

**Corruption, Crime and Misconduct and
Criminal Property Confiscation Amendment
Bill 2017**

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

**Corruption, Crime and Misconduct and
Criminal Property Confiscation Amendment
Bill 2017**

A Bill for

An Act to —

- **amend the *Corruption, Crime and Misconduct Act 2003* in relation to unexplained wealth and other matters; and**
- **amend the *Criminal Property Confiscation Act 2000* in relation to the role of the Corruption and Crime Commission.**

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Corruption, Crime and Misconduct and Criminal
Property Confiscation Amendment Act 2017*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the
Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation,
and different days may be fixed for different provisions.

1 **Part 2 — Corruption, Crime and Misconduct**
2 **Act 2003 amended**

3 **3. Act amended**

4 This Part amends the *Corruption, Crime and Misconduct*
5 *Act 2003*.

6 **4. Long title amended**

7 In the long title delete “**organised crime; and**” and insert:

8
9 **organised crime and with respect to the confiscation of**
10 **unexplained wealth and criminal benefits; and**
11

12 **5. Section 3 amended**

13 (1) In section 3(1) insert in alphabetical order:

14
15 *authorised officer* has the meaning given in
16 section 184(1);

17 *criminal benefit* has the meaning given in the *Criminal*
18 *Property Confiscation Act 2000* section 145;

19 *unexplained wealth* has the meaning given in the
20 *Criminal Property Confiscation Act 2000* section 144;
21

22 (2) In section 3(1) in the definition of *investigation* after “under”
23 insert:

24
25 section 21AD or
26

s. 6

1 **6. Section 7A amended**

2 In section 7A:

3 (a) in paragraph (b) delete “sector.” and insert:

4

5 sector; and

6

7 (b) after paragraph (b) insert:

8

9 (c) to facilitate the exercise of the Commission’s
10 functions under the *Criminal Property*
11 *Confiscation Act 2000*.

12

13 **7. Section 7B amended**

14 After section 7B(6) insert:

15

16 (7) The Commission is to be able to investigate matters in
17 relation to unexplained wealth and criminal benefits for
18 the purpose of the exercise of its functions under the
19 *Criminal Property Confiscation Act 2000*.

20

21 **8. Section 21AD inserted**

22 At the end of Part 2 Division 2 insert:

23

24 **21AD. Unexplained wealth functions**

25 (1) The Commission has the functions (***unexplained***
26 ***wealth functions***) that are conferred on it under the
27 *Criminal Property Confiscation Act 2000*.

28 (2) The Commission may decide to exercise its
29 unexplained wealth functions on the basis of —

30 (a) consultations, and investigations and other
31 actions (either by itself or in cooperation with

- 1 independent agencies, appropriate authorities
2 and other relevant persons or bodies); or
3 (b) information otherwise given to the
4 Commission.
- 5 (3) The Commission may exercise its powers under this
6 Act to assist in the performance of its functions under
7 the *Criminal Property Confiscation Act 2000*.
- 8 (4) For the purposes of the *Criminal Property Confiscation*
9 *Act 2000*, the Commission may make such use as it
10 thinks fit of any information obtained by it under this
11 Act.
- 12 (5) Without limiting how the Commission may perform its
13 unexplained wealth functions, the Commission may —
14 (a) investigate, either by itself or in cooperation
15 with another body, whether a person has or may
16 have acquired unexplained wealth or a criminal
17 benefit; and
18 (b) consult, cooperate and exchange information
19 with independent agencies, appropriate
20 authorities and any other relevant persons and
21 bodies.
22

23 **9. Section 91 amended**

24 In section 91(2):

- 25 (a) in paragraph (q) delete “functions.” and insert:
26
27 functions; and
28

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(b) after paragraph (q) insert:

(r) a description of the Commission’s activities during that year in relation to its unexplained wealth functions.

10. Section 94 amended

(1) In section 94(1) delete “investigation,” and insert:

investigation under Part 3,

(2) After section 94(1) insert:

(1A) For the purposes of its functions under section 21AD, the Commission may, by written notice served on a person, require the person to produce a statement of information.

(3) In section 94(3)(a) delete “authority or public officer; and” and insert:

authority, public officer or other person served with the notice;
and

(4) In section 94(4)(c) delete “authority or public officer.” and insert:

authority, public officer or other person served with the notice.

- 1 (5) In section 94(5):
2 (a) in paragraph (c) delete “action.” and insert:
3
4 action; or
5
6 (b) after paragraph (c) insert:
7
8 (d) under subsection (5A).

- 9
10 (6) After section 94(5) insert:
11

- 12 (5A) A statement of information produced in compliance
13 with a notice served under subsection (1A) is
14 admissible in evidence in any proceeding under the
15 *Criminal Property Confiscation Act 2000*.
16

17 **11. Section 122 amended**

18 After section 122(2) insert:
19

- 20 (2A) Subsection (2) does not apply to an authority to
21 conduct a controlled operation in respect of a matter
22 relating to the Commission’s functions under
23 section 21AD.
24

25 **12. Section 136 amended**

26 In section 136 delete “functions under this Part.” and insert:
27

28 functions.
29

s. 13

1 **13. Section 137 amended**

2 (1) In section 137 delete “The” and insert:

3

4 (1) The

5

6 (2) At the end of section 137 insert:

7

8 (2) Except as specified in the *Criminal Property*
9 *Confiscation Act 2000* section 60A, this Part does not
10 apply to examinations conducted by the Commission
11 under Part 5 Division 2 of that Act.
12

13 **14. Section 144 amended**

14 (1) Before section 144(1) insert:

15

16 (1A) In this section —

17 ***unexplained wealth requirement*** means —

18 (a) a requirement under section 94(1A); or

19 (b) a requirement under section 95 made for the
20 purposes of the Commission’s functions under
21 section 21AD.
22

23 (2) In section 144(1) delete “subsection (2),” and insert:

24

25 subsections (2) to (5),
26

1 (3) After section 144(2) insert:
2

3 (3) A person is not entitled to contravene an unexplained
4 wealth requirement in relation to any information,
5 document or other thing on the basis that the
6 information, document or thing is subject to legal
7 professional privilege, or contains or is likely to
8 contain information that would, apart from this
9 subsection, be subject to legal professional privilege.

10 (4) Any information, document or other thing produced or
11 obtained under an unexplained wealth requirement is
12 not inadmissible in any proceedings under this Act or
13 the *Criminal Property Confiscation Act 2000* only
14 because the information, document or other thing
15 would, apart from this subsection, be subject to legal
16 professional privilege.

17 (5) Nothing in this section affects the operation of the
18 *Criminal Property Confiscation Act 2000* section 139.
19

20 **15. Section 145 amended**

21 (1) In section 145(1):

22 (a) after “statement” (each occurrence) insert:
23

24 or disclosure
25

26 (b) delete paragraph (a) and insert:
27

28 (a) any criminal proceedings other than
29 proceedings for an offence under this Act; or
30

s. 15

- 1 (c) in paragraph (b)(ii) delete “against” and insert:
2
3 under
4
- 5 (2) After section 145(1) insert:
6
- 7 (1A) Despite subsection (1), a statement or disclosure made
8 by a witness in answer to a question that the
9 Commission requires the witness to answer is
10 admissible in evidence against the person making the
11 statement or disclosure —
- 12 (a) in any proceedings under the *Criminal Property*
13 *Confiscation Act 2000*; and
14 (b) in any civil proceeding.
15
- 16 (3) In section 145(2) after “statement” insert:
17
18 or disclosure
19
- 20 (4) After section 145(2) insert:
21
- 22 (3) For the purposes of this section, the transcript of an
23 examination of a witness is admissible as evidence of a
24 statement or disclosure made by the witness in answer
25 to a question that the Commission requires the witness
26 to answer.
27

1 **16. Section 148 amended**

2 After section 148(1) insert:

3

4 (1A) If a person who has been served under the *Criminal*
5 *Property Confiscation Act 2000* section 59 with a copy
6 of an examination order made by the Commission fails
7 to attend before the Commission as required under the
8 examination order, the Commission may, on proof by a
9 statement verified by statutory declaration that the
10 examination order was served, issue a warrant for the
11 apprehension of that person.

12

13 **17. Section 151 amended**

14 In section 151(1) in the definition of *restricted matter*
15 paragraph (c) delete “this Act;” and insert:

16

17 this Act or by an authorised officer under the *Criminal Property*
18 *Confiscation Act 2000*;

19

20 **18. Section 157 amended**

21 In section 157 in the definition of *reasonable excuse*:

22 (a) delete “otherwise.” and insert:

23

24 otherwise; or

25

26 (b) after paragraph (b) insert:

27

28 (c) the production of the document or other thing
29 might, but for section 144(3), be subject to
30 legal professional privilege.

31

s. 19

1 **19. Section 160A inserted**

2 After section 160 insert:

3

4 **160A. Contempts in relation to examination orders under**
5 **the *Criminal Property Confiscation Act 2000***

6 (1) Subsection (2) applies to a person who has been served
7 under the *Criminal Property Confiscation Act 2000*
8 section 59 with an examination order made by the
9 Commission.

10 (2) A person to whom this subsection applies is in
11 contempt of the Commission if the person fails,
12 without reasonable excuse, to —

13 (a) attend before the Commission as required under
14 the examination order; or

15 (b) produce any document or other thing as
16 required under the examination order.

17 (3) Subsection (4) applies to a person who has been served
18 under the *Criminal Property Confiscation Act 2000*
19 section 59 with an examination order made by the
20 Commission requiring the person to attend before the
21 Commission and give information.

22 (4) A person to whom this subsection applies is in
23 contempt of the Commission if the person —

24 (a) refuses or fails to be sworn or make an
25 affirmation; or

26 (b) fails to answer any question relevant to the
27 examination that the Commission requires the
28 person to answer.
29

1 **20. Section 162 amended**

2 Before section 162(1) insert:

3

4 (1A) In this section —

5 *examination* includes an examination conducted by the
6 Commission under the *Criminal Property Confiscation*
7 *Act 2000*.

8

9 **21. Section 163 amended**

10 In section 163(5) delete “summons.” and insert:

11

12 summons served under section 96.

13

14 **22. Section 184 amended**

15 (1) After section 184(3b) insert:

16

17 (3BA) For the purposes of the *Criminal Property Confiscation*
18 *Act 2000*, an authorised officer has the powers that are
19 specified in that Act as powers of an authorised CCC
20 officer.

21

22 (2) In section 184(3c) delete “(3b).” and insert:

23

24 (3BA).

25

s. 23

- 1 **23. Section 217 amended**
- 2 After section 217(3) insert:
- 3
- 4 (4) In any proceeding under this or any other Act, or
- 5 application for an order or declaration under the
- 6 *Criminal Property Confiscation Act 2000*, a document
- 7 signed by the Commission and stating that an
- 8 examination order has been made by the Commission
- 9 under the *Criminal Property Confiscation Act 2000*
- 10 section 58(1) is evidence of the matter stated.
- 11
- 12 **24. Section 223A amended**
- 13 Delete section 223A(1) and insert:
- 14
- 15 (1) The *Criminal and Found Property Disposal Act 2006*
- 16 applies to and in respect of —
- 17 (a) anything seized under this Act, other than a
- 18 thing seized under section 75(4); and
- 19 (b) anything seized by an authorised officer under
- 20 the *Criminal Property Confiscation Act 2000*.
- 21

1 **Part 3 — *Criminal Property Confiscation***
2 ***Act 2000* amended**

3 **25. Act amended**

4 This Part amends the *Criminal Property Confiscation Act 2000*.

5 **26. Section 10 amended**

6 In section 10(2) delete “DPP must notify the” and insert:

7

8 DPP or the CCC, as the case requires, must notify the relevant

9

10 **27. Section 11 amended**

11 In section 11(1) after “DPP” insert:

12

13 or the CCC

14

15 **28. Section 12 amended**

16 In section 12(1) delete “person’s” (each occurrence) and insert:

17

18 respondent’s

19

20 **29. Section 15 amended**

21 In section 15(1) after “DPP” insert:

22

23 or the CCC

24

s. 30

1 **30. Section 27 amended**

2 In section 27(1) after “DPP” insert:

3

4 or the CCC

5

6 **31. Section 30 amended**

7 In section 30(1) after “DPP” insert:

8

9 or the CCC

10

11 **32. Section 31 amended**

12 (1) In section 31(1) delete “DPP” and insert:

13

14 applicant for the declaration

15

16 (2) In section 31(2) delete “DPP must lodge with the” and insert:

17

18 applicant for the declaration must lodge with the relevant

19

20 Note: The heading to amended section 31 is to read:

21

Applicant's duty to lodge memorial of confiscation

22 **33. Section 32 amended**

23 In section 32 delete “DPP” and insert:

24

25 applicant for the declaration

26

1 **34. Section 36 amended**

2 In section 36(3) after “notify the” insert:

3

4 relevant

5

6 **35. Section 39 amended**

7 In section 39(5) after “notify the” insert:

8

9 relevant

10

11 **36. Section 41 amended**

12 In section 41(1) after “DPP” insert:

13

14 or the CCC

15

16 **37. Section 43 amended**

17 (1) Delete section 43(1) and insert:

18

19 (1) The court may make a freezing order for property if —

20

21 (a) an examination order, a monitoring order or a
22 suspension order obtained by the applicant for
23 the freezing order is in force in relation to the
24 property; or

24

25 (b) the applicant for the freezing order advises the
26 court that the applicant has applied for an
27 examination order, monitoring order or
28 suspension order in relation to the property or is
29 likely to apply for such an order within 21 days
 after the freezing order is made; or

29

s. 38

1 (c) the CCC advises the court that the CCC has
2 made an examination order in relation to the
3 property, or is likely to make an examination
4 order in relation to the property within 21 days
5 after the freezing order is made.
6

7 (2) In section 43(3)(c) delete “DPP” and insert:
8

9 applicant for the freezing order
10

11 **38. Section 45 amended**

12 In section 45(c) delete “DPP,” and insert:
13

14 applicant for the order,
15

16 **39. Section 46 amended**

17 In section 46(3) after “notify the” insert:
18

19 relevant
20

21 **40. Section 47 amended**

22 In section 47(1) delete “DPP.” and insert:
23

24 applicant for the order.
25

1 **41. Section 48 amended**

2 In section 48(4):

3 (a) after “likely to be made,” insert:

4

5 or that an examination order is likely to be made by the
6 CCC,

7

8 (b) after paragraph (a) insert:

9

10 (ab) where the freezing order was made on the basis
11 of advice given to the court under
12 section 43(1)(c) that an examination order is
13 likely to be made — the examination order is
14 not made within 21 days after the date of the
15 freezing order; or
16

17 **42. Section 49 amended**

18 In section 49(2):

19 (a) after “likely to be made,” insert:

20

21 or that an examination order is likely to be made by the
22 CCC,

23

24 (b) after paragraph (a) insert:

25

26 (ab) if the freezing order was made on the basis of
27 advice given to the court under section 43(1)(c)
28 that an examination order is likely to be
29 made — the examination order is not made
30 within 21 days after the date of the freezing
31 order;
32

s. 43

1 **43. Section 53 amended**

2 In section 53 delete “DPP or a police officer” and insert:

3

4 DPP, a police officer or an authorised CCC officer

5

6 **44. Section 54 amended**

7 (1) In section 54(1) delete “DPP or a police officer” and insert:

8

9 DPP, a police officer or an authorised CCC officer

10

11 (2) After section 54(1) insert:

12

13 (1A) Without limiting subsection (1), an authorised CCC
14 officer may require a financial institution to do any or
15 all of the actions set out in subsection (1)(a) to (f) for
16 the purposes of any of the following —

- 17 (a) any proceeding under the *Corruption, Crime*
18 *and Misconduct Act 2003* that relates to the
19 performance of the CCC’s functions under
20 section 21AD of that Act;
- 21 (b) assisting the CCC to decide whether to make an
22 examination order under this Act;
- 23 (c) assisting the CCC to decide whether to apply
24 for, or make, any order under the *Corruption,*
25 *Crime and Misconduct Act 2003* that relates to
26 the performance of the CCC’s functions under
27 section 21AD of that Act.

28

1 **45. Section 58 amended**

2 (1) In section 58(1) after “court” insert:

3

4 or the CCC

5

6 (2) In section 58(2)(a), (b), (c) and (d) after “court” insert:

7

8 or the CCC, as the case requires,

9

10 (3) In section 58(2)(e) after “court” insert:

11

12 or before the CCC at a place specified in the order, as the case
13 requires,

14

15 Note: The heading to amended section 58 is to read:

16

Court and CCC powers when making examination order

17 **46. Section 59 amended**

18 In section 59(1) after “examination order” insert:

19

20 or, if the examination order is made by the CCC, the CCC

21

22 **47. Section 60A inserted**

23 After section 60 insert:

24

25 **60A. Examination by CCC**

26 *The Corruption, Crime and Misconduct Act 2003*
27 sections 135, 136, 138(3), 141, 142, 143 and 147 apply
28 in relation to an examination order made by the CCC
29 and to an examination conducted by the CCC under

s. 48

1 this Division as if the examination were being
2 conducted for the purposes of an investigation under
3 that Act.
4

5 **48. Section 61 amended**

6 (1) After section 61(5) insert:
7

8 (5A) Subsection (5) applies in relation to an examination
9 order made by the CCC and an examination conducted
10 by the CCC under this Division despite the *Corruption,*
11 *Crime and Misconduct Act 2003* section 147(3) as
12 applied under section 60A.
13

14 (2) In section 61(7) after “examination order” insert:
15

16 made by the court
17

18 (3) After section 61(7) insert:
19

20 (8) The *Corruption, Crime and Misconduct Act 2003*
21 section 145 applies in relation to the admissibility in
22 evidence of a statement or disclosure made by a person
23 in the course of complying with an examination order
24 made by the CCC.
25

26 **49. Section 62 amended**

27 In section 62(1) after “DPP” insert:
28

29 or the CCC
30

1 **50. Section 63 amended**

2 Delete section 63(2) and insert:

3

4 (2) The order may direct the person —

5 (a) to give the property-tracking document to —

6 (i) the DPP or a police officer, if the DPP
7 applied for the order; or

8 (ii) the CCC or an authorised CCC officer,
9 if the CCC applied for the order;

10 or

11 (b) to make the property-tracking document
12 available to —

13 (i) the DPP or a police officer for
14 inspection, if the DPP applied for the
15 order; or

16 (ii) the CCC or an authorised CCC officer,
17 if the CCC applied for the order.
18

19 **51. Section 64 amended**

20 (1) In section 64(1):

21 (a) delete “DPP or a police officer” and insert:

22

23 DPP, a police officer, the CCC or an authorised CCC
24 officer

25

26 (b) delete “DPP or police officer” and insert:

27

28 DPP, police officer, CCC or authorised CCC officer
29

s. 52

- 1 (2) In section 64(2) delete “DPP or police officer” (each
2 occurrence) and insert:
3
4 DPP, police officer, CCC or authorised CCC officer
5
- 6 (3) In section 64(3):
7 (a) delete “DPP or a police officer,” and insert:
8
9 DPP, a police officer, the CCC or an authorised CCC
10 officer
11
- 12 (b) delete “DPP or police officer” and insert:
13
14 DPP, police officer, CCC or authorised CCC officer
15
- 16 **52. Section 65 amended**
- 17 (1) In section 65(2) delete “DPP or a police officer” and insert:
18
19 DPP, a police officer, the CCC or an authorised CCC officer
20
- 21 (2) In section 65(3)(a) and (c) delete “DPP or a police officer” and
22 insert:
23
24 DPP, a police officer, the CCC or an authorised CCC officer
25

1 **53. Section 66 amended**

2 In section 66(1):

3 (a) delete “DPP or a police officer,” and insert:

4

5 DPP, a police officer, the CCC or an authorised CCC
6 officer,

7

8 (b) delete “DPP or a police officer for” and insert:

9

10 DPP, a police officer or the CCC (as the case requires)
11 for

12

13 **54. Section 67 amended**

14 In section 67(1) and (2) after “DPP” insert:

15

16 or the CCC

17

18 **55. Section 68 amended**

19 (1) Delete section 68(1) and insert:

20

21 (1) The court may order a financial institution to give
22 information about all transactions carried out through
23 an account held with the institution by a person named
24 in the order to —

25 (a) the DPP or a police officer, if the DPP applied
26 for the order; or

27 (b) the CCC, if the CCC applied for the order.

28

s. 56

- 1 (2) Delete section 68(2)(a) and (b) and insert:
2
- 3 (a) to notify the following persons immediately of
4 any transaction that has been initiated in
5 connection with an account held with the
6 institution by a person named in the order —
7 (i) the DPP or a police officer, if the DPP
8 applied for the order;
9 (ii) the CCC, if the CCC applied for the
10 order;
11 and
12 (b) to notify the following persons immediately if
13 there are reasonable grounds for suspecting that
14 a transaction is about to be initiated in
15 connection with the account —
16 (i) the DPP or a police officer, if the DPP
17 applied for the order;
18 (ii) the CCC, if the CCC applied for the
19 order;
20 and
21

22 **56. Section 70 amended**

23 In section 70(1)(a) delete “DPP” and insert:
24

25 DPP, a police officer or an authorised CCC officer
26

1 **57. Section 71 amended**

2 (1) Delete section 71(1)(a) and insert:

3

4 (a) the DPP or a police officer, if the restricted
5 disclosure relates to —

6 (i) information intended to be given to, or
7 that has been given to, the DPP or a
8 police officer under section 53; or

9 (ii) a requirement made by, or response
10 given to, the DPP or a police officer
11 under section 54; or

12 (iii) a production order, examination order,
13 monitoring order or suspension order
14 for which the DPP applied;

15 (aa) the CCC or an authorised CCC officer, if the
16 restricted disclosure relates to —

17 (i) information intended to be given to, or
18 that has been given to, the CCC or an
19 authorised CCC officer under
20 section 53; or

21 (ii) a requirement made by, or response
22 given to, the CCC or an authorised CCC
23 officer under section 54; or

24 (iii) an examination order made by the CCC
25 or a monitoring order or suspension
26 order for which the CCC applied;

27

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- 1 (2) Delete section 71(2) and insert:
2
- 3 (2) An individual who is not acting in the capacity of an
4 officer of a corporation or of a legal practitioner may
5 make a restricted disclosure to any one or more of the
6 following —
- 7 (a) the DPP or a police officer, if the restricted
8 disclosure relates to —
- 9 (i) information intended to be given to, or
10 that has been given to, the DPP or a
11 police officer under section 53; or
- 12 (ii) a requirement made by, or response
13 given to, the DPP or a police officer
14 under section 54; or
- 15 (iii) a production order, examination order,
16 monitoring order or suspension order
17 for which the DPP applied;
- 18 (b) the CCC or an authorised CCC officer, if the
19 restricted disclosure relates to —
- 20 (i) information intended to be given to, or
21 that has been given to, the CCC or an
22 authorised CCC officer under
23 section 53; or
- 24 (ii) a requirement made by, or response
25 given to, the CCC or an authorised CCC
26 officer under section 54; or
- 27 (iii) an examination order made by the CCC
28 or a monitoring order or suspension
29 order for which the CCC applied;
- 30 (c) a legal practitioner, but only for the purpose of
31 obtaining legal advice or representation in
32 relation to an examination order, if the
33 restricted disclosure is about information
34 intended to be given to or that has been given

1 to, the DPP, a police officer, the CCC or an
2 authorised CCC officer.
3

4 **58. Section 73 amended**

5 (1) In section 73(1) and (2) after “police officer” insert:
6

7 or an authorised CCC officer
8

9 (2) In section 73(3):

10 (a) delete “his or her” and insert:
11

12 their
13

14 (b) after “police officer” insert:
15

16 or an authorised CCC officer
17

18 (3) In section 73(4) after “police officer” insert:
19

20 or an authorised CCC officer
21

22 (4) In section 73(5):

23 (a) delete “his or her” and insert:
24

25 their
26

27 (b) after “police officer” insert:
28

29 or an authorised CCC officer
30

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1 **59. Section 74 amended**

2 In section 74(1) and (3) after “police officer” insert:

3

4 or an authorised CCC officer

5

6 **60. Section 75 amended**

7 (1) In section 75(1) delete “exercises his or her” and insert:

8

9 or an authorised CCC officer exercises their

10

11 (2) In section 75(2) after “police officer” insert:

12

13 or authorised CCC officer

14

15 **61. Section 76 amended**

16 In section 76(1) delete “exercises any of his or her” and insert:

17

18 or an authorised CCC officer exercises any of their

19

20 **62. Section 77 amended**

21 In section 77 after “police officer” insert:

22

23 or an authorised CCC officer

24

1 **63. Section 78 amended**

2 In section 78 after “police officer” insert:

3

4 or an authorised CCC officer

5

6 **64. Section 88 amended**

7 (1) In section 88(1) after “seized” insert:

8

9 by a police officer, whether

10

11 (2) After section 88(1) insert:

12

13 (1A) The CCC has responsibility for the control and
14 management of property seized by an authorised
15 CCC officer under a warrant under section 74.

16

17 **65. Section 89 amended**

18 (1) In section 89(1) after “frozen property” insert:

19

20 (except frozen property to which subsection (1A) relates)

21

22 (2) After section 89(1) insert:

23

24 (1A) The CCC has responsibility for the control and
25 management of frozen property that is subject to a
26 freezing order applied for by the CCC unless the court
27 otherwise orders under section 45(c) or 91(2).

28

s. 65

- 1 (3) In section 89(2) after “confiscated property” insert:
2
3 (except confiscated property to which subsection (2A) relates)
4
- 5 (4) After section 89(2) insert:
6
- 7 (2A) Until the property is disposed of, the CCC has
8 responsibility for the control and management of
9 confiscated property that is —
- 10 (a) property confiscated under section 6 to pay the
11 amount specified in an unexplained wealth
12 declaration or criminal benefits declaration
13 obtained by the CCC; or
- 14 (b) frozen property confiscated under section 7 that
15 is the subject of a freezing order obtained by
16 the CCC.
17
- 18 (5) In section 89(3):
- 19 (a) delete “The DPP” and insert:
20
21 The DPP or the CCC
22
- 23 (b) delete “the DPP has responsibility under subsection (1)
24 or (2) —” and insert:
25
26 the DPP or CCC (as the case requires) has responsibility
27 under this section —
28

1 **66. Section 90 amended**

2 In section 90 after “DPP” insert:

3

4 or the CCC

5

6 Note: The heading to amended section 90 is to read:

7 **Capacity of DPP or CCC to carry out transactions**

8 **67. Section 103 amended**

9 In section 103 after “DPP” insert:

10

11 or the CCC

12

13 **68. Section 108 amended**

14 (1) In section 108:

15 (a) delete “For the” and insert:

16

17 (1) For the

18

19 (b) after “under an examination order” insert:

20

21 made by the court

22

23 (2) At the end of section 108 insert:

24

25 (2) The *Corruption, Crime and Misconduct Act 2003*
26 section 145 applies in relation to the admissibility in
27 evidence of a statement or disclosure made by a person
28 in the course of complying with an examination order
29 made by the CCC.

30

s. 69

1 **69. Section 118 amended**

2 In section 118(4) after “DPP,” insert:

3

4 the CCC

5

6 **70. Section 122 amended**

7 In section 122(2) after “DPP,” insert:

8

9 the CCC

10

11 **71. Section 126 amended**

12 In section 126(1) and (3) delete “DPP” and insert:

13

14 DPP, the CCC

15

16 **72. Section 127 amended**

17 In section 127(1) and (3) delete “DPP” and insert:

18

19 DPP, the CCC

20

21 **73. Section 131 amended**

22 In section 131(2):

23 (a) in paragraph (e) after “Police” insert:

24

25 or the CCC

26

1 (b) in paragraph (f) delete “DPP” and insert:

2

3 DPP, the CCC

4

5 **74. Section 132 amended**

6 (1) In section 132(1):

7 (a) delete “in the performance of the functions of a police
8 officer” and insert:

9

10 or an authorised CCC officer in the performance of the
11 officer’s functions

12

13 (b) delete “assisting a police officer” and insert:

14

15 assisting a police officer or an authorised CCC officer

16

17 (2) In section 132(2):

18 (a) delete “in the performance of the police” and insert:

19

20 or an authorised CCC officer in the performance of the

21

22 (b) delete “assisting a police officer” and insert:

23

24 assisting a police officer or an authorised CCC officer

25

26 Note: The heading to amended section 132 is to read:

27

Obstructing police officers or authorised CCC officers

s. 75

1 **75. Section 134A inserted**

2 After section 134 insert:

3

4 **134A. CCC's power to delegate**

5 (1) The CCC may delegate to an officer of the CCC the
6 performance of any of the functions of the CCC under
7 this Act, except the following —

8 (a) the power to make an order under
9 section 58(1);

10 (b) the power to examine a person under oath;

11 (c) this power of delegation.

12 (2) A delegation —

13 (a) must be made by written instrument; and

14 (b) is made on behalf of and subject to the direction
15 and control of the CCC; and

16 (c) may be made generally or as otherwise
17 provided by the instrument.
18

19 **76. Section 135 amended**

20 In section 135(1) after “DPP” insert:

21

22 or the CCC

23

24 **77. Glossary clause 1 amended**

25 In the Glossary clause 1 insert in alphabetical order:

26

27 *authorised CCC officer* means an authorised officer as
28 defined in the *Corruption, Crime and Misconduct Act 2003*
29 section 184(1);

1
2
3
4
5

CCC means the Corruption and Crime Commission
established under the *Corruption, Crime and Misconduct
Act 2003* section 8(1);

=====