



Speech by

Robert Messenger

MEMBER FOR BURNETT

Hansard Thursday, 24 May 2007

CRIMINAL CODE (ORGANISED CRIMINAL GROUPS) AMENDMENT BILL

First Reading

Mr MESSENGER (Burnett—NPA) (10.23 am): I present a bill for an act to amend the Criminal Code. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

Second Reading

Mr MESSENGER (Burnett—NPA) (10.23 am): I move—

That the bill be now read a second time.

I introduce a bill today designed to further help our law enforcement officers smash organised crime gangs thereby protecting Queensland families from the increasing risk of illicit drugs and the associated crimes of murder, extortion, rape and theft just to name a few.

The bill makes amendments to the Criminal Code and means that Queensland becomes one of the first states to introduce the offence of persons being a member of an organised criminal group. The new provision, 545A of the Criminal Code, introduces a section whereby a person who participates as a member of an organised criminal group will be guilty of a crime and liable to five years imprisonment.

The legislation makes it clear that to be a member of an organised criminal group includes associate members and prospective members, however they are described in the group. Subsection (2) makes it clear that the wearing of clothing, patches, insignia or symbols relevant to the group would be considered proof of membership to an organised criminal group. Speaking simply, this amendment ensures that if police produce credible evidence before a court that a group of people have participated in organised criminal activities and police also produce credible evidence that a person is a member of that group then that person would be facing a five-year jail term.

People who are members of organisations that do not participate in organised criminal activities have nothing to fear from this legislation. I call on the Premier, the Queensland Labor Party and Independent members of this House to join with the Queensland coalition and take a stand against organised crime by fast-tracking the debate and supporting this bill. For the sake of the innocent, our children, the aged and justice for families, it is time to tell thugs, murderers, rapists and drug dealers that they are not welcome in Queensland.

In recognition of the limited time available this morning, I seek permission to incorporate the remainder of my speech.

Mr SPEAKER: I remind the member for Burnett that I need to see that speech before I can allow it to be incorporated. You have not shown it to me this morning. I remind you of your obligation in that regard.

Leave granted.

Persons who are members of an Organised Criminal Group.

Mr Speaker, the new provision 545A of the criminal code, introduces a new section whereby a person who participates as a member of an organised criminal group will be guilty of a crime and liable to 5 years imprisonment.

Mr Speaker this amendment is an innovative and proactive piece of legislation been introduced that will ensure that persons who choose to be members of an organised criminal group can be dealt with by the law even though they may not have directly been involved in the overall groups criminal activity.

Mr Speaker, this offence goes beyond the principles of parties to an offence and creates a separate offence of being a member of the most heinous groups to form in Queensland. The legislation makes it clear that to be a member of an Organised Criminal Group, includes associate members and prospective members, however they are described in the group.

Subsection 2 of the amendment lays out concise examples of what it means to identify as a member of an organised criminal group, but by no means is exhaustive.

The meaning of an organised criminal group is outlined in the same subsection, whereby, 3 or more persons who have as their objective or one of their objectives a prescribed list of criminal activity.

What this means Mr Speaker, to use an example, if a persons who as members of an organised criminal group attends a place with a member or members of the group and those other persons assault or extort, is proven to have knowledge of objectives of the group and by their very presences would be deemed guilty under the new section.

The provision of participation of a member in the organised criminal group includes what is seen as passive participation, whereby, a persons presence or failing to actively report knowledge of criminal activity can be deemed by a court as participating to the groups criminal activity.

In essence, the intent of this legislation wants to disband and break up organised criminal groups. Currently there are no provisions within Queensland law that specifically targets organised crime groups, instead only punishing persons within the group who commit an actual offence or those persons who are a party to an offence.

This offence goes beyond that and will ensure members of the group, such as the leader or significant position holders.

I commend the Bill to the House.