



Australian Crime Commission Amendment Act 2007

No. 168, 2007

An Act to amend the *Australian Crime Commission Act 2002*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 168, 2007

An Act to amend the *Australian Crime Commission Act 2002*, and for related purposes

[Assented to 28 September 2007]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Crime Commission Amendment Act 2007*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	28 September 2007
2. Schedule 1, item 1	The day after this Act receives the Royal Assent. However, if item 32 of Schedule 3 to the <i>Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Act 2007</i> commences at or before the time when section 1 of this Act commences, the provision(s) do not commence at all.	29 September 2007
3. Schedule 1, items 2 to 12	The day after this Act receives the Royal Assent.	29 September 2007
4. Schedule 1, Part 2	The later of: (a) the day after this Act receives the Royal Assent; and (b) immediately after the commencement of item 32 of Schedule 3 to the <i>Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Act 2007</i> . However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	Does not commence
Note:	This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.	

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—General amendments

Australian Crime Commission Act 2002

1 Subsection 28(1)

Omit “the examiner”, substitute “an examiner”.

2 At the end of subsection 28(1A)

Add:

The record is to be made:

- (a) before the issue of the summons; or
- (b) at the same time as the issue of the summons; or
- (c) as soon as practicable after the issue of the summons.

3 Subsection 28(3)

Omit “the examiner intends to question the person”, substitute “the person is to be questioned”.

4 Subsection 28(3)

Omit “the examiner” (last occurring), substitute “an examiner”.

5 At the end of section 28

Add:

- (8) A failure to comply with any of the following provisions does not affect the validity of a summons under subsection (1) of this section:
 - (a) subsection (1A) of this section, in so far as that subsection relates to the making of a record;
 - (b) subsection (2) of this section;
 - (c) section 29A, in so far as that section relates to a summons under subsection (1) of this section.

6 Paragraph 29(1)(a)

Omit “the examiner”, substitute “an examiner”.

7 At the end of subsection 29(1A)

Add:

The record is to be made:

- (a) before the issue of the notice; or
- (b) at the same time as the issue of the notice; or
- (c) as soon as practicable after the issue of the notice.

8 At the end of section 29

Add:

- (5) A failure to comply with any of the following provisions does not affect the validity of a notice under subsection (1) of this section:
 - (a) subsection (1A) of this section, in so far as that subsection relates to the making of a record;
 - (b) section 29A, in so far as that section relates to a notice under subsection (1) of this section.

9 Application of amendments—section 28 of the *Australian Crime Commission Act 2002*

The amendments of section 28 of the *Australian Crime Commission Act 2002* made by this Part apply in relation to a summons issued after the commencement of this item.

10 Validation—summons under subsection 28(1) of the *Australian Crime Commission Act 2002*

- (1) This item applies to a summons under subsection 28(1) of the *Australian Crime Commission Act 2002* if:
 - (a) the summons was issued before the commencement of this item; and
 - (b) apart from this item, the summons would be invalid because the record referred to in subsection 28(1A) of that Act was made after the summons was issued.
- (2) The summons is as valid, and is taken always to have been as valid, as it would have been if that Act had provided that the record could be made after the issue of the summons.

11 Application of amendments—section 29 of the *Australian Crime Commission Act 2002*

The amendments of section 29 of the *Australian Crime Commission Act 2002* made by this Part apply in relation to a notice issued after the commencement of this item.

**12 Validation—notice under subsection 29(1) of the
*Australian Crime Commission Act 2002***

- (1) This item applies to a notice under subsection 29(1) of the *Australian Crime Commission Act 2002* if:
 - (a) the notice was issued before the commencement of this item;
and
 - (b) apart from this item, the notice would be invalid because the record referred to in subsection 29(1A) of that Act was made after the notice was issued.
- (2) The notice is as valid, and is taken always to have been as valid, as it would have been if that Act had provided that the record could be made after the issue of the notice.

**Part 2—Amendments contingent on the Crimes
Legislation Amendment (National
Investigative Powers and Witness
Protection) Act 2007**

Australian Crime Commission Act 2002

13 Paragraphs 28(1)(a) and (c)

Omit “the examiner”, substitute “an examiner”.

**14 Application of amendments—section 28 of the *Australian
Crime Commission Act 2002***

The amendments of section 28 of the *Australian Crime Commission Act 2002* made by this Part apply in relation to a summons issued after the commencement of this item.

*[Minister’s second reading speech made in—
Senate on 18 September 2007
House of Representatives on 20 September 2007]*

(183/07)
