

CHAPTER 1

INTRODUCTION

Summary of key amendments

1.1 On 25 June 2009, the Senate referred the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 (the Bill) to the Legal and Constitutional Affairs Legislation Committee (the committee) for inquiry and report by 17 September 2009.

1.2 The Standing Committee of Attorneys-General (SCAG) agreed in April 2009 to a comprehensive national response to combat organised crime.¹ The Bill seeks to amend a number of acts to implement the Commonwealth's commitment to this SCAG agreement. In particular, the Bill contains provisions:

- (a) to amend the *Proceeds of Crime Act 2002* (the 2002 POC Act) by introducing unexplained wealth provisions (Schedule 1);
- (b) to make other changes to the 2002 POC Act (Schedule 2);
- (c) to enact model laws with respect to investigative powers, specifically:
 - (i) controlled operations;
 - (ii) assumed identities; and
 - (iii) witness identity protection (Schedule 3);
- (d) to extend criminal liability to persons who jointly commit an offence (Schedule 4, Part 1); and
- (e) to increase access to telecommunications interception for criminal organisation offences (Schedule 4, Part 2).²

Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 30 June 2009, and invited submissions by 31 July 2009. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 80 organisations and individuals inviting submissions.

1.4 The committee received 13 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.5 The committee held a public hearing in Melbourne on 28 August 2009. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://www.aph.gov.au/hansard>.

1 Standing Committee of Attorneys-General, *Communiqué*, 17 April 2009 available at: http://www.scag.gov.au/lawlink/SCAG/ll_scag.nsf/pages/scag_meetingoutcomes (accessed 20 July 2009).

2 Explanatory Memorandum, pp 2 and 132.

Acknowledgement

1.6 The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearing.

Structure of the report

1.7 The structure of the report is as follows:

- Chapter 2 examines the criminal asset confiscation provisions of the Bill;
- Chapter 3 reviews the provisions which would introduce the model laws in relation to investigative powers and witness identity protection;
- Chapter 4 looks at the joint commission of offences provisions;
- Chapter 5 considers the proposed changes to telecommunications interception powers; and
- Chapter 6 contains a summary of the views of the committee and its recommendations.

Note on references

1.8 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.