

National Crime Authority (State Provisions) (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act.

Clause 2 provides for commencement on Royal Assent.

Clause 3 refers to the **National Crime Authority (State Provisions) Act 1984** as the Principal Act.

Clause 4 substitutes section 6 (1) of the Principal Act to extend the range of agencies to which evidence of offences may be given by the NCA when conducting a “special function” to include agencies authorised by the Commonwealth or a relevant State or Territory.

Clause 5 amends section 12 of the Principal Act to clarify that individual members of the NCA and not the NCA as a whole is able to carry out certain functions related to search warrants.

Clause 6 substitutes section 13 (1) of the Principal Act to clarify that members of the NCA are able to seek telephone issued warrants in urgent circumstances.

Clause 7 amends section 15 of the Principal Act to clarify that members of the NCA may take certain actions with regard to the retention and return of passports.

Clause 8 amends section 16 of the Principal Act to specify procedures at hearings before the NCA, to delete references to “acting members” (which is redundant given the general power concerning acting members in section 27) and to enable the Chairperson to vary or revoke directions given with regard to the publication of information on matters being considered by the NCA.

Clause 9 amends section 17 of the Principal Act by deleting reference to acting members and clarifying the powers of individual members of the NCA in relation to a summons to appear before the authority.

Clause 10 amends section 18 of the Principal Act to delete reference to an acting member.

Clause 11 inserts sections 18A and 18B into the Principal Act to introduce, under specified circumstances, the placing of a notation on summonses and notices issued by the NCA which prevents the disclosure of information about the notice or summons and related matters to any persons except those specified in the notice or summons or exempted in the Act, for example those from whom legal advice may be obtained concerning the summons or notice.

Clause 12 inserts a new provision in section 20 of the Principal Act to widen the grounds for issuing an arrest warrant to include offences or likely offences under section 19 (failure of witnesses to attend and answer questions).

Clause 13 makes minor amendments to the Principal Act to delete references to acting members, to amend “Chairman” to “Chairperson” and to authorise the Supreme Court to issue and deal with arrest warrants rather than the Federal Court as now occurs.

