**Crimes Legislation Amendment Bill 1988**

Date Introduced: 24 February 1988  
House: House of Representatives  
Presented by: Hon. Clyde Holding, M.P., Minister for Immigration, Local Government and Ethnic Affairs

**Digest of Bill**

**Purpose**

To repeal the sunset clause contained in the *National Crime Authority Act 1984* and to allow the current Chairman of the National Crime Authority (NCA) to continue in that position for another year. The Bill will also clarify the position of judges operating under the *Telecommunications (Interception) Act 1979*.

**Background**

In 1980, the Royal Commission on the Activities of the Federated Ship Painters and Dockers Union was established with Mr Costigan as the Commissioner. The work of the Commission, which delivered its final report in 1984, convinced the government that there was a need for a body to investigate organised crime in Australia. The result was the *National Crimes Commission Act 1982*. On coming to power in 1983, the Labor Government conducted a review of the legislation and, following a national conference on the issue of organised crime, the NCA was established by the *National Crime Authority Act 1984* (the Principal Act). Section 63 of that Act contains the sunset clause which states that, unless repealed sooner, the Act will cease to operate five years after coming into force (i.e. 30 June 1989).

The NCA’s main work involves the investigation of matters to assemble evidence for a prosecution. It investigates serious offences against Federal, State and Territory laws that are performed in an organised or planned manner. The offences include theft, fraud, tax evasion, drug dealing and extortion. The investigations are carried out in cooperation with other law enforcement bodies. In addition, special investigations are carried out on matters referred to the NCA by the Commonwealth, a State or the Northern Territory.

The NCA has general, bipartisan support in Australia and the presence of the sunset clause has caused some concern. For example, in February 1987 Senator Archer introduced a Bill that would have repealed the sunset clause. As part of the 1987 election campaign, the major parties gave a commitment to extend the life of the NCA. In March 1987 the Chairman of
NCA, Justice Stewart, called for the continuance of the NCA.

Under the Principal Act, appointments as Chair of the NCA are to be for a maximum of four years. Justice Stewart has held this position since the establishment of the NCA in 1984 and, therefore, will not be eligible to continue in this position past 30 June 1988. The Government proposes to re-appoint Justice Stewart for a further period of one year to oversee the adjustment to a permanent body that will occur due to the repeal of the sunset cause.

Main Provisions
Clause 4 will amend section 37 of the Principal Act, which deals with the maximum term of members of the NCA. Under the amendments, the first Chairman (Justice Stewart) may be re-appointed for a period of 12 months following the expiration of his current term. The amendments will also allow present members of the NCA to continue past the time due for the Principal Act to expire, to a maximum of four years.

Clause 5 will repeal section 63 of the Principal Act which contains the sunset clause.

The Telecommunications (Interception) Act 1979 will be amended by clause 7 to clarify the position of judges operating under the Act. Such judges will have the same protection and immunity as Justices of the High Court when acting in relation to proceedings in that Court. Clause 9 will amend section 80 of this Act to make it clear that the Commissioner of the Australian Federal Police, rather than Telecom, is to keep copies of documents connected with the issue of warrants authorising an interception.

For further information, if required, contact the Law and Government Group.

17 March 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1988

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.