

2003

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

# Australian Crime Commission (ACT) Bill 2003

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## **Australian Crime Commission (ACT) Bill 2003**

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### **A Bill for**

An Act to make provision for the operation of the Australian Crime Commission in the ACT, to repeal the *National Crime Authority (Territory Provisions) Act 1991*, and for related purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Australian Crime Commission (ACT) Act 2003*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written  
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see Legislation  
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see Legislation Act, s 79).

15 **3 Dictionary**

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

17 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
18 Act.

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

23 **4 Notes**

24 A note included in this Act is explanatory and is not part of this Act.

25 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

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1    **5    Offences against Act—application of Criminal Code etc**

2           Other legislation applies in relation to offences against this Act.

3           *Note 1   Criminal Code*

4                   The Criminal Code, ch 2 applies to all offences against this Act (see  
5                   Code, pt 2.1).

6                   The chapter sets out the general principles of criminal responsibility  
7                   (including burdens of proof and general defences), and defines terms  
8                   used for offences to which the Code applies (eg *conduct*, *intention*,  
9                   *recklessness* and *strict liability*).

10          *Note 2   Penalty units*

11                   The Legislation Act, s 133 deals with the meaning of offence penalties  
12                   that are expressed in penalty units.

13    **6    Terms used in ACC Act**

14           If this Act uses a term that is used in the ACC Act, the term has the  
15           same meaning in this Act as it has in the ACC Act.

16          *Note*     A definition applies except so far as the contrary intention appears (see  
17                   Legislation Act, s 155).

18    **7    Incidental offences may be taken to be serious and  
19           organised crime**

20           If the head of an ACC operation/investigation suspects that an  
21           offence (the *incidental offence*) that is not a serious and organised  
22           crime may be directly or indirectly connected with, or may be a part  
23           of, a course of activity involving the commission of a serious and  
24           organised crime (whether or not the head has identified the nature of  
25           that serious and organised crime), then, the incidental offence is, for  
26           so long only as the head so suspects, taken, for this Act, to be a  
27           serious and organised crime.

1 **Part 2** **The ACC, the board and inter-**  
2 **governmental committee**

3 **Division 2.1** **Australian Crime Commission**

4 **8** **Functions of ACC**

5 The ACC has the following functions:

- 6 (a) to investigate a matter relating to a relevant criminal activity,  
7 so far as the serious and organised crime is, or the serious and  
8 organised crimes are or include, an offence or offences against  
9 an ACT law (irrespective of whether that offence or those  
10 offences have a federal aspect);
- 11 (b) to undertake an intelligence operation so far as the serious and  
12 organised crime is, or the serious and organised crimes are or  
13 include, an offence or offences against an ACT law  
14 (irrespective of whether that offence or those offences have a  
15 federal aspect);
- 16 (c) to provide a report to the board on the outcome of such an  
17 investigation or operation;
- 18 (d) any other functions given to the ACC by this Act or any other  
19 Act.

20 **9** **CEO to manage ACC operations/investigations**

- 21 (1) The CEO is to manage, coordinate and control ACC  
22 operations/investigations.
- 23 (2) As soon as practicable after the board consents under the ACC Act,  
24 section 55A (3) (Operation of State laws—investigation of offences  
25 against State laws) to the ACC undertaking an intelligence operation  
26 under section 8 (b) or conducting an investigation under



1 section 8 (a), the CEO must determine, in writing, the head of the  
2 operation or investigation.

3 *Note* Under the ACC Act, *State* includes the ACT (see s 4 (1), def *State*)

4 (3) Before the CEO determines the head of the operation or  
5 investigation, the CEO must consult the chair of the board, and such  
6 other members of the board as the CEO considers appropriate, in  
7 relation to the determination.

8 (4) Subject to such consultation with the examiners as is appropriate  
9 and practicable, the CEO may make arrangements about the  
10 examiner who may exercise the CEO's powers under this Act in  
11 relation to a special ACC operation/investigation.

## 12 **10 Counsel assisting ACC**

13 The CEO may appoint a legal practitioner to assist the ACC as  
14 counsel in relation to ACC operations/investigations generally or in  
15 relation to a particular matter or matters.

## 16 **Division 2.2 Board of ACC**

### 17 **11 Functions of board**

18 (1) The board has the following functions:

19 (a) to determine, in writing, whether an ACC Territory intelligence  
20 operation is a special operation or whether an ACC Territory  
21 investigation is a special investigation;

22 (b) to determine, in writing, the class or classes of people to  
23 participate in an ACC Territory intelligence operation or ACC  
24 Territory investigation;

25 (c) to establish task forces;

26 (d) any other functions given to the board by other provisions of  
27 this Act.

- 1 (2) The board may determine, in writing, that an ACC Territory  
2 intelligence operation is a special operation.
- 3 (3) Before making a determination under subsection (2), the board must  
4 consider whether methods of collecting the criminal information and  
5 intelligence that do not involve the use of powers in this Act have  
6 been effective.
- 7 (4) The board may determine, in writing, that an ACC Territory  
8 investigation is a special investigation.
- 9 (5) Before making a determination under subsection (4), the board must  
10 consider whether ordinary police methods of investigation into the  
11 matters are likely to be effective.
- 12 (6) A determination under subsection (2) or (4) must—
- 13 (a) describe the general nature of the circumstances or allegations  
14 constituting the relevant criminal activity to which the  
15 operation or investigation relates; and
- 16 (b) state that the serious and organised crime is, or the serious and  
17 organised crimes are or include, an offence or offences against  
18 an ACT law but need not state the particular offence or  
19 offences; and
- 20 (c) set out the purpose of the operation or investigation.
- 21 (7) The chair of the board must, within the period of 3 days beginning  
22 on the day a determination under subsection (2) or (4) is made, give  
23 a copy of the determination to the inter-governmental committee.
- 24 (8) A determination under subsection (2) or (4) has effect immediately  
25 after it is made.
- 26 (9) Sections 12 to 18 have effect in relation to the Board's functions  
27 under this Act.

1 **12 Board meetings**

- 2 (1) The chair of the board may call meetings of the board.
- 3 (2) The chair, in exercising his or her power to call meetings, must  
4 ensure that meetings of the board are scheduled to meet the  
5 requirements set out in the ACC Act, section 7D (Board meetings).

6 **13 Presiding at board meetings**

- 7 A meeting of the board must be presided over by—
- 8 (a) if the chair of the board is present—the chair; or
- 9 (b) otherwise—another eligible Commonwealth board member  
10 who is present and who is nominated, in writing, by the chair  
11 to preside.

12 **14 Quorum at board meetings**

13 At a meeting of the board a quorum is constituted by 7 board  
14 members (not including the CEO).

15 **15 Voting at board meetings**

- 16 (1) Subject to this section, a question arising at a meeting of the board is  
17 to be decided by a majority of the votes of board members present.
- 18 (2) The person presiding at a meeting has—
- 19 (a) a deliberative vote; and
- 20 (b) if necessary, also a casting vote.
- 21 (3) The CEO is not entitled to vote on any question arising at a meeting  
22 of the board.
- 23 (4) The board cannot determine that an ACC Territory intelligence  
24 operation is a special operation, or that an ACC Territory  
25 investigation is a special investigation, unless at least 9 board  
26 members (including at least 2 eligible Commonwealth board  
27 members) vote in favour of making the determination.

1 **16 Conduct of board meetings**

2 (1) The board may regulate proceedings at its meetings as it considers  
3 appropriate.

4 (2) The board must ensure that minutes of its meetings are kept.

5 **17 Resolutions outside of board meetings**

6 (1) This section applies to a resolution—

7 (a) that, without being considered at a meeting of the board, is  
8 referred to all members of the board; and

9 (b) of which—

10 (i) if subparagraph (ii) does not apply—a majority of those  
11 members (other than the CEO); or

12 (ii) if the resolution is that the board determine that an ACC  
13 Territory intelligence operation is a special operation, or  
14 that an ACC Territory investigation is a special  
15 investigation—at least 9 board members (other than the  
16 CEO but including at least 2 eligible Commonwealth  
17 board members);

18 indicate by telephone or other mode of communication to the  
19 chair of the board that they are in favour.

20 (2) The resolution is as valid and effectual as if it had been passed at a  
21 meeting of the board duly called and held.

22 **18 Board committees**

23 (1) The board may, with the unanimous agreement of all the members  
24 of the board (other than the CEO), establish a committee or  
25 committees to assist in carrying out the functions of the board.

26 (2) The board may dissolve a committee at any time.

- 1 (3) The functions of a committee are as determined by the unanimous  
2 agreement of all the members of the board (other than the CEO).
- 3 (4) However, the board cannot determine that a committee has the  
4 function of determining whether an ACC Territory intelligence  
5 operation is a special operation or whether an ACC Territory  
6 investigation is a special investigation.
- 7 (5) In exercising its functions, a committee must comply with any  
8 directions given to the committee by the board.
- 9 (6) A question arising at a meeting of a committee is to be decided by a  
10 majority of the votes of committee members present.
- 11 (7) However, the CEO is not entitled to vote on any question arising at  
12 a meeting of a committee of which the CEO is a member.
- 13 (8) A committee must inform the other members of the board of its  
14 decisions.
- 15 (9) A committee may regulate proceedings at its meetings as it  
16 considers appropriate.
- 17 (10) A committee must ensure that minutes of its meetings are kept.

## 18 **Division 2.3 Inter-governmental committee**

### 19 **19 Functions of committee**

- 20 (1) Within the period of 30 days beginning on the day the committee is  
21 given a copy of a determination (a *special determination*) under  
22 section 11 (2) or (4) (Functions of board), the committee may by  
23 resolution, with the agreement of the member of the committee  
24 representing the Commonwealth and at least 5 other members of the  
25 committee, request the chair of the board to give further information  
26 to the committee in relation to the determination.
- 27 (2) Subject to subsection (3), the chair of the board must comply with  
28 the request.

- 1 (3) If the chair of the board considers that disclosure of information to  
2 the public could prejudice the safety or reputation of people or the  
3 operations of law enforcement agencies, the chair must not give the  
4 committee the information.
- 5 (4) If the chair of the board does not give the committee information on  
6 the ground that the chair considers that disclosure of the information  
7 to the public could prejudice the safety or reputation of persons or  
8 the operations of law enforcement agencies, the committee may  
9 refer the request to the Territory Minister.
- 10 (5) If the committee refers the request to the Territory Minister, the  
11 Territory Minister—
- 12 (a) must determine in writing whether disclosure of the  
13 information could prejudice the safety or reputation of people  
14 or the operations of law enforcement agencies; and
- 15 (b) must give copies of the determination to the chair of the board  
16 and the committee; and
- 17 (c) must not disclose the Minister's reasons for determining the  
18 question of whether the information could prejudice the safety  
19 or reputation of people or the operations of law enforcement  
20 agencies in the way stated in the determination.
- 21 (6) Within the period of 30 days beginning on the day the committee  
22 makes a request under subsection (1) in relation to a special  
23 determination, the committee may by resolution, with the agreement  
24 of the member of the committee representing the Commonwealth  
25 and at least 5 other members of the committee, revoke the  
26 determination.
- 27 (7) The committee must notify the chair of the board and the CEO of  
28 the revocation.
- 29 (8) A revocation takes effect when the CEO is notified.

- 1       (9) To remove any doubt, the revoking of the determination does not  
2       affect the validity of anything done in relation to the ACC  
3       operation/investigation concerned before the CEO is so notified.
- 4       (10) The committee does not have a duty to consider whether to exercise  
5       the power under subsection (1) or (6) in relation to any special  
6       determination, whether the committee is requested to do so by  
7       anyone, or in any other circumstances.

1 **Part 3 Examinations**

2  
3 **20 Examinations**

4 An examiner may conduct an examination for the purposes of a  
5 special ACC operation/investigation.

6 **21 Conduct of examination**

7 (1) An examiner may regulate the conduct of proceedings at an  
8 examination as the examiner considers appropriate.

9 (2) At an examination before an examiner—

10 (a) a person giving evidence may be represented by a legal  
11 practitioner; and

12 (b) if, because of the existence of special circumstances, the  
13 examiner consents to a person who is not giving evidence  
14 being represented by a legal practitioner—the person may be  
15 so represented.

16 (3) An examination before an examiner must be held in private and the  
17 examiner may give directions about the people who may be present  
18 during the examination or a part of the examination.

19 (4) Nothing in a direction given by the examiner under subsection (3)  
20 prevents the presence, when evidence is being taken at an  
21 examination before the examiner, of—

22 (a) a person representing the person giving evidence; or

23 (b) a person representing, in accordance with subsection (2), a  
24 person who, because of a direction given by the examiner  
25 under subsection (3), is entitled to be present.



- 1 (5) If an examination before an examiner is being held, a person (other  
2 than a member of the staff of the ACC approved by the examiner)  
3 must not be present at the examination unless the person is entitled  
4 to be present because of a direction given by the examiner under  
5 subsection (3) or because of subsection (4).
- 6 (6) A person commits an offence if the person is present at an  
7 examination knowing that he or she is not entitled to be present.  
8 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
9 both.
- 10 (7) At an examination before an examiner—  
11 (a) counsel assisting the examiner generally or in relation to the  
12 matter to which the ACC operation/investigation relates; or  
13 (b) someone authorised by the examiner to appear before the  
14 examiner at the examination; or  
15 (c) any legal practitioner representing a person at the examination  
16 in accordance with subsection (2);  
17 may, so far as the examiner considers appropriate, examine or cross-  
18 examine any witness on any matter that the examiner considers  
19 relevant to the ACC operation/investigation.
- 20 (8) If a person (other than a member of the staff of the ACC) is present  
21 at an examination before an examiner while someone else (the  
22 *witness*) is giving evidence at the examination, the examiner must—  
23 (a) tell the witness that the person is present; and  
24 (b) give the witness an opportunity to comment on the presence of  
25 the person.
- 26 (9) To remove any doubt, a person does not cease to be entitled to be  
27 present at an examination before an examiner or part of such an  
28 examination if—  
29 (a) the examiner fails to comply with subsection (8); or

**Part 3** Examinations

Section 21

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- 1 (b) a witness comments adversely on the presence of the person  
2 under subsection (8) (b).
- 3 (10) An examiner may direct that—
- 4 (a) any evidence given before the examiner; or
- 5 (b) the contents of any document, or a description of anything,  
6 produced to the examiner; or
- 7 (c) any information that might enable a person who has given  
8 evidence before the examiner to be identified; or
- 9 (d) the fact that any person has given or may be about to give  
10 evidence at an examination;
- 11 must not be published, or must not be published except in a way,  
12 and to people, that the examiner specifies.
- 13 (11) The examiner must give the direction if the failure to do so might  
14 prejudice the safety or reputation of a person or prejudice the fair  
15 trial of a person who has been, or may be, charged with an offence.
- 16 (12) Subject to subsection (13), the CEO may, in writing, vary or revoke  
17 a direction under subsection (10).
- 18 (13) The CEO must not vary or revoke a direction if to do so might  
19 prejudice the safety or reputation of a person or prejudice the fair  
20 trial of a person who has been or may be charged with an offence.
- 21 (14) If—
- 22 (a) a person has been charged with an offence before a federal  
23 court or before an ACT court; and
- 24 (b) the court considers that it may be desirable in the interests of  
25 justice that particular evidence given before an examiner, in  
26 relation to which the examiner has given a direction under  
27 subsection (10) be made available to the person or to a legal  
28 practitioner representing the person;

- 1 the court may give the examiner or CEO a certificate to that effect  
2 and, if the court does so, the examiner or the CEO, as the case may  
3 be, must make the evidence available to the court.
- 4 (15) If—
- 5 (a) the examiner or CEO makes evidence available to a court in  
6 accordance with subsection (14); and
- 7 (b) the court, after examining the evidence, is satisfied that the  
8 interests of justice so require;
- 9 the court may make the evidence available to the person charged  
10 with the offence concerned or to a legal practitioner representing the  
11 person.
- 12 (16) A person commits an offence if—
- 13 (a) an examiner makes a direction under subsection (10); and
- 14 (b) the person publishes something that contravenes the direction;  
15 and
- 16 (c) the person makes the publication reckless about whether the  
17 publication contravenes the direction.
- 18 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
19 both.
- 20 (17) At the conclusion of an examination held by an examiner, the  
21 examiner must give the head of the special ACC  
22 operation/investigation—
- 23 (a) a record of the proceedings of the examination; and
- 24 (b) any documents or other things given to the examiner at, or in  
25 relation to, the examination.
- 26 (18) In this section:
- 27 ***publish*** includes state and otherwise communicate.

- 1     **22     Power to summon witnesses and take evidence**
- 2     (1) An examiner may summon a person to appear before the examiner
- 3         at an examination to give evidence and to produce the documents or
- 4         other things (if any) referred to in the summons.
- 5     (2) Before issuing a summons under subsection (1), the examiner must
- 6         be satisfied that it is reasonable in all the circumstances to do so.
- 7     (3) The examiner must also record in writing the reasons for the issue of
- 8         the summons.
- 9     (4) A summons under subsection (1) requiring a person to appear before
- 10        an examiner at an examination must be accompanied by a copy of
- 11        the determination of the board that the ACC Territory intelligence
- 12        operation is a special operation or that the ACC Territory
- 13        investigation is a special investigation.
- 14     (5) A summons under subsection (1) requiring a person to appear before
- 15        an examiner at an examination must, unless the examiner issuing the
- 16        summons is satisfied that, in the particular circumstances of the
- 17        special ACC operation/investigation to which the examination
- 18        relates, it would prejudice the effectiveness of the special ACC
- 19        operation/investigation for the summons to do so, set out, so far as is
- 20        reasonably practicable, the general nature of the matters in relation
- 21        to which the examiner intends to question the person, but nothing in
- 22        this subsection prevents the examiner from questioning the person in
- 23        relation to any matter that relates to a special ACC
- 24        operation/investigation.
- 25     (6) The examiner who is holding an examination may require a person
- 26        appearing at the examination to produce a document or other thing.
- 27     (7) An examiner may, at an examination, take evidence on oath or
- 28        affirmation and for that purpose—
- 29        (a) the examiner may require a person appearing at the
- 30            examination to give evidence either to take an oath or to make
- 31            an affirmation in a form approved by the examiner; and

1 (b) the examiner, or a person who is an authorised person in  
2 relation to the ACC, may administer an oath or affirmation to a  
3 person so appearing at the examination.

4 (8) In this section a reference to a person who is an authorised person,  
5 in relation to the ACC means a person authorised in writing, or a  
6 person included in a class of persons authorised in writing, for this  
7 section by the CEO.

8 (9) The powers given by this section are only exercisable except for the  
9 purposes of a special ACC operation/investigation.

## 10 **23 Power to obtain documents**

11 (1) An examiner may, by written notice served on a person, require the  
12 person—

13 (a) to attend, at a stated time and place, before a stated person,  
14 who is the examiner or a member of the staff of the ACC; and

15 (b) to produce at that time and place to the stated person a stated  
16 document or thing, being a document or thing that is relevant  
17 to a special ACC operation/investigation.

18 (2) Before issuing a notice under subsection (1), the examiner must be  
19 satisfied that it is reasonable in all the circumstances to do so.

20 (3) The examiner must also record in writing the reasons for the issue of  
21 the notice.

22 (4) A notice may be issued under this section in relation to a special  
23 ACC operation/investigation, whether or not an examination before  
24 an examiner is being held for the purposes of the operation or  
25 investigation.

- 1 (5) A person commits an offence if the person—  
2 (a) is served with a notice under subsection (1); and  
3 (b) intentionally—  
4 (i) fails to attend the examination at the stated time or place;  
5 or  
6 (ii) fails to produce a stated document or thing

7 Maximum penalty: 500 penalty units, imprisonment for 5 years or  
8 both.

9 *Note* Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
10 the Magistrates Court may, in certain circumstances, deal summarily  
11 with offences (other than those involving money or other property) for  
12 which the maximum penalty does not exceed imprisonment for  
13 10 years. However, the court may not impose a sentence of  
14 imprisonment exceeding 2 years or impose a fine exceeding \$5 000.

- 15 (6) Section 26 (4) to (9) (Failure of witnesses to attend and answer  
16 questions) apply in relation to a person who is required to produce a  
17 document or thing by a notice served on the person under this  
18 section in the same way they apply in relation to a person who is  
19 required to produce a document or thing at an examination before an  
20 examiner.

## 21 **24 Disclosure of summons or notice may be prohibited**

- 22 (1) The examiner issuing a summons under section 22 (Power to  
23 summon witnesses and take evidence) or a notice under section 23  
24 (Power to obtain documents) must, or may, as provided in  
25 subsection (2), include in it a notation to the effect that disclosure of  
26 information about the summons or notice, or any official matter  
27 connected with it, is prohibited except in the circumstances (if any)  
28 stated in the notation.

- 1 (2) A notation must not be included in the summons or notice except as  
2 follows:
- 3 (a) the examiner must include the notation if satisfied that failure  
4 to do so would reasonably be expected to prejudice—
- 5 (i) the safety or reputation of a person; or  
6 (ii) the fair trial of a person who has been or may be charged  
7 with an offence; or  
8 (iii) the effectiveness of an operation or investigation;
- 9 (b) the examiner may include the notation if satisfied that failure to  
10 do so might prejudice—
- 11 (i) the safety or reputation of a person; or  
12 (ii) the fair trial of a person who has been or may be charged  
13 with an offence; or  
14 (iii) the effectiveness of an operation or investigation;
- 15 (c) the examiner may include the notation if satisfied that failure to  
16 do so might otherwise be contrary to the public interest.
- 17 (3) If a notation is included in the summons or notice, it must be  
18 accompanied by a written statement setting out the rights and  
19 obligations given or imposed by section 25 (Offences of disclosure)  
20 on the person who was served with, or otherwise given, the  
21 summons or notice.
- 22 (4) If, after the ACC has concluded the operation or investigation  
23 concerned—
- 24 (a) no evidence of an offence has been obtained as described in  
25 section 37 (1) (Exercising functions); or  
26 (b) evidence of an offence or offences has been assembled and  
27 given as required by section 37 (1) and the CEO has been  
28 advised that no-one will be prosecuted; or

- 1 (c) evidence of an offence or offences committed by only 1 person  
2 has been assembled and given as required by section 37 (1) and  
3 criminal proceedings have begun against that person; or
- 4 (d) evidence of an offence or offences committed by 2 or more  
5 persons has been assembled and given as required by  
6 section 37 (1) and—
- 7 (i) criminal proceedings have begun against all those people;  
8 or
- 9 (ii) criminal proceedings have begun against 1 or more of  
10 those people and the CEO has been advised that no other  
11 of those people will be prosecuted;
- 12 all the notations that were included under this section in any  
13 summonses or notices relating to the operation or investigation are  
14 cancelled by this subsection.
- 15 (5) If a notation is cancelled by subsection (4), the CEO must serve a  
16 written notice of that fact on each person who was served with, or  
17 otherwise given, the summons or notice containing the notation.
- 18 (6) In this section:
- 19 *official matter*—see section 25.

20 **25 Offences of disclosure**

- 21 (1) A person commits an offence if—
- 22 (a) the person is served with, or otherwise given, a summons or  
23 notice containing a notation made under section 24; and
- 24 (b) the person states, communicates or otherwise publishes  
25 something that discloses—
- 26 (i) the existence of the summons or notice or any  
27 information about it; or



- 1                   (ii) the existence of, or any information about, any official  
2                   matter connected with the summons or notice; and
- 3                   (c) the person makes the statement, publication or other  
4                   communication reckless about whether it will make a  
5                   disclosure of a kind mentioned in paragraph (b).
- 6                   Maximum penalty: 100 penalty units, imprisonment for 1 year or  
7                   both.
- 8                   (2) Subsection (1) does not apply to a statement, publication or other  
9                   communication made—
- 10                  (a) in accordance with the circumstances (if any) stated in the  
11                  notation; or
- 12                  (b) to a legal practitioner for the purpose of obtaining legal advice  
13                  or representation relating to the summons, notice or matter; or
- 14                  (c) if the person is a corporation—to an officer or agent of the  
15                  corporation for the purpose of ensuring compliance with the  
16                  summons or notice; or
- 17                  (d) if the person is a legal practitioner—for the purpose of  
18                  obtaining the agreement of another person under section 26 (4)  
19                  to the legal practitioner answering a question or producing a  
20                  document at an examination before an examiner.
- 21                  (3) A person commits an offence if—
- 22                  (a) a statement, publication or other communication is made to the  
23                  person as allowed by subsection (2) or (4); and
- 24                  (b) while the person is a person to whom a statement,  
25                  communication or publication is allowed to be made, the  
26                  person makes a statement, publication or other communication  
27                  (the *later communication*) that discloses—
- 28                          (i) the existence of, or any information about, the summons  
29                          or notice; or

- 1 (ii) the existence of or, any information about, any official  
2 matter connected with the summons or notice; and
- 3 (c) the person is reckless about whether the later communication  
4 will make a disclosure of a kind mentioned in paragraph (b).
- 5 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
6 both.
- 7 (4) Subsection (3) does not apply—
- 8 (a) if the person is an officer or agent of a corporation mentioned  
9 in subsection (2) (c)—to a statement, publication or other  
10 communication to—
- 11 (i) another officer or agent of the corporation for the purpose  
12 of ensuring compliance with the summons or notice; or
- 13 (ii) a legal practitioner for the purpose of obtaining legal  
14 advice or representation relating to the summons, notice  
15 or matter; or
- 16 (b) if the person is a legal practitioner—to a statement, publication  
17 or other communication for the purpose of giving legal advice,  
18 or making representations, relating to the summons, notice or  
19 matter.
- 20 (5) A person commits an offence if—
- 21 (a) a statement, publication or other communication is made to the  
22 person as allowed by subsection (2) or (4); and
- 23 (b) after the person ceases to be a person to whom a statement,  
24 publication or other communication is allowed to be made, the  
25 person—
- 26 (i) makes a record of the summons or notice or any  
27 information about it; or
- 28 (ii) discloses (the *later disclosure*)—

- 1 (A) the existence of the summons or notice or any  
2 information about it; or
- 3 (B) the existence of, or any information about, any  
4 official matter connected with the summons or  
5 notice; and
- 6 (c) in the case of a disclosure mentioned in paragraph (b) (ii)—the  
7 person is reckless about whether the later disclosure is a  
8 disclosure of a kind mentioned in that subparagraph.
- 9 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
10 both.
- 11 (6) This section ceases to apply to a summons or notice after—
- 12 (a) the notation contained in the summons or notice is cancelled by  
13 section 24 (4) (Disclosure of summons or notice may be  
14 prohibited); or
- 15 (b) 5 years elapse after the day of issue of the summons or notice;  
16 whichever is sooner.
- 17 (7) A reference in this section to disclosing something's existence  
18 includes disclosing information from which a person could  
19 reasonably be expected to infer its existence.
- 20 (8) In this section:
- 21 *official matter* means any of the following (whether past, present or  
22 contingent):
- 23 (a) the determination referred to in section 22 (4) (Power to  
24 summon witnesses and take evidence);
- 25 (b) an ACC operation/investigation;
- 26 (c) an examination held by an examiner;
- 27 (d) court proceedings.

1 **26 Failure of witnesses to attend and answer questions**

- 2 (1) A person commits an offence if—
- 3 (a) the person is served, as prescribed under the regulations, with a  
4 summons to appear as a witness at an examination before an  
5 examiner; and
- 6 (b) the person intentionally—
- 7 (i) fails to attend as required by the summons; or  
8 (ii) fails to attend from day-to-day.

9 Maximum penalty: 500 penalty units, imprisonment for 5 years or  
10 both.

11 *Note* Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
12 the Magistrates Court may, in certain circumstances, deal summarily  
13 with offences (other than those involving money or other property) for  
14 which the maximum penalty does not exceed imprisonment for  
15 10 years. However, the court may not impose a sentence of  
16 imprisonment exceeding 2 years or impose a fine exceeding \$5 000.

17 (2) Subsection (1) (b) (ii) does not apply if the examiner has excused or  
18 released the person from attending on a day or part of a day.

- 19 (3) A person commits an offence if—
- 20 (a) the person appears as a witness at an examination before an  
21 examiner; and
- 22 (b) the examiner requires the person—
- 23 (i) to either take an oath or make an affirmation in  
24 accordance with section 22 (Power to summon witnesses  
25 and take evidence); or
- 26 (ii) to answer a question that the examiner is entitled to  
27 require the person to answer under this Act; or

- 1 (iii) to produce a document or thing that the person is required  
2 to produce by a summons under this Act served on the  
3 person as prescribed under the regulations; and
- 4 (c) the person intentionally fails—
- 5 (i) to either take the oath or make the affirmation; or
- 6 (ii) to answer the question; or
- 7 (iii) to produce the document or thing
- 8 Maximum penalty: 500 penalty units, imprisonment for 5 years or  
9 both.
- 10 *Note* Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
11 the Magistrates Court may, in certain circumstances, deal summarily  
12 with offences (other than those involving money or other property) for  
13 which the maximum penalty does not exceed imprisonment for  
14 10 years. However, the court may not impose a sentence of  
15 imprisonment exceeding 2 years or impose a fine exceeding \$5 000.
- 16 (4) Subsection (3) does not apply if—
- 17 (a) a legal practitioner refuses to comply with a requirement to  
18 answer a question or produce a document or thing at an  
19 examination before an examiner; and
- 20 (b) the answer to the question would disclose, or the document  
21 contains, a privileged communication made by or to the legal  
22 practitioner in his or her capacity as a legal practitioner; and
- 23 (c) the person to whom or by whom the communication was made  
24 has not agreed to the legal practitioner complying with the  
25 requirement.
- 26 (5) If, under subsection (4), a legal practitioner refuses to comply with a  
27 requirement, the legal practitioner commits an offence if—
- 28 (a) the examiner requires the legal practitioner to tell the examiner  
29 the name and address of the person to or by whom the  
30 communication was made; and

- 1 (b) the legal practitioner intentionally fails to tell the examiner the  
2 name and address.
- 3 Maximum penalty: 500 penalty units, imprisonment for 5 years or  
4 both.
- 5 *Note* Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
6 the Magistrates Court may, in certain circumstances, deal summarily  
7 with offences (other than those involving money or other property) for  
8 which the maximum penalty does not exceed imprisonment for  
9 10 years. However, the court may not impose a sentence of  
10 imprisonment exceeding 2 years or impose a fine exceeding \$5 000.
- 11 (6) Subsection (8) limits the use that can be made of any answers given  
12 at an examination before an examiner, or documents or things  
13 produced at an examination before an examiner.
- 14 (7) Subsection (8) applies only if—
- 15 (a) a person appearing as a witness at an examination before an  
16 examiner—
- 17 (i) answers a question that the person is required to answer  
18 by the examiner; or
- 19 (ii) produces a document or thing that the person was  
20 required to produce by a summons under this Act served  
21 on the person as prescribed; and
- 22 (b) for the production of a document that is, or forms part of, a  
23 record of an existing or past business—the document sets out  
24 details of earnings received by the person in relation to the  
25 person's employment and does not set out any other  
26 information; and
- 27 (c) before answering the question or producing the document or  
28 thing, the person claims that the answer, or the production of  
29 the document or thing, might tend to incriminate the person or  
30 make the person liable to a penalty.

- 1 (8) The answer, or the document or thing, is not admissible in evidence  
2 against the person in—  
3 (a) a criminal proceeding; or  
4 (b) a proceeding for the imposition of a penalty;  
5 other than—  
6 (c) confiscation proceedings; or  
7 (d) a proceeding in relation to—  
8 (i) for an answer—the falsity of the answer; or  
9 (ii) for the production of a document—the falsity of any  
10 statement contained in the document.
- 11 (9) Subsection (4) does not affect the law relating to legal professional  
12 privilege.

## 13 **27 Warrant for arrest of witness**

- 14 (1) If, on application by an examiner, a judge of the Federal Court or  
15 the Supreme Court sitting in chambers is satisfied by evidence on  
16 oath that there are reasonable grounds to believe—  
17 (a) that a person who has been ordered, under section 31 (Order  
18 for giving passport of witness to examiner), to give the  
19 person's passport to the examiner, whether or not the person  
20 has complied with the order, is nevertheless likely to leave  
21 Australia for the purpose of avoiding giving evidence before  
22 the examiner; or  
23 (b) that a person in relation to whom a summons has been issued  
24 under section 22 (1) (Power to summon witnesses and take  
25 evidence)—  
26 (i) has absconded or is likely to abscond; or  
27 (ii) is otherwise attempting, or is otherwise likely to attempt,  
28 to evade service of the summons; or

- 1 (c) that a person has committed an offence against section 26 (1)  
2 (Failure of witnesses to attend and answer questions) or is  
3 likely to do so;  
4 the judge may issue a warrant for the apprehension of the person.
- 5 (2) The warrant may be executed by anyone to whom it is addressed  
6 and the person executing it has power to break into and enter any  
7 premises, vessel, aircraft or vehicle for the purpose of executing it.
- 8 (3) The warrant may be executed even if the warrant is not at the time  
9 in the possession of the person executing it.
- 10 (4) A person executing the warrant may only use such reasonable force  
11 as is necessary for the execution.
- 12 (5) If a person is apprehended under the warrant, the person must be  
13 brought, as soon as practicable, before a judge of the Federal Court  
14 or the Supreme Court and the judge may—
- 15 (a) admit the person to bail, with such security as the judge  
16 considers appropriate, on such conditions as the judge  
17 considers necessary to ensure the appearance of the person as a  
18 witness before the examiner; or
- 19 (b) order the continued detention of the person for the purposes of  
20 ensuring the person's appearance as a witness; or
- 21 (c) order the release of the person.
- 22 (6) If a person is under detention under this section, the person must,  
23 within 14 days after the day the person was brought, or last brought,  
24 before a judge of the Federal Court or the Supreme Court in  
25 accordance with this section, or within the shorter or longer time  
26 that a judge has fixed on the last previous appearance of the person  
27 before a judge under this section, be again brought before a judge  
28 and the judge may then exercise any of the powers of a judge under  
29 subsection (5).



1 (7) In this section:

2 *Australia* includes the external Territories.

3 **28 False or misleading evidence**

4 (1) A person commits an offence if—

5 (a) the person is at an examination before an examiner; and

6 (b) the person gives evidence to the examiner; and

7 (c) the person does so knowing that the evidence is false or  
8 misleading.

9 Maximum penalty: 500 penalty units, imprisonment for 5 years or  
10 both.

11 *Note* Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
12 the Magistrates Court may, in certain circumstances, deal summarily  
13 with offences (other than those involving money or other property) for  
14 which the maximum penalty does not exceed imprisonment for  
15 10 years. However, the court may not impose a sentence of  
16 imprisonment exceeding 2 years or impose a fine exceeding \$5 000.

17 (2) Subsection (1) (c) does not apply if the information is not false or  
18 misleading in a material particular.

19 **29 Protection of witnesses from harm or intimidation**

20 If it appears to an examiner that, because a person—

21 (a) is to appear, is appearing or has appeared at an examination  
22 before the examiner to give evidence or to produce a document  
23 or thing; or

24 (b) proposes to give or has given information, or proposes to  
25 produce or has produced a document or thing, to the ACC  
26 otherwise than at an examination before the examiner;

27 the safety of the person may be prejudiced or the person may be  
28 subjected to intimidation or harassment, the examiner may make the

1 arrangements (including arrangements with the Territory Minister or  
2 with members of the police force) that are necessary to avoid  
3 prejudice to the safety of the person, or to protect the person from  
4 intimidation or harassment.

### 5 **30 Legal protection of examiners, counsel and witnesses**

6 (1) An examiner has, in the exercise of the examiner's functions as an  
7 examiner in relation to an examination before the examiner, the  
8 same protection and immunity as a justice of the High Court.

9 (2) A legal practitioner assisting the ACC or an examiner or  
10 representing a person at an examination before an examiner has the  
11 same protection and immunity as a barrister has in appearing for a  
12 party in a proceeding in the High Court.

13 (3) Subject to this Act, a person summoned to attend or appearing  
14 before an examiner as a witness has the same protection as a witness  
15 in a proceeding in the High Court.

### 16 **31 Order for giving passport of witness to examiner**

17 (1) If, on application by an examiner, a judge of the Federal Court  
18 sitting in chambers is satisfied by evidence on oath that—

19 (a) in connection with a special ACC operation/investigation, a  
20 summons has been issued under this Act requiring a person to  
21 appear before an examiner at an examination (whether or not  
22 the summons has been served), or a person has appeared before  
23 an examiner at an examination, to give evidence or to produce  
24 documents or other things; and

25 (b) there are reasonable grounds for believing that the person can  
26 give to the examiner evidence or further evidence that is, or to  
27 produce to the examiner documents or other things or further  
28 documents or other things that are, relevant to the special ACC  
29 operation/investigation and could be of particular significance  
30 to the special ACC operation/investigation; and

- 1 (c) there are reasonable grounds for suspecting that the person  
2 intends to leave Australia and has in his or her possession,  
3 custody or control a passport issued to the person;
- 4 the judge may make an order requiring the person to appear before a  
5 judge of the Federal Court on a stated date, and at a stated time and  
6 place, to show cause why the person should not be ordered to give  
7 the passport to the examiner.
- 8 (2) If a person appears before a judge of the Federal Court under an  
9 order made under subsection (1), the judge may make an order—
- 10 (a) requiring the person to give the examiner any passport issued  
11 to the person that is in the person's possession, custody or  
12 control; and
- 13 (b) authorising the examiner to keep the passport until the end of a  
14 stated period (not longer than 1 month).
- 15 (3) A judge of the Federal Court may, on application by the examiner,  
16 extend for a further period (not longer than 1 month) or further  
17 periods (not longer than 1 month in each case) the period for which  
18 the examiner is authorised to keep a passport under an order made  
19 under subsection (2), but so that the total period for which the  
20 examiner is authorised to keep the passport is not longer than  
21 3 months.
- 22 (4) A judge of the Federal Court may, at any time while the examiner is  
23 authorised under an order made under this section to keep a passport  
24 issued to a person, on application made by the person, revoke the  
25 order and, if the order is revoked, the examiner must immediately  
26 return the passport to the person.
- 27 (5) In this section:
- 28 *Australia* includes the external Territories.



- 1 (3) An issuing officer must not issue a warrant under subsection (2)  
2 unless—
- 3 (a) an affidavit has been given to the officer setting out the  
4 grounds on which the issue of the warrant is being sought; and
- 5 (b) the applicant (or someone else) has given to the issuing officer,  
6 either orally or by affidavit, the further information (if any)  
7 that the issuing officer requires about the grounds on which the  
8 issue of the warrant is being sought; and
- 9 (c) the issuing officer is satisfied that there are reasonable grounds  
10 for issuing the warrant.
- 11 (4) If an issuing officer issues a warrant under subsection (2), the  
12 officer must state on the affidavit given to the officer as mentioned  
13 in subsection (3) (a) which of the grounds stated in that affidavit the  
14 officer has relied on to justify the issue of the warrant and  
15 particulars of any other grounds relied on by the officer to justify the  
16 issue of the warrant.
- 17 (5) A warrant issued under this section must—
- 18 (a) include a statement of the purpose for which the warrant is  
19 issued, which must include a reference to the special ACC  
20 operation/investigation and with which the things of the  
21 relevant kind are connected; and
- 22 (b) state whether entry is authorised to be made at any time of the  
23 day or night or during stated hours of the day or night; and
- 24 (c) include a description of the kind of things authorised to be  
25 seized; and
- 26 (d) state a date, not later than 1 month after the day of issue of the  
27 warrant, when the warrant ceases to have effect.

- 1 (6) A warrant issued under this section may be executed, in accordance  
2 with its terms, at any time during the period beginning on the  
3 relevant day and ending on the date stated in the warrant as the date  
4 when the warrant ceases to have effect.
- 5 (7) A person executing a warrant issued under this section may only use  
6 the reasonable force that is necessary for the execution.
- 7 (8) If, in the course of searching, in accordance with the terms of a  
8 warrant issued under this section, for things of the relevant kind, the  
9 person executing the warrant finds a thing that the person believes  
10 on reasonable grounds to be evidence that would be admissible in  
11 the prosecution of a person for an offence against a Commonwealth,  
12 State or Territory law and the person believes on reasonable grounds  
13 that it is necessary to seize the thing to prevent its concealment, loss,  
14 mutilation or destruction, or its use in committing such an offence,  
15 the person may seize the thing and, if the person does so, the thing is  
16 to be taken, for this Act, to have been seized under the warrant.
- 17 (9) If a thing is seized under a warrant issued under this section—
- 18 (a) the head of the special ACC operation/investigation may keep  
19 the thing if, and for so long as, keeping the thing by the head of  
20 the special ACC operation/investigation is reasonably  
21 necessary for the purposes of the special ACC  
22 operation/investigation to which the thing is relevant; and
- 23 (b) if the keeping of the thing by the head of the special ACC  
24 operation/investigation is not, or ceases to be, reasonably  
25 necessary for such purposes, a person participating in the  
26 special ACC operation/investigation must give the thing to—
- 27 (i) if the thing may be used in evidence in a proceeding of a  
28 kind mentioned in subsection (12)—the authority or  
29 person responsible for taking the proceeding; or

- 1 (ii) if subparagraph (i) does not apply—the person who  
2 appears to the person participating in the special ACC  
3 operation/investigation to be entitled to the possession of  
4 the thing;
- 5 unless the CEO has given the thing to the Attorney-General of  
6 the Commonwealth or a State, or to a law enforcement agency,  
7 or to another person or authority, in accordance with  
8 section 37 (1) (a), (b) or (c) (Exercising functions).
- 9 (10) A person participating in the special ACC operation/investigation  
10 may, instead of giving a thing in accordance with  
11 subsection (9) (b) (ii), give the thing to the Attorney-General of the  
12 Commonwealth or a State, or to a law enforcement agency, for the  
13 purpose of assisting in the investigation of criminal offences, if the  
14 person participating in the special ACC operation/investigation is  
15 satisfied that the thing is likely to be useful for that purpose.
- 16 (11) This section does not affect a right of a person to apply for, or the  
17 power of a person to issue, a warrant, if the right or power exists  
18 otherwise than because of this section.
- 19 (12) Without limiting subsection (1) (a), a reference in this section to a  
20 thing connected with a special ACC operation/investigation,  
21 includes a reference to a thing that may be used in evidence in a  
22 proceeding for the taking, by or on behalf of the Commonwealth or  
23 a State or Territory, of civil remedies in relation to a matter  
24 connected with, or arising out of, an offence to which the special  
25 ACC operation/investigation relates.
- 26 (13) In this section:  
27 *thing* includes a document.

- 1     **33     Application by telephone for search warrants**
- 2     (1) If, because of circumstances of urgency, an eligible person considers
- 3         it necessary to do so, the eligible person may make application by
- 4         telephone for a warrant under section 32.
- 5     (2) Before making the application, the eligible person must prepare an
- 6         affidavit setting out the grounds on which the issue of the warrant is
- 7         being sought, but may, if it is necessary to do so, make the
- 8         application before the affidavit has been sworn.
- 9     (3) If an issuing officer issues a warrant under section 32 on an
- 10        application made by telephone, the officer must—
- 11        (a) complete and sign the warrant; and
- 12        (b) tell the eligible person who made the application of the terms
- 13           of the warrant and the date and time it was signed; and
- 14        (c) record on the warrant the officer’s reasons for issuing the
- 15           warrant; and
- 16        (d) send a copy of the warrant to the CEO.
- 17     (4) If a warrant is issued under section 32 on an application made by
- 18         telephone a member of the staff of the ACC or a police officer may
- 19         complete a form of warrant in the terms indicated by the issuing
- 20         officer under subsection (3) and, if a form of warrant is so
- 21         completed, the member or officer must write on it the name of the
- 22         issuing officer who issued the warrant and the date and time it was
- 23         signed.
- 24     (5) If a person completes a form of warrant in accordance with
- 25         subsection (4), the person must, not later than the day after the date
- 26         of expiry of the warrant, send to the issuing officer who signed the
- 27         warrant the form of warrant completed by the officer and the
- 28         affidavit properly sworn in relation to the warrant.



- 1 (6) On receipt of the documents mentioned in subsection (5), the issuing  
2 officer must attach them to the warrant signed by the officer and  
3 deal with the documents in the way the officer would have dealt  
4 with the affidavit if the application for the warrant had been made to  
5 the officer in accordance with section 32.
- 6 (7) A form of warrant completed in accordance with subsection (4) is to  
7 be taken to be a warrant issued under section 32.

1 **Part 5 Exercising functions**

2 **34 Consent of board may be needed before functions can be**  
3 **exercised**

4 The giving of a function to a Commonwealth body or person by this  
5 Act is subject to any provision of the ACC Act that requires the  
6 consent of the board before the function can be exercised.

7 **35 Functions not affected by Territory laws**

8 A Commonwealth body or person is not precluded by any ACT law  
9 from exercising a function given by this Act.

10 **36 Extent to which functions are given**

11 (1) This Act does not purport to impose any duty on a Commonwealth  
12 body or person to exercise a function if the imposition of the duty  
13 would be beyond the legislative power of the Legislative Assembly.

14 (2) This section does not limit the operation of the Legislation Act,  
15 section 120 (Act to be interpreted not to exceed legislative powers  
16 of Assembly).

17 **37 Exercising functions**

18 (1) If the ACC, in carrying out an ACC operation/investigation, obtains  
19 evidence of an offence against a Commonwealth, State or Territory  
20 law that would be admissible in a prosecution for the offence, the  
21 CEO must assemble the evidence and give it to—

22 (a) the Attorney-General of the Commonwealth or a State, as the  
23 case requires; or

24 (b) the relevant law enforcement agency; or

- 
- 1 (c) any person or authority (other than a law enforcement agency)  
2 who is authorised under a Commonwealth, State or Territory  
3 law to prosecute the offence.
- 4 (2) If the ACC, in carrying out an ACC operation/investigation, obtains  
5 evidence that would be admissible in confiscation proceedings, the  
6 CEO may assemble the evidence and give it to—
- 7 (a) the Attorney-General of the Commonwealth or the relevant  
8 State, as the case requires; or
- 9 (b) a relevant law enforcement agency; or
- 10 (c) any person or authority (other than a law enforcement  
11 authority) who is authorised to bring the confiscation  
12 proceedings.
- 13 (3) If, because of the exercise of any of the ACC's functions, the board  
14 considers that a recommendation should be made to the  
15 Commonwealth Minister or to the appropriate Minister of a  
16 participating State—
- 17 (a) for reform of the law relating to relevant offences, including—
- 18 (i) evidence and procedure applying to the trials of relevant  
19 offences; and
- 20 (ii) relevant offences in relation to, or involving,  
21 corporations; and
- 22 (iii) taxation, banking and financial frauds; and
- 23 (iv) reception by Australian courts of evidence obtained in  
24 foreign countries about relevant offences; and
- 25 (v) maintenance and preservation of taxation, banking and  
26 financial records; or
- 27 (b) for reform of administrative practices; or
- 28 (c) for reform of administration of the courts in relation to trials of  
29 relevant offences;
-

1 the board may make the recommendation to the Commonwealth  
2 Minister, or to that State Minister, as the case may be.

3 (4) If the ACC has obtained particular information or intelligence in the  
4 course of exercising 1 or more of its functions, nothing in this Act is  
5 to be taken to prevent the ACC from making use of the information  
6 or intelligence in the exercise of any of its other functions.

7 **38 Functions of federal judicial officers**

8 (1) In this section:

9 *federal judicial officer* means a judge of the Federal Court or a  
10 federal magistrate.

11 (2) A function given to a federal judicial officer by this Act is given to  
12 the federal judicial officer in a personal capacity and not as a court  
13 or a member of a court.

14 (3) The federal judicial officer need not accept the function given.

15 (4) Anything done or made by a federal judicial officer under this Act  
16 has effect only because of this Act and is not to be taken by  
17 implication to be done or made by a court.

18 (5) A federal judicial officer exercising a function under this Act has the  
19 same protection and immunity as if the officer were exercising that  
20 function as, or as a member of, the court of which the federal  
21 judicial officer is a member.

22 **39 Limitation on challenge to board determination**

23 If—

24 (a) an ACC Territory intelligence operation is determined by the  
25 board to be a special operation; or

26 (b) an ACC Territory investigation is determined by the board to  
27 be a special investigation;

1 then, except in a proceeding brought by the Attorney-General of the  
2 Commonwealth or of a State, anything done by the ACC because of  
3 that determination must not be challenged, reviewed, quashed or  
4 called in question in any ACT court on the ground that the  
5 determination was not lawfully made.

6 **40 Cooperation with law enforcement agencies and**  
7 **coordination with overseas authorities**

- 8 (1) In exercising its functions under this Act, the ACC must, so far as  
9 practicable, work in cooperation with law enforcement agencies.
- 10 (2) In exercising its functions under this Act, the ACC may coordinate  
11 its activities with the activities of authorities and people in other  
12 countries exercising functions similar to functions of the ACC.

13 **41 Incidental powers of ACC**

14 The ACC has power to do everything necessary to be done for or in  
15 relation to, or reasonably incidental to, the exercise of its functions  
16 under this Act, and any specific powers given to the ACC by this  
17 Act are not to be taken to limit by implication the generality of this  
18 section.

1                      **Part 6                      General**

2                      **42                      Arrangements for board to obtain information or**  
3                      **intelligence**

4                      The Territory Minister may make an arrangement with the  
5                      Commonwealth Minister for the board to be given by the Territory,  
6                      or a Territory authority, information or intelligence about relevant  
7                      criminal activities.

8                      **43                      Administrative arrangements with Commonwealth**

9                      The Territory Minister may make an arrangement with the  
10                     Commonwealth Minister under which the Territory will, from time  
11                     to time as agreed on under the arrangement, make available a person  
12                     who is an officer or employee of the Territory or a Territory  
13                     authority or a police officer, or people who are such officers,  
14                     employees or members, to perform services for the ACC.

15                    **44                    Judges to exercise functions under ACC Act**

16                    A judge of the Supreme Court may exercise functions given to the  
17                    judge by the ACC Act, section 22 (Search warrants), section 23  
18                    (Application by telephone for search warrants) or section 31  
19                    (Warrant for arrest of witness).

20                    **45                    Giving reports and information**

21                    (1) The chair of the board must keep the Commonwealth Minister  
22                    informed of the general conduct of the ACC in the exercise of the  
23                    ACC's functions under this Act.

24                    (2) If the Commonwealth Minister requests the chair of the board to  
25                    give the Commonwealth Minister information about a specific  
26                    matter relating to the ACC's conduct in the exercise of its functions  
27                    under this Act, the chair must give the Commonwealth Minister the  
28                    information.

- 
- 1 (3) Subject to subsection (4), if a State Minister who is a member of the  
2 inter-governmental committee asks the chair of the board for  
3 information about a specific matter relating to the ACC's conduct in  
4 the exercise of its functions under this Act, the chair must give the  
5 Minister the information.
- 6 (4) If the chair of the board considers that disclosure of information to  
7 the public could prejudice the safety or reputation of people or the  
8 operations of law enforcement agencies, the chair must not give the  
9 information under subsection (3).
- 10 (5) Subject to subsection (7), the chair of the board—
- 11 (a) must, when requested by the inter-governmental committee to  
12 give information to the committee about a specific matter  
13 relating to an ACC operation/investigation that the ACC has  
14 conducted or is conducting, comply with the request; and
- 15 (b) must, when requested by the inter-governmental committee to  
16 do so, and may at such other times as the chair of the board  
17 considers appropriate, tell the committee about the general  
18 conduct of the ACC in the exercise of the ACC's functions  
19 under this Act.
- 20 (6) Subject to subsection (7), the chair of the board must give the inter-  
21 governmental committee, for transmission to the governments  
22 represented on the committee, a report of the findings of any special  
23 ACC operation/investigation conducted by the ACC.
- 24 (7) The chair of the board must not give the inter-governmental  
25 committee any matter the disclosure of which to members of the  
26 public could prejudice the safety or reputation of people or the  
27 operations of law enforcement agencies and, if the findings of the  
28 ACC in an investigation include any such matter, the chair of the  
29 board must prepare a separate report in relation to the matter and  
30 give that report to the Territory Minister.

- 1 (8) The chair of the board may include in a report given under  
2 subsection (6) a recommendation that the report be presented to the  
3 Legislative Assembly.
- 4 (9) The CEO may give to—
- 5 (a) any law enforcement agency; or
- 6 (b) any foreign law enforcement agency; or
- 7 (c) any other Commonwealth, State or Territory authority  
8 prescribed under the regulations;
- 9 any information that has come into the ACC's possession under this  
10 Act and that is relevant to the activities of that agency or authority  
11 if—
- 12 (d) it appears to the CEO to be appropriate to do so; and
- 13 (e) to do so would not be contrary to a Commonwealth, State or  
14 Territory law that would otherwise apply.
- 15 (10) The CEO may, whenever it appears to the CEO to be appropriate to  
16 do so, give to authorities and people responsible for taking civil  
17 remedies by or on behalf of the Commonwealth or a State or a  
18 Territory any information that has come into the ACC's possession  
19 under this Act and that may be relevant for the purposes of taking  
20 such remedies in relation to matters connected with, or arising out  
21 of, offences against Commonwealth, State or Territory laws.
- 22 (11) If any information relating to the exercise of the functions of an  
23 authority of the Commonwealth or a State or the Administration of a  
24 Territory comes into the ACC's possession under this Act, the CEO  
25 may—
- 26 (a) give the information to the authority or Administration; and
- 27 (b) make any recommendations to the authority or Administration  
28 about the exercise of its functions that the CEO considers  
29 appropriate.



1 (12) A report under this Act that sets out any finding that an offence has  
2 been committed, or makes any recommendation for bringing a  
3 prosecution for an offence, must not be made available to the public  
4 unless the finding or recommendation is expressed to be based on  
5 evidence that would be admissible in the prosecution of a person for  
6 the offence.

7 (13) The CEO may give the Australian Security Intelligence  
8 Organisation any information that has come into the ACC's  
9 possession under this Act and that is relevant to security as defined  
10 in the *Australian Security Intelligence Organisation Act 1979*  
11 (Cwlth), section 4, definition of *security*.

## 12 **46 Secrecy**

13 (1) This section applies to a person who is or has been—

- 14 (a) the CEO; and  
15 (b) a member of the board; and  
16 (c) a member of the staff of the ACC; and  
17 (d) an examiner.

18 (2) A person to whom this section applies commits an offence if the  
19 person—

- 20 (a) makes a record of any information (*restricted information*)  
21 acquired by the person because of, or in the course of, the  
22 exercise of the person's functions under this Act; or  
23 (b) states, publishes or otherwise communicates restricted  
24 information reckless about whether the statement, publication  
25 or other communication divulges or communicates restricted  
26 information to anyone.

27 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
28 both.

- 1 (3) Subsection (2) does not apply if the making of the record or  
2 divulging or communicating of information is or was done for a  
3 relevant Act or otherwise in relation to the exercise of the person's  
4 functions under a relevant Act.
- 5 (4) A person to whom this section applies cannot be required to produce  
6 in any court any document that has come into the person's custody  
7 or control in the course of, or because of, the exercise of the  
8 person's functions under this Act, or to divulge or communicate to a  
9 court anything that has come to the person's notice in the exercise of  
10 those functions, except if the ACC, or the CEO, the acting CEO, a  
11 member of the board or an examiner in the examiner's official  
12 capacity, is a party to the relevant proceeding or it is necessary to do  
13 so—
- 14 (a) for the purpose of carrying into effect the provisions of a  
15 relevant Act; or
- 16 (b) for the purposes of a prosecution brought because of an  
17 operation or investigation carried out by the ACC in the  
18 exercise of its functions.
- 19 (5) In this section:
- 20 *court* includes any tribunal, authority or person having power to  
21 require the production of documents or the answering of questions.
- 22 *member of the staff of the ACC* means—
- 23 (a) a person mentioned in the ACC Act, section 4 (1), definition of  
24 *member of the staff of the ACC*; or
- 25 (b) a person who assists, or performs services for or on behalf of, a  
26 legal practitioner appointed under section 10 (Counsel assisting  
27 ACC) in the exercise of the legal practitioner's functions as  
28 counsel to the ACC.
- 29 *produce* includes permit access to.

1            *relevant Act* means the ACC Act, this Act or any corresponding Act  
2            of a State.

3            **47      Delegation by CEO**

4            The CEO may delegate to a member of the staff of the ACC who is  
5            an SES employee, or an acting SES employee, the CEO's functions  
6            under this Act.

7            *Note*      For the making of delegations and the exercise of delegated functions,  
8            see Legislation Act, pt 19.4.

9            **48      Liability for damages**

10           A member of the board is not liable to a proceeding for damages in  
11           relation to an act done or omitted honestly in the exercise or  
12           purported exercise of any function given or expressed to be given  
13           under this Act.

14           **49      Obstructing, hindering or disrupting ACC or an examiner**

15           A person commits an offence if the person—

16           (a) intentionally obstructs or hinders—

17                  (i) the ACC in the exercise of its functions; or

18                  (ii) an examiner in the exercise of his or her functions as an  
19                  examiner; or

20           (b) intentionally disrupts an examination before an examiner.

21           Maximum penalty: 500 penalty units, imprisonment for 5 years or  
22           both.

23           *Note*      Under the *Crimes Act 1900*, s 375 (Summary disposal of certain cases),  
24           the Magistrates Court may, in certain circumstances, deal summarily  
25           with offences (other than those involving money or other property) for  
26           which the maximum penalty does not exceed imprisonment for  
27           10 years. However, the court may not impose a sentence of  
28           imprisonment exceeding 2 years or impose a fine exceeding \$5 000.

1 **50 Public meetings and bulletins**

2 (1) The board may hold meetings in public for the purpose of informing  
3 the public about, or receiving submissions in relation to, the exercise  
4 of the ACC's functions, including its functions under this Act.

5 (2) The board may publish bulletins for the purpose of informing the  
6 public about the exercise of the ACC's functions, including its  
7 functions under this Act.

8 (3) The board must not—

9 (a) divulge in the course of a meeting held under subsection (1); or

10 (b) include in a bulletin published under subsection (2);

11 anything the disclosure of which to members of the public could  
12 prejudice the safety or reputation of a person or prejudice the fair  
13 trial of a person who has been or may be charged with an offence.

14 **51 Annual report**

15 (1) In this section:

16 *annual report* means a report by the chair of the board under the  
17 ACC Act, section 61.

18 (2) An annual report for a year must include the following:

19 (a) a description of any ACC Territory investigation that the ACC  
20 conducted during the year and that the board determined to be  
21 a special investigation;

22 (b) a description, which may include statistics, of any patterns or  
23 trends, and the nature and scope, of any criminal activity that  
24 have come to the attention of the ACC during that year in the  
25 exercise of its functions under this Act;

26 (c) any recommendations for changes in Commonwealth, State or  
27 Territory laws, or for administrative action, that, because of the

- 
- 1 exercise of the ACC's functions under this Act, the board  
2 considers should be made;
- 3 (d) the general nature and the extent of any information given by  
4 the CEO during that year under this Act to a law enforcement  
5 agency;
- 6 (e) the extent to which ACC Territory investigations have resulted  
7 in the prosecution in that year of people for offences;
- 8 (f) the extent to which ACC Territory investigations have resulted  
9 in confiscation proceedings;
- 10 (g) particulars of the number and results of court proceedings  
11 involving the ACC in relation to its functions under this Act if  
12 the proceedings were decided, or otherwise disposed of, during  
13 that year.
- 14 (3) An annual report must not—
- 15 (a) identify people as being suspected of having committed  
16 offences; or
- 17 (b) identify people as having committed offences unless those  
18 persons have been convicted or found guilty of those offences.
- 19 (4) In any annual report the chair of the board must take reasonable care  
20 to ensure that the identity of a person is not revealed if to reveal the  
21 person's identity might, having regard to any material appearing in  
22 the report, prejudice the safety or reputation of a person or prejudice  
23 the fair trial of a person who has been or may be charged with an  
24 offence.
- 25 (5) The Territory Minister must present the following documents to the  
26 Legislative Assembly within 6 sitting days after the day the Minister  
27 receives them:
- 28 (a) each annual report the Territory Minister receives; and
- 29 (b) any comments by the inter-governmental committee on, and  
30 that accompany, the report.

1    **52    Things done for multiple purposes**

2                      The validity of anything done for this Act is not affected only  
3                      because it was done also for the ACC Act.

4    **53    Regulation-making power**

5                      The Executive may make regulations for this Act.

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

1 **Part 7** **Transitional provisions**

2 **Division 7.1** **Transitional**

3 **54** **Definitions for div 7.1**

4 In this division:

5 *NCA investigation* means an investigation under the NCA  
6 (Territory Provisions) Act, section 5 (1).

7 *NCA (Territory Provisions) Act* means the *National Crime*  
8 *Authority (Territory Provisions) Act 1991*.

9 **55** **Certain investigations taken to be special investigations**

10 If an ACC Territory investigation relates to a matter into which an  
11 NCA investigation had been begun but not completed before  
12 1 January 2003, the board of the ACC is taken to have determined,  
13 in writing, that the ACC Territory investigation is a special  
14 investigation.

15 **56** **Assembling and giving evidence obtained by the NCA**

16 If—

17 (a) before 1 January 2003, the National Crime Authority obtained  
18 evidence of a kind referred to in the NCA (Territory  
19 Provisions) Act, section 6 (1); but

20 (b) the National Crime Authority had not assembled and given the  
21 evidence as mentioned in that subsection before 1 January  
22 2003;

23 section 37 (1) (Exercising functions) applies as if that evidence had  
24 been obtained by the ACC in carrying out an ACC  
25 operation/investigation.

1 **57 Limitation on challenges to validity of references**

2 The NCA (Territory Provisions) Act, section 8 (Limitation of  
3 challenges to validity of references) continues to apply in relation to  
4 a reference made under that Act as if that section had not been  
5 repealed by this Act.

6 **58 Arrangements to obtain information or intelligence**

7 An arrangement that was in force under the NCA (Territory  
8 Provisions) Act, section 11 immediately before 1 January 2003 is  
9 taken to have been made under this Act, section 42 (Arrangements  
10 for board to obtain information or intelligence).

11 **59 Things seized under search warrants**

12 If a thing seized under a warrant under the NCA (Territory  
13 Provisions) Act, section 12 is in the ACC's possession, this Act,  
14 section 32 (9) and (10) (Search warrants) apply to that thing as if it  
15 had been seized under a warrant under this Act, section 32.

16 **60 Directions about publication**

17 (1) If a direction was in force under the NCA (Territory Provisions)  
18 Act, section 15 (14) (Hearings) immediately before 1 January  
19 2003—

20 (a) the direction has effect; and

21 (b) this Act, section 21 (12), (13) and (16) (Conduct of  
22 examination) apply to the direction as if it were a direction  
23 under section 21 (10).

24 (2) Section 21 (14) and (15), so far as they relate to the CEO, apply to  
25 evidence in relation to which a direction was given under the NCA  
26 (Territory Provisions) Act, section 15 (14) as if it were evidence  
27 given before an examiner in relation to which the examiner has  
28 given a direction under this Act, section 21 (10).



1 **61 Disclosure of summons or notice**

2 If a notation made in connection with an NCA investigation was in  
3 force under the NCA (Territory Provisions) Act, section 17A  
4 (Disclosure of notice or summons etc may be prohibited)  
5 immediately before 1 January 2003—

- 6 (a) the notation has effect; and
- 7 (b) this Act, section 25 (Offences of disclosure) applies to the  
8 summons or notice containing the notation; and
- 9 (c) if there is an ACC operation/investigation relating to the matter  
10 to which the NCA investigation related—this Act, section 24  
11 (4) and (5) (Disclosure of summons or notice may be  
12 prohibited) apply as if the notation had been made in relation  
13 to the ACC operation/investigation.

14 **62 Witness protection**

15 Arrangements that were in effect under the NCA (Territory  
16 Provisions) Act, section 23 (Protection of witnesses) immediately  
17 before 1 January 2003 are taken to have been made under this Act,  
18 section 29 (Protection of witnesses from harm or intimidation).

19 **63 Administrative arrangements in relation to NCA**

20 An arrangement that was in force under the NCA (Territory  
21 Provisions) Act, section 27 (b) (Administrative arrangements with  
22 Commonwealth) immediately before 1 January 2003 has effect as if  
23 it had been made under this Act, section 43 (Administrative  
24 arrangements with Commonwealth).

1 **64 Administrative arrangements under Witness Protection**  
2 **Act 1996**

3 An arrangement that was in force under the *Witness Protection Act*  
4 *1996*, section 25 (Arrangements with approved authorities) between  
5 the chief police officer and the National Crime Authority  
6 immediately before 1 January 2003 continue in force for this Act as  
7 if they were arrangements made by the chief police officer with the  
8 CEO.

9 **65 Secrecy obligations**

10 (1) In this section:

11 *former official* means a person who was, at any time, a person to  
12 whom the NCA (Territory Provisions) Act, section 29 (Secrecy)  
13 applied.

14 (2) Section 46 (2), (3) and (4) (Secrecy) extend to a former official  
15 (whether or not the official is or has been a person to whom section  
16 47 (Delegation by CEO) applies) as if—

17 (a) references in section 46 to this Act or to a corresponding Act of  
18 another State included references to the NCA (Territory  
19 Provisions) Act or to a corresponding Act of a State; and

20 (b) the reference in section 46 (4) (b) to an investigation carried  
21 out by the ACC included a reference to an investigation carried  
22 out by the National Crime Authority before 1 January 2003.

23 **66 Regulations modifying pt 7**

24 (1) The regulations may modify the operation of this part to make  
25 provision in relation to any matter that is not, or is not in the  
26 Executive's opinion adequately, dealt with in this part.

27 (2) This section expires 1 year after the day it commences.

1 **Division 7.2** **Repeals and consequential**  
2 **amendments**

3 **67 Repeals**

4 (1) The *National Crime Authority (Territory Provisions) Act 1991*  
5 *A1991-75* is repealed.

6 (2) The *National Crime Authority (Territory Provisions) Regulations*  
7 *1995 SL1995-39* are repealed.

8 **68 Legislation amended—sch 1**

9 This Act amends the legislation mentioned in schedule 1.

10 **Division 7.3** **Miscellaneous**

11 **69 Expiry of pt 7**

12 This part (other than section 66) expires 2 years after the day it  
13 commences.

14 **70 Declared law for Legislation Act, s 88**

15 This part is a law to which the Legislation Act, section 88 (Repeal  
16 does not end effect of transitional laws etc) applies.

## **Schedule 1 Consequential amendments**

(see s 68)

### **Part 1.1 Administration (Interstate Agreements) Act 1997**

#### **[1.1] Schedule 1, clause 1**

*substitute*

1. Agreements that are considered by the intergovernmental committee of the Australian Crime Commission, constituted under the *Australian Crime Commission Act 2002* (Cwlth), section 7.

### **Part 1.2 Gambling and Racing Control Act 1999**

#### **[1.2] Section 37 (d) (vii)**

*substitute*

- (vii) the Australian Crime Commission;

### **Part 1.3 Spent Convictions Act 2000**

#### **[1.3] Dictionary, definition of *law enforcement agency*, paragraphs (d) and (e)**

*substitute*

- (d) the Australian Crime Commission;

**[1.4] Dictionary, definition of *law enforcement agency***

*renumber paragraphs when Act next republished under Legislation Act*

**Part 1.4                      Taxation Administration Act  
1999**

**[1.5] Section 97 (d) (ix)**

*substitute*

(ix) the Australian Crime Commission;

**Part 1.5                      Witness Protection Act 1996**

**[1.6] Section 3, definition of *approved authority*, paragraph (c)**

*substitute*

(c) the chief executive officer of the Australian Crime Commission; or

## 1 Dictionary

2 (see s 3)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 6 • corporation
- 7 • exercise
- 8 • fail
- 9 • function
- 10 • give
- 11 • in relation to
- 12 • judge
- 13 • law, of the Territory
- 14 • may
- 15 • under.

16 *Note 3* Terms used in this Act have the same meaning that they have in the  
17 *Australian Crime Commission Act 2002* (Cwlth) (see Legislation Act,  
18 s 148). For example, the following terms are defined in the *Australian*  
19 *Crime Commission Act 2002* (Cwlth), s 4:

- 20 • legal practitioner
- 21 • serious and organised crime
- 22 • State.

23 ***ACC Act*** means the *Australian Crime Commission Act 2002*  
24 (Cwlth).

25 *Note* That Act was originally known as the *National Crime Authority Act*  
26 *1984*.

27 ***ACC operation/investigation*** means—

- 28 (a) an ACC Territory intelligence operation; or
- 29 (b) an ACC Territory investigation.

1        **ACC Territory intelligence operation** means an intelligence  
2        operation that the ACC is undertaking under section 8 (b)  
3        (Functions of ACC).

4        **ACC Territory investigation** means an investigation that the ACC is  
5        conducting under section 8 (a) (Functions of ACC).

6        **authority** includes a department, agency or body.

7        **board** means the Board of the ACC.

8        **committee** means the inter-governmental committee.

9        **Commonwealth body or person** means—

10       (a) the ACC; or

11       (b) the board; or

12       (c) the chair of the board; or

13       (d) a member of the board; or

14       (e) the inter-governmental committee; or

15       (f) the CEO; or

16       (g) a member of the staff of the ACC; or

17       (h) an examiner; or

18       (i) a judge of the Federal Court; or

19       (j) a federal magistrate.

20       **Commonwealth Minister** means the Commonwealth Minister  
21       administering the ACC Act.

22       **federal magistrate** means a Federal Magistrate (including the Chief  
23       Federal Magistrate) who holds office under the *Federal Magistrates*  
24       *Act 1999* (Cwlth).

1            ***intelligence operation*** means the collection, correlation, analysis or  
2            dissemination of criminal information and intelligence relating to a  
3            relevant criminal activity.

4            ***inter-governmental committee*** means the Inter-Governmental  
5            Committee mentioned in the ACC Act, section 8.

6            ***issuing officer*** means—

7            (a) a judge of the Federal Court; or

8            (b) a judge of the Supreme Court ; or

9            *Note*        ***Judge*** is defined in the Legislation Act to mean a resident judge,  
10            additional judge or acting judge under the *Supreme Court Act*  
11            1933 (see Legislation Act, dict, pt 1, def ***judge***).

12           (c) a federal magistrate.

13           ***serious and organised crime*** means an offence—

14           (a) that involves 2 or more offenders and substantial planning and  
15           organisation; and

16           (b) that involves, or is of a kind that ordinarily involves, the use of  
17           sophisticated methods and techniques; and

18           (c) that is committed, or is of a kind that is ordinarily committed,  
19           in conjunction with other offences of a like kind; and

20           (d) that is an offence of a kind prescribed under the regulations or  
21           an offence that involves any of the following:

22                (i) theft;

23                (ii) fraud;

24                (iii) tax evasion;

25                (iv) money laundering;

26                (v) currency violations;

27                (vi) illegal drug dealings;



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- 1 (vii) illegal gambling;
- 2 (viii) obtaining financial benefit by vice engaged in by others;
- 3 (ix) extortion;
- 4 (x) violence;
- 5 (xi) bribery or corruption of, or by, an officer of the  
6 Commonwealth, an officer of a State or an officer of a  
7 Territory;
- 8 (xii) perverting the course of justice;
- 9 (xiii) bankruptcy and company violations;
- 10 (xiv) harbouring of criminals;
- 11 (xv) forging of passports;
- 12 (xvi) firearms;
- 13 (xvii) armament dealings;
- 14 (xviii) illegal importation or exportation of fauna into or out of  
15 Australia;
- 16 (xix) cybercrime;
- 17 (xx) matters of the same general nature as 1 or more of the  
18 matters mentioned in subparagraphs (i) to (xix); and
- 19 (e) that is punishable by imprisonment for a period of 3 years or  
20 longer;
- 21 but—
- 22 (f) does not include an offence committed in the course of a  
23 genuine dispute about matters relating to the relations of  
24 employees and employers by a party to the dispute, unless the  
25 offence is committed in relation to, or as part of, a course of  
26 activity involving the commission of a serious and organised  
27 crime other than an offence so committed; and

1 (g) does not include an offence the time for the bringing of a  
2 prosecution for which has ended.

3 ***special ACC operation/investigation*** means—

4 (a) an ACC Territory intelligence operation that the board has  
5 determined to be a special operation; or

6 (b) an ACC Territory investigation that the board has determined  
7 to be a special investigation.

8 ***Territory Minister*** means the Minister administering this Act.

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## Endnote

### Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).