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| | (b) give the Commissioner written notice of the cancellation. | 1 |
| 27K | Cancellation of registration of interstate declaration by Court | 2 |
| (1) | The Court may, on application by the respondent, cancel the registration of an interstate declaration if satisfied that the declaration should not have been registered in accordance with this Part. | 3 4 5 6 |
| (2) | The Commissioner is a party to the application. | 7 |
| (3) | If the registration of an interstate declaration is cancelled under this section, any control order made under this Act relating to a member of the organisation that is the subject of the interstate declaration on the basis of the declaration ceases to have effect. | 8 9 10 11 |
| (4) | Nothing in this section authorises the Court to reconsider the merits of the interstate declaration. | 12 13 |
| 27L | Notice of cancellation or expiry of registration of interstate declaration | 14 15 |
| | As soon as practicable after the registration of an interstate declaration is cancelled under this Part or expires, the Commissioner must: | 16 17 18 |
| (a) | publish notice of the cancellation or expiration in the Gazette and in at least one newspaper circulating throughout the State, and | 19 20 21 |
| (b) | give notice of the cancellation or expiration to the commissioner (by whatever name called) of the police force or police service of the State or Territory in which the declaration was made and, if the declaration was made by a court, a registrar of that court. | 22 23 24 25 26 |
| Division 3 | Registration of interstate control order in New South Wales | 27 28 |
| 27M | Application for registration of interstate control order in New South Wales | 29 30 |
| (1) | The Commissioner may apply to the registrar for the registration of an interstate control order. | 31 32 |
| (2) | An application for registration must: | 33 |
| (a) | be made in writing, and | 34 |
| (b) | be accompanied by an affidavit from the Commissioner including or accompanied by the following: | 35 36 |
| (i) | a copy of the interstate control order, | 37 |

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| (ii) | enough information to satisfy the registrar that the order is an interstate control order that is in force. | 1 2 |
| (3) | The application must state: | 3 |
| (a) | whether the Commissioner believes it is necessary for the interstate control order to be adapted or modified for its effective operation in New South Wales, and | 4 5 6 |
| (b) | if so, the details of the adaptation or modification that the Commissioner believes to be necessary. | 7 8 |
| (4) | An application for the registration of an interstate control order does not need to be served on the respondent. | 9 10 |
| 27N | When interstate control order cannot be registered | 11 |
| | An application for registration of an interstate control order cannot be made, and an interstate control order cannot be registered, if: | 12 13 14 |
| (a) | the respondent is subject to a control order or interim control order under Part 3, or | 15 16 |
| (b) | any of the following apply to the order: | 17 |
| (i) | the law of the jurisdiction in which the order was made specifies a period within which the respondent may appeal against the order, and that period is still running, | 18 19 20 21 |
| (ii) | the determination of an application by the respondent for leave to appeal against the order (whether made before or after any appeal period has expired) is pending, | 22 23 24 25 |
| (iii) | the determination of an appeal by the respondent against the order is pending. | 26 27 |
| 27O | Registration of interstate control order | 28 |
| (1) | The registrar must register an interstate control order that is the subject of an application under this Division if the registrar is satisfied of the following: | 29 30 31 |
| (a) | that the order is in force, | 32 |
| (b) | that the order was served, or taken to be served, on the respondent under the law of the jurisdiction where the order was made, | 33 34 35 |
| (c) | that section 27N does not prevent registration of the order, | 36 |
| (d) | that the order does not need to be adapted or modified for its effective operation in New South Wales. | 37 38 |

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| (2) | If the registrar considers that the order needs to be adapted or modified for its effective operation in New South Wales, the registrar must refer the application to the Court. | 1 2 3 |
| 27P | Referral of application to Court for adaptation or modification | 4 |
| (1) | If an application is referred to the Court under section 27O, the Commissioner must serve a copy of the application, with any accompanying affidavit, and an appearance notice, personally on the respondent. | 5 6 7 8 |
| (2) | The application may be heard in the respondent's absence if the Court is satisfied that a copy of the application and an appearance notice were served on the respondent under subsection (1). | 9 10 11 |
| (3) | In this section: <i>appearance notice</i> means a notice in writing stating the following in relation to an interstate control order: | 12 13 14 |
| (a) | that an application for the registration of the interstate control order has been referred to the Court, | 15 16 |
| (b) | when and where the application is to be heard, | 17 |
| (c) | that the respondent is required to appear at the hearing, | 18 |
| (d) | that the interstate control order, or the interstate control order as varied by the Court, may be registered in the respondent's absence if the respondent fails to appear at the hearing. | 19 20 21 22 |
| 27Q | Determination of application for registration | 23 |
| (1) | On hearing an application referred to it under section 27O the Court may direct the registrar to register the order: | 24 25 |
| (a) | with any adaptations or modifications that the Court considers necessary or desirable for its effective operation in New South Wales, or | 26 27 28 |
| (b) | without any adaptations or modifications. | 29 |
| (2) | Before giving a direction under subsection (1), the Court must: | 30 |
| (a) | be satisfied of the matters set out in section 27O (1) (a)–(c), and | 31 32 |
| (b) | consider: | 33 |
| (i) | anything that could be considered by the Court if the application were an application for a control order under this Act, and | 34 35 36 |
| (ii) | any changes in the respondent's circumstances since the interstate control order was made. | 37 38 |

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| (3) | The registrar must register the interstate control order in accordance with the direction of the Court. | 1 2 |
| 27R | Period of registration | 3 |
| (1) | On registering an interstate control order, the registrar is to specify the date on which the registration expires. | 4 5 |
| (2) | The date specified by the registrar is to be the date on which the interstate control order would cease to be in force in the jurisdiction in which it was made if it were not sooner revoked. | 6 7 8 |
| (3) | The registration of the interstate control order expires on the specified date. | 9 10 |
| (4) | Subsections (1)–(3) do not apply if, under the law of the jurisdiction in which the interstate control order was made, the interstate control order remains in force for an indefinite period, in which case: | 11 12 13 14 |
| (a) | on registering the order—the registrar is to specify that the registration is in force for an indefinite period, and | 15 16 |
| (b) | the registration of the interstate control order does not expire. | 17 18 |
| 27S | Notice of registration | 19 |
| (1) | Not later than 2 working days after registering an interstate control order, the registrar must give the Commissioner a certificate of the registration with a copy of the registered interstate control order attached. | 20 21 22 23 |
| (2) | As soon as practicable after receiving a copy of the registered interstate control order, the Commissioner must: | 24 25 |
| (a) | serve a copy of the order personally on the respondent, and | 26 |
| (b) | publish notice of the registration of the interstate control order in the Gazette and in at least one newspaper circulating throughout the State. | 27 28 29 |
| 27T | Commencement and duration of registered interstate control order | 30 31 |
| | A registered interstate control order: | 32 |
| (a) | comes into force in New South Wales on the day on which the respondent is served personally with a copy of the order, and | 33 34 35 |
| (b) | remains in force in New South Wales until one of the following occurs: | 36 37 |

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| | (i) the registration of the order expires in accordance with section 27R, | 1 2 |
| | (ii) the registration of the order is cancelled under this Part. | 3 4 |
| 27U | Effect of registration of interstate control order | 5 |
| | A registered interstate control order that has come into force under section 27T operates in New South Wales as if it were a control order made under Part 3 but the provisions of Part 3 (other than Division 3) do not apply in relation to the registered interstate control order. | 6 7 8 9 10 |
| 27V | Variation or revocation of interstate control order in jurisdiction where originally made | 11 12 |
| | (1) If an interstate control order is varied by a court in the jurisdiction in which it was made: | 13 14 |
| | (a) the variations to the order may be registered under this Part in the same way as the interstate control order is registered, whether the variations were made before or after registration of the interstate control order, and | 15 16 17 18 |
| | (b) the provisions of this Part apply accordingly with all necessary modifications. | 19 20 |
| | (2) Subsection (3) applies to a registered interstate control order if: | 21 |
| | (a) the order is revoked by a court in the jurisdiction in which the order was made, and | 22 23 |
| | (b) the registrar receives notice of that revocation from an officer of that court or from the Commissioner. | 24 25 |
| | (3) On receiving notice of the revocation, the registrar must: | 26 |
| | (a) cancel the registration of the order without delay, and the cancellation takes effect immediately, and | 27 28 |
| | (b) give the Commissioner written notice of that cancellation. | 29 |
| | (4) As soon as practicable after receiving notice of the cancellation of the registration of an interstate control order, the Commissioner must serve a copy of the notice personally on the respondent. | 30 31 32 33 |
| 27W | Cancellation of registration of interstate control order by Court | 34 |
| | (1) The Court may, on application by the respondent, cancel the registration of an interstate control order if satisfied that the control order should not have been registered in accordance with section 27O. | 35 36 37 38 |

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| | (2) The Commissioner is a party to the application. | 1 |
| | (3) If the registration of an interstate control order is cancelled under this section, the interstate control order ceases to have effect in New South Wales and the respondent is taken not to have committed any offence under Division 3 of Part 3 as a controlled member. | 2 3 4 5 6 |
| | (4) Nothing in this section authorises the Court to reconsider the merits of the interstate control order. | 7 8 |
| 27X | Cancellation of registration of interstate control order at request of Commissioner | 9 10 |
| | (1) The Commissioner may, at any time while an interstate control order is registered under this Part, apply to the registrar to cancel the registration of the order. | 11 12 13 |
| | (2) On receiving an application under this section, the registrar must: | 14 |
| | (a) cancel the registration of the order without delay, and the cancellation takes effect immediately, and | 15 16 |
| | (b) give the Commissioner written notice of the cancellation. | 17 |
| | (3) As soon as practicable after receiving notice of the cancellation of the registration of an interstate control order, the Commissioner must serve a copy of the notice of cancellation personally on the respondent. | 18 19 20 21 |
| 27Y | Registration of interstate control order cancelled automatically in certain circumstances | 22 23 |
| | The registration of an interstate control order under this Part is immediately cancelled if: | 24 25 |
| | (a) the person to whom the order relates becomes subject to a control order or interim control order under Part 3, or | 26 27 |
| | (b) the order was made in reliance on the person to whom it relates: | 28 29 |
| | (i) being a member of a particular organisation that is subject to an interstate declaration that is no longer in force, or | 30 31 32 |
| | (ii) associating with a member of a particular organisation that is subject to an interstate declaration that is no longer in force. | 33 34 35 |

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| [18] Section 34 Immunity from liability | 1 |
| Insert at the end of the section: | 2 |
| (2) An Australian legal practitioner representing a person who is entitled to make submissions at the hearing of an application under Part 2 has the same protection and immunity as a barrister (within the meaning of the <i>Legal Profession Act 2004</i>) has in appearing for a party in proceedings in the Supreme Court. | 3 4 5 6 7 |
| [19] Section 36 Proceedings for offences | 8 |
| Omit the note to the section. Insert instead: | 9 |
| Note. Offences under section 26 (1A) or (1B) or 26A remain indictable offences. Chapter 5 of the <i>Criminal Procedure Act 1986</i> requires those offences to be dealt with summarily unless the prosecutor or defendant elects to have them dealt with on indictment. | 10 11 12 13 |