

House of Representatives

Supplementary Order Paper

Wednesday, 9 September 2015

Organised Crime and Anti-corruption Legislation Bill

Proposed amendments

Hon Amy Adams, in Committee, to move the following amendments:

Clause 2

Replace *clause 2(1) and (2)* (page 5, lines 5 to 10) with:

- (1) **Subpart 1 of Part 2** comes into force on **1 July 2017**.
- (1A) **Subpart 3 of Part 2** and **section 58** come into force on the earlier of the following:
 - (a) a date appointed by the Governor-General by Order in Council:
 - (b) the day that is 90 days after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Clause 46

Before *clause 46(1)* (page 20, line 21), insert:

- (1AA) In section 209(1)(c), replace “is knowingly” with “except for the conduct described in **paragraph (cab)**, is knowingly”.

Explanatory note

This Supplementary Order Paper amends *clause 2* of the Organised Crime and Anti-corruption Legislation Bill (the **Bill**) to provide for delayed commencement of amendments to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, the Criminal Investigations (Bodily Samples) Act 1995, and the Mutual Assistance in Criminal Matters Act 1992.

Delayed commencement to 1 July 2017 is required for the amendments to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 in *subpart 1 of Part 2* to allow for regulations to be developed. This will need to be done in consultation with reporting entities to ensure that the new prescribed transaction reporting requirements can be implemented effectively. Regard will need to be given to technical and operational aspects for both the banking industry and the Financial Intelligence Unit in the Police.

Delayed commencement for 90 days is required for the 2 related amendments to section 27 of the Criminal Investigations (Bodily Samples) Act 1995 (in *clause 39*) and section 31 of the Mutual Assistance in Criminal Matters Act 1992 (in *clause 58*) to allow for amendments to be made to the Criminal Investigations (Bodily Samples) Regulations 2004. The regulations need to be amended to take account of changes made by the Bill concerning requests for assistance under the Mutual Assistance in Criminal Matters Act 1992. Because both amendments are related, it is sensible for them to commence together once changes to the regulations have been made.

This Supplementary Order Paper also amends *clause 46* of the Bill, relating to section 209 of the Customs and Excise Act 1996. The amendment to section 209 is required because the types of conduct that are offences under *new section 209(1)(cab)* are also described in other provisions in the Act for varying purposes and as a result the same types of conduct are also offences under the broad terms of section 209(1)(c). Different penalty provisions would apply to the same types of conduct depending upon whether a prosecution was taken under section 209(1)(c) or *new section 209(1)(cab)*. The penalty provisions are in section 209(2) and *new section 209(2A)*, respectively. The amendment will have the result that the types of conduct described in *new subsection (1)(cab)* can only be prosecuted under that subsection and the new penalty under *new subsection (2A)* will apply.

Departmental disclosure statement

The Ministry of Justice considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

Regulatory impact statement

The Ministry of Justice considers that a regulatory impact statement is not required to be prepared for this Supplementary Order Paper.