



# **Australian Crime Commission Amendment Act 2004**

**No. 30, 2004**

**An Act to amend the *Australian Crime Commission Act 2002*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## **An Act to amend the *Australian Crime Commission Act 2002*, and for related purposes**

*[Assented to 2 April 2004]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Australian Crime Commission Amendment Act 2004*.

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## 2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	2 April 2004
2. Schedule 1, items 1 to 16	The day on which this Act receives the Royal Assent.	2 April 2004
3. Schedule 1, item 17	Immediately after the commencement of Schedule 1 to the <i>Australian Crime Commission Establishment Act 2002</i> .	1 January 2003
4. Schedule 2	The day on which this Act receives the Royal Assent.	2 April 2004

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Australian Crime Commission Act 2002**

### ***Australian Crime Commission Act 2002***

#### **1 Section 15**

Repeal the section.

#### **2 Subsection 43(1)**

Omit “opinion that the performance of the CEO has been unsatisfactory”, substitute:

opinion:

- (a) that the performance of the CEO has been unsatisfactory; or
- (b) that the CEO should be suspended while allegations of misbehaviour against the CEO are investigated.

#### **3 Subsection 51(2)**

Omit “this Act or otherwise in connection with the performance of his or her duties under this Act”, substitute “a relevant Act or otherwise in connection with the performance of his or her duties under a relevant Act”.

#### **4 Paragraph 51(3)(a)**

Omit “this Act”, substitute “a relevant Act”.

#### **5 At the end of subsection 51(4)**

Add:

*relevant Act* means:

- (a) this Act; or
- (b) a law of a State under which the ACC performs a duty or function, or exercises a power, in accordance with section 55A.

#### **6 Paragraph 55A(1)(b)**

Omit “the Board, the Chair of the Board”, substitute “the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **7 Subsection 55A(4)**

Omit “confer on the Board, the Chair of the Board”, substitute “confer on the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

Note: The heading to subsection 55A(4) is altered by omitting “*Board, Chair of the Board*” and substituting “*Inter-Governmental Committee, Board, Chair of the Board, members of the Board*”.

## **8 Subparagraph 55A(4)(b)(i)**

Omit “conferred on the Board, the Chair of the Board”, substitute “conferred on the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **9 Subsection 55A(5)**

Omit “confer on the Board, the Chair of the Board”, substitute “confer on the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **10 Subparagraph 55A(5)(b)(i)**

Omit “conferred on the Board, the Chair of the Board”, substitute “conferred on the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **11 Paragraph 55A(8)(b)**

Omit “the Board, the Chair of the Board”, substitute “the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **12 Paragraph 55A(9)(b)**

Omit “the Board, the Chair of the Board”, substitute “the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

## **13 Paragraph 55B(b)**

After “the ACC”, insert “or the Inter-Governmental Committee”.

#### **14 Paragraph 55B(b)**

After “the Chair of the Board,”, insert “a member of the Board.”.

#### **15 Section 55B**

Omit “require the ACC or the Board, the Chair of the Board,”, substitute “require the ACC or the Inter-Governmental Committee or the Board, the Chair of the Board, the member of the Board.”.

#### **16 Paragraph 55C(1)(b)**

Omit “the Board, the Chair of the Board”, substitute “the Inter-Governmental Committee, the Board, the Chair of the Board, a member of the Board”.

#### **17 After section 55C**

Insert:

#### **55D Transition from NCA to ACC**

- (1) Despite the repeal of section 7 by item 35 of Schedule 1 to the *Australian Crime Commission Establishment Act 2002* (the *establishment Act*), section 25B of the *Acts Interpretation Act 1901* has effect in relation to the amendments made by the establishment Act as if the body known as the National Crime Authority continued in existence with the altered name Australian Crime Commission.
- (2) If:
  - (a) the *National Crime Authority Act 1984* (as in force before the commencement of Schedule 1 to the *Australian Crime Commission Establishment Act 2002*) made provision for a thing to be done, or a matter to be dealt with, by or in relation to the National Crime Authority; and
  - (b) a provision (the *corresponding provision*) of the *Australian Crime Commission Act 2002* provides for such a thing to be done, or matter to be dealt with, by or in relation to the ACC (whether or not by the same, or a similar, person or body);then the thing may be done, or matter dealt with, for, or in relation to, the National Crime Authority, under the corresponding provision.

## **Schedule 2—Amendment of other Acts**

### ***Administrative Decisions (Judicial Review) Act 1977***

#### **1 After paragraph (e) of Schedule 2**

Insert:

- (ea) decisions under the *Australian Crime Commission Act 2002* being:
  - (i) decisions in connection with intelligence operations; or
  - (ii) decisions in connection with investigations of State offences that have a federal aspect;

### ***Australian Postal Corporation Act 1989***

#### **2 After subsection 90J(6)**

Insert:

#### *Disclosure under Australian Crime Commission legislation*

- (6A) The person may disclose the information or document as required by or under a law of a State if the Australian Crime Commission performs a duty or function, or exercises a power, under that law in accordance with section 55A of the *Australian Crime Commission Act 2002*.

#### **3 At the end of section 90LC**

Add:

#### *Disclosure under Australian Crime Commission legislation*

- (6) The person may disclose the information or document as required by or under a law of a State if the Australian Crime Commission performs a duty or function, or exercises a power, under that law in accordance with section 55A of the *Australian Crime Commission Act 2002*.

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*[Minister's second reading speech made in—  
Senate on 4 December 2003  
House of Representatives on 24 March 2004]*

(186/03)