



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Crimes Legislation Amendment (Organised
Crime and Other Measures) Bill 2012**

Second Reading

SPEECH

Tuesday, 5 February 2013

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Hayes, Chris, MP

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Mr HAYES (Fowler) (17:41): I rise to support the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012. The bill will amend the Criminal Code Act 1995 and strengthen our nation's fight against organised crime. The bill does this primarily by strengthening the laws related to the illegal firearms market, with the proposal to reduce firearms related crime nationally. The bill will also amend the Proceeds of Crime Act 2002 and enhance our law enforcement agencies' ability to attack organised crime by targeting unexplained wealth.

When I first came into this place, following a by-election in 2005, I indicated in my first speech that issues such as drug related offences and firearms offences were not just matters for state and territory police. I indicated that these the importation of weaponry or drugs was something which the Commonwealth had a very clear and abiding responsibility for. I am pleased to say that this legislation follows the sentiments that I expressed in 2005, with the Commonwealth taking greater responsibility in the fight against organised crime.

We understand that organised crime is a business and that, like any other business, will look for windows of opportunity. It will exploit state and territory boundaries; it will exploit constitutional difficulties. Therefore, it does require the Commonwealth, together with state and territory bodies, to be able to work in a cooperative manner to defeat the ravages of organised crime in our society.

This bill creates new aggregated offences for trafficking 50 or more firearms or parts of firearms within a six-month period across state, territory or national borders. It increases the punishment for such serious offences to life imprisonment or 7,500 penalty points or both. It also, importantly, brings the maximum punishment for trafficking firearms in line with drug trafficking, recognising that the illegal firearms market poses as great a challenge to our law enforcement agencies and to the community at large as does drug importation and distribution. Interestingly, the Australian Crime Commission has estimated that the current market for illegal firearms in this country is about a quarter of a million firearms. Notwithstanding the illicit market, the total estimation of firearms throughout our community is 2.75 million. Therefore, it is very important that we keep track of legal firearms as well as be able to monitor those that fall into the illicit market. The fact is that, once these firearms are in the market, they can circulate for many years.

It is strange to relate that, even in the 2002 gun buyback, not many of the criminal elements would have traded in their weaponry at that particular time. With all the gun theft that we see—that is, theft of legal weapons, which come into the illicit market, which is one of the major concerns for most of our security agencies—these weapons will stay in circulation for a long time.

Increasing the maximum punishment for firearms trafficking is just one part of a much larger campaign to strengthen Australian gun laws. One of the other measures includes the establishment of a single national firearms register with a database of all weapons used in crime. This register will link together the 30 separate databases currently being used and, hopefully, prevent another 14,000 firearms being lost into the illicit market. We are also strengthening our firearms laws by establishing the Australian Ballistics Identification Network, which is able to analyse and link firearms obtained through previous crimes; by raising community awareness; and through more extensive training in firearms for Australian law enforcement agencies and other organisations. Illegal firearms trade is often a significant aspect of the work of the serious and organised crime groups. This bill ensures that we are better equipped to tackle the illegal firearms trade and, therefore, minimise the effect of firearms on our community.

Importantly, the bill also amends the Proceeds of Crime Act 2002 to improve our nation's ability to use unexplained wealth as a tool of law enforcement to combat serious and organised crime. It is important to me because, as chair of the Parliamentary Joint Committee on Law Enforcement, I am proud to see that the recommendations made through the committee's extensive inquiry into the Commonwealth's unexplained wealth laws are being adopted. Those recommendations were a bipartisan opportunity for members of the committee to come together and seriously look at the contemporary tools that our law enforcement agencies need to combat

serious and organised crime. As a matter of fact, my committee has never once had a minority report. I commend all members of the committee for approaching their jobs seriously and with diligence.

The law enforcement committee has been working pretty hard in relation to unexplained wealth because we see this as one of the key methods of targeting serious and organised crime. Specifically, the amendments will broaden the search and seizure provisions to enable materials relevant to unexplained wealth proceedings to be seized by officers executing a search warrant. It will also allow the court extended time for the serving of notice of unexplained wealth orders and will also provide for increased scrutiny of those bodies, principally the Australian Federal Police and the Australian Crime Commission, where these powers are used and greater scrutiny by the Parliamentary Joint Committee on Law Enforcement.

One thing that is quite apparent is that, in terms of policing and law enforcement, regrettably we as legislators will inevitably have to increase powers in order to protect our communities. Again, on a bipartisan basis, with the increase of those powers comes an increased level of oversight, and that is certainly the case in respect of the Australian Federal Police and the Australian Crime Commission.

I have nothing but respect for their officers—for the dedication and commitment they show in combatting crime—but in terms of protecting the integrity of the powers, and the circumstances in which those powers can be used, it is only appropriate that the level of oversight be at the high level we currently have.

In order to prevent and disrupt crime we must address some of those drivers that underpin criminal activity. As I said a little earlier, criminals are many things—they certainly participate in nefarious activities—but at the end of the day they are business people. They are in business to make money. They are profit driven. So, to disrupt their businesses you go about threatening their businesses and threatening their profits. Essentially, that is what unexplained wealth is about.

The Australian Crime Commission estimates that at the moment the cost of organised crime to Australian society is somewhere between \$10 billion and \$15 billion every year. That is not the effect on individuals or the economic effect of crime; if you take that into account, those figures are probably very conservative. Therefore, it is very important that we give the people that we charge with the responsibility of protecting our community the powers that they need to combat crime—not simply to arrest people after the event, bring them to trial and then punishment, but to deter and prevent criminal enterprise. If we are able to do that it means that we can prevent crime. If we can prevent crime it means we stop there being another victim of crime in our community.

I am glad this legislation is supported by both sides of the House, because this represents a huge step forward for Australian crime fighting. Having had the opportunity to spend some time with colleagues looking at some of the contemporary issues of law enforcement overseas, I can see that the suite of laws that are being presented at the moment through this bill puts us very clearly on a superior footing to most law enforcement agencies throughout the world. What we are adopting here is basically what has been recommended by Interpol back in, I think, 2004. Very few agencies have been able to achieve what Australia has been able to target through this suite of legislation.

Clearly, whilst there is no doubt that this legislation will put people's liberties at risk—particularly if their business is in a crime related field—it will do something that is not all that common in law enforcement: it will target the issue of preventing and disrupting crime.

Being the son of a police officer, I know only too well how my father would come home and celebrate when they took some serious criminal off the street. I know the father of the member for Cook would have been in the very same predicament. The member for Cook probably heard the same stories around the kitchen table at his place.

The fact is that contemporary crime fighting is not waiting around for a crime to be committed; it is not waiting around while a business advantage is being exploited by criminals; it is getting involved and doing something that actually shuts down criminal enterprise. Regrettably, people's liberties will be affected by that. We do not make any bones about that. In terms of the suite of tools that are necessary for policing, this is one of those which rate very highly.

I must congratulate Mark Burgess and officers of the Police Federation of Australia. Going back some, I think, three or four years, they were the first organisation that came to my parliamentary committee saying that this is what they thought policing requires in this country.

It was this government that took on that challenge to do something—make those changes and provide police officers with the necessary tools they need in contemporary crime fighting.

It cannot be only with the Commonwealth. There are a few constitutional barriers here; therefore, it requires a very concerted effort between the Commonwealth and state and territory bodies to work together with a common view of attacking serious and organised crime. To that extent, it will require a certain amount of coming together, sharing power to make sure that the proper aspect of this legislation is not only arrived at on paper but fully executed in the various courts around the land that are designed to put criminal elements out of business.

I am very pleased to be the chair of the Parliamentary Joint Committee on Law Enforcement—as I said, a body that has taken seriously its responsibility in looking at what is necessary in contemporary crime fighting. I am pleased to support this. And, as I said, as a son of a police officer, regardless of what my dad's view may have been earlier in the piece, I think this will actually put far more people on the criminal side out of business than simply waiting around for another drug deal on the street. I support the bill.