

1999

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

NATIONAL CRIME AUTHORITY AMENDMENT BILL 1999

REVISED EXPLANATORY MEMORANDUM

(Circulated by authority of
the Minister for Justice and Customs,
Senator the Honourable Amanda Vanstone)

THIS MEMORANDUM TAKES INTO ACCOUNT AMENDMENTS MADE
BY THE HOUSE OF REPRESENTATIVES TO THE BILL AS INTRODUCED

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OUTLINE

This Bill clarifies the nature of the State and Commonwealth legislative framework that supports the National Crime Authority. The Bill makes clear that States and Territories may confer powers, functions and duties on the National Crime Authority. The conferral by the States and Territories may extend to the investigation of any relevant criminal activity, provided that there is Commonwealth legislation conferring powers of the same kind.

FINANCIAL IMPACT STATEMENT

There are no direct financial impacts from this Bill.

NOTES ON CLAUSES

Clause 1: Short title

The short title of the Act is the *National Crime Authority Amendment Act 1999*.

Clause 2: Commencement

The Act commences on the day it receives Royal Assent. The amendments made in Schedule 1 are taken to have commenced immediately after the commencement of the amendments to the National Crime Authority Act contained in the *Statute Law (Miscellaneous Provisions) Act (No.2) 1984*.

The Statute Law (Miscellaneous Provisions) Act (no.2) inserted section 55A into the National Crime Authority Act. This clause means that the amendments contained in this Act are taken to have commenced at the time of the original enactment of section 55A.

Clause 3: Schedule

This clause provides that an Act which is specified in the Schedule is amended as set out in that Schedule.

Schedule 1 – *Amendment of the National Crime Authority Act 1984*

Item 1

This item repeals subsection 55A(2) and substitutes a new section 55A(2).

New subsection 55A(2)(a) confirms the intention of the Parliament to allow the States to confer or impose on the National Crime Authority or Judges of the Federal Court, powers, duties or functions of the same kind as those conferred by the Commonwealth. The subsection provides that the Commonwealth may by regulation declare that such powers, function and duties cannot be conferred.

New subsection 55A(2)(b) provides that the powers, functions and duties conferred by the States are not limited by the requirement that Commonwealth powers, functions and duties exist in relation to the particular subject matter, but that the State conferral must relate to the investigation of any relevant criminal activity.

Relevant criminal activity is defined in section 4 of the Principal Act.