



**Police Federation  
of Australia**

The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent  
GRIFFITH ACT 2603

Tel: (02) 6239 8900

Fax: (02) 6239 8999

Email:

Dr Sean Turner  
Acting Committee Secretary  
Legal and Constitutional Affairs  
Legislation Committee  
[legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

### **Inquiry into the Unexplained Wealth Legislation Amendment Bill 2018**

The Police Federation of Australia (PFA) thanks the Committee for the opportunity to make a submission in response to the afore mentioned inquiry on behalf of more than 62,000 police officers across the country that make up our membership

The PFA first raised the issue of Unexplained Wealth in 2007/08 with the then Parliamentary Joint Committee on the Australian Crime Commission. Since then, the PFA have been arguing for the notion of 'joined up' policing, particularly as it relates to tackling serious and organised crime and targeting criminal assets gained illegally. We have made numerous submissions in respect to this and related matters.

In a Press Release in September 2007, the PFA called for the introduction of integrated, coordinated and complementary systems and strategies to tackle the issue including the harmonisation of laws and argued, at that time, that crime bosses were exploiting differences in criminal laws in Australia and the need to tackle such changes urgently.

States not supporting harmonised unexplained wealth legislation will be aiding those very crime bossed we talked about 12 years ago to hide their ill-gotten gains.

On 24 June 2009, then Attorney General, the Hon Robert McClelland in his second reading speech on the Crimes Legislation Amendment (Serious and Organised

Crime) Bill 2009, reported on the April 2009, Standing Committee of Attorneys-General (SCAG) meeting where they agreed to a set of resolutions for a national response to organised crime. The Bill was in support of those agreed resolutions, the first of which was to ‘strengthening criminal asset confiscation and target unexplained wealth’.

In his speech the Attorney General said,

*“The ability to trace, restrain and confiscate the benefits that criminals derive from their offences is a vital part of an effective justice system”.*

He further said,

*“New unexplained wealth provisions will be a key addition to the Commonwealth criminal asset confiscation regime. These provisions will target people who derive profit from crime and whose wealth exceeds the value of their lawful earnings. In many cases, senior organised crime figures who organise and derive profit from crime are not linked directly to the commission of the offence. They may seek to distance themselves from the offence to avoid prosecution or confiscation action. Unlike existing confiscation orders, unexplained wealth orders will not require proof of a link to the commission of a specific offence and in that sense, they represent a quantum leap in terms of law enforcement strategy”.*

The PFA supported that statement in 2009 and continues to support it today.

It is indeed unfortunate, that here we are almost 10 years later, still trying to put together a truly national unexplained wealth scheme.

As Justice Moffitt, former President of the NSW Court of Appeal succinctly said,

*“It has long been accepted that tax authorities can call on taxpayers to account for assets which appear to exceed that which their income could be expected to produce. It is difficult to see why in the face of serious organised crime a statute could not be drawn to provide that in prescribed circumstances the owner or custodian of money or assets may be called on to explain how he came by them...”*

The PFA therefore supports the Unexplained Wealth Legislation Amendment Bill 2018 and implores all states to enact legislation, consistent with the Bill to ensure a truly national unexplained wealth regime is implemented.

Mark Burgess APM  
Chief Executive Officer  
13 July 2018