



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Crimes Legislation Amendment (Unexplained
Wealth and Other Measures) Bill 2014**

Second Reading

SPEECH

Thursday, 25 September 2014

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Page 10558
Questioner
Speaker Snowdon, Warren, MP

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Mr SNOWDON (Lingiari) (10:04): It gives me great pleasure to speak in this debate on the Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014, which deals with how we address the proceeds of crime. As the *Bills Digest* tells us, the bill amends the act to revise the procedures and requirements for making orders relating to unexplained wealth, and to allow information obtained using coercive powers under the act to be shared with state and foreign authorities for the purposes of proceeds of crime investigations and litigation. The digest tells us that unexplained wealth laws enable a court to issue an order unless the subject of proceedings can establish, on the balance of probabilities, that his or her wealth was lawfully acquired. An assessment is made of the quantum of unexplained wealth—the difference between the person's total wealth and that shown to be derived lawfully—and the subject of the order must pay the amount to the relevant jurisdiction.

These laws are designed to target the wealth of senior organised crime figures who profit from crime while tending not to be directly linked to the commission of specific offences. That statement was made by Robert McClelland as the Attorney-General in 2009, and it shows how long this has been an issue on the agenda. It is beyond the time that we should have addressed this question. The legislation has been around for quite some time, and finally we are seeing it progress through the parliament.

Sadly, there are some issues with it, which, because of the attitude of state and territory governments, remain unresolved. We know that this bill was first introduced on 5 March 2014. It was referred to the Senate Legal and Constitutional Affairs Legislation Committee on 6 March, with their report made due on 15 March. We know that the committee made a series of recommendations and that eight of those recommendations have been responded to in this legislation. Whilst eight of the recommendations in the report were accepted, there is one fundamental issue which is yet to be properly addressed, and that is the question of state and territory governments having a uniform approach to this particular regime.

While the bill will implement several of the committee report recommendations, it will not address, as the *Bills Digest* informs us, a more fundamental problem with the Commonwealth unexplained wealth laws on which the committee made recommendations for significant reform. Due to the need for a connection with a constitutional head of power, the application of the Commonwealth unexplained wealth regime is limited to instances where a court is satisfied that there are reasonable grounds to suspect that the person has committed an offence against the law of the Commonwealth, a foreign indictable offence or a state offence that has a federal aspect; or part of the person's wealth was derived from an offence against the law of the Commonwealth, a foreign indictable offence or a state offence that has federal aspect. As the *Bills Digest* reminds us:

This undermines the key advantage of unexplained wealth laws over prosecution or traditional confiscation as, in practice, a connection must be made to a specific offence or fairly specific type of offence in order to satisfy the jurisdictional requirement.

To remedy this, the committee recommended that the Commonwealth lead development of a nationally consistent unexplained wealth regime. Sadly, though, despite the work that was initiated by Messrs Palmer and Moroney to investigate this option, the Minister for Justice stated on 5 March 2014 that the Commonwealth was 'continuing to pursue a national scheme with our state and territory colleagues to crackdown on criminals flaunting illegitimate wealth'. This, I think, is a major issue and something that needs to be contemplated by the state and territory governments to ensure that we get a national regime—a national scheme that allows us to get the efficiencies and the required approaches that were identified by the committee.

It is worth pointing out, as my friend the member for Fowler did yesterday in his contribution to this debate, that it was the police themselves who raised this issue and put it on the national agenda back in 2007. The member rightly said in his contribution that, as a result of that, we owe them a great debt of gratitude. In doing so, he acknowledged the work of a very dear friend of mine Vince Kelly APM, who is the President of the Police

Federation of Australia, the leaders of each state and territory police association and the Australian Federal Police Association for the work they did in raising this issue.

I want to for a moment concentrate on Vince Kelly. I have known Vince for many years—at least two decades. We now know that Vince has taken a decision to step down from the Northern Territory police service, ending 27 years as a police officer and for 14 of which he led the Northern Territory Police Association. He is stepping down at their AGM in November. For seven years he has been at the helm of the Police Federation of Australia as their president. Vince has made an unparalleled contribution to Northern Territory law enforcement and to national law enforcement. I want to acknowledge Vince for his contribution. I also want to acknowledge his wife, Andrea, for her contribution in supporting him in the work that he has undertaken, which has really been his life's work. He has had great support from his association and from police members right across this country. We have too few opportunities in this place to acknowledge the important work—the very dangerous work at times, as we have learnt, sadly, this week—of members of the police forces in the various jurisdictions and the Federal Police in this country. They provide exemplars to us of service, and Vince is one such fine exemplar. He is someone who I think we can all say has done a really good job in not only advocating for his members but ensuring that issues to do with crime and the law are properly at the front of the national agenda, such as this piece of legislation, which, as I say, came as a result of the work done largely by the Police Federation of Australia and the various state police associations.

So I say to you, Vince: I am not sure what you are intending to do when you step down from your position, but I know that you will retain a great deal of interest in the work of the Police Federation and the association and that you will want to continue looking after the interests of police force members right across the country. I know that you are held in extremely high regard across the Northern Territory. Anyone I know who has met you speaks very highly of you. Andrea, you have been a very solid support, even indulging in some of Vince's passions—at least sharing some of his passions—in the sense of his great commitment to Rugby Union. I first met Vince on a rugby field. He is a little younger than I, and he was a lot more dynamic than I was when I met him. But I say to Vince that you have made a tremendous contribution to the Northern Territory and the Australian community in your work in the police force and your work as a leader of police across this country. You deserve our tribute and I say to you, and I know the people in this chamber will share this view, that you and your police force members deserve our recognition for your courage, your commitment and your service.