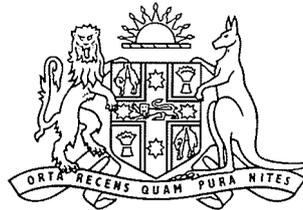


Passed by both Houses



New South Wales

# Firearms and Criminal Groups Legislation Amendment Bill 2013

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2013*



New South Wales

## **Firearms and Criminal Groups Legislation Amendment Bill 2013**

Act No , 2013

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An Act to amend the *Firearms Act 1996* to make further provision with respect to firearms prohibition orders and offences; to amend the *Restricted Premises Act 1943* to make further provision with respect to premises attended by reputed criminals; to amend the *Crime Commission Act 2012* to provide for the investigation by the Crime Commission of the criminal activities of criminal groups; and for other purposes.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Firearms and Criminal Groups Legislation Amendment Act 2013*.

**2 Commencement**

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

## Schedule 1 Amendment of Firearms Act 1996 No 46

- [1] **Section 3 Principles and objects of Act**  
Omit “sales” from section 3 (2) (d). Insert instead “supply”.
- [2] **Section 4 Definitions**  
Omit the definition of *acquire* in section 4 (1). Insert instead:  
*acquire* means accept or receive supply of.
- [3] **Section 4 (1), definition of “firearms dealer”**  
Omit “purchases, sells, transfers” from paragraph (a). Insert instead “acquires, supplies”.
- [4] **Section 4 (1), definitions of “purchase” and “sell”**  
Omit the definitions.
- [5] **Section 4 (1), definition of “supply”**  
Insert in alphabetical order:  
*supply* means transfer ownership of, whether by sale, gift, barter, exchange or otherwise, and includes the following:  
(a) offer for supply, receive for supply, have in possession for supply or expose or exhibit for supply,  
(b) conduct negotiations for supply,  
(c) consign or deliver for supply,  
(d) cause or allow supply.
- [6] **Section 4 (3) (b)**  
Omit “bought”. Insert instead “acquired”.
- [7] **Section 4 (3) (b)**  
Omit “sold”. Insert instead “supplied”.
- [8] **Sections 6A (4) and (5), 37 (1) (b), 45 (2) and (3), 51, 51A (2), 51B (2) and (8), 51BA, 51BB (2) and 54**  
Omit “sale” wherever occurring. Insert instead “supply”.
- [9] **Sections 6A (4) and (5), 45 (2) and (3), 45A (3) and 52 (3)**  
Omit “purchase” wherever occurring. Instead “acquisition”.
- [10] **Sections 7 (1) and (2) (a), 36 (1), 50, 50AA (2), 50A (2), 51 (1A) and (2A), 51A, 51BA (2), 51D (2), 70 and 72 (1)**  
Omit “prohibited firearm or pistol” wherever occurring.  
Insert instead “pistol or prohibited firearm”.
- [11] **Section 8 Licence categories and authority conferred by licence**  
Omit “purchase, sell, transfer” where firstly and secondly occurring in the matter under the heading “**Firearms dealer licence**” in section 8 (1).  
Insert instead “acquire, supply”.

**[12] Section 8 (1)**

Omit “purchase or sell” wherever occurring in the matter under the heading “**Firearms dealer licence**”.

Insert instead “acquire or supply”.

**[13] Section 8 (1)**

Omit “purchase, sell, transfer, supply” from the matter under the heading “**Firearms dealer licence**”.

Insert instead “acquire, supply”.

**[14] Section 20 Firearms collector licences—special conditions**

Omit “sold, transferred or otherwise disposed of” from section 20 (c).

Insert instead “supplied”.

**[15] Section 20 (d)**

Omit “bought, or otherwise acquired,”. Insert instead “acquired”.

**[16] Section 28 General power to issue permits**

Omit “, selling or transfer” from section 28 (d). Insert instead “or supply”.

**[17] Section 30 General provisions relating to permits**

Insert after section 30 (3):

- (3A) A permit that authorises a person to possess or use a firearm is automatically revoked if the holder of the permit becomes subject to a firearms prohibition order.

**[18] Section 30 (5)**

Insert “by the Commissioner” after “a permit”.

**[19] Sections 36 (1), 51 (1)–(2A), 51BA (1) and (2), 61 (1), 62 (1) (c), 64 (2) and 65A (1)**

Omit “sell” wherever occurring. Insert instead “supply”.

**[20] Sections 36 (1), 49 (1), 50, 50AA (1) and (2), 51A (2) and 65 (2)**

Omit “purchase” wherever occurring. Insert instead “acquire”.

**[21] Section 36 Unregistered firearms**

Omit “purchasing” from section 36 (3). Insert instead “acquiring”.

**[22] Sections 37 (1) (b), 45 (2) (d) (iii) and (6) (c) and 45A (7) (b)**

Omit “sold” wherever occurring. Insert instead “supplied”.

**[23] Sections 45 (6) (c), 45A (3) (a) and (7) (b) and 65 (2)**

Omit “purchased” wherever occurring. Insert instead “acquired”.

**[24] Section 45A Recording of ammunition transactions**

Omit “sales and purchases” wherever occurring in section 45A (1) and (6).

Insert instead “transactions involving the supply or acquisition”.

**[25] Section 45A (2)**

Omit the subsection. Insert instead:

- (2) The record must contain the following particulars for each transaction involving the supply of ammunition by the dealer:
  - (a) the name and address of the other person to whom the ammunition was supplied,
  - (b) the number of the other person's licence or permit for a firearm that takes the ammunition or for a permit that authorises the person to acquire the ammunition,
  - (c) in the case of the supply of ammunition that is subject to the requirements of section 65A—the number of the relevant notice of registration for a firearm or permit to acquire a firearm that was seen by the dealer at the time of the supply,
  - (d) in the case of the supply of ammunition to a member of a shooting club by the club armourer for the club for use in a club firearm (as referred to in section 65A)—the number of the relevant notice of registration for the club firearm concerned,
  - (e) such other particulars as may be prescribed by the regulations.

**[26] Section 45A (4)**

Omit the subsection. Insert instead:

- (4) A record under this section must, subject to the regulations, be made within 24 hours after the transaction to which it relates was made.

**[27] Section 50B**

Insert after section 50A:

**50B Giving possession of firearms or firearm parts to unauthorised persons**

- (1) A person must not give possession of a firearm to another person unless the other person is authorised to possess the firearm by a licence or permit or is otherwise authorised to have possession of the firearm.

Maximum penalty: imprisonment for 14 years if the firearm concerned is a pistol or prohibited firearm, or imprisonment for 5 years in any other case.

**Note.** Offences relating to "supply" (ie transferring ownership) are set out elsewhere in this Part.

- (2) A person must not give possession of a firearm part to another person unless the other person is the holder of a licence or permit for the kind of firearm to which the firearm part relates or is otherwise authorised to have possession of the firearm part.

Maximum penalty: imprisonment for 14 years if the firearm part relates solely to any kind of pistol or prohibited firearm, or imprisonment for 5 years in any other case.

**[28] Sections 51 (1) and (1A) and 51BA (1) and (2)**

Omit "seller" wherever occurring. Insert instead "supplier".

**[29] Sections 51 (1) and (1A) and 51BA (1) and (2)**

Omit "*(the purchaser)*" wherever occurring.

- [30] Sections 51 (1) and (1A) and 51BA (1) (b) and (2) (b)**  
Omit “purchaser” wherever occurring. Insert instead “other person”.
- [31] Sections 51 (1) (b) and (1A) (b) and 51BA (1) (c) and (2) (c)**  
Omit “purchaser’s” wherever occurring. Insert instead “other person’s”.
- [32] Section 51A Restrictions on acquiring firearms**  
Omit section 51A (1). Insert instead:
- (1) A person (*the receiver*) must not acquire a firearm from another person (*the supplier*) unless:
    - (a) the supplier is authorised to possess the firearm by a licence or permit, and
    - (b) the supplier’s licence or permit has been produced to, and inspected by, the receiver.
- [33] Sections 51B (2) and 51BB (3)**  
Omit “selling” wherever occurring. Insert instead “supplying”.
- [34] Section 51B Supplying firearms on an ongoing basis**  
Omit “selling” wherever occurring in section 51B (3)–(8). Insert instead “supply”.
- [35] Section 51CA**  
Insert after section 51C:
- 51CA Attempts**
- Any person who attempts to commit an offence under another provision of this Act is guilty of an offence under that other provision and is liable, on conviction, to the same penalty applicable to an offence under that other provision.
- [36] Section 65 Supply, acquisition and possession of ammunition**  
Omit section 65 (1). Insert instead:
- (1) A person must not supply or give possession of ammunition for any firearm to another person unless:
    - (a) the other person is the holder of a licence or permit for a firearm which takes that ammunition, or
    - (b) the other person is authorised to acquire it by a permit.
  - (1A) In addition to subsection (1), a licensed firearms dealer must not supply or give possession of ammunition for any firearm to another person unless the firearms dealer has seen:
    - (a) a licence or permit held by the other person for a firearm which takes that ammunition, or
    - (b) a permit held by the other person authorising the person to acquire the ammunition.
- Note.** Section 65A imposes additional requirements for the supply of ammunition by licensed firearms dealers.
- [37] Section 65A Supply of ammunition by firearms dealers—additional requirements**  
Omit “purchaser” wherever occurring in section 65A (1). Insert instead “person”.

**[38] Section 65A (3) and (4)**

Omit “a sale” wherever occurring. Insert instead “the supply”.

**[39] Part 7**

Omit the Part. Insert instead:

## **Part 7 Firearms prohibition orders**

### **73 Firearms prohibition orders**

- (1) The Commissioner may make a firearms prohibition order against a person if, in the opinion of the Commissioner, the person is not fit, in the public interest, to have possession of a firearm.
- (2) A firearms prohibition order takes effect when a police officer serves a copy of the order personally on the person against whom it is made.
- (3) The Commissioner may revoke a firearms prohibition order at any time for any or no stated reason.

### **74 Effect of firearms prohibition order**

(1) **Prohibition on persons acquiring, possessing or using firearms, firearm parts or ammunition**

A person who is subject to a firearms prohibition order must not acquire, possess or use a firearm.

Maximum penalty: imprisonment for 14 years if the firearm is a pistol or prohibited firearm, or imprisonment for 5 years in any other case.

- (2) A person who is subject to a firearms prohibition order must not acquire or possess a firearm part.

Maximum penalty: imprisonment for 14 years if the firearm part relates solely to any kind of pistol or prohibited firearm, or imprisonment for 5 years in any other case.

- (3) A person who is subject to a firearms prohibition order must not acquire or possess ammunition.

Maximum penalty: imprisonment for 5 years.

(4) **Prohibition on supplying firearms etc to persons subject to orders**

A person must not supply or give possession of a firearm or firearm part to another person knowing that the other person is subject to a firearms prohibition order.

Maximum penalty: imprisonment for 14 years if the firearm is a pistol or prohibited firearm or if the firearm part relates solely to any kind of pistol or prohibited firearm, or imprisonment for 5 years in any other case.

- (5) A person must not supply or give possession of ammunition to another person knowing that the other person is subject to a firearms prohibition order.

Maximum penalty: imprisonment for 5 years.

(6) **Prohibition on persons residing at premises where there are firearms etc**

A person who is subject to a firearms prohibition order is guilty of an offence if a firearm, firearm part or ammunition is kept or found on premises at which the person is residing.

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

- (7) It is a defence to a prosecution for an offence under subsection (6) if the defendant proves that the defendant:
- (a) did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on the premises, or
  - (b) took reasonable steps to prevent the firearm, firearm part or ammunition from being on the premises.

(8) **Prohibition on persons attending certain premises**

A person who is subject to a firearms prohibition order must not without reasonable excuse attend:

- (a) the premises specified in a firearms dealer's licence, or
- (b) a shooting range, or
- (c) the premises of a firearms club, or
- (d) any other premises of a kind prescribed by the regulations.

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

- (9) Membership of a firearms club is not a reasonable excuse for the purposes of subsection (8).

(10) **Exemptions**

The Commissioner may by order exempt a person, either unconditionally or subject to conditions, from a specified provision of this section.

(11) **Proof of possession of firearm parts and ammunition**

For the purposes of any proceedings for an offence under this section, a reference in section 4A to a firearm is taken to include a reference to a firearm part or ammunition.

**74A Powers of police to search for firearms in possession of person subject to firearms prohibition order**

- (1) The powers of a police officer under this section may be exercised as reasonably required for the purposes of determining whether a person who is subject to a firearms prohibition order has committed an offence under section 74 (1), (2) or (3).

- (2) A police officer may:

- (a) detain a person who is subject to a firearms prohibition order, or
- (b) enter any premises occupied by or under the control or management of such a person, or
- (c) stop and detain any vehicle, vessel or aircraft occupied by or under the control or management of such a person,

and conduct a search of the person, or of the premises, vehicle, vessel or aircraft, for any firearms, firearm parts or ammunition.

- (3) In this section, *premises* includes any place, whether built on or not.

**74B Monitoring of police search powers by Ombudsman**

- (1) For the period of 2 years after the commencement of section 74A, the Ombudsman is to keep under scrutiny the exercise of powers conferred on police officers under that section.

- (2) For that purpose, the Ombudsman may require the Commissioner to provide information about the exercise of those powers.

- (3) The Ombudsman must, as soon as practicable after the end of that 2-year period, prepare a report on the exercise of the powers conferred on police officers under section 74A and furnish a copy of the report to the Minister, the Attorney General and the Commissioner.
- (4) The Ombudsman may in the report identify, and include recommendations for consideration by the Minister about, amendments that might appropriately be made to this Act with respect to the exercise of functions conferred on police officers under section 74A.
- (5) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.
- (6) If a House of Parliament is not sitting when the Minister seeks to lay a report before it, the Minister may present copies of the report to the Clerk of the House concerned.
- (7) The report that is presented to the Clerk of a House:
  - (a) is, on presentation and for all purposes, taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk of the House, and
  - (c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and
  - (d) is to be recorded:
    - (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and
    - (ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,on the first sitting day of the House after receipt of the report by the Clerk.

**[40] Section 75 Review by Administrative Decisions Tribunal of certain decisions**

Insert after section 75 (1):

- (1A) Despite subsection (1), a person may not apply for a review of a firearms prohibition order made against the person if the person would be required under section 11 (5) or 29 (3) to be refused a licence or permit (a *disqualified person*) had the person not been subject to a firearms prohibition order.
- (1B) However, the decision to make a firearms prohibition order against a disqualified person is taken to be a reviewable decision for the purposes of section 53 (Internal reviews) of the *Administrative Decisions Tribunal Act 1997* and that section applies, with such modifications as are necessary, in relation to the decision to make such an order.

**[41] Section 81 Delegation**

Insert after section 81 (2):

- (2A) Despite subsection (1), the functions of the Commissioner under section 73 or 74 may be delegated only to a police officer of or above the rank of inspector.

**[42] Section 84 Proceedings for offences**

Insert "50B," after "50A (1)," in section 84 (2).

**[43] Section 84 (2)**

Omit “74”. Insert instead “74 (1)–(5)”.

**[44] Schedule 3 Savings and transitional provisions**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Firearms  
and Criminal Groups Legislation Amendment Act  
2013**

**Existing firearms prohibition orders**

Part 7 of this Act (as substituted by the *Firearms and Criminal Groups Legislation Amendment Act 2013*) extends to a firearms prohibition order in force immediately before that substitution.

## Schedule 2 Amendment of Restricted Premises Act 1943 No 6

### [1] Section 2 Definitions

Insert in alphabetical order:

**associate of a reputed criminal** includes (without limitation) a person who has been given an official warning under section 93X of the *Crimes Act 1900*.

**explosive** has the same meaning as in the *Explosives Act 2003*.

**reputed criminal** includes (without limitation) a person who:

- (a) has been convicted of an indictable offence (including an offence under section 93X of the *Crimes Act 1900*), or
- (b) is engaged in an organised criminal activity within the meaning of section 46AA of the *Law Enforcement (Powers and Responsibilities) Act 2002*, or
- (c) is a controlled member of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*.

**reputed criminal declaration**—see section 3 (3).

**weapon** means:

- (a) a firearm, or an imitation firearm, within the meaning of the *Firearms Act 1996*, or
- (b) a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*.

### [2] Section 3 Declaration by Supreme Court or District Court in relation to premises

Insert after section 3 (2):

- (3) The appropriate Court may, in declaring premises to be premises to which this Part applies, state that the reason (or the predominant reason) for the declaration is that:

- (a) reputed criminals have attended or are likely to attend the premises, or
- (b) a reputed criminal has, or takes part or assists in, the control or management of the premises.

Any such declaration is a **reputed criminal declaration** for the purposes of this Act.

### [3] Sections 8 (2) and 9 (2)

Omit “this section” wherever occurring. Insert instead “subsection (1)”.

### [4] Section 8 Offence by owner of premises

Insert after section 8 (2):

- (2A) After the service of a notice under section 6 on the owner of premises of the making of a reputed criminal declaration, the owner is guilty of an offence if, while the declaration is in force, a reputed criminal:

- (a) attends the premises, or
- (b) has, or takes part or assists in, the control or management of the premises.

Maximum penalty: 150 penalty units or imprisonment for 3 years, or both.

- (2B) An owner of premises is not guilty of an offence under subsection (2A) if the owner proves that he or she has taken all reasonable steps to prevent a reputed criminal:
- (a) attending the premises, or
  - (b) having, or taking part or assisting in, the control or management of the premises.
- (2C) A person is not liable to be convicted of an offence under both subsections (1) and (2A) in respect of essentially the same facts.

**[5] Section 9 Offence by occupier of premises**

Insert after section 9 (2):

- (3) After the service of a notice under section 6 on the occupier of premises of the making of a reputed criminal declaration, the occupier is guilty of an offence if, while the declaration is in force, a reputed criminal:
- (a) attends the premises, or
  - (b) has, or takes part or assists in, the control or management of the premises.
- Maximum penalty: 150 penalty units or imprisonment for 3 years, or both.
- (4) An occupier of premises is not guilty of an offence under subsection (3) if the occupier proves that he or she has taken all reasonable steps to prevent a reputed criminal:
- (a) attending the premises, or
  - (b) having, or taking part or assisting in, the control or management of the premises.
- (5) A person is not liable to be convicted of an offence under both subsections (1) and (3) in respect of essentially the same facts.

**[6] Section 10 Entry by police**

Insert after section 10 (e):

- (f) search the premises for, and seize, any weapon or explosive.

**[7] Section 12 Evidence of certain matters**

Insert “or any weapon or explosive” after “section 10”.

**[8] Section 13 Suspected premises—issue of search warrant**

Insert “or any weapon or explosive” after “section 10 (e)” in section 13 (3) (b).

**[9] Section 13A Forfeiture or disposal of seized articles**

Omit “liquor, drug, drinking glass, vessel, container or device” wherever occurring.

Insert instead “article”.

**[10] Section 13A (5)**

Insert after section 13A (4):

- (5) In this section:
- article* means any liquor, drug, drinking glass, vessel, container or device or any weapon or explosive.

**[11] Section 18A Proceedings for offences**

Insert at the end of the section:

- (2) Despite subsection (1), an offence under section 8 (2A) or 9 (3) may be prosecuted on indictment. However, Chapter 5 of the *Criminal Procedure Act 1986* (which relates to the summary disposal of certain indictable offences unless an election is made by the prosecution to proceed on indictment) applies to and in respect of an offence under section 8 (2A) or 9 (3).

**[12] Section 20A**

Insert after section 20:

**20A Monitoring of police powers and new offence provisions by Ombudsman**

- (1) For the period of 2 years after the commencement of the amendment made to section 10 of this Act by the *Firearms and Criminal Groups Legislation Amendment Act 2013*, the Ombudsman is to keep under scrutiny the exercise of powers conferred on police officers as a consequence of the amendments made to this Act by that amendment Act (the **relevant police powers**).
- (2) For that purpose, the Ombudsman may require the Commissioner of Police to provide information about the exercise of the relevant police powers.
- (3) In that period, the Ombudsman is to also monitor the operation of sections 8 (2A) and 9 (3) (the **new offence provisions**). For that purpose, the Commissioner of Police is to ensure that the Ombudsman is provided with information about any prosecutions brought under the new offence provisions.
- (4) The Ombudsman must, as soon as practicable after the end of that 2-year period, prepare a report on the exercise of the relevant police powers and on the operation of the new offence provisions and furnish a copy of the report to the Minister, the Attorney General and the Commissioner of Police.
- (5) The Ombudsman may in the report identify, and include recommendations for consideration by the Minister about, amendments that might appropriately be made to this Act with respect to the exercise of the relevant police powers and the new offence provisions.
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.
- (7) If a House of Parliament is not sitting when the Minister seeks to lay a report before it, the Minister may present copies of the report to the Clerk of the House concerned.
- (8) The report that is presented to the Clerk of a House:
  - (a) is, on presentation and for all purposes, taken to have been laid before the House, and
  - (b) may be printed by authority of the Clerk of the House, and
  - (c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and
  - (d) is to be recorded:
    - (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and

(ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,  
on the first sitting day of the House after receipt of the report by the Clerk.

**[13] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

## **Schedule 3 Amendment of Crime Commission Act 2012 No 66**

### **[1] Section 4 Interpretation**

Insert in alphabetical order in section 4 (1):

*criminal group* has the same meaning as in section 93S of the *Crimes Act 1900*.

### **[2] Section 10 Principal functions of Commission**

Insert after section 10 (1) (a):

- (a1) to investigate matters relating to the criminal activities of criminal groups referred to the Commission by the Management Committee for investigation,

### **[3] Section 16 Definitions**

Omit the definition of *things of a relevant kind*. Insert instead:

*things of a relevant kind* means a thing or things of a particular kind:

- (a) connected with a matter relating to a relevant criminal activity or serious crime concern, or the criminal activities of a criminal group, into or in respect of which the Commission is conducting an investigation, or
- (b) that may be used in evidence in proceedings for the taking, by or on behalf of the Crown in right of the State, of civil remedies in respect of a matter connected with, or arising out of, an offence to which the relevant criminal activity, serious crime concern or criminal activity of the criminal group relates.

### **[4] Section 17 Search warrants**

Omit section 17 (5). Insert instead:

- (5) The statement must include a reference to the matter relating to a relevant criminal activity or serious crime concern, or the criminal activities of a criminal group, into or in respect of which the Commission is conducting an investigation and with which the things of the relevant kind are connected.

### **[5] Sections 18 (2) (a) and 53 (a)**

Omit “or serious crime concern” wherever occurring.

Insert instead “, serious crime concern or criminal activity of a criminal group”.

### **[6] Section 51 Functions of the Management Committee**

Insert after section 51 (1) (b):

- (b1) to refer (by a written notice in accordance with section 54) matters relating to the criminal activities of a specified criminal group to the Commission for investigation, and

### **[7] Sections 51 (2) and 54 (1) (b)**

Omit “or serious crime concern” wherever occurring.

Insert instead “, serious crime concern or criminal activity of the criminal group”.

**[8] Section 54 Notices referring matters for investigation**

Omit “or serious crime concern” where firstly occurring in section 54 (1).

Insert instead “, serious crime concern or criminal activity of a criminal group”.

**[9] Section 56 Commission may request reference**

Omit section 56 (1) (a). Insert instead:

- (a) a matter relating to a relevant criminal activity, serious crime concern or criminal activity of a criminal group for investigation, and

**[10] Section 58 Task forces to assist Commission**

Omit “or a serious crime concern” from section 58 (1).

Insert instead “, serious crime concern or criminal activity of a criminal group”.

## **Schedule 4 Consequential amendment of Criminal Procedure Act 1986 No 209**

**[1] Section 268 Maximum penalties for Table 2 offences**

Insert “50B,” after “50A (1),” in section 268 (2) (e).

**[2] Section 268 (2) (e)**

Omit “74”. Insert instead “74 (1)–(5)”.

**[3] Section 268 (2) (k1)**

Insert after section 268 (2) (k):

(k1) for an offence under section 8 (2A) or 9 (3) of the *Restricted Premises Act 1943*—50 penalty units,

**[4] Schedule 1 Indictable offences triable summarily**

Insert “50B,” after “50A (1),” in clause 7 of Table 2.

**[5] Schedule 1, Table 2, clause 7**

Omit “74”. Insert instead “74 (1)–(5)”.

**[6] Schedule 1, Table 2, clause 10F**

Insert after clause 10E:

**10F Restricted Premises Act 1943**

An offence under section 8 (2A) or 9 (3) of the *Restricted Premises Act 1943*.