



Speech by


**Jarrod Bleijie**

**MEMBER FOR KAWANA**

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## **CRIMINAL PROCEEDS CONFISCATION (SERIOUS AND ORGANISED CRIME UNEXPLAINED WEALTH) AMENDMENT BILL**

 **Mr BLEIJIE** (Kawana—LNP) (8.09 pm), in reply: May I start by thanking honourable members for their contributions tonight, the member for Caloundra for his contribution just now and members of the LNP for their contributions a few weeks ago when we started this debate. I thank all honourable members for their contributions. I note that the government will not be supporting this tough initiative tonight to finally in this state crack down on organised crime, drug rings and unexplained wealth operating around the state.

I have been called a lot by those opposite in this debate. I have been called *Ali Baba and the Forty Thieves*. The fact is that the member for Murrumba who called me that is in fact himself 'Captain Denial'. He denies the fact that we have a problem in Queensland.

**Mr Hinchliffe:** That well-known character.

**Mr BLEIJIE:** That well-known character that was on display tonight in full flight. The member for Murrumba is always enlightening and interesting in his contributions to bills before this House.

This gives me an opportunity to speak on a private member's bill that was introduced by the previous shadow Attorney-General, the member for Southern Downs, on 24 November 2010—almost 12 months ago. It is clear that there is only one side of politics that is serious about busting organised crime in this state and that is the Liberal National Party under Campbell Newman.

In responding to the reasons for which this tired and weak Labor government has walked away from giving our law enforcement agencies an extra tool to fight organised crime and serious drug trafficking, the simple fact is, as honourable members in the Liberal National Party have said tonight, Labor is, has been and will always be soft on crime. In a debate on a motion before this House the Minister for Police, Corrective Services and Emergency Services stated—

Members of the Liberal National Party are an absolute joke when it comes to law and order issues. They talk the talk but never, ever deliver.

This is an opposition bill. He left out the part that this is the LNP's bill before the House not the Labor Party's bill. He left out the part that the Labor Party has been in power in Queensland for 20 of the past 22 years and has the mandate by numbers to introduce legislative change but refuses to do so. He left out the part that we have introduced 15 private members' bills to toughen up law and order legislation that have been voted down by the Labor government of which he is a member. It is a clear sign of the desperate tactics of a long-term government that will do anything and say anything to try to cling to power.

The recent escalation in robberies and violent crime on the Gold Coast has seen this long-term Labor government react under LNP pressure from Campbell Newman to establish a major crime squad on the Gold Coast. The Gold Coast has been described by some media commentators as the burgeoning organised crime heartland of Queensland. Even the Premier and Deputy Premier have recognised this potential risk.

On 22 July this year in an article published in the *Gold Coast Bulletin* the Premier said—

What is clear is that we have some issues with crime on the Gold Coast that potentially involve gangs and organised crime.

That goes to the heart of what this bill is about. If that threat is even a possibility then the establishment of these major crime squads is vital. It would seem easier to crack down on organised crime activities before they are established and have a foothold in our community.

One of the criticisms of the response from the Victorian police to the Melbourne gangland wars was that they were too slow to react and that Task Force Purana was poorly resourced when it was initially established. While the Gold Coast is certainly not Melbourne, it is vital to learn the lessons from the various responses from law enforcement agencies to organised crime threats throughout our national history.

As outlined by the member for Southern Downs in his second reading speech, anti-association laws have never been used to address organised crime and drug trafficking. The fundamental element of the LNP's bill is to strip the wealth from organised crime and those who participate in organised crime.

Mr Michael Burgess, chief executive officer of the Police Federation of Australia, lodged a submission with the federal Parliamentary Joint Committee on Law Enforcement on 17 August 2011. The submission addressed the current inquiry into the Commonwealth unexplained wealth legislation. That is the Commonwealth Labor government's unexplained wealth legislation. I would like to highlight statements as parts of his submission which support the intent of the LNP private member's bill being debated tonight. Mr Burgess stated—

At present a person need only prove that unexplained wealth is not proceeds of a Commonwealth or related offence, not that it was lawfully obtained, to avoid having the funds restrained. Funds would be restrained until an accused can demonstrate that the funds were lawfully acquired.

In his submission Mr Burgess talks about the need to create a genuinely national scheme that crosses state boundaries and encourages information sharing between law enforcement agencies. As indicated in the 2011 report by the Australian Crime Commission—

Organised crime is sophisticated, resilient, highly diversified and pervasive. Current patterns of organised crime are more complex than at any point in history.

Organised crime groups entrepreneurial and unrestrained by legislation, borders, morality or technology.

Clearly, there is a great need for national cooperation to address the scourge of organised crime. That will not happen in Queensland while this government is sitting on its hands.

Over recent years, organised crime in this state has been on the rise under the soft law and order stance of this long-term Labor government. It is disappointing to note that this Labor government is more interested in the politics than enacting change that can bust organised crime rackets across this state. Even the federal Labor government has acknowledged LNP policy in this area with the release of the Commonwealth Organised Crime Response Plan 2010-11 that reaffirms that criminal asset confiscation and use of the unexplained wealth provisions are the best way to tackle organised crime.

Organised crime groups are driven by greed—a get rich quick scheme that employs dangerous, violent behaviour which can terrorise communities. We strongly believe that taking the profit out of the crime is the best way to remove the benefit that criminals obtain from exploiting the community. The bill as intended will provide law enforcement agencies with the power to seek an unexplained wealth order against individuals. This is an extension of the current proceeds of crime provisions and can be used against criminal organisations where there is no direct link to the obtaining of property and assets through crime, but cannot be fully explained lawfully, thus removing the nexus between actual crime and property.

According to statistics published by the Australian Crime Commission, organised crime costs Australia between \$10 billion to \$15 billion each year. Rivalry between organised crime groups can often spill over into highly visible violence, with unfortunate consequences sometimes for innocent bystanders. The most recent and well publicised episode of this type of high stakes organised crime war occurring was the notoriously dubbed Melbourne gangland wars, which is considered to be the period between 1998 and 2010. The Melbourne gangland wars saw 36 crime figures or their partners murdered in a series of reprisal attacks between major underworld groups. At the heart of this ongoing war was the control of the illicit drug market of Melbourne.

It is a well established fact that illicit drug markets are the most profitable of organised crime markets in Australia and the principal source of profit for organised crime groups. This fact is confirmed in the 2011 report by the Australian Crime Commission titled *Organised crime in Australia*.

The LNP's bill also provides for a court to make a drug trafficker declaration, allow the state to seize all of the convicted drug trafficker's property, regardless of whether it has been derived from a drug crime. This is a continuation of our aim to break the nexus between the actual crime and property. We believe that these are tough measures. They are tough measures, but that is what is required when we are dealing with some of the most well organised and well resourced crime syndicates in this state.

We also recognise that the onus on a respondent to explain how their wealth was acquired does essentially breach fundamental legislative principles. However, this is balanced by the serious need to tackle dangerous and organised crime. The introduction of an active role for the Public Interest Monitor within the scheme is felt to provide sufficient safeguards in this respect. This approach is far less intrusive than that proposed in any form of anti-association laws.

In compiling this bill, the former shadow Attorney-General undertook significant consultation with key stakeholders within the legal and justice community. Further consultation was undertaken during a meeting of shadow Attorneys-General when the Attorney-General from Western Australia made a presentation on the use of such orders in Western Australia. In fact, some of the provisions contained in this bill have been adopted from the Western Australian confiscation laws and this bill adopts key findings of a joint Australian parliamentary committee inquiry into the legislative arrangements to outlaw serious and organised crime groups. There is somewhat of a consensus that this approach is far more effective than the criminal association approach.

This government has failed to plan for the adequate infrastructure and services in the growth regions in this state and in particular in South-East Queensland. These include areas such as the Gold Coast and west of Brisbane where the police to population ratios are spiralling out of control. It was thanks to the leadership of Campbell Newman that we have seen extra police resources and in particular the establishment of a crime squad on the Gold Coast. We also recognise the need to protect the safety and restore the authority of the officers in the Queensland Police Service who do an absolutely fantastic job of maintaining safety on the streets throughout our state.

Earlier this year, in our battle to toughen our law and order sentences and laws across Queensland, Campbell Newman announced that we would ensure, in our fight for holding criminals to account, that convicted murderers and cop killers would serve more time in jail as part of our plan to crack down on violent crime in this state.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! Member for Kawana, this is your bill. I have been listening for some time to some of the contribution you have been making. This is not a campaign speech. I ask you to come back to the provisions of the bill. If you cannot, I will ask you to resume your seat.

**Mr BLEIJIE:** Thank you for that direction, Mr Deputy Speaker. Let me make it clear in relation to the Attorney-General's response to this bill. He said Queensland does not need these laws because we already have them. The former Deputy Premier in his contribution to this bill would have us believe that somehow this is already all in existence. Unexplained wealth laws, it is true, mean that the prosecution does not need to prove a nexus between the property or the wealth and the crime. I want to correct the record on what the former Deputy Premier said. This tired Labor government is voting against laws that the New South Wales Labor Party introduced in 2010. This is nothing new. This bill is nothing new for Australia. In fact, the Labor Party in other states have followed this and have gone down the route of unexplained wealth provisions. As I said, the Commonwealth is also going down this route with respect to unexplained wealth.

That fact is that Labor are voting against this for one reason and one reason only—and that is that they did not introduce it. They did not come up with it first.

**Mr Rickuss:** It's a bit like phone tapping. They sat on their hands on that for years, too.

**Mr BLEIJIE:** I take the interjection of the honourable member. It is a bit like phone tapping. It is a bit like a lot of other legislation that is debated in this place. The fact is that the Labor Party is voting against this tonight because it did not come up with it. Its solution to unexplained wealth and organised crime in Queensland was the anti-association laws.

**Mr RICKUSS:** They've worked well!

**Mr BLEIJIE:** How many applications have been made? In a battle to rid Queensland of organised crime, we on this side of the House say that the only way to do it is through these tough measures, because every other measure that the Labor Party has introduced has not worked. In fact, if you look at the Public Interest Monitor report—the COPIM annual report from Mr Needham—it is a one-sentence report. It says, 'I haven't had to do anything because there have been no applications in 12 months.' This will work. Why is it that in Western Australia these laws are working effectively—and I know that the honourable member for Murrumba used Kable as an example for voting against this tonight—and have been operating successfully for 10 years, raising \$13 million successfully, without ever being challenged? I cannot say the same about the anti-association laws across Australia, because where they have been introduced and challenged they have lost the battle but unexplained wealth bills have not.

**Ms Bates:** Twice.

**Mr BLEIJIE:** I take the interjection from the member for Mudgeeraba. Twice they have been challenged in New South Wales and South Australia. These laws will work.

We are having this debate. The Labor Party has indicated that it will be voting against this bill and, as I said, it is because it did not introduce it. But I know what is going to happen. At the next COAG meeting when the federal government says to its Labor mates up here, 'We're going to do this unexplained wealth bill nationally. We want it to be cross-jurisdictional,' the Labor Party will come into this place and say, 'We have been to COAG. This unexplained wealth bill—yes, we have been turned on it,' and then it will introduce it. It will copy it and claim it as its own. But the time has come. Queenslanders know. I suspect we will see similar legislation as we approach the next election.

**Mr Rickuss:** We'll have the member for Keppel in here promoting how great a piece of legislation it is.

**Mr BLEIJIE:** Indeed, and there will be a separate list of speakers who did not speak against this bill but who will speak for it when the Labor Party introduces it. We have seen that time and time again. We only saw it two weeks ago with the two-up bill introduced and we will see it again with the unexplained wealth laws, because COAG will decide in the future for uniform Australian laws and this Attorney-General, this former Deputy Premier, will waltz into this place and say how great these laws will be for Queensland and claim them as his own and then say—

**Mr Rickuss:** He'll be retired, Jarrod.

**Ms Bates:** That'd be 'Part-time' Pete, wouldn't it?

**Mr BLEIJIE:** 'Pension' Pete. They will come in here and say how great they are, and no credit will be given that we were in fact the ones who took the lead on this back in 2010. In fact, the Attorney-General could not mount a credible argument against these laws in his speech. The former Deputy Premier, the Attorney-General, claimed that they were draconian. What a hide he has to come in here and say they are draconian, because it was only two years ago that the Deputy Premier voted for a law that outlawed the association of people—laws that have since been, as we have said, overturned in South Australia and New South Wales and the same laws that have never been used here. The fact is that unexplained wealth laws work and have been working in other jurisdictions for years.

I thought I had heard it all when I learned that Labor voted against a previous LNP private member's bill that dealt with graffiti because it did not want juvenile criminals near chemical cleaners. But the Deputy Premier has beaten that one tonight with his contribution of 'people will lose receipts'.

**Ms Male** interjected.

**Mr BLEIJIE:** I take the interjection from the honourable member for Pine Rivers. The honourable member for Pine Rivers is talking about graffiti and the point that I made previously. Do I believe that juveniles should clean up their own mess? Absolutely and I do not apologise for it. I will move on, but I was pressured into that by the member for Pine Rivers.

The Attorney-General said that people will lose their receipts. The fact is that, if you are a Queenslanders and you are not doing major drugs at your house and you are not manufacturing drugs and you can explain your wealth, then you have nothing to hide from the authorities. No-one in Queensland would have a problem standing up and saying, 'I remember where I got that \$400,000 to buy that house. I remember that that property was handed down in a will.'

To lose a memory of how you acquired a house I think goes to an all-new level. The member for Murrumba continued with an argument about people losing receipts. If that is the best they can come up with then I maintain faith and hope that one day they will waltz in here and do these bills in any event.

The Attorney-General's response was weak. It was a weak excuse. It was disgraceful and insulting to Queenslanders. As I said, if you are not doing drugs you have nothing to hide. The Attorney-General claims that the Queensland laws are able to achieve more in the existing schemes. I say to the Attorney-General that Queensland has the worst record of proceeds of crime forfeitures than most other states in Australia. Our DPP had its organised crime unit close and our laws are weak.

I say to the Attorney-General: we placed in this bill a six-year time limit to ensure that additional laws being proposed did not go too far. We inserted a Public Interest Monitor to ensure an additional safeguard for innocent parties. The information provided to the Attorney-General by the Criminal Organisation Public Interest Monitor recently was quite interesting. In the letter Mr Needham stated—

During the year, no applications under the Act were made by the Queensland Police Service. Accordingly, I have not been required to carry out my functions under the Act of monitoring any such applications.

We have an organised crime problem in Queensland and the Labor Party's response is to tell people not to associate with each other. That legislation has been so well received in Queensland and is such good legislation that to my knowledge no applications have been made. The annual report of the Public Interest Monitor should send shivers down the spine of the Attorney-General that there is a problem with his laws. I would hazard a guess that the organised crime act that we have in relation to the anti-association laws will be amended by the Labor Party. We said at the time that they would not work and they have not worked. What I suggest will happen is the Labor Party will amend these laws before the

election to broaden the legislation to catch someone out and then say to the people of Queensland, 'Our laws are working because in two years we got someone.' That is what I would suggest would happen.

**Mr Rickuss:** They are that poorly drafted they will have to throw the lot out.

**Mr BLEIJIE:** I take the interjection. You are probably right. I remember the Attorney-General at the time, the honourable member for Greenslopes, saying that they were based on the New South Wales laws. They have now been thrown out by the courts so I have high hopes for our Queensland organised crime laws. Last year the New South Wales Labor Attorney-General in introducing their unexplained wealth bill stated—

These reforms will give law enforcement agencies new and expansive powers to go after the Mr Bigs of organised crime who attempt to conceal the sources of their wealth. These reforms are part of a coordinated plan to target organised criminals and will complement similar schemes that, to this point, have been implemented only by the Commonwealth, Western Australia and the Northern Territory.

The Labor Party are doing it around Australia, but the Labor Party refuse to do it in Queensland because they are weak and they are soft on crime. They cannot make the hard decisions. Make no mistake about it: come the next election they will be as tough as ever. They will go to Queenslanders and say, 'We have promised it for 20 years but trust us now, we will finally do it.' Queenslanders know that it will not happen under 'Part-time' Paul. It will not happen under 'Pension' Paul because he is a part-time Attorney-General. He does not care. He has announced his retirement and he does not care. He still pockets a ministerial wage, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! I would remind members to refer to colleagues by their correct title.

**Mr LUCAS:** I rise to a point of order, Mr Deputy Speaker. I ask the honourable member to withdraw that. I find it offensive, particularly given that he is standing in the seat of the Leader of the Opposition who is not the Leader of the Opposition and who draws a salary for that.

**Mr DEPUTY SPEAKER:** Order! The honourable member finds your comments unacceptable. Do you withdraw?

**Mr BLEIJIE:** I withdraw. The New South Wales Labor Attorney-General said at the time—

At meetings in 2009 and 2010 it was agreed by most jurisdictions, with the exception of the Australian Capital Territory and Victoria, that developing unexplained wealth provisions with mutual recognition across borders would be of great assistance in combatting crime.

This Labor government in Queensland introduces bill after bill in this place and say that they base the bills on other jurisdictions. They say they have based bills on the New South Wales jurisdiction. I doubt they will do it now because there is a new government in New South Wales, but they have done it many times. Why does the government not base their laws in Queensland on the New South Wales laws at the time? Because the New South Wales Labor Party believed in unexplained wealth bills, the Commonwealth believed in unexplained wealth bills, Western Australia believed in unexplained wealth bills but the Labor Party in Queensland does not. They believe in fanciful anti-association laws that have done nothing in this state to combat organised crime. I say to the Attorney-General and those sympathisers across from me: shame on you all. You have mounted the weakest argument ever.

**Mr Lucas:** You are the most arrogant person I have ever seen in here, bearing in mind your ability.

**Ms Bates** interjected.

**Mr DEPUTY SPEAKER:** Order! The Attorney-General and the member for Mudgeeraba will cease interjecting. I would ask the member for Kawana to be more restrained in his comments.

**Mr BLEIJIE:** Thank you, Mr Deputy Speaker. They have mounted the weakest argument and have contradicted not only other Labor state governments but also their federal colleagues. They have mounted the weakest argument and contradicted other Labor Party jurisdictional governments across this country.

The simple fact is that we need these laws in Queensland. We need the ability to have drug traffickers declared, because if we are going to get serious about tackling organised crime in Queensland then we must act on unexplained wealth. I have put all the evidence before the House. LNP members have successfully argued the points that all the leading jurisdictions and all the advice says that the way to tackle organised crime is through unexplained wealth bills. It is not a big bill in parliament. You do not introduce an act of parliament which tells people not to associate with each other but then do nothing for 1½ years. This side of the chamber will protect and stand up for the majority of Queenslanders who do the right thing in this state.

**Mr Kilburn** interjected.

**Mr Lucas** interjected.

**Ms Bates** interjected.

**Mr DEPUTY SPEAKER:** Order! The member for Chatsworth, the Attorney-General and the member for Mudgeeraba will cease interjecting. I call the member for Kawana.

**Mr BLEIJIE:** The Liberal National Party will stand up and protect Queenslanders from organised crime. We will protect those who do the right thing in our community. If you are not concocting a batch of drugs at your house, you have nothing to fear. If you are not involved in organised crime, you have nothing to fear from this legislation. That is what I say to the people of Queensland.

We will protect those who do the right thing in our community, but if you are doing the wrong thing this bill would have come after you. It would have given the power to the authorities to come after you because that is what Queenslanders want. They want action on organised crime; they do not want more talk and more dribble from the members opposite. We are the only party that will take a serious step with respect to organised crime. We encourage Queenslanders to get on board with the Liberal National Party because it is the only party that will do it.

*(Time expired)*