



Australian Capital Territory

# **National Crime Authority (Territory Provisions) Act 1991 No 75**

## **Republication No 3**

Republication date: 21 February 2002

Last amendment made by Act 2001 No 71

Amendments incorporated to 14 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *National Crime Authority (Territory Provisions) Act 1991* as in force on 21 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 14 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
14 September 2001



Australian Capital Territory

# National Crime Authority (Territory Provisions) Act 1991

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Amendments incorporated to  
14 September 2001



Australian Capital Territory

# **National Crime Authority (Territory Provisions) Act 1991**

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An Act to make provision for the operation of the national crime authority in the ACT

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## **1 Name of Act**

This Act is the *National Crime Authority (Territory Provisions) Act 1991*.

## **3 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

## **4 Words and expressions used in Commonwealth Act**

A word or expression used in the Commonwealth Act has the same meaning in this Act.

### **4A Meaning of *relevant offence***

- (1) An offence that is not a relevant offence as defined in the Commonwealth Act, section 4 (1) is taken to be a relevant offence for this Act if the authority suspects that the offence may be connected with activity involving the commission of a relevant offence (whether or not the authority has identified the nature of the relevant offence).
- (2) An offence mentioned in subsection (1) is taken to be a relevant offence only for as long as the authority holds the suspicion.

## **5 Functions under Territory laws**

- (1) The Minister may, with the approval of the intergovernmental committee, by written notice, refer to the authority a matter relating to a relevant criminal activity for investigation so far as the relevant

offence is, or the relevant offences are or include, an offence or offences against a Territory law.

- (2) If a matter has been so referred to the authority, the authority is not precluded by any Territory law from investigating that matter.
- (3) A notice referred to in subsection (1) referring a matter to the authority shall—
  - (a) describe the general nature of the circumstances or allegations constituting the relevant criminal activity; and
  - (b) state that the relevant offence is, or the relevant offences are or include, an offence or offences against a Territory law but need not specify the particular offence or offences; and
  - (c) set out the purpose of the investigation.
- (4) The Minister may, with the approval of the intergovernmental committee—
  - (a) in a notice under subsection (1) referring a matter to the authority, state that the reference is related to another reference; or
  - (b) in a written notice to the authority, state that a reference already made to the authority by him or her is related to another reference.
- (5) If a reference to the authority under subsection (1) is in force in respect of a matter relating to a relevant criminal activity, it is a special function of the authority to investigate the matter so far as the relevant offence is, or the relevant offences are or include, an offence or offences against a Territory law.
- (6) If a matter has been referred to the authority under subsection (1), the Minister may at any time, by written notice to the authority, withdraw the reference.

## **6 Exercise of functions**

- (1) If in carrying out a special function the authority obtains evidence of an offence against a law of the Commonwealth or of a State or Territory, being evidence that would be admissible in a prosecution for the offence, the authority must assemble the evidence and give it to—
  - (a) the Attorney-General of the Territory, the Commonwealth or the State, as the case requires; or
  - (b) the relevant law enforcement agency; or
  - (c) any person or authority (other than a law enforcement agency) who is authorised by or under a law of the Commonwealth or of the State or Territory to prosecute the offence.
- (2) If any evidence is obtained of an offence against a law of the Commonwealth or of a State or Territory, being evidence that—
  - (a) is obtained in the course of a special function; and
  - (b) would be admissible in a prosecution for the offence;the authority must do its best to ensure that the evidence is assembled and given to—
  - (c) the Attorney-General of the Territory, the Commonwealth or the State, as the case requires; or
  - (d) the relevant law enforcement agency; or
  - (e) any person or authority (other than a law enforcement agency) who is authorised by or under a law of the Commonwealth or of the State or Territory to prosecute the offence.
- (3) The authority shall, in exercising a special function, cooperate and consult with the Australian Bureau of Criminal Intelligence.
- (4) If, as a result of the exercise of a special function, the authority considers that a recommendation should be made to the Minister, to

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the Commonwealth Minister or to the appropriate Minister of a participating State, being a recommendation for reform of—

- (a) the law relating to relevant offences, including—
  - (i) evidence and procedure applicable to the trials of relevant offences; and
  - (ii) relevant offences in relation to, or involving, corporations; and
  - (iii) taxation, banking or financial frauds; and
  - (iv) reception by Australian courts of evidence obtained in foreign countries as to relevant offences; and
  - (v) maintenance and preservation of taxation, banking and financial records; or
- (b) administrative practices; or
- (c) administration of the courts in relation to trials of relevant offences;

the authority may make the recommendation to the Minister, to the Commonwealth Minister or to the Minister of that participating State, as the case may be.

- (5) In relation to the exercise by the authority of a special function, nothing in this Act (other than section 16) shall be taken to give to—
  - (a) a member, or on a member of the staff of the authority (other than a member of the Australian Federal Police or a member of the police force of a State), a power to interview a person in relation to an offence that the person is suspected of having committed, except if the person has been served, as prescribed, with a summons to appear as a witness at a hearing before the authority and has not yet so appeared; or
  - (b) a member of the staff of the authority who is a member of the Australian Federal Police or the police force of a State a power to interview a person that the member of the staff of the

authority does not have in his or her capacity as a member of the Australian Federal Police or of the police force of that State, as the case may be.

- (6) Nothing in subsection (5) (a) shall be taken to affect a power of a member, or of a member of the staff of the authority, to interview a person otherwise than in relation to an offence that the person is suspected of having committed.
- (7) If the authority has obtained particular information or intelligence in the course of exercising a special function, nothing in this Act prevents the authority from making use of the information or intelligence in the exercise of any of its other functions.

## **7 Members may have concurrent functions and powers under Territory laws**

If—

- (a) with the consent of the intergovernmental committee, a function or power in relation to the investigation of matters relating to a relevant criminal activity is given to a member or members by the Executive; and
- (b) the Commonwealth Minister informs the member or members in writing that the Commonwealth Minister is satisfied that that function or power may conveniently be exercised in conjunction with the exercise by the authority of its functions or powers under the Commonwealth Act;

then, notwithstanding anything contained in any other provision of this Act, the member or members must exercise the function, or may exercise the power, in conjunction with the exercise by the authority of its functions or powers under this Act, the Commonwealth Act or a corresponding Act of a State, and the members of the staff of the authority may be employed by the authority in assisting the member or members referred to in paragraph (a) in exercise of the function or power referred to in that paragraph.

## **8 Limitation on challenges to validity of references**

If, with the approval of the intergovernmental committee, the Minister refers a matter to the authority for investigation, then, except in a proceeding instituted by the Attorney-General or by the Attorney-General of the Commonwealth or of a State, any act or thing done by the authority under the reference shall not be challenged, reviewed, quashed or called in question in a court of the Territory on the ground that a necessary approval of the intergovernmental committee or consent of the Commonwealth Minister has not been obtained or was not lawfully given.

## **9 Cooperation with law enforcement agencies**

- (1) In exercising its special functions the authority shall, so far as practicable, work in cooperation with law enforcement agencies.
- (2) In exercising its functions under this Act the authority may coordinate its activities with the activities of authorities and persons in other countries performing functions similar to functions of the authority.

## **11 Arrangements for authority to obtain information or intelligence**

The Minister may make an arrangement with the Commonwealth Minister for the authority to be given by the Territory, or by an authority of the Territory, information or intelligence relating to relevant criminal activities.

## **12 Search warrants**

- (1) A member may apply to a judge for the issue of a warrant under subsection (2) if the member—
  - (a) has reasonable grounds for suspecting that, on a particular day (the *relevant day*), being the day when, or a particular day within 1 month after the day when, the application is made, there may be, on any land or on or in any premises, vessel,

aircraft or vehicle, a thing or things of a particular kind connected with a matter relating to a relevant criminal activity, being a matter into which the authority is conducting a special investigation (*things of the relevant kind*); and

- (b) believes on reasonable grounds that, if a summons were issued for the production of the thing or things, the thing or things might be concealed, lost, mutilated or destroyed.
- (2) If an application under subsection (1) is made to a judge, the judge may issue a warrant authorising a member of the Australian Federal Police or of the police force of a State, or any other person, named in the warrant, with the assistance the member or person thinks necessary and if necessary by force—
- (a) to enter on the land or on or into the premises, vessel, aircraft or vehicle; and
  - (b) to search the land, premises, vessel, aircraft or vehicle for things of the relevant kind; and
  - (c) to seize any things of the relevant kind found on the land or on or in the premises, vessel, aircraft or vehicle and deliver things so seized to the authority.
- (3) A judge shall not issue a warrant under subsection (2) unless—
- (a) an affidavit has been furnished to the judge setting out the grounds on which the issue of the warrant is being sought; and
  - (b) the applicant or some other person has given to the judge, whether orally or by affidavit, such further information (if any) as the judge requires concerning the grounds on which the issue of the warrant is being sought; and
  - (c) the judge is satisfied that there are reasonable grounds for issuing the warrant.
- (4) If a judge issues a warrant under this section, he or she shall record on the affidavit referred to in subsection (3) (a) which of the grounds specified in that affidavit has been relied on to justify the issue of

the warrant and particulars of any other grounds relied on to justify the issue of the warrant.

- (5) A warrant issued under this section shall—
- (a) include a statement of the purpose for which it is issued, which shall include a reference to the matter relating to a relevant criminal activity into which the authority is conducting a special investigation and with which the things of the relevant kind are connected; and
  - (b) state whether entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and
  - (c) include a description of the kind of things authorised to be seized; and
  - (d) specify a date, not being later than 1 month after the date of issue of the warrant, when the warrant ceases to have effect.
- (6) A warrant issued under this section may be executed, in accordance with its terms, at any time during the period commencing on the relevant day and ending on the date specified in the warrant as the date when it ceases to have effect.
- (7) If, in the course of searching, in accordance with the terms of a warrant issued under this section, for things of the relevant kind, the person executing it finds a thing that he or she believes on reasonable grounds to be evidence that would be admissible in the prosecution of a person for an offence against a Territory law, the Commonwealth, a State or another Territory, and the firstmentioned person believes on reasonable grounds that it is necessary to seize the thing in order to prevent its concealment, loss, mutilation or destruction, or its use in committing such an offence, that person may seize the thing and, if the thing is so seized, it shall be deemed, for this Act, to have been seized under the warrant.

- (8) If a thing is seized under a warrant under this section—
- (a) the authority may retain the thing if, and for so long as, retention of the thing by the authority is reasonably necessary for the purposes of a special investigation to which the thing is relevant; and
  - (b) if the retention of the thing by the authority is not, or ceases to be, reasonably necessary for such purposes, a member shall cause the thing to be delivered to—
    - (i) if the thing may be used in evidence in proceedings of a kind referred to in subsection (13)—the person responsible for taking the proceedings; or
    - (ii) if subparagraph (i) does not apply—the person who appears to the member to be entitled to the possession of the thing;
- unless the authority has furnished the thing to the Attorney-General, to the Attorney-General of the Commonwealth or of a State, or to a law enforcement agency, in accordance with this Act, the Commonwealth Act or an Act of a State.
- (9) A member may, instead of delivering a thing in accordance with subsection (8) (b) (ii), deliver the thing to the Attorney-General, the Attorney-General of the Commonwealth or of a State, or to a law enforcement agency, for the purpose of assisting in the investigation of criminal offences, if the member is satisfied that the thing is likely to be useful for that purpose.
- (10) Nothing in this section affects a right of a person to apply for, or the power of a person to issue, a warrant, being a right or power existing otherwise than under this section.
- (11) A reference in this section to a *judge* of a prescribed court shall include a reference to—
- (a) a judge of the Federal Court; or
  - (b) a judge of the Supreme Court.

(12) In this section:

*thing* includes a document.

(13) Without limiting subsection (1) (a), a reference in this section to a thing connected with a matter relating to a relevant criminal activity, being a matter into which the authority is conducting a special investigation, includes a reference to a thing that may be used in evidence in proceedings for the taking, by or on behalf of the Territory, of civil remedies in respect of a matter connected with, or arising out of, an offence to which the relevant criminal activity relates.

### **13 Application by telephone for search warrants**

- (1) If, by reason of circumstances of urgency, a member considers it necessary to do so, the member may make application by telephone for a warrant under section 12.
- (2) Before making an application under subsection (1), the member shall prepare an affidavit that sets out the grounds on which the issue of the warrant is being sought, but may, if it is necessary to do so, make the application before the affidavit has been sworn.
- (3) If a judge issues a warrant under section 12 on an application made by telephone, he or she shall—
  - (a) complete and sign the warrant; and
  - (b) inform the member who made the application of the terms of the warrant and the date and time when it was signed; and
  - (c) record on the warrant the reasons for issuing it; and
  - (d) send a copy of the warrant to the authority.
- (4) If a warrant is issued under section 12 on an application made by telephone, a member of the staff of the authority or a member of the Australian Federal Police or of the police force of a State may complete a form of warrant in the terms indicated by the judge under subsection (3) and, if a form of warrant is so completed, shall write

on it the name of the judge who issued it and the date and time when it was signed.

- (5) If a person completes a form of warrant in accordance with subsection (4), he or she shall, not later than the next day following the date of expiry of the warrant, send to the judge who signed it the form of warrant completed by the person and the affidavit duly sworn in connection with the warrant.
- (6) On receipt of the documents referred to in subsection (5), the judge shall attach them to the warrant signed by him or her and shall deal with the documents in the manner in which he or she would have dealt with the affidavit if the application for the warrant had been made to the judge in accordance with section 12.
- (7) A form of warrant duly completed in accordance with subsection (4) shall be deemed to be a warrant issued under section 12.

#### **14 Order for delivery to authority of passport of witness**

- (1) If, on application by a member, a judge of the Federal Court sitting in chambers is satisfied by evidence on oath that—
  - (a) in connection with a special investigation, a summons has been issued under this Act requiring a person to appear before the authority at a hearing (whether or not the summons has been served), or a person has appeared before the authority at a hearing, to give evidence or to produce documents or other things; and
  - (b) there are reasonable grounds for believing that the person may be able to give to the authority evidence or further evidence that is, or to produce to the authority documents or other things or further documents or other things that are, relevant to the matter in respect of which the authority is conducting the investigation and could be of particular significance to the investigation; and

- (c) there are reasonable grounds for suspecting that the person intends to leave Australia and has possession, custody or control of a passport issued or purported to be issued to the person;

the judge may make an order requiring the person to appear before the Federal Court on a day, and at a time and place, specified in the order to show cause why the person should not be ordered to deliver the passport to the authority.

- (2) If a person appears before the Federal Court under an order made under subsection (1), the court may, if it thinks fit, make an order—
  - (a) requiring the person to deliver to the authority any passport issued or purported to be issued to the person that is in the possession, custody or control of the person; and
  - (b) authorising the authority to retain the passport until the expiration of the period (not exceeding 1 month) specified in the order.
- (3) The Federal Court may, on application by a member, extend for a further period (not exceeding 1 month) or further periods (not exceeding 1 month in each case) the period for which the authority is authorised to retain a passport under an order made under subsection (2), but so that the total period for which the authority is authorised to retain the passport does not exceed 3 months.
- (4) The Federal Court may, at any time while the authority is authorised under an order made under this section to retain a passport issued to a person, on application made by the person, revoke the order and, if the order is revoked, the member must return the passport to the person.
- (5) The Federal Court has jurisdiction with respect to matters arising under this section.
- (6) In this section:

*Australia* includes the external Territories.

## **15 Hearings**

- (1) For a special investigation, the authority may hold hearings.
- (2) At a hearing, the authority may be constituted by 1 or more members.
- (3) Subject to subsection (2), the Commonwealth Act, section 46 applies, so far as it is capable of application, at a hearing before the authority as if the hearing were a meeting of the authority.
- (4) The chairperson shall preside at all hearings at which the chairperson is present.
- (5) If the chairperson is not present at a hearing at which there are 2 or more members, the members present shall elect 1 of their number to preside at that hearing.
- (6) Questions arising at a hearing shall be determined by a majority of the votes of the members present.
- (7) The person presiding at a hearing has a deliberative vote and, if necessary, also has a casting vote.
- (8) The authority may regulate the conduct of proceedings at a hearing as it thinks fit.
- (9) At a hearing before the authority—
  - (a) a person giving evidence may be represented by a legal practitioner; and
  - (b) if, by reason of the existence of special circumstances, the authority consents to a person who is not giving evidence being represented by a legal practitioner, the person may be so represented.
- (10) A hearing before the authority shall be held in private and the authority may give directions as to the persons who may be present during the hearing or a part of the hearing.

- (11) Nothing in a direction given under subsection (10) by the authority prevents the presence, when evidence is being taken at a hearing before the authority, of—
- (a) a legal practitioner representing the person giving evidence; or
  - (b) a legal practitioner representing, under subsection (9), a person who, by reason of a direction given under subsection (10) by the authority, is entitled to be present.
- (12) If a hearing before the authority is being held, a person (other than a member or a member of the staff of the authority approved by the authority) shall not be present at the hearing unless the person is entitled to be present by reason of a direction given under subsection (10) by the authority or by reason of subsection (11).
- (13) At a hearing before the authority for the purposes of a special investigation—
- (a) counsel assisting the authority generally or in relation to the matter to which the investigation relates; or
  - (b) a person authorised by the authority to appear before it at the hearing; or
  - (c) a legal practitioner representing a person, under subsection (9), at the hearing;
- may, so far as the authority thinks fit, examine or cross-examine a witness on any matter that the authority considers relevant to the special investigation.
- (14) The authority may direct that—
- (a) evidence given before it; or
  - (b) the contents of a document, or a description of a thing, produced to the authority or seized under a warrant issued under section 12; or
  - (c) information that might enable a person who has given evidence before the authority to be identified; or

- (d) the fact that a person has given or may be about to give evidence at a hearing;

shall not be published, or shall not be published except in such manner, and to such persons, as the authority specifies, and the authority shall give such a direction if the failure to do so might, in its opinion, prejudice the safety or reputation of a person or prejudice the fair trial of a person who has been or may be charged with an offence.

- (15) Subject to subsection (16), the chairperson may, in writing, vary or revoke a direction under subsection (14).

- (16) The chairperson shall not vary or revoke a direction if to do so might prejudice the safety or reputation of a person or prejudice the fair trial of a person who has been or may be charged with an offence.

- (17) If—

- (a) a person has been charged with an offence before a court of the Territory; and
- (b) the court considers that it may be desirable in the interests of justice that particular evidence given before the authority, being evidence in relation to which the authority has given a direction under subsection (14), be made available to the person or to a legal practitioner representing the person;

the court may give to the authority a certificate to that effect and, if the court does so, the authority shall make the evidence available to the court.

- (18) If—

- (a) the authority makes evidence available to a court in accordance with subsection (17); and
- (b) the court, after examining the evidence, is satisfied that the interests of justice so require;

the court may make the evidence available to the person charged with the offence concerned or to a legal practitioner representing the person.

- (19) A person must not be present at a hearing in contravention of subsection (12).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (20) A person must not make a publication in contravention of a direction given under subsection (14).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **16 Power to summon witnesses and take evidence**

- (1) A member may summon a person to appear before the authority at a hearing to give evidence and to produce such documents or other things (if any) as are referred to in the summons.
- (2) A summons under subsection (1) shall be accompanied by a copy of the notice, or of each of the notices, by which the matter to which the hearing relates was referred to the authority.
- (3) A summons under subsection (1) requiring a person to appear before the authority at a hearing shall, unless the member issuing the summons is satisfied that, in the particular circumstances of the special investigation to which the hearing relates, it would prejudice the effectiveness of the special investigation for the summons to do so, set out, so far as is practicable, the general nature of the matters in relation to which the authority intends to question the person, but nothing in this subsection prevents the authority from questioning the person in relation to a matter that relates to a special investigation.
- (4) The member presiding at a hearing before the authority may require a person appearing at the hearing to produce a document or other thing.

- (5) The authority may, at a hearing, take evidence on oath or affirmation and for that purpose—
  - (a) a member may require a person appearing at the hearing to give evidence either to take an oath or to make an affirmation in a form approved by the member presiding at the hearing; and
  - (b) a member or a person who is an authorised person in relation to the authority, may administer an oath or affirmation to a person so appearing at the hearing.
- (6) In this section, a reference to a person who is an *authorised person* in relation to the authority is a reference to a person authorised in writing, or a person included in a class of persons authorised in writing, for this section by the chairperson.
- (7) The powers given by this section are not exercisable except for the purposes of a special investigation.

## **17 Power to obtain documents**

- (1) A member may, by written notice served on a person, require the person—
  - (a) to attend, at a time and place specified in the notice, before a person specified in the notice, being a member of the authority or a member of the staff of the authority; and
  - (b) to produce at that time and place to the person so specified a document or thing specified in the notice, being a document or thing that is relevant to a special investigation.
- (2) A notice may be issued under this section in relation to a special investigation whether or not a hearing before the authority is being held for the purposes of the investigation.
- (3) A person must not, without reasonable excuse, fail to comply with a notice served under this section on the person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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- (4) Section 18 (3) to (12) applies in relation to a person who is required to produce a document or thing by a notice served under this section in the same manner as they apply in relation to a person who is required to produce a document or thing at a hearing before the authority and so apply as if a reference in those subsections to section 18 (2) were a reference to subsection (3) of this section.
  - (5) If a person who is required by a notice served under this section to produce a document or thing claims to the person (the *relevant person*) to whom the claimant is required to produce it that the claimant is entitled to refuse to produce the document or thing, the relevant person shall—
    - (a) if satisfied that the claim is justified—inform the claimant that the requirement will not be insisted on; or
    - (b) in any other case—inform the claimant that the relevant person is not so satisfied and, if the document or thing is not produced forthwith, refer the claim to the authority for decision under section 20.

### **17A Disclosure of notice or summons etc may be prohibited**

- (1) The member issuing a summons under section 16 or a notice under section 17 shall, or may, as provided in subsection (2), include in it a notation to the effect that disclosure of information about the summons or notice, or any official matter connected with it, is prohibited except in the circumstances (if any) specified in the notation.
- (2) A notation shall not be included in the summons or notice except as follows:
  - (a) the member shall include the notation if satisfied that failure to do so would reasonably be expected to prejudice—
    - (i) the safety or reputation of a person; or
    - (ii) the fair trial of a person who has been or may be charged with an offence; or

- (iii) the effectiveness of an investigation;
  - (b) the member may include the notation if satisfied that failure to do so might prejudice—
    - (i) the safety or reputation of a person; or
    - (ii) the fair trial of a person who has been or may be charged with an offence; or
    - (iii) the effectiveness of an investigation;
  - (c) the member may include the notation if satisfied that failure to do so might otherwise be contrary to the public interest.
- (3) If a notation is included in the summons or notice, it shall be accompanied by a written statement setting out the rights and obligations given or imposed by section 17B on the person who was served with, or otherwise given the summons or notice.
- (4) If, after the authority has concluded the investigation concerned—
- (a) no evidence of an offence has been obtained as described in section 6 (1) or (2); or
  - (b) evidence of an offence or offences has been assembled and given as required by section 6 (1) or (2) and the authority has been advised that no person will be prosecuted; or
  - (c) evidence of an offence or offences committed by only 1 person has been assembled and given as required by section 6 (1) or (2) and criminal proceedings have begun against that person; or
  - (d) evidence of an offence or offences committed by 2 or more persons has been assembled and given as required by section 6 (1) or (2) and—
    - (i) criminal proceedings have begun against all those persons; or

- (ii) criminal proceedings have begun against 1 or more of those persons and the authority has been advised that no other of those persons will be prosecuted;

all the notations that were included under this section in any summonses or notices relating to the investigation are cancelled by this section.

- (5) If a notation is cancelled by subsection (4), the authority shall serve a written notice of that fact on each person who was served with, or otherwise given, the summons or notice containing the notation.
- (6) If a notation made under subsection (1) is inconsistent with a direction given under section 15 (14), a notation has no effect to the extent of the inconsistency.

### **17B Offences of disclosure**

- (1) A person who is served with, or is otherwise given, a summons or notice containing a notation made under section 17A shall not disclose—
  - (a) the existence of the summons or notice or any information about it; or
  - (b) the existence of, or any information about, any official matter connected with the summons or notice.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not prevent a person from making a disclosure—
  - (a) in accordance with the circumstances (if any) specified in the notation; or
  - (b) to a legal practitioner for the purpose of obtaining legal advice or representation relating to the summons, notice or matter; or

- (c) to a legal aid officer for the purpose of obtaining assistance under the Commonwealth Act, section 27 relating to the summons, notice or matter; or
  - (d) if the person is a body corporate—to an officer or agent of the body corporate for the purpose of ensuring compliance with the summons or notice; or
  - (e) if the person is a legal practitioner—
    - (i) for the purpose of complying with a legal duty of disclosure arising from his or her professional relationship with a client; or
    - (ii) for the purpose of obtaining the agreement of another person under section 18 (3) to the legal practitioner answering a question or producing a document at a hearing before the authority.
- (3) If a disclosure is made to a person as permitted by subsection (2) or (4), the following provisions apply:
- (a) while he or she is a person of a kind to whom a disclosure is so permitted to be made, he or she shall not disclose the existence of, or any information about, the summons or notice, or any official matter connected with it, except as permitted by subsection (4);
  - (b) while he or she is no longer such a person, he or she shall not, in any circumstances, make a record of, or disclose the existence of, the summons, notice or matter, or any information about any of them.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A person to whom information has been disclosed, as permitted by subsection (2) or this subsection, may disclose that information—
- (a) if the person is an officer or agent of a body corporate referred to in subsection (2) (d)—

- 
- (i) to another officer or agent of the body corporate for the purpose of ensuring compliance with the summons or notice; or
  - (ii) to a legal practitioner for the purpose of obtaining legal advice or representation relating to the summons, notice or matter; or
  - (iii) to a legal aid officer for the purpose of obtaining assistance under the Commonwealth Act, section 27 relating to the summons, notice or matter; or
- (b) if the person is a legal practitioner—for the purpose of giving legal advice, making representations, or obtaining assistance under the Commonwealth Act, section 27, relating to the summons, notice or matter; or
  - (c) if the person is a legal aid officer—for the purpose of obtaining legal advice or representation relating to the summons, notice or matter.
- (5) This section ceases to apply to a summons or notice after—
- (a) the notation contained in the summons or notice is cancelled by section 17A (4); or
  - (b) 5 years elapse after the issue of the summons or notice;
- whichever is sooner.
- (6) A reference in this section to disclosing something's existence includes disclosing information from which a person could reasonably be expected to infer its existence.
- (7) In this section:
- legal aid officer*** means—
- (a) a member, or member of staff, of a legal aid commission within the meaning of the *Commonwealth Legal Aid Act 1977* (Cwlth); or

- (b) a person to whom the Commonwealth Attorney-General has delegated his or her powers and functions under the Commonwealth Act, section 27.

*official matter* means any of the following (whether past, present or contingent):

- (a) a reference under the Commonwealth Act, section 13 or 14;
- (b) an investigation conducted or coordinated by the authority;
- (c) a hearing held by the authority;
- (d) court proceedings.

## **18 Failure of witnesses to attend and answer questions**

- (1) A person served, as prescribed, with a summons to appear as a witness at a hearing before the authority shall not, without reasonable excuse—
  - (a) fail to attend as required by the summons; or
  - (b) fail to attend from day to day unless excused, or released from further attendance, by a member.
- (2) A person appearing as a witness at a hearing before the authority shall not, without reasonable excuse—
  - (a) when required under section 16 either to take an oath or make an affirmation, fail to comply with the requirement; or
  - (b) fail to answer a question that he or she is required to answer by the member or acting member presiding at the hearing; or
  - (c) fail to produce a document or thing that he or she was required by a summons under this Act served as prescribed to produce.
- (3) If—
  - (a) a legal practitioner is required to answer a question or produce a document at a hearing before the authority; and

- (b) the answer to the question would disclose, or the document contains, a privileged communication made by or to the legal practitioner in the capacity of a legal practitioner;

the legal practitioner is entitled to refuse to comply with the requirement unless the person to whom or by whom the communication was made agrees to the legal practitioner's complying with the requirement but, if the legal practitioner refuses to comply with the requirement, the legal practitioner shall, if so required by the member or acting member presiding at the hearing, furnish to the authority the name and address of the person to whom or by whom the communication was made.

- (4) Subject to subsections (5), (7), (9) and (11), it is a reasonable excuse for subsection (2) for an individual—

- (a) to fail to answer a question put to him or her at a hearing before the authority; or
- (b) to fail to produce a document or thing that he or she was required to produce at a hearing before the authority;

that the answer to the question, or the production of the document or thing, as the case may be, might tend to incriminate him or her.

- (5) It is not a reasonable excuse for subsection (2) for a person—

- (a) to fail to answer a question put to him or her at a hearing before the authority; or
- (b) to fail to produce a document or thing that he or she was required to produce at a hearing before the authority;

that the answer to the question or the production of the document or thing might tend to prove his or her guilt of an offence against a Territory law if the Attorney-General or director of public prosecutions has given to the firstmentioned person a written undertaking that any answer given or document or thing produced, as the case may be, or any information, document or thing obtained as a direct or indirect consequence of the answer or the production

of the firstmentioned document or thing, will not be used in evidence in any proceedings against that person for an offence against a Territory law, other than proceedings in respect of the falsity of evidence given by that person, and the Attorney-General or director of public prosecutions states in the undertaking—

- (c) that, in his or her opinion, there are special grounds that, in the public interest, require that answers be given or documents or things be produced by the firstmentioned person; and
  - (d) the general nature of those grounds.
- (6) The authority may recommend to the Attorney-General or the director of public prosecutions, as the case may be, that a person who has been or is to be served with a summons to appear as a witness at a hearing before the authority or to produce a document or thing at a hearing before the authority be given an undertaking in accordance with subsection (5).
- (7) It is not a reasonable excuse for subsection (2) for a person—
- (a) to fail to answer a question put to him or her at a hearing before the authority; or
  - (b) to fail to produce a document or thing that he or she was required to produce at a hearing before the authority;

that the answer to the question or the production of the document or thing might tend to prove his or her guilt of an offence against a Commonwealth law if the Commonwealth director of public prosecutions has given to the person a written undertaking that any answer given or document or thing produced, as the case may be, or any information, document or thing obtained as a direct or indirect consequence of the answer or the production of the firstmentioned document or thing, will not be used in evidence in any proceedings against the person for an offence against a Commonwealth law, other than proceedings in respect of the falsity of evidence given by the person, and the Commonwealth director of public prosecutions has given to the firstmentioned person a written undertaking that any

answer given or document or thing produced, as the case may be, or any information, document or thing obtained as a direct or indirect consequence of the answer or the production of the firstmentioned document or thing, will not be used in evidence in any proceedings against that person for an offence against a Commonwealth law, other than proceedings in respect of the falsity of evidence given by that person, and the Commonwealth director of public prosecutions states in the undertaking—

- (c) that, in his or her opinion, there are special grounds that, in the public interest, require that answers be given or documents or things be produced by the firstmentioned person; and
  - (d) the general nature of those grounds.
- (8) The authority may recommend to the Commonwealth director of public prosecutions that a person who has been or is to be served with a summons to appear as a witness at a hearing before the authority or to produce a document or thing at a hearing before the authority be given an undertaking in accordance with subsection (7).
- (9) It is not a reasonable excuse for subsection (2) for a person—
- (a) to fail to answer a question put to him or her at a hearing before the authority; or
  - (b) to fail to produce a document or thing that he or she was required to produce at a hearing before the authority;

that the answer to the question or the production of a document or thing might tend to prove his or her guilt of an offence against a law of another State if the Attorney-General of that State or the person holding the office of director of public prosecutions, or a similar office, of that State, has given to the firstmentioned person a written undertaking that any answer given or document or thing produced, as the case may be, or any information, document or thing obtained as a direct or indirect consequence of the answer or the production of the firstmentioned document or thing, will not be used in evidence in any proceedings against that person for an offence

against a law of that State, other than proceedings in respect of the falsity of evidence given by that person, and the Attorney-General of that State, or other person who gives the undertaking, states in the undertaking—

- (c) that, in his or her opinion, there are special grounds that, in the public interest, require that answers be given or documents or things be produced by the firstmentioned person; and
  - (d) the general nature of those grounds.
- (10) The authority may recommend to the Attorney-General or the person holding the office of director of public prosecutions, or a similar office, of a State that a person who has been or is to be served with a summons to appear as a witness at a hearing before the authority or to produce a document or thing at a hearing before the authority be given an undertaking in accordance with subsection (9).
- (11) For subsection (2), it is not a reasonable excuse for—
- (a) a corporation to fail to produce a document or thing that the production of the document or thing might tend to incriminate the corporation; and
  - (b) an individual to fail to produce a document that is, or forms part of, a record of an existing or past business (not being, in the case of a person who is or has been an employee, a document that sets out details of earnings received by the person in respect of the person's employment and does not set out any other information) that the production of the document might tend to incriminate the person.
- (12) Subsections (5), (7), (9) and (11) do not apply if the offence in respect of which the answer to a question or the production of a document or thing, as the case requires, might tend to incriminate a person is an offence with which the person has been charged and the charge has not been finally dealt with by a court or otherwise disposed of.

- (13) A person who contravenes subsection (1), (2) or (3) commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **19 Warrant for arrest of witness**

- (1) If, on application by or on behalf of the authority, a judge of the Federal Court sitting in chambers is satisfied by evidence on oath that there are reasonable grounds to believe that a person—
- (a) who has been ordered, under section 14, to deliver his or her passport to the authority, whether or not the person has complied with the order, is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the authority; or
  - (b) in relation to whom a summons has been issued under section 16 (1)—
    - (i) has absconded or is likely to abscond; or
    - (ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons; or
  - (c) has committed an offence under section 18 (1) or is likely to do so;

the judge may issue a warrant for the apprehension of the person.

- (2) A warrant issued under subsection (1) may be executed by a member of the Australian Federal Police or the police force of a State, or by a person to whom it is addressed, and the person executing it has power to break and enter any premises, vessel, aircraft or vehicle for the purpose of executing it.
- (3) The warrant may be executed notwithstanding that it is not at the time in the possession of the person executing it.

- (4) If a person is apprehended under a warrant under this section, he or she shall be brought, as soon as practicable, before a judge of the Federal Court and the judge may—
  - (a) admit the person to bail, with such security as the judge thinks fit, on such conditions as the judge thinks necessary to ensure the person's appearance as a witness before the authority; or
  - (b) order his or her continued detention for the purpose of ensuring his or her appearance as such a witness; or
  - (c) order the person's release.
- (5) If a person is under detention under this section, he or she shall, within 14 days after he or she was brought, or last brought, before a judge of the Federal Court in accordance with this section, or within such shorter or longer time as a judge has fixed on the person's last previous appearance under this section before a judge, be again brought before a judge and the judge may thereupon exercise any of the powers of a judge under subsection (4).
- (6) In this section:  
*Australia* includes the external Territories.

## **20 Claim of entitlement to refuse to answer question or produce document**

- (1) If a person claims—
  - (a) to be entitled to refuse to answer a question put to the person, or to produce a document that the person was required to produce, at a hearing before the authority; or
  - (b) to be entitled to refuse to produce a document that the person is required to produce by a notice under section 17;

the authority must decide, as soon as practicable, whether in its opinion the claim is justified and tell the person of its decision.

*Note* See the Commonwealth Act, s 32 (as modified by s 32B) and s 32A (as modified by s 32C), which provide for applications to the Federal Court in relation to requirements to answer questions and produce documents.

- (2) A prosecution for an offence against section 17 (3) or 18 (13) must not be begun for a failure by a person to answer a question until—
  - (a) if the person has claimed to be entitled to refuse to answer the question, and the authority decides under subsection (1) that, in its opinion, the claim is not justified—the end of 5 days (excluding days when the registry of the Federal Court is closed) immediately after the relevant day for the decision; or
  - (b) if the person has made an application under the Commonwealth Act, section 32 (2) (as it has effect because of that Act, section 32B) to the Federal Court for an order of review for a decision by the authority that, in its opinion, a claim by the person to be entitled to refuse to answer the question is not justified—the application, and any appeal from an order made by the Federal Court on the application, have been decided or otherwise disposed of.
- (3) A prosecution for an offence against section 17 (3) or 18 (13) must not be begun for a failure by a person to produce a document until—
  - (a) if the person has claimed to be entitled to refuse to produce the document, and the authority decides under subsection (1) that, in its opinion, the claim is not justified—the end of 5 days (excluding days when the registry of the Federal Court is closed) immediately after the relevant day for the decision; or
  - (b) if the person has made an application under the Commonwealth Act, section 32 (2) (as it has effect because of that Act, section 32B) to the Federal Court for an order of review for a decision by the authority that, in its opinion, a claim by the person to be entitled to refuse to produce the document is not justified—the application and any appeal from

an order made by the Federal Court on the application, have been decided or otherwise disposed of; or

- (c) if the person has given the authority a notice about the document in accordance with the Commonwealth Act, section 32 (8A) (as it has effect because of that Act, section 32B)—the end of 5 days (excluding days when the registry of the Federal Court is closed) immediately after the relevant day for the notice; or
  - (d) if the person has made an application about the document under the Commonwealth Act, section 32 (8) (as it has effect because of that Act, section 32B)—the application, and any appeal from an order made by the Federal Court on the application, have been decided or otherwise disposed of.
- (4) In this section:

**document** includes a thing.

**prescribed notice** means a notice stating as mentioned in the Commonwealth Act, section 32A (2) (c) (as it has effect because of that Act, section 32C).

**relevant day** means—

- (a) for a decision of the authority under subsection (1)—the day when the authority gives to the person to whom the decision relates a prescribed notice about the decision; and
- (b) for a notice given by a person under the Commonwealth Act, section 32 (8A) (as it has effect because of that Act, section 32B)—the day when the authority gives to the person a prescribed notice about the notice given by the person.

**22 False or misleading evidence**

A person shall not, at a hearing before the authority, give evidence that is, to the knowledge of the person, false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**23 Protection of witnesses**

If it appears to a member that, by reason of the fact that a person—

- (a) is to appear, is appearing or has appeared at a hearing before the authority to give evidence or to produce a document or thing; or
- (b) proposes to produce or has produced a document or thing to the authority under this Act otherwise than at a hearing before the authority;

the safety of the person may be prejudiced or the person may be subjected to intimidation or harassment, the member may make such arrangements (including arrangements with the Minister or with members of the Australian Federal Police) as are necessary to avoid prejudice to the safety of the person, or to protect the person from intimidation or harassment.

**24 Contempt of authority**

- (1) A person must not obstruct or hinder the authority or a member in the exercise of the special functions of the authority.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not disrupt a hearing before the authority.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**25 Double jeopardy**

If an act or omission by a person is an offence against this Act and is also an offence against the Commonwealth Act, the person may be prosecuted and convicted under this Act in respect of that act or omission notwithstanding that he or she has been or is being prosecuted, or has been convicted, in respect of that act or omission under the Commonwealth Act, but nothing in this Act renders a person liable to be punished twice in respect of the same act or omission.

**26 Powers of acting members of authority**

The validity of anything done by or in relation to a person purporting to act as chairperson or as a member shall not be called in question on the ground that the occasion for his or her appointment had not arisen, that there is a defect or irregularity in or in connection with that appointment, that that appointment had ceased to have effect or that the occasion for him or her to act had not arisen or had passed.

**27 Administrative arrangements with Commonwealth**

The Minister may make an arrangement with the Commonwealth Minister under which the Territory will, from time to time as agreed on under the arrangement—

- (a) make available a person who is the holder of a judicial or other office, or persons who are the holders of judicial or other offices, of the Territory to hold office as a member or members; or
- (b) make available a person who is an officer or employee of the Territory or of an authority of the Territory or persons who are such officers, employees or members, to perform services for the authority.

## **28 Protection of members**

- (1) A member has, in the exercise of functions or powers, as a member in relation to a hearing before the authority, the same protection and immunity as a justice of the High Court.
- (2) A legal practitioner assisting the authority or representing a person at a hearing before the authority has the same protection and immunity as a barrister has when appearing for a party in proceedings in the High Court.
- (3) Subject to this Act, a person summoned to attend or appearing before the authority as a witness has the same protection as a witness in proceedings in the High Court.

## **29 Secrecy**

- (1) This section applies to a person who is or has been—
  - (a) a member of the authority; or
  - (b) a member of the staff of the authority.
- (2) A person to whom this section applies must not, except for a relevant Act—
  - (a) make a record of information; or
  - (b) divulge or communicate information to anyone;

if the information was acquired by the person in the exercise of the person's duties under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person to whom this section applies shall not be required to produce in any court a document that has come into his or her custody or control in the course of, or by reason of, the exercise of duties under this Act, or to divulge or communicate to a court a matter or thing that has come to his or her notice in the exercise of duties under this Act, except if the authority, or a member in the

member's official capacity, is a party to the relevant proceedings or it is necessary to do so—

- (a) for the purpose of carrying into effect the provisions of a relevant Act; or
- (b) for the purposes of a prosecution instituted as a result of an investigation carried out by the authority in the exercise of its functions.

(4) In this section:

*court* includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

*member of the staff of the authority* includes a person who assists or exercises functions on behalf of a legal practitioner appointed under the Commonwealth Act, section 50 in the exercise of the legal practitioner's duties as counsel assisting the authority.

*produce* includes permit access to.

*relevant Act* means this Act, the Commonwealth Act or a corresponding Act of a State.

### **30 Report to be presented to Assembly**

The Minister shall cause a copy of—

- (a) each annual report of the authority that is received by him or her; and
- (b) any comments made on the report by the intergovernmental committee, being comments that accompany the report;

to be presented to the Legislative Assembly within 15 sitting days of the Assembly after the report is received by him or her.

### **31 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 2)

**Commonwealth Act** means the *National Crime authority Act 1984* (Cwlth).

**Commonwealth Minister** means the Minister of State of the Commonwealth administering the Commonwealth Act.

**hearing** means a hearing for the purposes of a special investigation.

**registrar**, in relation to a court, includes the proper officer, however described, of that court.

**special function** means a special function referred to in section 5 (5).

**special investigation** means an investigation that the authority is conducting in the exercise of its special functions.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
num = numbered	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **National Crime Authority (Territory Provisions) Act 1991 No 75**

notified 6 December 1991 (Gaz 1991 No S134)

s 1, s 2 commenced 6 December 1991 (s 2 (1))

remainder commenced 24 Jan 1992 (s 2 (2) and Gaz 1992 No S13)

as amended by

#### **Acts Revision (Position of Crown) Act 1993 No 44 sch 2**

notified 27 August 1993 (Gaz 1993 No S165)

commenced 27 August 1993 (s 2)

#### **National Crime Authority (Territory Provisions) (Amendment) Act 1993 No 95**

notified 24 December 1993 (Gaz 1993 No S267)

commenced 24 December 1993 (s 2)

#### **Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)

s 1, s 2 commenced 29 November 1994 (s 2 (1))

sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

#### **Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

#### **Statute Law Amendment Act 2001 No 11 sch 1**

notified 29 March 2001 (Gaz 2001 No 13)

commenced 29 March 2001 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 253**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 253 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

#### **Jurisdiction of Courts Legislation Amendment Act 2001 No 71 sch 1 pt 4**

notified LR 14 September 2001

commenced 14 September 2001 (s 2)

## 4 Amendment history

### Name of Act

s 1 sub 2001 No 71 amdt 1.29

### Commencement

s 2 om 2001 No 11 amdt 1.6

### Dictionary

s 3 def *special investigation* om 2001 No 71 amdt 1.30  
defs reloc to dict 2001 No 71 amdt 1.31  
sub 2001 No 71 amdt 1.32

### Words and expressions used in Commonwealth Act

s 4 om 1993 No 44 sch 2  
ins 2001 No 71 amdt 1.33

### Meaning of *relevant offence*

s 4A ins 2001 No 71 amdt 1.33

### Functions under Territory laws

s 5 am 2001 No 11 amdt 1.7

### Exercise of functions

s 6 hdg am 2001 No 71 amdt 1.34  
s 6 am 2001 No 11 amdt 1.7; 2001 No 71 amdt 1.35-1.38

### Members may have concurrent functions and powers under Territory laws

s 7 am 2001 No 71 amdt 1.39-1.43

### Limitation on challenges to validity of references

s 8 am 2001 No 11 amdt 1.7

### Cooperation with law enforcement agencies

s 9 am 2001 No 71 amdt 1.44

### Incidental powers of authority

s 10 om 2001 No 71 amdt 1.45

### Arrangements for authority to obtain information or intelligence

s 11 am 2001 No 11 amdt 1.7

### Search warrants

s 12 am 1993 No 95 sch

### Order for delivery to authority of passport of witness

s 14 am 1993 No 95 sch

### Hearings

s 15 am 1993 No 95 sch; 1994 No 81 sch; 1998 No 54 sch; 2001 No 71 amdt 1.46

### Power to summon witnesses and take evidence

s 16 am 1993 No 95 sch

## Endnotes

### 4 Amendment history

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#### **Power to obtain documents**

s 17 am 1994 No 81 sch; 1998 No 54 sch; 2001 No 71 amdt 1.47, amdt 1.48

#### **Disclosure of notice or summons etc may be prohibited**

s 17A ins 1993 No 95 s 4

#### **Offences of disclosure**

s 17B ins 1993 No 95 s 4  
am 1998 No 54 sch; 2001 No 71 amdt 1.49

#### **Failure of witnesses to attend and answer questions**

s 18 am 1994 No 81 sch; 1998 No 54 sch; 2001 No 71 amdt 1.50, amdt 1.51

#### **Warrant for arrest of witness**

s 19 am 1993 No 95 s 5

#### **Claim of entitlement to refuse to answer question or produce document**

s 20 am 1993 No 95 sch  
sub 2001 No 71 amdt 1.52

#### **Applications to Supreme Court of a State**

s 21 am 2001 No 11 amdt 1.7  
om 2001 No 71 amdt 1.53

#### **False or misleading evidence**

s 22 am 1994 No 81 sch; 1998 No 54 sch; 2001 No 71 amdt 1.54

#### **Protection of witnesses**

s 23 am 2001 No 11 amdt 1.7

#### **Contempt of authority**

s 24 am 1994 No 81 sch; 1998 No 54 sch  
sub 2001 No 71 amdt 1.55

#### **Powers of acting members of authority**

s 26 am 1993 No 95 sch

#### **Administrative arrangements with Commonwealth**

s 27 am 2001 No 11 amdt 1.7

#### **Protection of members**

s 28 am 2001 No 71 amdt 1.56

#### **Secrecy**

s 29 am 1994 No 81 sch; 2001 No 71 amdt 1.57-1.61

#### **Report to be presented to Assembly**

s 30 am 2001 No 11 amdt 1.7

#### **Regulation-making power**

s 31 sub 2001 No 44 amdt 1.2896

**Dictionary**

dict

ins 2001 No 71 amdt 1.62

def **Commonwealth Act** reloc from s 3 2001 No 71 amdt 1.31def **Commonwealth Minister** reloc from s 3 2001 No 71 amdt 1.31def **hearing** reloc from s 3 2001 No 71 amdt 1.31def **registrar** reloc from s 3 2001 No 71 amdt 1.31def **special function** reloc from s 3 2001 No 71 amdt 1.31def **special investigation** ins 2001 No 71 amdt 1.62**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 1993 No 95	31 December 1993
2	Act 1998 No 54	31 July 1999

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