

RECOMMENDATIONS

Recommendation 1

6.10 The committee recommends that the court should have a discretion under proposed section 179C of the *Proceeds of Crime Act 2002* to revoke a preliminary unexplained wealth order if it is in the public interest to do so.

Recommendation 2

6.11 The committee recommends that the court should have a discretion under proposed section 179E of the *Proceeds of Crime Act 2002* to refuse to make an unexplained wealth order if it is not in the public interest to do so.

Recommendation 3

6.12 The committee recommends that proposed subsection 179B(2) of the *Proceeds of Crime Act 2002* specify that an officer must state in the affidavit supporting an application for a preliminary unexplained wealth order the grounds on which he or she holds a reasonable suspicion that a person's total wealth exceeds his or her lawfully acquired wealth.

Recommendation 4

6.17 The committee recommends that the disclosure of information acquired under the *Proceeds of Crime Act 2002* to law enforcement and prosecuting agencies should be limited to disclosure for the purpose of investigation, prosecution or prevention of an indictable offence punishable by imprisonment for three or more years.

Recommendation 5

6.18 The committee recommends that disclosure of information acquired under the *Proceeds of Crime Act 2002* to foreign law enforcement agencies should not be made unless the offence under investigation would be an indictable offence punishable by imprisonment for three or more years if it had occurred in Australia.

Recommendation 6

6.22 The committee recommends that that the principal law enforcement officer with respect to a controlled operation should be required to make a report to the chief officer of the law enforcement agency within two months of the completion of the operation and the report should include:

- the nature of the controlled conduct engaged in;
- details of the outcome of the operation; and
- if the operation involved illicit goods, the nature and quantity of any illicit goods and the route through which the illicit goods passed during the operation.

Recommendation 7

6.23 The committee recommends that the Bill be amended to require that information relating to the handling of narcotic goods, and people who had possession of narcotic goods, is recorded in the general register that authorising agencies will be required to maintain under proposed section 15HQ of the Crimes Act.

Recommendation 8

6.28 The committee recommends that proposed subsection 15MM(5) of the Crimes Act be amended by deleting paragraph (a).

Recommendation 9

6.29 The committee recommends that proposed section 15M and proposed subsection 15MX(3) of the Crimes Act provide definitions of the terms ‘chief officer’ and ‘senior officer’ in relation to agencies which are prescribed as a ‘law enforcement agency’ by regulation.

Recommendation 10

6.34 The committee recommends that the word ‘all’ be deleted from proposed paragraph 11.2A(6)(b) of the Criminal Code so that a person will not be liable under the joint commission provisions if he or she terminated his or her involvement in the agreement and took reasonable steps to prevent the commission of the offence.

Recommendation 11

6.37 The committee recommends amending the definition of ‘exempt proceeding’ in section 5B of the *Telecommunications (Interception and Access) Act 1979* to allow the use of lawfully acquired telecommunications interception material in proceedings, under state criminal organisation legislation, to obtain criminal organisation declarations as well as proceedings to obtain interim control orders, or control orders, over members of those organisations.

Recommendation 12

6.38 The committee recommends including first time offences of association under section 26 of the *Crimes (Criminal Organisations Control) Act 2009 (NSW)* within the definition of ‘prescribed offence’ in section 5 of the *Telecommunications (Interception and Access) Act 1979*.

Recommendation 13

6.40 Subject to the preceding recommendations, the committee recommends that the Bill be passed.