

Appendix 6

Legislative tools for combating serious and organised crime – Overseas jurisdictions

	Search warrants	Telecommunications interception	Controlled operations	Assumed identities	Witness identity protection	Surveillance devices	Coercive powers	Control orders	Anti-fortification	Proceeds of crime	Unexplained wealth	Financial reporting orders
Canada	Y	Y	Y	Y	Y	Y	Y ⁸	Y ⁹	Y ¹⁰	Y	N	N
NZ	Y	Y	Y	Y	Y	Y	Y ¹¹	N	Y ¹²	Y ¹³	N	N
UK	Y	Y	Y	Y	Y	Y	Y ¹⁴	Y ¹⁵	N	Y	N	Y

Source: Attorney-General's Department, answer to question on notice, 6 November 2008 (received 23 December 2008), appendix B

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- 8 A judge may order an investigative hearing in relation to a terrorism offence and require a person to attend an examination before a judge to answer questions and produce specified things. A judge may also order a person (other than the person under investigation) to produce documents or data to a specified public officer if the judge believed an offence has been committed against the Criminal Code or any other Act.
- 9 A recognizance with conditions (in relation to terrorist activity) and a 'peace bond' (in relation to a criminal organization offence or a terrorism offence) are the closest things to control orders in Canada. See ss 83.3 and s 810.01 respectively of the *Criminal Code 1985*.
- 10 Canada does not have federal legislation. However, some provinces have anti-fortification legislation.
- 11 The Serious Fraud Office has the power to demand documents and information to be produced and questions to be answered in relation to serious or complex fraud offences. The *Search and Surveillance Powers Bill 2008* makes provision for the Police Commissioner to apply for an examination order in a business and non-business (serious or complex fraud and organised crime) context, and for police to apply for an order to produce documents (applies in relation to specified offences).
- 12 New Zealand does not have federal legislation. However, some local councils have anti-fortification legislation.
- 13 Amendments are proposed to allow for civil forfeiture in New Zealand.
- 14 A disclosure notice may be issued in relation to specified offences (e.g. evasion of duty, drug trafficking, money laundering, directing terrorism, people trafficking, arms trafficking, intellectual; property offences, counterfeiting and blackmail). A disclosure notice can require a person to answer questions, provide information and produce documents. The Director of Public Prosecutions, Director of Revenue and Customs Prosecutions, or the Lord Advocate may issue a disclosure notice. Alternatively, these persons may authorise a constable, a members of staff of SOCA, or an officer of the Revenue of Customs to issue a disclosure notice.
- 15 Includes control orders and serious crime prevention orders. Control orders can be issued for the purpose of protecting the public from a terrorist act. Serious Crime Prevention Orders can be used against those involved in serious crime and their purpose is to protect the public by preventing, restricting or disrupting involvement in serious crime.