

House of Representatives
Supplementary Order Paper

Tuesday, 11 June 2002

Transnational Organised Crime Bill

Proposed amendments

Hon Phil Goff, in Committee, to move the following amendments:

Part 1
Crimes Act 1961

Clause 5

To insert in proposed *new section 7A(1)(d)* of the principal Act, after the word “offences” at line 29 on page 6, the words “or conduct”.

Part 2
Extradition Act 1999

Clause 18

To insert in proposed *new section 101B(1)(b)* of the principal Act, after the expression “31(1),” at line 9 on page 21, the expression “31(2),”.

To omit from proposed *new section 101B(1)(c)* of the principal Act the words “after the commencement of **section 46 of the Transnational Organised Crime Act 2002,**” at lines 11 and 12 on page 21.

Part 3
Immigration Act 1987

Clause 21

To omit from proposed *new section 39A(4)* of the principal Act the expression “**subsection (4)**” at line 12 on page 26, and substitute the expression “**subsection (1)(a)**”.

Clause 23A(2)

To insert in proposed *new section 126(6)(a)* of the principal Act, after the words “New Zealand” at line 32 on page 27, the words “from another country”.

To insert in proposed *new section 126(6)(b)* of the principal Act, after the words “New Zealand” at line 1 on page 28, the words “from another country”.

Clause 24

To insert, before the word “first” at line 8 on page 28, the words “that person”.

To insert, after *subclause (3)* (lines 17 to 26 on page 28), the following subclause:

- (3A) Section 128(13) of the principal Act is amended by omitting the words “authorised by the warrant under subsection (9)(c)”, and substituting the words “then authorised by the warrant (as determined having regard to the matters referred to in subsection (9)(c))”.

Clause 25

To omit proposed *new section 128AA(8)(b)(i)(B)* of the principal Act (lines 14 to 16 on page 30), and substitute the following subsubparagraph:

- “(B) all or most of whom are people to whom section 128 applies; and

To insert in proposed *new section 128AC(3)(a)* of the principal Act, after the word “purpose” at line on page 37, the words “by the Judge”.

To omit from proposed *new section 128AC(6)* of the principal Act the word “retained” at line 15 on page 33, and substitute the word “detained”.

To omit from proposed *new section 128AC(7)* of the principal Act the expression “**section 128AA(1)**” at line 21 on page 33, and substitute the expression “**section 128AA(10)**”.

To omit from proposed *new section 128AD(4)(b)(i)(B)* of the principal Act the word “where” at line 7 on page 35, and substitute the word “if”.

Clause 26A

To insert in proposed *new section 137(2C)(b)* of the principal Act, after the word “exercised” at line 12 on page 35, the word “powers”.

Clause 27

To insert in proposed *new section 141AA(3)(c)(ii)(A)* of the principal Act, after the word “other” at line 14 on page 38, the words “agency, body, or”.

To omit proposed *new section 141AA(3)(c)(ii)(B)* of the principal Act (lines 15 to 18 on page 38), and substitute the following subsubparagraph:

- “(B) the other agencies, bodies, or persons to which the agency, body or person may disclose any of it, and the extent to which and conditions subject to which the agency, body or person may do so; and

To omit *subparagraphs (iii) and (iv)* of proposed *new section 141AA(3)(c)* of the principal Act (lines 19 to 25 on page 38).

To insert in proposed *new section 141AA(7)* of the principal Act, after the word “agency” at line 26 on page 39, the words “, body, or person”.

To omit from proposed *new section 141AA(7)(a)* of the principal Act the words “agency’s functions” at line 1 on page 40, and substitute the words “functions of the agency, body, or person”.

To insert in proposed *new section 141AA(7)(b)(i)* of the principal Act, after the word “agency” at line 6 on page 40, the words “, body, or person”.

To omit *subsubparagraphs (A) and (B)* of proposed *new section 141AA(7)(b)(ii)* of the principal Act (lines 10 to 13 on page 40), and substitute the following subsubparagraphs:

“(A) that the agency, body or person must not disclose it to any other agency, body or person; or

“(B) the other agencies, bodies, or persons to which the agency, body or person may disclose any of it, and the extent to which and conditions subject to which the agency, body or person may do so; and

To omit *subparagraphs (iii) and (iv)* of proposed *new section 141AA(7)(b)* of the principal Act (lines 14 to 18 on page 40).

To insert in proposed *new section 141AA(7)(c)(ii)* of the principal Act, after the word “agency” at line 21 on page 40, the words “, body, or person”.

To omit proposed *new section 141AA(7A)(a)* of the principal Act (lines 26 to 29 on page 40), and substitute the following paragraph:

“(a) in the case of disclosure to an international agency or body, to a suspected action of a kind whose prevention or identification, or responding to which, is among the functions of the agency or body:

Clause 28

To omit from proposed *new section 142(eb)* of the principal Act the word “in” where it first occurs (at line 5 on page 43), and substitute the word “within”.

To omit from proposed *new section 142(ec)* of the principal Act the word “in” where it first occurs (at line 17 on page 43), and substitute the word “within”.

To omit from proposed *new section 142(3)* of the principal Act the words “**section 98B**” at line 26 on page 44, and substitute the words “section 2(1)”.

Part 4

Mutual Assistance in Criminal Matters Act 1992

Clause 32

To insert, after *subclause (1)* (lines 2 to 4 on page 47), the following subclause:

(1A) **Section 47A** comes into force on the later of—

- (a) the day after the date on which this Act receives the Royal assent;
- (b) the commencement of section 1 of the Parole Act 2002.

Clause 38

To omit *subclause (4)* (the first of that number, being lines 20 to 26 on page 49).

Explanatory note

The amendment to *clause 24* inserts into that clause a subclause that was intended to be inserted by the Foreign Affairs, Defence and Trade Select Committee but, while appearing on the revision-tracked version of the Bill approved by the committee, was not shown on that version as an insertion.

The amendments to *clause 24* that omit *subparagraphs (iii) and (iv)* of proposed *new section 141AA(3)(c)* of the Immigration Act 1987 and *subparagraphs (iii) and (iv)* of proposed *new section 141AA(7)(b)* of the Immigration Act 1987 do so on the basis that, in each case, the redrafted *subparagraph (ii)* substituted by the Foreign Affairs, Defence and Trade Select Committee makes those subparagraphs unnecessary.

The amendment to *clause 32* provides that *clause 47A* (which amends the Parole Act 2002, an Act not yet in force) comes into force on the later of the day after the date on which the Bill is assented to and the commencement of section 1 of the Parole Act 2002.

The other amendments correct minor drafting errors and omissions.
