

CRIMINAL PROPERTY CONFISCATION ACT — MARTIN REVIEW — GOVERNMENT RESPONSE

**226. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Attorney General:**

I refer the Attorney General to the Wayne Martin report into criminal confiscation, which referred to our current laws as “incoherent” and “unjust”, and note that the report was commissioned almost three years ago and has now languished on the Attorney’s desk for close to two and a half years.

- (1) Is the Attorney General aware of the case of Mr Kenneth Williams, who faces the seizure of his home as a result of charges that he grew five cannabis plants, arguably for his own medical use?
- (2) When can Mr Williams and the Western Australian public at large expect a response from the McGowan government to the Martin report, which goes to the very heart of our legal system?
- (3) What measures, if any, does the Attorney intend to bring forward in the short to medium term to rectify the injustices that Justice Martin identified, and which we are still seeing reported on a frustratingly frequent basis years later?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question. I provide the following response based on information provided to me by the Attorney General.

- (1)–(3) In 2000, Parliament intentionally designed the Criminal Property Confiscation Act to have a very significant deterrent effect against dealing drugs. There have been calls for revisions to the act under successive governments; however, the Attorney General has taken the closest look at these concerns by appointing former Chief Justice Wayne Martin, AC, QC, to conduct a comprehensive review. Mr Martin’s overarching recommendation was for the government to consider repealing the act and replacing it with a completely new act. There were more than 60 other recommendations, including many with the potential to have far-reaching effects on the state’s criminal property confiscation framework and, as such, need to be carefully considered. Although significant resources in the Department of Justice were redirected to the COVID-19 pandemic response, detailed consideration of the Martin review is currently ongoing.