

RECOMMENDATIONS

Recommendation 1

7.11 The committee recommends that proposed section 390.3 of the Criminal Code be amended by limiting its application to circumstances where the accused intended that the association would facilitate the criminal conduct or proposed criminal conduct.

Recommendation 2

7.12 The committee recommends that the defences in proposed subsection 390.3(6) of the Criminal Code be amended by:

- replacing the existing defences for legal practitioners with a more general defence that the association was only for the purpose of providing legal advice or representation; and
- adding a general defence where the association was reasonable in the circumstances.

Recommendation 3

7.15 The committee recommends that proposed paragraph 390.4(1)(b) of the Criminal Code be amended to provide that 'the person intended the provision of the support or resources would aid the organisation to engage in conduct constituting an offence against any law.'

Recommendation 4

7.16 The committee recommends that the maximum penalty for an offence under proposed section 390.4 of the Criminal Code should be the maximum penalty for the offence the accused intended to support.

Recommendation 5

7.20 The committee recommends that subsections 3K(3A) and 3K(3B) of the Crimes Act should provide for equipment to be moved for examination for an initial period of no longer than seven days.

Recommendation 6

7.21 The committee recommends that subsection 3L(1) of the Crimes Act should require that, before operating electronic equipment at warrant premises to access data, an officer executing the warrant must have reasonable grounds to suspect that the data constitutes evidential material.

Recommendation 7

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

