



Speech by

Mark Ryan

MEMBER FOR MORAYFIELD

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

Mr RYAN (Morayfield—ALP) (8.14 pm): I rise to oppose the bill before the House. It is a disappointing bill. It is continuing the shameful tradition of the LNP of stunts, of putting things up that are all style but no substance, of wasting the time of the parliament and of putting bills up which effectively achieve nothing. They are all stunts. It is misleading. Not only is it poorly drafted, but it also sets to establish some sort of myth out there that the LNP actually do know what they are doing. Not only don't they know what they are doing, but they are trying to perpetuate this pattern of stunts that will not actually achieve anything for the people of Queensland.

I refer back to the second reading speech of the member for Southern Downs when he introduced this bill into the parliament. He said that the best way forward to smash organised crime was to introduce this bill. That is not correct because the best way forward is actually through a multiplicity of actions, a multiplicity of actions that this government has been not only supporting but implementing over many, many years through the introduction of telecommunications interception and proceeds of crime legislation, which is not only effective but also delivers real results for the people of Queensland, and also through intelligence gathering and through the targeting of networks.

Mr Lucas: Wasn't it bikies that Alex Douglas hired to turn up at his party?

Mr RYAN: I take the interjection from the Deputy Premier. This is an LNP who actually opposed the Criminal Organisation Bill, who actually jumped on the side of organised crime, who actually holds birthday parties in organised criminals' halls. This is the political party who holds birthday parties in halls owned and operated by organised crime and who opposed the Criminal Organisation Bill.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! Member for Cook, member for Lockyer and the member for Mermaid Beach, just a little bit of shush.

Mr RYAN: This is from a political party that opposed the Criminal Organisation Bill. Now they want to perpetuate this myth that just because they put something in a title it shows that they are trying to achieve something. It is nothing more than a stunt.

Where I was going by referring back to the member for Southern Downs' second reading speech is that the only serious organised crime that happened in respect of this bill was when the member for Kawana, along with all of his mates, knifed the member for Southern Downs and knifed the member for Surfers Paradise and did them out of the leadership. That was the only serious organised crime that happened here. The member for Kawana—

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! Resume your seat. Stop the clock, please. There is so much audible conversation in this House that I cannot even hear myself think. So from the Deputy Premier all the way through to every member in this House, I would ask for a bit of peace and quiet. I would ask the

member for Morayfield to be a little bit less inflammatory in his speech and we might just get through this. I call the member for Morayfield. Start the clock, please.

Mr RYAN: Mr Deputy Speaker, it is very difficult to defend oneself when the interjections are so inflammatory. Where I was actually going with that is that you had the member for Kawana in there with his knife, knifing away at the member for Southern Downs and the member for Surfers Paradise, and then you had the 'Seeney Todd' of the Queensland parliament, the demon barber of the Queensland parliament, come in and knife the member for Southern Downs and knife the member for Surfers Paradise as well. That was the serious organised crime that happened in respect of this bill. It is a great shame that the member for Southern Downs is not here tonight to—

Mr BLEIJIE: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER: Order! Stop the clock. The member for Morayfield will resume his seat.

Mr BLEIJIE: The Speaker has made rulings with respect to making mention of people who are not in the chamber. The member for Southern Downs is attending a funeral in his electorate for a family member. I think if the member wants to be that dishonourable he should remove himself from this chamber.

Mr DEPUTY SPEAKER: That is enough. There is a longstanding convention in this House about referring to members who are absent.

Mr RYAN: I withdraw.

Mr DEPUTY SPEAKER: Start the clock. I call the member for Morayfield.

Mr RYAN: This bill is a naive and simplistic approach to law enforcement. It underestimates the resolve that sophisticated criminals have to participate in organised crime. It goes nowhere towards the actions and the efforts that this Queensland government has taken over many years to take serious steps towards cracking and smashing organised crime. It does not reflect on the record of the Queensland government's success in bringing down significant organised crime operations.

Mr Stevens interjected.

Mr RYAN: Member for Mermaid Beach, there is significant success being made and it has been reported numerous times in the paper. There have been many police operations in conjunction with the CMC which have had significant success in respect of criminal organisation operations. The member for Mermaid Beach needs to get the newspaper a bit more often because he would then see the significant success that this government is having in respect of serious and organised crime.

The Criminal Proceeds Confiscation (Serious and Organised Crime Unexplained Wealth) Amendment Bill—this stunt of a bill which is before the parliament at the moment—seeks to insert a scheme into the Criminal Proceeds Confiscation Act to allow the state to apply to the Supreme Court for an unexplained wealth declaration, rendering the respondent liable to pay to the state the assessed value of the respondent's unexplained wealth. Unlike the existing unexplained wealth provisions, the state will not have to show any nexus between the respondent and criminal activity.

The bill further amends the Criminal Proceeds Confiscation Act by the insertion of drug-trafficking declarations, and I would like to spend some time discussing those drug-trafficking declaration amendments as proposed by this bill. Those provisions provide that, where a person is convicted of the offence of trafficking in dangerous drugs under the Drugs Misuse Act, the convicting court must on the application of the Director of Public Prosecutions declare the offender to be a drug trafficker. Upon such a declaration being made, all property owned or effectively controlled by the drug trafficker within six years before the declaration was made is forfeited to the state irrespective of whether it was legitimately gained or not. It does not matter whether the property was legitimately obtained. I will repeat that: it does not matter whether the property was legitimately obtained.

The Deputy Premier and Attorney-General has already comprehensively outlined the significant issues the government has with this stunt of a bill. I endorse but do not intend to repeat those concerns, other than to say that I am particularly concerned that the liberal use of the unexplained wealth powers advocated in this bill could result in Queenslanders who cannot produce their receipts or records losing their lawfully acquired assets without there being any evidence or even suspicion that they were involved in an illegal activity.

I am greatly concerned that the court is stripped of all discretion and must make such a declaration upon application. I am deeply concerned that the member for Kawana, an officer of the Supreme Court of Queensland, is not concerned that the court has been stripped of discretion. The member for Kawana, as an officer of the Supreme Court of Queensland, should know better: it is a very dangerous field to get into when you strip the court of discretion.

I do not question the fact that we must ensure that we have the necessary weapons to combat organised crime. In my view, as I have already mentioned, this government has not only done the hard yards when it comes to implementing the tools that our law enforcement agencies need in respect of targeting serious and organised crime but we have had significant success in that area.

I would like to again emphasise the significant advances that this government has made in respect of arming our law enforcement agencies with those tools. We have had telecommunication interception laws. We have made sure the CMC is significantly resourced and has significant powers in respect of the restraint and confiscation of assets of people convicted of criminal offences. We also have the Criminal Organisation Act which this opposition opposed.

Not only do the Crime and Misconduct Commission and the Queensland Police Service have the general ability to apply for search warrants, they are also empowered under the Crime and Misconduct Act and the Police Powers and Responsibilities Act to apply for monitoring orders which require financial institutions to provide information to authorities. As I said, the CMC has wide and effective restraint and confiscation powers in respect of assets that may be involved in criminal activities. I oppose this stunt of a bill. This is a bill that is just wrapped up in trickery and stunts.