

1993-94
ARTHUR ROBINSON & HEDDERWICKS
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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

Presented and read a first time

(*Attorney-General*)

A BILL

FOR

An Act to make certain amendments relating to the *International War Crimes Tribunal Act 1994*

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *International War Crimes Tribunal (Consequential Amendments) Act 1994*.

5 Commencement

2.(1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), section 3 and the Schedule commence on a day to be fixed by Proclamation.

International War Crimes Tribunal
(Consequential Amendments) No. , 1994

(3) If section 3 and the Schedule do not commence under subsection (2) within 6 months after the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

Consequential amendments

3. The Acts referred to in the Schedule are amended as set out in the Schedule. 5

SCHEDULE

Section 3

AMENDMENTS OF ACTS

Administrative Decisions (Judicial Review) Act 1977

Schedule 1:

After paragraph (r), insert:

“(ra) decisions under the *International War Crimes Tribunal Act 1994*.”

Director of Public Prosecutions Act 1983

Paragraph 6(1)(k):

After “*Extradition Act 1988*” insert “, the *International War Crimes Tribunal Act 1994*”.

Paragraph 9(6A)(b):

After “*Extradition Act 1988*” insert “, the *International War Crimes Tribunal Act 1994*”.

Migration Act 1958

After subparagraph 54A(a)(i):

Insert:

“(ia) the *International War Crimes Tribunal Act 1994*; or”.

After subparagraph 54C(b)(i):

Insert:

“(ia) the *International War Crimes Tribunal Act 1994*; or”.

Proceeds of Crime Act 1987

Division 2A of Part II:

Omit the heading, substitute:

“*Division 2A—Registered foreign and international forfeiture orders*”.

Section 23:

Repeal the section, substitute:

Registered foreign and international forfeiture orders

“23.(1) If:

- (a) a foreign forfeiture order is registered in a court in Australia under the Mutual Assistance Act; or

SCHEDULE—continued

- (b) an order is registered in a court in Australia under section 46 of the *International War Crimes Tribunal Act 1994*;

Division 2 applies in relation to the order as if subsections 19 (5) and 20 (3), (4), (5) and (6) and sections 21 and 22 were omitted.

“(2) If:

- (a) a foreign forfeiture order against property is registered in a court in Australia under the Mutual Assistance Act; or

- (b) an order against property is registered in a court in Australia under section 46 of the *International War Crimes Tribunal Act 1994*;

the property may, subject to section 23A, be disposed of, or otherwise dealt with, in accordance with any direction of the Attorney-General or of a person authorised by the Attorney-General in writing for the purposes of this subsection.”.

After subsection 23A(1):

Insert:

“(1A) This section also applies if a court registers under section 46 of the *International War Crimes Tribunal Act 1994* an order against property.”.

Subsection 23A(2):

After “registering the” insert “foreign or international forfeiture”.

Paragraph 23A(2)(a):

Omit “serious”, substitute “or international”.

Subsection 23A(3):

- (a) Omit “serious”, substitute “or international”.

- (b) After “which the foreign” insert “or international”.

Subsection 23A(4):

After “foreign” insert “or international”.

Paragraph 23A(7)(a):

- (a) Omit “serious”, substitute “or international”.

- (b) After “which the foreign” insert “or international”.

Subparagraph 23A(7)(b)(ii):

Omit “serious”, substitute “or international”.

Subsection 23A(8):

After “foreign” insert “or international”.

SCHEDULE—continued

Section 23A:

Add at the end:

“(12) In this section:

‘foreign or international forfeiture order’ means:

- (a) the foreign forfeiture order mentioned in subsection (1) in relation to which this section applies; or
- (b) the order mentioned in subsection (1A) in relation to which this section applies;

as the case may be;

‘foreign or international offence’ means:

- (a) a foreign serious offence; or
- (b) a Tribunal offence within the meaning of the *International War Crimes Tribunal Act 1994*;

as the case requires.”.

Subparagraph 34C(1)(a)(ii):

After “forfeiture order” insert “, an order registered under section 46 of the *International War Crimes Tribunal Act 1994*”.

Telecommunications (Interception) Act 1979

Paragraph 5B(g):

Omit “or”.

Section 5B:

Add at the end:

“; or (i) a proceeding under Division 1 of Part 4 of the *International War Crimes Tribunal Act 1994*.”.

NOTE ABOUT SECTION HEADING

1. On the commencement of section 3 of this Act, the heading to section 23A of the *Proceeds of Crime Act 1987* is altered by inserting “**or international**” after “**foreign**”.

