National Crime Authority Amendment Bill 1987
(Private Senator’s Bill)

Date Introduced: 25 February 1987
House: Senate
Presented by: Senator the Hon. Brian Archer

Digest of Bill

Purpose

To continue the life of the National Crime Authority beyond 30 June 1989.

Background

There have been a number of Royal Commissions on organised crime since 1974, culminating in the Costigan Royal Commission on the Activities of the Federated Ship Painters and Dockers Union which was established in 1980 and submitted its final report in 1984. The work of this Commission inspired the enactment, under the Fraser Government, of the National Crimes Commission Act 1982 to facilitate a consolidated effort against illegal activity and organised crime. On coming to power in March 1983, the Labor Government carried out a review of the legislation, leading to a national conference on the issue in Canberra in July 1983.

As a result of these and other initiatives, the National Crime Authority Act 1984 established the National Crime Authority (NCA) to take effective action to combat organised crime in Australia: in effect, to continue the work of the Costigan Royal Commission. The NCA consists of a Chairman and two other members appointed by the Governor-General and at 30 June 1986, was supported by 244 staff.

The principal work of the NCA is the investigation of matters with a view to assembling admissible evidence for the prosecution of offenders. The NCA is empowered to investigate 'relevant criminal activity', being circumstances or allegations of certain types of offences against Commonwealth, State or Territory laws. The offences in question are those that are carried out by more than one person in a substantially planned and organised manner, using sophisticated methods and techniques and attracting a penalty of 3 or more years' imprisonment. They cover theft, fraud, tax evasion, currency violations, illegal drug dealings illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption,
bankruptcy and company violations, harbouring of criminals, passport forgery, armament dealings or importation or exportation of fauna into or out of Australia.

Under its general functions, the NCA carries out its investigations in co-operation with law enforcement agencies, collecting, analysing and disseminating information and intelligence about criminal activity. A computer data base, originally compiled by the Costigan Royal Commission, houses the additional relevant data collected in the NCA's investigations. The NCA also establishes and coordinates task forces to assist with investigations. A further general function is the recommendation of reforms to the law and to administrative practices and the administration of the courts.

The NCA is empowered to carry out a special investigation when a matter is formally referred to it from the Commonwealth or a State. It can then utilise the coercive powers provided for in the Act, enabling it to hold hearings at which a person can be required to give evidence and produce documents. From the time of its establishment until 30 June 1986, the NCA had conducted special investigations into 7 matters, encompassing nearly the full range of offences covered by the legislation.

Latest available figures show that as of February 1987, investigations by the NCA had resulted in 150 persons being charged with a total of 386 offences, 244 of these being drug-related offences.¹

In a recent interview, the current Chairman of the NCA, Mr Justice Donald Stewart, said that he believed that there was a strong case for continuing the Authority beyond 30 June 1989, the date of the sunset provision under the Act. Mr Justice Stewart said that given that the NCA is a very new concept and that it hadn't been going for very long, it had 'had some startling successes' and that 'certainly there is a necessity for its continuance'.²

Main Provisions

Section 63 of the Principal Act provides for the Authority to be terminated on 30 June 1989. Clause 3 will repeal this section.

References


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

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