



Speech By  
**Hon. Jarrod Bleijie**


**MEMBER FOR KAWANA**

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Record of Proceedings, 19 November 2013

**CRIMINAL LAW (CRIMINAL ORGANISATIONS DISRUPTION) AND OTHER  
LEGISLATION AMENDMENT BILL**

**Introduction**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (10.12 pm): I present a bill for an act to amend the Bail Act 1980, the Corrective Services Act 2006, the Crime and Misconduct Act 2001, the Criminal Code, the Criminal Proceeds Confiscation Act 2002, the District Court of Queensland Act 1967, the Electrical Safety Act 2002, the Evidence Act 1977, the Justices Act 1886, the Liquor Act 1992, the Penalties and Sentences Act 1992, the Police Service Administration Act 1990, the Queensland Building Services Authority Act 1991, the Racing Act 2002, the Second-hand Dealers and Pawnbrokers Act 2003, the Security Providers Act 1993, the Supreme Court of Queensland Act 1991, the Tattoo Parlours Act 2013, the Tow Truck Act 1973, the Transport Planning and Coordination Act 1994, the Transport Planning and Coordination Regulation 2005, the Weapons Act 1990 and the Work Health and Safety Act 2011 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Bill 2013 [[4079](#)].

*Tabled paper:* Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Bill 2013, explanatory notes [[4080](#)].

**A government member:** Oh, sending it to a committee. Hear, hear!

**Mr BLEIJIE:** Wait for it. I am pleased to introduce the Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Bill 2013. The bill is phase 2 of the Newman government's commitment to tackle organised crime in Queensland. Until recently, Queensland communities were the unfortunate victims, suffering from the unwanted encroachment of criminal motorcycle gangs into their day-to-day lives. Violence, intimidation and criminal activity are the hallmarks of criminal motorcycle gangs, and they are now being met with a legislative brick wall that ensures their unwanted activities find no place to rest and no place to take hold.

Initially, through a package of reforms introduced and passed in October of this year, the government acted quickly to enact new laws aimed at running criminal motorcycle gangs out of Queensland. These legislative reforms are contained in three acts: the Tattoo Parlours Act 2013, the Vicious Lawless Association Disestablishment Act 2013 and the Criminal Law (Criminal Organisations Disruption) Amendment Act 2013.

This bill takes the previous reforms a step further as at that time we flagged that this was necessary to drive criminal gangs out of Queensland. The bill includes amendments to a number of acts to prevent identified participants in criminal organisations from obtaining or holding a licence, permit or certificate under various industry licensing regimes. This includes the Electrical Safety Act 2002, the Liquor Act 1992, the Queensland Building Services Authority Act 1991, the Racing Act 2002, the Second-hand Dealers and Pawnbrokers Act 2003, the Security Providers Act 1993, the Tow Truck Act 1973, the Weapons Act 1990 and the Work Health and Safety Act 2011.

The same amendments are proposed for used motor dealer licences but are contained in the Motor Dealers and Chattel Auctioneers Bill 2013, which will be introduced into the Legislative Assembly later this week. In addition, the Tattoo Parlours Act 2013 is being amended to further ensure that the confidentiality of criminal intelligence is maintained in any review proceeding initiated under the act.

The bill amends the recently inserted section 16(3A) of the Bail Act 1980 to extend the circumstances when a defendant, charged with any offence, must show cause as to why their detention in custody is not justified. In a recent bail application, the Supreme Court held that the time at which an applicant must be a participant in a criminal organisation, if the show cause provision in new section 16(3A) of the Bail Act is to apply, is at the time of the bail application.

If an individual chooses to be part of a criminal organisation, then it is reasonable for the legislature to deem that individual an on-going risk to the community in lieu of evidence to the contrary. The fact that an individual has ceased to be a member of the criminal organisation may be a relevant factor for the court to consider when determining whether the defendant has shown cause as to why they should not be detained. An individual who purports to resign their membership from a criminal organisation or disassociate from the organisation is best placed to prove that fact.

The bill amends section 16(3A) of the Bail Act to ensure that a defendant, charged with any offence, must show cause as to why their detention in custody is not justified where it is alleged the defendant is, or at any time has been, a participant in a criminal organisation. The amendment deems such individuals to be an on-going risk with regard to bail considerations. Requiring the Crown to allege the circumstance of participation rather than prove the circumstance as a fact is consistent with the evidentiary requirements of section 16(3).

Section 16(3A) commenced operation on 17 October 2013. It is a provision which regulates the grant of bail and, as a procedural law, appropriately operates retrospectively. However, given subsection (3A) has the effect of removing the presumption for bail, the operation of the subsection will be clarified in the bill as applying to offences committed before 17 October 2013.

The bill amends the Justices Act 1886, the Bail Act 1980, the Penalties and Sentences Act 1992 and the Criminal Code to enhance the ability of the courts to use audiovisual technology. As a result, the bill includes technical amendments to the District Court of Queensland Act 1967 and the Supreme Court of Queensland Act 1991. The amendments will also assist the Chief Magistrate to ensure that all contested bail applications for defendants in a show cause situation, owing to their alleged connection with a criminal organisation, can be heard in the Brisbane Magistrates Court.

The bill removes the requirement for parties to consent to the use of video or audio links for the defendant's appearance in criminal proceedings in the courts. The discretion will lie with the court to use such links where it is in the interests of justice to do so. The bill enables video and audio links in the Magistrates Court to be used across the various districts of the court for all proceedings, thereby enabling greater use of links in remote and regional areas. The bill amends the Bail Act 1980 to provide for the conduct of a bail proceeding by a Magistrates Court outside the district in which the bail proceeding would otherwise be required to be held where a practice direction is made by the Chief Magistrate permitting this.

The bill amends the Crime and Misconduct Act 2001 to enhance the ability of the Crime and Misconduct Commission to effectively deal with criminal organisations by complementing and clarifying the expanded powers of the CMC to hold intelligence hearings about criminal organisations; expanding the definition of a former participant in a criminal organisation to include persons who were a participant in the preceding two years; providing for confidentiality of CMC operations and investigations; and including safeguards to ensure no unfairness is caused to a respondent who is a defendant in later criminal proceedings as a result of the use in a confiscation proceeding against the respondent under the Criminal Proceeds Confiscation Act 2002 of any compelled self-incriminating evidence given by the respondent in a CMC hearing or investigation.

The bill also includes an amendment to the Crime and Misconduct Act 2001 unrelated to criminal organisations that will facilitate the ongoing operations of the CMC by allowing for the appointment of acting part-time commissioners by the Governor in Council.

The bill amends the Corrective Services Act 2006 to create a mandatory criminal organisation segregation order. The criminal organisation segregation order will ensure an appropriate and effective response to the activities of criminal motorcycle gangs from within prison. This amendment gives effect to the restricted management regime for criminal motorcycle gang prison including restricted associations, strict management protocols and sanctions such as restricted out-of-cell

hours, increased drug testing and cell searches, no TVs in cells, no access to gymnasium facilities, and up to only one-hour non-contact visits with family members per week. Other amendments will ensure offenders under supervision in the community who are members of a criminal organisation may be subjected to electronic monitoring, movement restrictions and drug testing requirements.

Another act amended in the bill is the Transport Planning and Coordination Act 1994 to further enhance community safety by providing that the chief executive of the Department of Transport and Main Roads can give to the head of an approved agency any or all information held in a database maintained by the department. The bill will allow the Department of Transport and Main Roads to release information it holds to ASIO including details about vehicle registrations and about the holders of drivers' licences, including photographs of those licence holders. ASIO's access to and use of the information will be subject to a memorandum of understanding with the Department of Transport and Main Roads and the rigorous controls that govern ASIO at the federal level. Providing access to this information will assist ASIO not only in its preparations for the G20 summit but also in its ongoing role of monitoring and protecting national security.

Finally, the bill amends the Police Service Administration Act 1990. The Police Commissioner will be given discretion to disclose to an entity the criminal history of a current or former participant in a criminal organisation where the commissioner is satisfied it is in the public interest. In combination, these amendments will ensure that criminal motorcycle gangs are driven out of licensed occupations and activities in Queensland and that participants in criminal organisations are dealt with through the courts and prisons in a manner that accords with the risk they pose to the community. It is imperative that this bill be passed as a matter of urgency to ensure the public are protected from the serious criminal activities of criminal gangs. I commend the bill to the House.

### **First Reading**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (10.22 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Legal Affairs and Community Safety Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.