

**CORRUPTION, CRIME AND MISCONDUCT AND CRIMINAL PROPERTY CONFISCATION  
AMENDMENT BILL 2017**

*Returned*

Bill returned from the Council with amendments.

Leave granted for the Council's amendments to be considered in detail forthwith.

*Council's Amendments — Consideration in Detail*

The amendments made by the Council were as follows —

No 1

New Clause 24A, 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.

No 2

New Clause 76A, 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.

**Mr D.A. TEMPLEMAN** — by leave: I move —

That the amendments made by the Council be agreed to.

As will become very apparent, I am acting on behalf of the Attorney General in the handling of this bill.

**Mr P.A. KATSAMBANIS:** The opposition certainly agrees to these amendments, which have come back from the Legislative Council. They introduce review clauses into the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. We believe that this strengthens the bill. In particular, it allows for the provisions to be reviewed within a five-year period. That is pretty fair, given the nature of the powers that are being conferred on the Corruption and Crime Commission by this bill to look at unexplained wealth and to confiscate unexplained wealth from people who may not necessarily have been convicted of a criminal offence but who clearly do not have any visible means of acquiring that wealth and do not have the ability to explain how they may have legally acquired that wealth. They are, in many ways, quite draconian powers. They reverse onuses of proof and treat someone as guilty unless they prove otherwise. We understand why they have been introduced. We debated it in this place when the bill first came to us. We debated the fact that this is necessary, because there

is a cohort of people out there who structure themselves in a particular way to avoid criminal prosecution. Those people heavily enrich themselves, particularly through the misery of others, through drug dealing, meth dealing and the like. We need to find an appropriate way to get them. It is a little analogous to the old and well-told story of Al Capone, who was eventually jailed for tax evasion rather than for any of the other, more nefarious crimes that he was accused of committing. Generally, the public is comfortable with these powers going to the CCC. We know that the police have had these powers for quite some time but have not really been able to effectively use them for a number of reasons. We know that the CCC wants these powers. That is all well and good, but reviewing the operation of the provisions is important.

The process that we have been through, with the bill coming through this place and then going to the other place and coming back with these amendments, shows that the bicameral system does work and does improve legislation. The opposition welcomes the insertion of these two clauses. We wish them a speedy passage. The other thing that we wish upon the state of Western Australia and the CCC is that they exercise these powers fully and bring people to account who deserve to be brought to account. We will be looking forward to regular reports from the CCC on its successes in utilising these powers.

**Mr D.A. TEMPLEMAN:** I thank the member for his comments. Obviously, the opposition and the government support the addition of both these clauses to the bill. We thank the opposition for its cooperation.

**Question put and passed; the Council's amendments agreed to.**

**The Council acquainted accordingly.**