



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Mutual Assistance in Criminal Matters
Amendment (Registration of Foreign
Proceeds of Crime Orders) Bill 2011**

Second Reading

SPEECH

Thursday, 23 June 2011

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Thursday, 23 June 2011 Page 7067 Questioner Speaker Irons, Steve, MP</p>	<p>Source House Proof No Responder Question No.</p>
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Mr IRONS (Swan) (09:16): I rise this morning to continue my remarks in support of the Mutual Assistance in Criminal Matters Amendment (Registration of Foreign Proceeds of Crime Orders) Bill 2011. By way of background to members who may not have been in the chamber yesterday evening, I was talking about how Western Australians want this parliament to take organised crime seriously, particularly in relation to the problems of people smuggling and clandestine laboratories. It delves down a bit into the local crime issues in my electorate concerning the receiving of benefits from the confiscation of property from organised crime.

As the member for Swan, I do believe that members of parliament have an active role to play in working with the police to reduce crime. In the past, my office has managed to work with the residents of Baillie Avenue in East Victoria Park to get a crime prevention barrier erected. As I mentioned last night, after being informed of a drug house in operation at one of my constituent's surgeries, my office reported the matter to the Minister for Police and to the local police force and the house was raided days later.

I do believe that as members of parliament we can make a difference, and it was in this spirit that last Friday I went on after-dark patrol with officers of the Western Australia Police to see for myself the progress that is being made to tackle crime in the area. I thank the police for agreeing to take me on this patrol.

Mr Laming interjecting—

Mr IRONS: I will take the interjection from the member for Bowman as support for my after-hours patrol. I was particularly keen to inspect areas in East Victoria Park where several residents had contacted me about another local spike in crime. Only last week there were a number of gunshots fired outside Nando's near the park centre, which is a busy shopping complex in the heart of my electorate and only 200 metres from my electorate office.

During the patrol we encountered what the police believe to be a major source of crime and antisocial behaviour in a rundown area of land adjacent to Franklins Tavern in Hubert Street. The unlit area next to the late-night tavern is believed by police to be a staging post for criminal activity in and around Oats

Street train station. Part of this activity may be the organised crime of drug dealing. I also saw evidence of homeless people sleeping on this land. It is important that these people are protected.

I have contacted the CEO of the Town of Victoria Park about this area and he has gone down to the area to personally inspect it. I will work with both the council and the state government to try and have this issue addressed. I have done a bit of research and one of the options for getting some funding to fix this could be the state government's Criminal Property Confiscation Grants Program Round 9. Some lighting may well be an effective solution too. In the meantime, although the police are doing the best they can, I would advise residents to exercise extreme caution in this area. Whilst I do support the bill, as it will be of some help in addressing the issue of organised crime, I urge the government to treat the issue with the highest level of seriousness as organised crime and its effects are an issue for the people of my electorate in Western Australia.

As the nature of some crime is international, it is important that Australia has solid arrangements for cooperating with foreign countries in the restraint and confiscation of assets for matters that cross borders. Australia cannot be seen as a safe haven for organised crime profits. Australian courts are able to register and enforce foreign orders—compromising, restraining, confiscating and pecuniary penalty orders—over properties derived from serious criminal offences. Once such orders are registered in Australia they can be enforced as if they were an Australian order made under the Proceeds Of Crime Act. As has been mentioned by previous speakers, provisions in the International Crime Court Act 2002 and the International War Crimes Tribunals Act 1995 allow Australian courts to impose orders issued by the ICC.

The amendments in this legislation relate to the result of the decision of the recent High Court case of International Finance Trust Co. Ltd v New South Wales Crime Commission, specifically raising constitutional issues in relation to chapter III of the Constitution. The bill amends section 34A of the Mutual Assistance in Criminal Matters Act 1987, section 45 of the International War Crimes Tribunal Act 1995 and section 156 of the International Criminal Court Act 1995 to address issues raised by the High

Court in the case of International Finance Trust Co. Ltd v New South Wales Crime Commission (2009) HCA 49 (International Finance). The amendments provide the courts with a greater discretion over the registration of foreign orders but still require the courts to register a foreign proceeds of crime order unless it is contrary to the interests of justice to do so. Essentially, these amendments should resolve any constitutional issues arising from the International Finance case and ensure that the principle of reciprocity can continue.

In conclusion, I support the broad intent of this bill. However, given the worrying trend that we are seeing in organised crime across the nation, from the people-smuggling problem to the issue of clandestine laboratories in Perth, I urge the government to do more to tackle organised crime. I also look forward to hearing the speech of the member for Cowan on this issue as well. I know that he has a deep interest in the issues of organised crime and crime prevention in his electorate as well.