

Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Bill

Table of Contents

Bill No: 33/2007

Read the first time: 27th August 2007

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of long title

3 Amendment of section 2

4 Amendment of section 22

5 Deletion and substitution of heading of Division 3 of Part V

6 Amendment of section 39

7 New section 40A

8 Amendment of section 41

9 Amendment of section 46

10 Amendment of section 47

11 New Part VIA

12 Amendment of section 55

13 Amendment of section 56

14 Amendment of section 57

15 Repeal and re-enactment of section 59

16 Amendment of section 60

17 Miscellaneous amendments

18 Savings provision

Explanatory Statement

Expenditure of Public Money

Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits)
(Amendment) Bill

Bill No. 33/2007

Read the first time on 27th August 2007.

An Act to amend the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Chapter 65A of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of long title

2. The long title to the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “derived from”, the words “, and to combat,”.

Amendment of section 2

3. Section 2(1) of the principal Act is amended —

- (a) by deleting the words “the concealing” in paragraph (c) of the definition of “criminal conduct” and substituting the words “the acquisition, possession, use, concealing”;
- (b) by deleting the words “the concealing” in paragraph (c) of the definition of “drug trafficking” and substituting the words “the acquisition, possession, use, concealing”; and
- (c) by inserting, immediately after the definition of “serious offence”, the following definition:

““Suspicious Transaction Reporting Officer” means an authorised officer —

- (a) who has been appointed by the Minister as a Suspicious Transaction Reporting Officer for the purposes of this Act; and
- (b) who has his appointment as a Suspicious Transaction Reporting Officer published in the *Gazette*,”.

Amendment of section 22

4. Section 22 of the principal Act is amended —

- (a) by deleting the words “High Court” wherever they appear in subsections (1) to (4) and substituting in each case the word “court”; and
- (b) by deleting the word “Court” in subsections (1) and (2)(b) and substituting in each case the word “court”.

Deletion and substitution of heading of Division 3 of Part V

5. Part V of the principal Act is amended by deleting the heading of Division 3 and substituting the following division heading:

“Division 3 — Record-keeping and suspicious

transaction reports”.

Amendment of section 39

6. Section 39 of the principal Act is amended —

- (a) by inserting, immediately before the words “drug trafficking” in the 7th line of subsection (1), the words “any act which may constitute”;
- (b) by deleting the words “an authorised officer” in the penultimate line of subsection (1) and substituting the words “a Suspicious Transaction Reporting Officer”;
- (c) by deleting “\$10,000” in subsection (2) and substituting “\$20,000”; and
- (d) by deleting the words “discloses to an authorised officer” in subsection (6) and substituting the words “discloses in good faith to a Suspicious Transaction Reporting Officer”.

New section 40A

7. The principal Act is amended by inserting, immediately after section 40, the following section:

“Information and identity of informers not to be disclosed

40A.—(1) Except as provided in subsection (3) —

- (a) no information disclosed by an informer shall be admitted in evidence in any civil or criminal proceedings; and
- (b) no witness in any civil or criminal proceedings shall be obliged —
 - (i) to disclose the name and address of any informer; or
 - (ii) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informer.

(2) If any book, document or paper which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which may lead to his discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) If a court —

- (a) in any proceedings before it for an offence under any written law, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true; or
- (b) in any other proceedings, is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer,

the court may permit inquiry and require full disclosure concerning the informer.

(4) In this section, “informer” means a person who makes a disclosure under section 39(1).”.

Amendment of section 41

8. Section 41 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Notwithstanding section 56 and any other written law or rule of law, a Suspicious Transaction Reporting Officer may communicate any thing —

- (a) disclosed to him under section 39(1), 48C or 48E; or
- (b) forwarded to him under section 48D,

to a corresponding authority of a foreign country if —

- (i) that thing may be relevant to an investigation by that authority into a foreign drug trafficking offence or a foreign serious offence; and
- (ii) the conditions in subsection (2) are satisfied.”;

(b) by deleting the words “an authorised officer under section 39(1)” in subsection (2)(a) and substituting the words “a Suspicious Transaction Reporting Officer under section 39(1), 48C or 48E or an immigration officer under section 48C”; and

(c) by deleting the definition of “Suspicious Transaction Reporting Officer” in subsection (3).

Amendment of section 46

9. Section 46 of the principal Act is amended —