

1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

NATIONAL CRIME AUTHORITY AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Attorney-General,
the Honourable Michael Duffy MP)



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OUTLINE

The National Crime Authority Amendment Bill 1992 (the Bill) provides that the appointment of all categories of members of the National Crime Authority shall be for a period or periods of up to four years, and that members may be re-appointed within that maximum period. At present, while all categories of members may be initially appointed for a maximum period of four years, only a member occupying an office created under the authority of subsection 7(8AA) of the Principal Act may be re-appointed up to a maximum period of appointment of four years.

FINANCIAL IMPACT

2. The Bill will have no financial impact on Commonwealth expenditure.

NOTES ON CLAUSES

Clause 1: Short Title

1. This clause provides for the Act to be cited as the *National Crime Authority Amendment Act 1992*. The Principal Act referred to in this Act is the *National Crime Authority Act 1984*.

Clause 2: Commencement

2. This clause provides for this Act to commence on the day it receives Royal Assent.

Clause 3: Terms and Conditions of Appointment

3. This clause provides for the amendment of section 37 of the Principal Act by the deletion of the current sub-sections relating to appointment and re-appointment of members, and the insertion of five new sub-sections relating to such appointments.

4. Sub-section (1) provides that, subject to Division Three of Part Two of the Principal Act, the Chairperson of the National Crime Authority and each of the other members of the Authority hold office for the period specified in their instruments of appointment. The period so specified may not exceed four years.

5. Sub-section (1A) provides that the Chairperson and the other members are eligible for re-appointment. This eligibility is governed by the provisions of sub-sections (1C), (1D) and (1E).

6. Sub-section (1B) provides that the Chairperson may be re-appointed for one or more periods. Any such re-appointment would be as Chairperson and is subject to the provisions of sub-section (1C).

7. Sub-section (1C) provides that any period or periods of re-appointment of the Chairperson, when added to the period of initial appointment, must not exceed four years in total.

8. Sub-section (1D) provides for the re-appointment of members. Sub-section 7(2) of the Principal Act provides that there shall be four categories of members of the Authority. These are:

- . a Chairperson (whose appointment and re-appointment is provided for in sub-sections (1), (1A) and (1B)),
- . a member holding the office to which sub-section 7(7) applies, that is, a person recommended by the Attorneys-General of the Commonwealth and the participating States,
- . a person holding the office to which sub-section 7(8) applies, that is, a person recommended by the Minister of State of the Commonwealth who administers the Australian Federal Police Act 1979, and the Ministers of the Crown of the participating States who are responsible for matters relating to the respective police forces of those States, and
- . any person holding an office created under sub-section 7(8AA), that is, an office of member created by resolution of the Inter-Governmental Committee where the Committee thinks that, in regard to a particular reference and any related references, the appointment of another member of the Authority is necessary to enable it to perform its functions.

Sub-section (1D) provides that any person who has been appointed to any office of member (other than the Chairperson) may be re-appointed for a period or periods to either that, or any other, category of member (this includes the category of Chairperson). Such appointments are subject to sub-section (1E).

9. Sub-section (1E) provides that any period of re-appointment made under the authority of the proceeding sub-sections, when added to the period of initial appointment, must not exceed four years in total.

Clause 4: Minor Amendments

10. This clause provides for the Principal Act to be amended in accordance with the changes set out in the Schedule to the Act. The changes are designed to ensure that the language of the Statute is gender neutral, and makes no substantive change to any provision of the Principal Act.