WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

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CORRUPTION, CRIME AND MISCONDUCT AND CRIMINAL PROPERTY CONFISCATION AMENDMENT BILL 2017 [21-2]

When in committee on the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017*:

Clause 9

Hon Alison Xamon: To move —

1/9 Page 6, line 5 — To delete "functions." and insert:

functions including but not limited to:

(i) the number of cases in which the confiscable property was subject to a secured or unsecured debt;

(ii) in relation to each such debt:

(A) the particulars of the debt;

(B) the nature of the creditor;

(C) whether and if so how the debt was taken into account in the exercise of the Commission's functions; and

(D) whether the creditor used the objection process under Part 6 of the *Criminal Property Confiscation Act 2000* and if so the outcome of that process;

(iii) excluding creditors referred to in (i) abov e, the number of cases in which a person apart from the person the subject of the confiscation proceedings had or claimed to have a legal or equitable interest in the confiscable property;

(iv) in relation to each such interest:

(A) the particulars of the interest;

(B) whether and if so how the interest was taken into account in the exercise of the Commission's functions; and

(C) whether the person used the objection process under Part 6 of the *Criminal Property Confiscation Act 2000* and if so the outcome of that process.

New Clause 24A

Leader of the House representing the Attorney General: To move —

5/NC24A Page 14, after line 21 — To insert:

24A. Section 226A inserted

After section 226 insert:

226A. Review of 2018 amendments to Act

(1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as practicable after the expiry of 5 years after the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 8 comes into operation.

(2) The Minister must, as soon as practicable —

(a) prepare a report based on the review; and

(b) cause a copy of the report to be laid before each House of Parliament.

Hon Michael Mischin: To move —

7/NC24A Page 14, after line 21 — To insert:

24A. Section 226A inserted

After section 226 insert:

226A. Review of 2018 amendments to Act

(1) The Minister must carry out a review of the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as is practicable after every 5th anniversary of the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 8 comes into operation.

(2) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —

(a) as soon as practicable after the review is completed; but

(b) not later than 1 year after each 5 year anniversary.

New Clause 25A

Hon Alison Xamon: To move —

2/NC25A Page 15, after line 4 — To insert:

25A. Section 5A inserted

After section 5 insert:

5A Application of Act to CCC

Where this Act confers functions on the CCC, the exercise of those functions is subject to the CCC being satisfied that there are reasonable grounds for suspecting that the matter is substantially connected to organised crime as defined in the *Corruption, Crime and Misconduct Act 2003* section 3.

New Clause 76A

Hon Aaron Stonehouse: To move —

3/NC76A Page 36, after line 23 — To insert:

76A. Section 140A inserted

After section 140 insert:

140A. Review of Act

(1) The Attorney General must cause a review of the operation and effectiveness of this Act to be carried out as soon as practicable after the 3rd anniversary of the day on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 25 comes into operation.

(2) For the purposes of subsection (1) the Attorney General must appoint an independent and suitably qualified person (the ***reviewer***) to carry out the review.

(3) Without limiting subsection (1) the reviewer must consider and have regard to the operation and effectiveness of the amendments made to the Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017*.

(4) The Department of Justice, the DPP, the CCC and the Commissioner of Police must provide the reviewer with all information and documents the reviewer requests which are in their possession or under their control, including information and documents the provision of which is a restricted disclosure.

(5) The reviewer must prepare a report based on the review and provide it to the Attorney General.

(6) The Attorney General must cause a copy of the report to be laid before each House of the Parliament by the 15th sitting day of that House following the day the report is received by the Attorney General.

Leader of the House representing the Attorney General: To move —

6/NC76A Page 36, after line 23 — To insert:

76A. Section 140A inserted

After section 140 insert:

140A. Review of 2018 amendments to Act

(1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as practicable after the expiry of 5 years after the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 27 comes into operation.

(2) The Minister must, as soon as practicable —

(a) prepare a report based on the review; and

(b) cause a copy of the report to be laid before each House of Parliament.

Hon Michael Mischin: To move —

8/NC76A Page 36, after line 23 — To insert:

76A. Section 140A inserted

After section 140 insert:

140A. Review of 2018 amendments to Act

(1) The Minister must carry out a review of the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as is practicable after every 5th anniversary of the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 27 comes into operation.

(2) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —

(a) as soon as practicable after the review is completed; but

(b) not later than 1 year after each 5 year anniversary.

New Clause 76B

Hon Aaron Stonehouse: To move —

4/NC76B Page 36, after line 23 — To insert:

76B. Section 70 amended

After "under section 71" insert:

or as required under section 140A(4)