




Speech By  
**Hon. Anastacia Palaszczuk**

**MEMBER FOR INALA**

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Record of Proceedings, 29 November 2016

### **SERIOUS AND ORGANISED CRIME BILL**

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (8.15 pm): It gives me enormous pleasure to rise to speak on the Serious and Organised Crime Bill 2016. This bill marks the culmination of an enormous amount of work by my colleagues the Attorney-General and the former police minister, the member for Rockhampton, and those people who provided advice and guidance in the drafting of this legislation. I want to personally place on record my thanks to the Attorney-General for all of the extensive consultation that has happened to make sure that we have workable, robust laws which tackle all forms of serious and organised crime in this state.

I would also like to put on record my thanks to the Hon. Alan Wilson QC, who chaired both the Taskforce on Organised Crime Legislation and the review of the original Criminal Organisation Bill 2010. Retired Justice Wilson is an eminent jurist and a sound and solid reviewer, and the work that he did was collaborative and highly consultative. This has meant that his report is both comprehensive and extremely well written and contains the views of all participants, whether there was consensus on issues or not. I also thank the participants of the task force who brought to the task their extensive knowledge in the area and managed to share their views in both a respectful and a collaborative approach.

There is no doubt that the original criminal organisation laws failed to adequately address the problems of organised crime in Queensland. We have been willing to admit this—unlike the LNP, who opposed those laws because they infringed the civil rights of the bikies. The former leader of the opposition, the member for Southern Downs, led the opposition to any organised crime or anti-association laws. Remember when he met with the head of the United Motorcycle Council and then came into this House decrying the legislation for breaching the civil rights of bikies? Former premier Campbell Newman said that wearing bokie colours was like wearing your team's footy jersey. Their attitude was a disgrace. The former attorney-general wanted to repeal our laws which restricted association and replace them with strengthened criminal confiscation laws. We can have strengthened criminal confiscation laws as well as laws that restrict the association of all serious organised criminals.

Our concern with the previous government's laws has always been that they do not target all organised crime. Members opposite have been criticising the previous criminal organisation laws which did not see any gains declared, yet they want to hang on to their laws. The attitude has changed. Acknowledging the legal ineffectiveness of the laws, the former attorney-general has said that it does not matter about convictions because the important thing was deterrence. I fail to see how laws that do not work provide any deterrent effect. Why would anyone change their behaviour because they might be charged with an ineffective, toothless law? The answer is that they would not, which is why we are replacing those laws with tough new laws that target all forms of serious and organised crime. We saw the alarming advice contained in a report of the Organised Crime Commission of Inquiry headed by another eminent criminal lawyer, Michael Byrne QC, which stated that organised crime was much wider than just bokie gangs. The commission acknowledged the involvement of outlaw motorcycle gangs in organised crime, but what it found was that—

... in the period of October 2013 to 30 June 2015, a period of intense law enforcement focus on outlaw motorcycle gangs and their members and associates, members such as gangs only appointed for 0.52 per cent of persons charged with criminal offences throughout Queensland.

Mr Byrne's report also told us that—

... according to the CCC, the heavy focus on outlaw motorcycle gangs has meant that: [The Crime and Corruption Commission] has lost visibility of other areas of organised crime active in Queensland, who are likely to have benefited from and or exploited the opportunity to stay under the law enforcement radar.

Further, the QPS acknowledges that:

[While] OMCGs [outlaw motorcycle gangs] are an important focus for policing strategies, they are but one of the many types of activities that make the organised crime environment in Queensland.

That is what we said all along in opposing the previous laws. We wanted workable laws that targeted all forms of organised crime. That is what we are delivering here tonight. Our laws will enable law enforcement officers to target the other forms of organised crime posing a problem in Queensland such as those identified by Mr Byrne—paedophile rings and boiler room fraud—as well as outlaw criminal motorcycle gangs, by focusing on people's criminal activity rather than the name of their group.

Justice Wilson's task force report gave a degree of prominence to the risks posed by less structured organised crime groups which can be camouflaged and adaptable while still posing a serious threat to the public. They may not be a defined, structured, concrete group like a traditional organised crime gang. Modern organised crime is much more fluid in nature and needs more flexible laws to target that criminal activity.

The serious and organised crime bill is a tough suite of laws that are operationally strong and constitutionally sound. That is what makes laws a great deterrent, for the benefit of the former attorney-general. The Police Commissioner, Ian Stewart, has said that anticonsorting laws, along with some other laws around the wearing of biker colours, could prove more effective than the existing VLAD laws. Our laws will centre around consorting orders, which have been proven to be constitutionally sound in other jurisdictions. Unlike the LNP's laws which could apply to anyone who was deemed to be a participant in a criminal organisation, our laws will only apply to criminal conduct. The consorting laws will make it illegal for a person to consort with two or more convicted offenders after they have been warned by police not to do so. The bill also contains the public safety protection order scheme, which is capable of delivering a multilevel strike against organised crime.

For members opposite who have expressed concern about any proposed changes to clubhouses, all currently declared clubhouses will remain under a ban at present. For those scaremongers opposite who have been talking about new clubhouses opening, this bill allows a magistrate to declare a premise to be a restricted premises if there is a reasonable suspicion that unlawful conduct, criminal behaviour or antisocial behaviour is occurring or where recognised offenders or anyone issued with a consorting warning is present. Once a declaration has been made, police can search the premises without a warrant at any time and seize property, which will automatically be forfeited to the state.

These are proper laws that will stand up to constitutional challenge. Members opposite have been championing their laws because they were upheld in the High Court. Perhaps they should read the judgement. The High Court found that the applicant did not have the requisite standing to bring the application and therefore it did not have to consider the validity of the laws, so it is disingenuous to say that they were found to be valid.

Owners and occupiers who continue to allow the type of conduct that allowed the order to occur in the first place will be guilty of serious criminal offences. Police will also be empowered to issue a stop and desist fortification notice. If they observe premises that are habitually occupied by recognised offenders or participants in criminal organisations being excessively fortified, they will be able to order them to either stop the work or remove it.

Throughout this debate concern has been expressed about the banning of the wearing of colours. These laws go further than the previous laws. These laws will ban the wearing of colours in all public places, not just on licensed premises as the existing laws do. Our laws are tougher, stronger, more robust and better able to be used by our law enforcement officers.

It is a disgrace that those opposite have been intellectually dishonest in their protection of laws that they know do not work and which the Wilson task force found are unlikely to be upheld by the courts. I am heartened by the news that the United Motorcycle Council intends to challenge these laws in the High Court once they are passed. It means that we must be doing the right thing. These laws will be found to be constitutionally solid.

I believe that tonight is an incredibly important night for this parliament. What we have seen through the creation of these laws, introduced by the Attorney-General, is a robust process—a process of consultation, of inquiries, of listening to the stakeholders. These laws have not been rushed. These laws have not been tabled and debated on the same day. I went to the election promising that I would deliver to the people of Queensland robust, workable laws targeting all forms of serious organised crime. Tonight my government is delivering on that promise to the people of Queensland.

In closing, if those opposite do not support these laws tonight they are saying that they do not believe that serious child sex offenders should be targeted as part of serious organised crime in this state. They are saying that fraud and boiler rooms should not be targeted. These laws are workable and robust and I commend them to the House.

*(Time expired)*