

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

NATIONAL CRIME AUTHORITY AMENDMENT BILL (No. 2) 1992

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be Moved on Behalf of the Government

Clause 10 - Insertion of new Part

Proposed subsection 55AR(2)

A person may be required by the Inspector-General of the National Crime Authority under proposed section 55AN or 55AO to give information, produce documents or answer questions even though the information (including information in a document or answer) so required would be privileged for one of the reasons set out in paragraphs (a) to (e) of proposed subsection 55AR(1). The amendment will give a person required by the Inspector-General to disclose such privileged information immunity against use of the information in evidence against him or her in either criminal or civil proceedings and in any other type of proceeding where evidence may be taken. Under the wording of the Bill as circulated this immunity would have been limited to use in criminal proceedings. This was not congruent with the range of privilege abrogated by proposed subsection 55AR(1). For example, a person might be required under subsection 55AR(1) to disclose to the Inspector-General information which was capable of use against the person in disciplinary proceedings.

(Circulated by authority of the Attorney-General,
the Honourable Michael Duffy, MP)

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