

Criminal Justice Division

August 2003

SUBMISSION ..... 46

Mr Quinton Clements  
Inquiry Secretary  
Joint Standing Committee on the National Capital and External Territories  
Parliament House  
CANBERRA ACT 2600

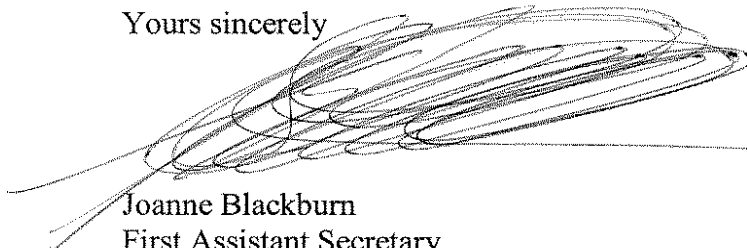
Dear Mr Clements

**INQUIRY INTO NORFOLK ISLAND GOVERNANCE – QUESTIONS ON NOTICE**

I refer to the questions on notice directed to this Department from the Committee at its public hearing on 25 July 2003. In my previous letter to you dated 14 August 2003 I undertook to forward to you as soon as possible our outstanding response to question 3.

I note that Ms Rebecca Curran sent the response to you by electronic mail on 18 August. Please find a hard copy attached. If you require any further information or assistance, please contact Ms Curran on 6250 6873.

Yours sincerely



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First Assistant Secretary  
Criminal Justice Division

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**Question 3: What jurisdiction, if any, does the Australian Crime Commission have in relation to corruption by Members of the Norfolk Island Assembly?**

The *Australian Crime Commission Act 2002* (the Act) extends to Norfolk Island and provided certain criteria are satisfied, the ACC could investigate corruption by the members of the Norfolk Island Assembly.

Section 6 of the Act provides that the Act extends to all the external Territories. This includes Norfolk Island.

The Australian Crime Commission is able to undertake investigations of any circumstances implying, or any allegation, that a serious and organised crime has been, is being, or may in the future be, committed against a law of the Commonwealth or a law of the State or Territory (provided that the law against the State has a federal aspect).

The definition of a serious and organised crime includes a bribery or corruption offence of, or by, an officer of the Commonwealth, an officer of a State or an officer of a Territory. Members of the Norfolk Island Assembly are officers of the Commonwealth, as they hold office under the *Norfolk Island Act 1979*, which is a Commonwealth law.

The serious and organised crime must also be an offence against a law of the Commonwealth or of the Territory. Norfolk Island criminal law can be found in various enactments such as the *Norfolk Island Criminal Law Act 1960* (which applies the *Crimes Act 1900* (NSW)) and the *Norfolk Island Public Moneys Act 1979*. Those Acts contain offences about receiving or soliciting corrupt commissions or rewards and the misappropriation of moneys.

