

Notes

- ¹ This is a compilation of the *Corruption and Crime Commission Act 2003* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Corruption and Crime Commission Act 2003</i>	48 of 2003	3 Jul 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
<i>Corruptions and Crime Commission Amendment and Repeal Act 2003</i> Pt. 2 ^{3, 4}	78 of 2003	22 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
Reprint 1: The <i>Corruption and Crime Commission Act 2003</i> as at 5 Jan 2004 (includes amendments listed above)			
<i>Criminal Code Amendment Act 2004</i> s. 24	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 78, 79 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Criminal Law Amendment (Simple Offences) Act 2004</i> s. 82 ⁶	70 of 2004	8 Dec 2004	31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)

- ² Repealed by the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003*.
- ³ The *Corruption and Crime Commission Amendment and Repeal Act 2003* Pt. 3 Div. 7 reads as follows:

“

Part 3 — Repeals, transitional and savings provisions, and consequential amendments

Division 7 — General

75. Further transitional provisions may be made

- (1) In this section —
 - “**commencement day**” means the day on which this section comes into operation;
 - “**specified**” means specified or described in the regulations;
 - “**transitional matter**” means a matter that needs to be dealt with for the purpose of —
 - (a) effecting the transition from the provisions of an Act repealed by this Act to the provisions of the *Corruption and Crime Commission Act 2003*;
 - (b) effecting the transition from the provisions of an Act amended by this Act as in force before this Act comes into operation to the provisions of that Act as in force after this Act comes into operation; or
 - (c) effecting the transition from the provisions of an Act amended by the *Corruption and Crime Commission Act 2003* as in force before this Act comes into operation to the provisions of that Act as in force after the *Corruption and Crime Commission Act 2003* comes into operation,and includes a saving or application matter.
- (2) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under the *Corruption and Crime Commission Act 2003* may include any provision that is required, or that is necessary or convenient, for dealing with the transitional matter.
- (3) Regulations made under subsection (2) may provide that specified provisions of this Act or the *Corruption and Crime Commission Act 2003* or an Act amended by this Act —
 - (a) do not apply; or
 - (b) apply with specified modifications,to or in relation to any matter.
- (4) If regulations made under subsection (2) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.
- (5) Regulations referred to in subsection (2) cannot be made more than 12 months after the commencement day.
- (6) If regulations contain a provision referred to in subsection (4), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that

person existing before the day of publication of those regulations; or

- (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

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The *Corruption and Crime Commission Amendment and Repeal Act 2003* Pt. 3 Div. 3 Subdiv. 2 reads as follows:

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Part 3 — Repeals, transitional and savings provisions, and consequential amendments

Division 3 — *Anti-Corruption Commission Act 1988*

Subdivision 2 — Repeal of the *Anti-Corruption Commission Act 1988* and transitional and savings provisions

53. Meaning of terms used in this Division

In this Division —

“**commencement**” means the day on which section 54 comes into operation;

“**A-CC Act**” means the *Anti-Corruption Commission Act 1988*.

54. *Anti-Corruption Commission Act 1988* repealed

The *Anti-Corruption Commission Act 1988* is repealed.

55. References to repealed Act and former titles

In any written law or document, a reference to the A-CC Act may, if the context permits, be taken as a reference to the *Corruption and Crime Commission Act 2003*.

56. Transfer of assets and liabilities to Commission

On and after the commencement —

- (a) the assets and rights of the A-CC vest in the CCC by force of this section;
- (b) the liabilities of the A-CC become, by force of this section, the liabilities of the CCC;
- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a), and (b) has effect, by force of this section, as if the CCC were substituted for the A-CC in the agreement or instrument;
- (d) the CCC is a party to any proceedings by or against the A-CC commenced before the commencement;
- (e) any proceeding or remedy that might have been commenced by or available against or to the A-CC in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) may be commenced by or is available, by or against or to the CCC; and
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement by, to or in respect of the A-CC (to the extent that that act,

matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the CCC.

57. Notices and requests

A notice or request issued under the A-CC Act and in force immediately before the commencement is taken to be a notice or request validly issued under the *Corruption and Crime Commission Act 2003* and continues in force, with necessary changes.

58. Proceedings

A proceeding that could have been started or continued by, or against the A-CC may be started or continued by, or against the CCC.

59. Continuation of allegations

- (1) This section applies if an allegation made to the A-CC under the A-CC Act before the commencement has not been finally dealt with under that Act on the commencement.
- (2) The allegation must be dealt with as if it had been made under the *Corruption and Crime Commission Act 2003*.
- (3) If the allegation was made by a person under section 13(1)(a), (b) or (c) of the A-CC Act, section 35 of the *Corruption and Crime Commission Act 2003* applies as if the allegation were made under section 25 or 28(2), as the case requires, of that Act.

60. Offences

- (1) Proceedings for an offence against the A-CC Act may be continued, or started, despite the A-CC Act having been repealed and section 11 of *The Criminal Code* and for the purposes of section 10 of the *Sentencing Act 1995*, the statutory penalty for the offence immediately before the commencement continues to have effect.
- (2) Despite section 54, sections 52 to 54 of the A-CC Act continue to have effect, with any necessary modifications, as if they had not been repealed.

61. Completion of things done

Anything commenced to be done by the A-CC under the A-CC Act before the commencement may be continued by the CCC so far as the doing of that thing is within the functions of the CCC after the commencement.

62. Continuing effect of things done

Any act, matter or thing done or omitted to be done before the commencement by, to or in respect of the A-CC, to the extent that that act, matter or thing has any force is to be taken to have been done or omitted by, to or in respect of the CCC so far as the act, matter or thing is relevant to the CCC.

63. Warrants and emergency authorisations continued in force

- (1) Any warrant issued under section 13, 14 or 17 of the *Surveillance Devices Act 1998* to an Anti-Corruption Commission officer and in force immediately before the commencement continues in

force, subject to any condition or limitation on its issue and with necessary changes, as if it were issued to an officer of the CCC.

- (2) Any emergency authorisation issued under section 21 of the *Surveillance Devices Act 1998* to an Anti-Corruption Commission officer and in force immediately before the commencement continues in force, subject to any condition or limitation on its issue and with necessary changes, as if it were issued to an officer of the CCC.

64. Transfer of records

- (1) On the commencement all records in the possession of the A-CC immediately before the commencement are to be transferred to the possession of the CCC, become the records of the CCC and may be dealt with accordingly.
- (2) In this section —
“**records**” includes —
 - (a) evidence in any form;
 - (b) information and other things.

65. A-CC officers

- (1) In this section —
“**A-CC officer**” means a person who, immediately before becoming an officer of the Commission within the meaning of the *Corruption and Crime Commission Act 2003*, was an officer of the Commission as that term is defined in the A-CC Act;
“**officer of the Commission**” has the meaning given to that term by the *Corruption and Crime Commission Act 2003*;
“**officer of the Parliamentary Inspector**” has the meaning given to that term by the *Corruption and Crime Commission Act 2003*.
- (2) If, on or before the commencement, an A-CC officer becomes an officer of the Commission or an officer of the Parliamentary Inspector, that person is entitled to retain all his or her existing and accruing rights as an A-CC officer, including any rights under the *Superannuation and Family Benefits Act 1938* and any rights that had been retained under section 6(4) of the A-CC Act, as if his or her service as an officer of the Commission or an officer of the Parliamentary Inspector were a continuation of his or her service as an A-CC officer.
- (3) Despite the repeal of the A-CC Act under section 54, section 6(6), (7), (8) and (9) of the A-CC Act continue to apply to and in relation to a person —
 - (a) who was, immediately before the commencement, an officer of the Commission as that term is defined in the A-CC Act;
 - (b) who is a former public employee as that term is defined in section 6(5) of the A-CC Act; and
 - (c) who —
 - (i) on the commencement is not employed or engaged as an officer of the Commission or an officer of the Parliamentary Inspector; or

- (ii) having become an officer of the Commission or an officer of the Parliamentary Inspector, subsequently ceases to be such an officer otherwise than in circumstances described in section 6(7) of the A-CC Act.
- (4) Nothing in this Act precludes the CCC from exercising its discretion to employ or engage as an officer of the Commission a person who before the commencement was —
- (a) an officer of the Commission;
 - (b) a seconded officer;
 - (c) a service provider; or
 - (d) a special investigator,
- as those terms are defined in the A-CC Act.

66. Financial reporting

- (1) In this section —
- “**FAA Act**” means the *Financial Administration and Audit Act 1985*;
- “**final period**” means the period starting at the beginning of 1 July last preceding the commencement;
- “**reporting officer**” means the person appointed under section 65A(2) of the FAA Act as applied by subsection (2).
- (2) Section 65A of the FAA Act applies in relation to the preparation and submission of a final report in respect of the A-CC as if —
- (a) references in that section to a department were references to the A-CC; and
 - (b) references in that section to provisions of sections 62 to 65 of the FAA Act were references to the equivalent provisions of sections 66 to 70 of the FAA Act,
- except that the period to which the final report is to relate is the final period and the references in sections 66(1), 68 and 70(1) to the end of the financial year are to be read as references to the end of the final period.
- (3) If at the commencement, any duty imposed by Part II Division 14 of the FAA Act on the accountable authority of the A-CC has not been complied with in relation to the A-CC for any financial year that expired before the commencement, that duty subsists and is to be performed by the reporting officer as if the reporting officer were the accountable authority.
- (4) The time within which the reporting officer is to perform a duty referred to in subsection (3) is extended until the end of the day that is 2 months after the day on which the reporting officer is appointed, but this subsection does not prevent the time from being extended again under section 70 of the FAA Act.
- (5) The CCC is to give the reporting officer access to the records referred to in section 64 for the purposes of this section.

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5 Footnote no longer applicable.

6 On the date as at which this compilation was prepared, the *Criminal Law Amendment (Simple Offences) Act 2004* s. 82, which gives effect to Sch.1, had not come into operation. It reads as follows:

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82. Various Acts amended (Sch. 1)

Each Act listed in Schedule 1 is amended as set out in that Schedule immediately below the short title of the Act.

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Schedule 1 item 8 reads as follows:

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8. Corruption and Crime Commission Act 2003

Sch. 1 cl. 2(b)	Delete “s. 65(4aa) of the <i>Police Act 1892</i> .” and insert instead — “ s. 557I of <i>The Criminal Code</i> . ”.
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