



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

No. 83, 2011

**An Act to amend the *Mutual Assistance in Criminal
Matters Act 1987*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 83, 2011

An Act to amend the *Mutual Assistance in Criminal Matters Act 1987*, and for related purposes

[Assented to 25 July 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Mutual Assistance in Criminal
Matters Amendment (Registration of Foreign Proceeds of Crime
Orders) Act 2011*.

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2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Registration of foreign orders

International Criminal Court Act 2002

1 At the end of subsection 156(1)

Add “, unless the court is satisfied that it would be contrary to the interests of justice to do so”.

2 Subsection 156(3)

Omit “must”, substitute “may”.

International War Crimes Tribunals Act 1995

3 Subsection 45(1)

Omit all the words and paragraphs after “the order”, substitute “, unless the court is satisfied that it would be contrary to the interests of justice to do so”.

4 After subsection 45(1)

Insert:

- (1A) The Director of Public Prosecutions must give notice of the application:
- (a) to specified persons the Director of Public Prosecutions has reason to suspect may have an interest in the property; and
 - (b) to such other persons as the court directs.
- (1B) However, the court may consider the application without notice having been given if the Director of Public Prosecutions requests the court to do so.

Mutual Assistance in Criminal Matters Act 1987

5 Before section 34

Insert:

33A Object of Subdivision

- (1) The object of this Subdivision is to facilitate international cooperation in the recovery of property through the registration and enforcement of foreign orders in Australia.
- (2) For the purpose of achieving this object, it is the intention of the Parliament that the validity of foreign orders not be examined.

6 At the end of subsection 34A(1)

Add “, unless the court is satisfied that it would be contrary to the interests of justice to do so”.

7 Subsection 34A(3)

Omit “must”, substitute “may”.

8 Application of amendments made by this Schedule

The amendments made by this Schedule apply in relation to an application for registration of a foreign order considered by a court on or after the day on which this item commences, whether the request for registration was made before, on or after that day.

9 Registration of foreign orders before commencement unaffected

The amendments made by this Schedule do not affect the validity of the registration of a foreign order by a court before the day on which this item commences.

*[Minister's second reading speech made in—
House of Representatives on 26 May 2011
Senate on 23 June 2011]*

(94/11)

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