Proceeds of Crime (Miscellaneous Amendments) Bill 1987

Date Introduced: 30 April 1987
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P., Attorney-General

Digest of Bill

Purpose
To amend a number of Acts as a consequence of the introduction of the Proceeds of Crime Bill 1987.

Background
Refer to the Digest for the Proceeds of Crime Bill 1987.

Main Provisions

Bankruptcy Act 1966
Section 5 of this Act will be amended to insert definitions of a number of terms that will have the same meaning as in the Proceeds of Crime Act 1987 (clause 4).

The Inspector-General’s investigation powers will be extended to include matters relating to confiscation orders (clause 4 which will amend section 12 of this Act).

Section 58 of this Act will be amended to allow pecuniary penalty orders to be enforced against bankrupts (clause 6).

A bankruptcy court will not have power to stay proceedings under the Proceeds of Crime Act 1987 (clause 7 which will amend section 60 of this Act).

A new sub-section 148(2) will be inserted into this Act to allow a court to order that any surplus not be paid to the bankrupt if an application is made and the court is satisfied that the property will become subject to a forfeiture order or be required to satisfy a pecuniary penalty order (clause 9).

Cheques and Payment Orders Act 1986
Section 68 of this Act will be amended to require financial institutions to retain paid cheques, other than cheques drawn by a public authority or those for $200 or less, or copies of cheques, for seven years. It will be an offence, with a maximum fine of $10,000, to fail to retain the cheques or copies (clause 12). Section 112 of this Act, which deals with payment orders, will be amended in the same way (clause 13).

Crimes Act 1914
Section 36 of this Act will be amended to increase the maximum penalty for fabricating evidence from two years imprisonment to five (clause 16). Similar increases will
apply for destroying evidence (clause 17) and attempting to pervert justice (clause 18).

For further information, if required, contact the Law and Government Group.

13 May 1987

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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