



Police Federation of Australia

The National Voice of Policing

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The Secretary
Senate
Legal and Constitutional Affairs Legislation Committee
Parliament House
CANBERRA ACT 2600

Inquiry into the Proceeds of Crime Amendment (Proceeds and Other Matters) Bill 2017

I thank you for the opportunity to provide this submission on behalf of the Police Federation of Australia (PFA) representing in excess of 60,000 police officers Australia wide.

The PFA has had a long interest in the Proceeds of Crime Legislation and has made numerous submissions and presentations supporting its prominent role in crime prevention, law enforcement measures and community safety.

The PFA have long argued that organised crime is motivated by money. Therefore, a major focus on crime prevention strategies should be to confiscate the assets of criminals and criminal enterprises. Criminal asset confiscation methods offer law enforcement agencies the opportunity to send a clear message to criminals: 'if you make money from criminal activity, we will take that money off you'. Doing so makes crime a less-profitable enterprise, and therefore removes the incentive to engage in criminal activity. There is also the flow on effect of seizing assets that could have otherwise been used to fund further criminal activity; therefore, making the crime prevention effects of asset confiscation two-fold. With the 'Mr. Bigs' of the crime world able to distance themselves from the actual commission of crimes, or with criminals unconcerned with serving short term goal sentences, asset confiscation is an integral piece of the crime fighting puzzle.

Whilst confiscation mechanisms have a two-fold effect, as just outlined, there is also a third way that confiscation mechanisms can assist crime prevention, and that is by the reinvestment of confiscated assets into crime prevention initiatives, which is what is done via the Proceeds of Crime Act.

The PFA argues that assets, taken from those who have wrongfully obtained it, should clearly be reinvested in crime prevention and law enforcement measures. There is something very fitting about proceeds of crime being used to prevent crime. Such a process has a circularity that is both morally and poetically just.

Therefore, any loopholes in the current legislation, need to be closed as a matter of urgency.

The public, who are the major beneficiaries of crime prevention and law enforcement measures funded through the POCA, would be extremely concerned if crime groups were able to use an array of financial arrangements and asset protection structures to avoid the forfeiture of property gained through their criminal activity.

The PFA therefore urges the Committee to support legislation designed to close any such loopholes.

Sincerely yours

Mark Burgess APM
Chief Executive Officer

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