

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) AMENDMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

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

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

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

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

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

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

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

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