

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INTERNATIONAL WAR CRIMES TRIBUNALS (CONSEQUENTIAL
AMENDMENTS) BILL 1994

REVISED EXPLANATORY MEMORANDUM

(Circulated by authority of the Attorney-General,
the Honourable Michael Lavarch MP)

THIS MEMORANDUM TAKES ACCOUNT OF ALL AMENDMENTS MADE
TO THE BILL AFTER INTRODUCTION (IE AN AMENDMENT MADE BY
THE HOUSE OF REPRESENTATIVES AND FURTHER AMENDMENTS
MADE BY THE SENATE)

INTERNATIONAL WAR CRIMES TRIBUNALS (CONSEQUENTIAL AMENDMENTS) BILL 1994

OUTLINE

The International War Crimes Tribunals (Consequential Amendments) Bill 1994 amends certain Commonwealth Acts consequential upon the enactment of the International War Crimes Tribunals Bill 1994.

FINANCIAL IMPACT STATEMENT

The Bill is expected to have little impact on Commonwealth expenditure or revenue. The financial impact of the International War Crimes Tribunals Bill 1994 is addressed in the explanatory memorandum for that Bill.

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1: Short Title

1. This clause provides for the short title of the Act.

Clause 2: Commencement

2. This clause provides that clauses 1 and 2 commence on Royal Assent, and the remaining provisions commence on a day to be fixed by proclamation or 6 months after Royal Assent, whichever is the earlier.

Clause 3: Consequential amendments

3. This clause provides that the Acts set out in the Schedule are amended as provided in the Schedule.

SCHEDULE - Amendments of Acts

Director of Public Prosecutions Act 1983

Paragraph 6(1)(k)

4. The purpose of this amendment is to enable the Director of Public Prosecutions to appear in proceedings under the *International War Crimes Tribunals Act 1994*.

Paragraph 9(6A)(b)

5. The purpose of this amendment is to enable the Director of Public Prosecutions to grant indemnities to persons who are to give evidence for the purpose of proceedings under the *International War Crimes Tribunals Act 1994*.

Migration Act 1958

6. The amendments to the *Migration Act 1958* simply facilitate the entry into Australia and subsequent departure of persons who are required in Australia for purposes connected with the *International War Crimes Tribunals Act 1994*.

Proceeds of Crime Act 1987

7. The amendments to the *Proceeds of Crime Act 1987* enable forfeiture orders (as defined in section 4 of the *International War Crimes Tribunals Act 1994*) registered under section 46 of the *International War Crimes Tribunals Act 1994* to be enforced as if they were forfeiture orders made under the *Proceeds of Crime Act 1987* at the time of registration (in accordance with section 47 of the *International War Crimes Tribunals Act 1994*). (This is consistent with the approach by which foreign forfeiture orders registered in a court in Australia under the *Mutual Assistance in Criminal Matters Act 1987* are dealt with).

Telecommunications (Interception) Act 1979

8. The effect of the amendment to the *Telecommunications (Interception) Act 1979* is to include proceedings under Division 1 of Part 4 of the *International War Crimes Tribunals Act 1994* (the taking of evidence, or production of documents or other articles in Australia for the purposes of, and at the request of, a Tribunal within the meaning of that Act) as 'exempt proceedings'. The purpose is to ensure that lawfully intercepted information can be used in such proceedings.

