



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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CRIMINAL PROCEEDS CONFISCATION AND OTHER ACTS AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (7.34 pm): I rise to make a short contribution to the Criminal Proceeds Confiscation and Other Acts Amendment Bill 2008, which was introduced into the Queensland Legislative Assembly by the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland on 2 December 2008. The bill seeks to amend the Criminal Proceeds Confiscation Act 2002 following a review to ensure that it continues to remain effective.

As members have already heard from the honourable member for Toowoomba South, the LNP will be supporting this bill. In addition, this bill amends the Fair Trading Act 1989, the Security Providers Act 1993 and the Trusts Act 1973. The key objectives of the bill are to strengthen existing provisions that aim to remove financial gain, to reduce the motivation to reoffend and to increase the financial loss associated with illegal activity. By removing assets accrued through criminal activities, perpetrators are somewhat limited in their access to capital that would enable them to commit certain future crimes.

The amendments to the Fair Trading Act 1989 remove the capacity for exemptions from the prohibited hours of door-to-door trading. As we have heard from other honourable members in the House this evening, it will be a welcome relief to allow a lot of consumers privacy in their own homes. However, in Currumbin it is what happens a little bit later in the night that aggravates people—when the hoons, the graffitists and the vandals decide to wake them up in the middle of the night.

The changes to the Security Providers Act 1993 are mooted to improve industry standards through establishing a requirement that security firms belong to an approved industry association and to amend existing provisions to reflect the Commonwealth's greater role in industry associations and to amend the existing provisions to reflect the Commonwealth's greater role in industrial relations regulation. Honourable members have already heard the shadow Attorney's reservations with regard to the enforced membership of an association, which was also supported by the honourable member for Gladstone.

Amendments to the Trusts Act 1973 would enable bodies which are deductible gift recipients, such as the State Library and the Queensland Art Gallery, to receive donations from prescribed private fund and ancillary fund donors without compromising the donor's tax exempt status. The explanatory notes state that the bill came about following a Parliamentary Crime and Misconduct Committee review in October 2006. Report No. 71 considered a submission from the CMC recommending a number of changes to the act. All but two of these recommendations have been included in the Criminal Proceeds Confiscation and Other Acts Amendment Bill before us tonight.

The proposed amendments to this act include a new power to seize a criminal's interstate or overseas property; new power to substitute alternative possessions for seizure when the tainted property has already been disposed of; and a new offence of reckless money laundering aimed at persons who recklessly handle stolen goods or cash with a maximum penalty of 10 years imprisonment attached. The bill also introduces investigation orders without notice in appropriate circumstances and is essential to freeze further criminal activity while the investigation takes place.

A number of issues were raised in the Scrutiny of Legislation Committee *Alert Digest No. 1 of 2009* and these include whether the legislation has sufficient regard to the rights and liberties of individuals, consistency with principles of natural justice, the disclosure of private or confidential information without sufficient justification and acquisition of property with fair compensation.

In response to the question regarding the provision of the reversal of the onus of proof without adequate justification, the committee recognises that reverse onus mechanisms are central to the capacity of civil based forfeiture schemes to achieve their purpose and these are demonstrated in this bill before us tonight. The *Alert Digest* does, however, refer to parliament whether clauses 20 and 45 provide appropriate protection against self-incrimination. Perhaps the Attorney-General would be kind enough to address that in his reply.

Back in 1983 Australian police ministers recommended that all Australian jurisdictions develop laws to address the accumulation of criminal assets. With the passage of time, confiscation orders have broadened beyond drug related offences to cover other crimes such as terrorism, murder, corruption and money laundering. Research conducted in 2004 indicates that fraud constitutes the greatest source of laundered funds, followed by the illegal drug trade. Yet it is the illicit trade in drugs that is displayed regularly via the media which has seen an increase in violent assaults and is affecting our youth at earlier ages. Every time that we manage to catch one of these profiteering drug lords we do a great service to our society. The benefits filter through the community, especially in cases where money laundering criminals have been caught and the proceeds confiscated.

I draw the attention of the House to the 2005 landmark case of Charles Cannon who had property seized under the current act that sent a strong message that drug traffickers could lose the proceeds of their crimes. Cannon used profit from his successful drug business, together with his legitimate businesses, to fund an extravagant lifestyle. This deception is classic behaviour of Cannon's type of criminal and is a good example of the necessity for this bill which will allow for provisions within it to be used more effectively. On 18 November 2005 Detective Senior Constable Walker was quoted in the *Courier-Mail* as saying—

Organised crime is all about the money and if you remove the money you can certainly thwart the business.

Disturbingly though, outlaw motorcycle gang numbers appear to be swelling in Queensland, as can be witnessed on the Gold Coast with gangs such as the Finks, the Rebels, the Lone Wolves and the Black Uhlans all with clubrooms based there. Last year in March the *Courier-Mail* reported that a Currumbin based bikie gang member of the Lone Wolves had been accused of slicing off a man's ears over a \$40,000 drug debt. This gory act was carried out in a very picturesque part of the Currumbin Valley. These gangs are multimillion-dollar enterprises and are involved in organised crimes at a particularly high and sinister level. Violence, standover tactics, money laundering and drug activity has also increased. Honourable members may well remember the ballroom blitz between the Finks and the Hells Angels at the respected Royal Pines Resort on the Gold Coast in March 2006 which shocked local citizens. Guns, knives, chairs and glasses were weapons chosen when these two gangs attacked each other at a public tournament.

A much more reported and certainly less violent case and one followed intensely by the media is that of the now somewhat infamous Schapelle Corby. The Corby case is an example of how new amendments under section 16 and 17 in this piece of legislation, which seek to cover serious crimes that occur under the laws of other jurisdictions including those outside Australia, will work. Although there is mixed opinion on whether Schapelle is guilty of drug trafficking, there is no doubt she has gained a celebrity-like status while languishing in an Indonesian jail and has sought to make a profit by selling her story. A *Courier-Mail* article by Greg Stolz in June 2007 revealed that nearly \$270,000 in proceeds from her tell-all book were frozen by the Commonwealth Director of Public Prosecutions. Attempts like this to profit from breaking the law are all too familiar and it is to be hoped that this legislation will stifle this practice.

It is not helpful that agents line up with open chequebooks to encourage those who have fallen from grace, for the most part as a result of their own deeds, to sell their stories. Voyeurism is big and if one watches the trend emerging on Australian television, crooks are being glamorised to resemble unlucky fools. It should be of major concern that the series *Underbelly*, a glorified portrayal of the Moran family at the centre of the iniquitous gangland drug wars in Melbourne, created so much interest amongst viewers. What confusion for young developing minds. They watch the worst criminals, petty criminals, corrupt police, undisclosed names due to privacy, and their wives amid these scenarios all seeking empathy for their situation and selling their story. Without a doubt we should be worried about the fine line between fiction and reality, not to mention the blurred lines between vice and virtue. Last night the second series started on the case of Robert Trimbole, another very unsavoury character.

We should not be painting these murderers and thugs as anything less than what they are. They live by the gun, they die by the gun and they have no respect for the law. They need to be told in no uncertain terms that crime does not pay. It is to be hoped that this legislation will go some way to remind them of that. For too long this government has been soft on crime. I am very happy tonight to be able to commend this bill to the House.