

CRIMINAL ASSETS CONFISCATION (SERIOUS OFFENCES)

AMENDMENT BILL

Tuesday, 24 July 2007

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. Family First believes that criminals should not be allowed to profit from their crimes whether they are committed in Australia or overseas. The Law Society may disagree with that, but that is our firm view. David Hicks has recently pleaded guilty to terrorism offences in a US military commission. Accordingly, Family First agrees with the government that he (and offenders like him) should not be able to profit from his involvement in those offences. This bill purports to be a minor amendment to legislation and I note that it only runs to a few lines. As the Minister for Police has noted, the government has decided that David Hicks should not be allowed to profit from television appearances, book deals and other arrangements.

I also take this opportunity to acknowledge that the Leader of the Opposition in the other place had intended to introduce a private member's bill to the same effect as this bill. He deserves credit for that and, equally, Family First would have supported that bill. I note the comment of the Minister for Police that this amendment will not act as a so-called gag order against David Hicks. Family First believes that freedom of speech is the right of every South Australian, and it is important to note that this bill simply limits his ability to profit from his admitted offending against the law.

I note further that the bill only refers to foreign offending that is declared by regulation to be a 'serious offence' under the act. I am always hesitant to see South Australians subjected to foreign laws, and Family First will be concerned to see that the number of foreign laws allowed by way of regulation to impact our own citizens is kept to an absolute minimum. Certainly, even in recent memory, some foreign powers have enacted very unjust laws, and it would be inappropriate for our citizens to be subjected to those laws without restriction.

We are told at the outset that only certain provisions of the US Military Commissions Act 2006 will be declared by regulation as serious offences, and we accept that. Further, the government referred to David Hicks specifically with reference to this legislation during the second reading. Family First would be concerned if the High Court struck this bill down on the basis that legislation should not be made to target one particular person, as was done famously in the Cable case. Allowing additional foreign laws to be included by regulation may expand the scope of the law to ensure that it does not run ultra vires or beyond the power of this place.

Further, the minister concedes that the commonwealth Proceeds of Crime Act 2002 was drafted to ensure the same result. Nevertheless, the honourable member is concerned that section 337A(3) of that act extends the reach of those provisions only to tribunals convened under a United States Presidential order of 13 November 2001—an order that has subsequently been declared invalid. It would be preferable for the commonwealth to rectify that legislation so that restrictions against David Hicks could operate nationally, rather than only within South Australia, as this bill would.

Despite criticism from some quarters in this place, Family First will continue to support legislation such as this. We believe that it is proper to confiscate assets from offenders, including drug dealers and the like, if they purchase those assets from the proceeds of criminal activity. We support a similar tough line against those who support terrorist organisations. Family First supports the proposition that offenders should not be able to profit from crimes, and we support the second reading of the bill.