

2016

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

JUSTICE AND OTHER LEGISLATION AMENDMENT (AUSTRALIAN
CRIME COMMISSION) BILL 2016

SERIAL NO. 12

EXPLANATORY STATEMENT

GENERAL OUTLINE

The Justice and Other Legislation Amendment (Australian Crime Commission) Bill 2016:

- amends the *Criminal Records (Spent Convictions) Act*, the *Criminal Records (Spent Convictions) Regulations* and the *Firearms Act* by omitting references to CrimTrac and, where necessary, replacing them with references to the Australian Crime Commission;
- amends the *Australian Crime Commission (Northern Territory) Act* consequential to changes to the *Australian Crime Commission Act 2002* (Cth) made by the *Australian Crime Commission (National Policing Information) Act 2016* (Cth) and earlier Commonwealth legislation;
- amends the *Interpretation Act* so as to include definitions of the Australian Crime Commission, the Federal Circuit Court and the Federal Court;
- amends the *Jurisdiction of Courts (Cross-vesting) Act* and the *Agricultural and Veterinary Chemicals (Northern Territory) Act* to take into account the definition of “Federal Court”; and
- amends the *Police Administration Act* by including a transitional provision that preserves the operation of any arrangements under section 147A of that Act made between the Northern Territory and CrimTrac.

NOTES ON CLAUSES

Part 1 Preliminary Matters

Clause 1. Short title

This is the formal clause which provides for the citation of the Bill.

The Bill when passed may be cited as the *Justice and Other Legislation Amendment (Australian Crime Commission) Act 2016*.

Part 2 Amendment of *Australian Crime Commission (Northern Territory) Act*

Clause 2. Act amended

This clause provides for this Part to make amendments to the *Australian Crime Commission (Northern Territory) Act*.

Clause 3. Section 3 amended

Clause 3(1) omits the reference to “, unless the contrary intention appears”. Current drafting practice is that these words are unnecessary for definitional sections.

Clause 4(2) amends the definition of “Commonwealth body or person” by omitting the reference to “Federal Magistrates Court” and replacing with a reference to “Judge of the Federal Circuit Court”.

Clause 4(3) omits the definition of “Federal Magistrate”.

Clause 4(4) omits from the definition of “issuing officer” the reference to “Federal Magistrate” and replaces it with a reference to “Judge of the Federal Circuit Court”.

Clause 4(5) inserts a cross reference to the fact that the *Interpretation Act* may include definitions relevant to this Act. Current drafting practice is to include this note in all the main definitional sections of Acts.

Clause 4. Section 5 amended

This clause amends section 5(d) by including a reference to Commonwealth Acts. This makes it clear that, for the purposes of Northern Territory law, the functions of the Australian Crime Commission include functions provided for it by Commonwealth as well as Northern Territory law.

Clause 5. Section 11 amended

This clause amends section 11 (which deals with the quorum for the Board of the Australian Crime Commission) so that the quorum is nine members rather than seven. This reflects section 7F of the *Australian Crime Commission Act 2002*.

Clause 6. Section 35 amended

This clause amends section 35(5) by omitting the reference to “Federal Magistrate” and replacing with a reference to the “Federal Circuit Court”.

Part 3 Amendment of *Police Administration Act***Clause 7. Act amended**

This Part amends the *Police Administration Act*.

Clause 8. Part X, Division 5 inserted

This clause inserts Division 5 into Part X.

**Division 5 Justice and Other Legislation Amendment
(Australian Crime Commission) Act 2016**

172 Arrangements in relation to database information

New section 172 provides that an agreement under section 147A (relating to DNA information) between CrimTrac and the Minister or the Commissioner as in force immediately before 1 July 2016 is deemed from that date to have been an agreement with the Australian Crime Commission.

Part 4 Amendment of other laws**Clause 9. Other laws amended.**

This clause provides for a schedule of minor amendments to a number of Acts and regulations.

Part 5 Expiry**Clause 10. Expiry of Act**

This clause provides that the Act expires a day after it commences.

Schedule

The Schedule provides for the following amendments:

- amending the definition of “Federal Court” in section 18(1) of the *Agricultural and Veterinary Chemicals (Northern Territory) Act* and section 21 of the *Competition Policy Reform (Northern Territory) Act* by removing the words “of Australia”. This is being done so that the definitions line up precisely with the proposed definition of “Federal Court” in the *Interpretation Act*) (see below);
- amending section 3 of the *Criminal Records (Spent Convictions) Act* by omitting the reference “CrimTrac”;. There is already an appropriate reference to “Australian Crime Commission”;
- amendment of *Criminal Records (Spent Convictions) Regulations* by:
 - (i) omitting the reference in the heading to regulation 2A to “CrimTrac” and replacing it with a reference to “Australian Crime Commission”;
 - (ii) omitting the reference in regulation 2A(1) to “CrimTrac” and replacing it with a reference to “Australian Crime Commission”;
 - (iii) deleting regulation 2A(2) (redundant definition of “CrimTrac”); and
 - (iv) omitting the reference in the heading of regulation 3 to “Private Security Licensing Authority” and replacing it with a reference to “Director-General of Licensing”. This is a statute law correction amendment consequent to the establishment of the office of the Director-General of Licensing and earlier changes to licensing arrangements under the *Private Security Act*;
- Omitting the reference in section 7(3)(a) of the *Firearms Act* to “CrimTrac” and replaces it with a reference to “Australian Crime Commission”;
- omitting section 7(5) of the *Firearms Act* (redundant definition of CrimTrac);
- amending section 17 of the *Interpretation Act*. by including definitions of “Australian Crime Commission”, “Federal Circuit Court” and “Federal Court”;
- omitting the definition of “Federal Court” in section 3(1) of the *Jurisdiction of Court (Cross-vesting) Act*. This definition is unnecessary because of the proposed definition of “Federal Court” in the *Interpretation Act*); and
- amending section 3 (definitions) of the *Jurisdiction of Court (Cross-vesting) Act* by removing unnecessary words about “contrary intention” and inserting the standard note about the application of the *Interpretation Act*.