Date Introduced: 4 October 1984
House: House of Representatives
Presented by: Hon. A.S. Peacock, M.P., Leader of the Opposition

Short Digest of Bill

Purpose

To alter certain parameters defining the operation of the National Crime Authority including the membership of the Authority, its functions, the types of offences it may investigate; and to remove the present distinction between general investigations and special investigations which in certain cases require the approval of State Ministers.

Background

The National Crime Authority is established by the National Crime Authority Act 1984. The Act is subject to a Sunset clause for its automatic cessation after 5 years. The types of offences with which the Authority are concerned are defined. Specific provision is made for transfer to the Authority of material in the possession of the Royal Commission into the activities of the Federated Ship Painters and Dockers Union (the "Costigan Commission"). The Act establishes a joint Committee of the Federal Parliament to monitor the operation of the National Crime Authority.

The functions of the Authority are set out in section 11. General functions of the Authority extend to the establishment of Commonwealth, State or joint task forces. Investigation of a particular offence or offences, involving the special functions of the Authority and called a "special" investigation, is commenced by a reference from a State Minister or the Commonwealth Minister. References by the State Minister require approval of an Intergovernmental Committee comprising the Commonwealth Minister and the Ministers of participating States. The Commonwealth Minister is required to merely consult with this Committee.
The Bill would alter the functions of the Authority, augmenting them by a power to investigate, of its own motion, offences against Commonwealth or Territory laws. The category of offences relevant to the Authority is redefined to include offences having the characteristics of organization but not falling within the scope of the enumerated instances such as fraud, illegal gambling and illegal drug dealing. The additional requirement that offences be punishable by imprisonment for 3 years or more, be within the limitation period, and not involve an industrial dispute, is removed.

The National Crime Authority (Consequential Amendments) Amendment Bill 1984 is an associated Bill.

Main Provisions

The Bill is to commence with Royal Assent and amends the National Crime Authority Act 1984. Clause 5 substitutes a new section 11, setting out the functions of the Authority. The substituted section does not distinguish between general functions and special functions. The Bill deletes the definition of a "special investigation" as one involving the special functions and therefore instituted by referral from a State or Commonwealth Minister. Other clauses of the Bill consequentially remove references to "special investigations". Clause 3 further redefines the "relevant offences" with which the Authority is concerned.

Clause 4 of the Bill increases the membership of the Authority from 2 to 4 members, in addition to the Chairman.

For further information, if required, contact: