

THE LAW

Gun trafficking targeted

Measures to reduce illegal firearms.

Criminals who traffic large quantities of firearms or firearm parts will face life imprisonment under new laws passed by the House of Representatives.

Under the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 the penalties will apply to people who traffic 50 or more firearms or firearm parts across state or national borders.

Justice Minister Jason Clare said the changes will bring the maximum penalty for trafficking large quantities of firearms into line with the penalty for trafficking commercial quantities of drugs.

“It is designed to send a very strong message that trafficking large numbers of illegal firearms is just as dangerous and potentially deadly as trafficking large amounts of illegal drugs, and the same maximum penalty should apply,” Mr Clare said.

The legislative moves complement a range of measures agreed between state and federal police ministers to reduce the number of illegal firearms in the community.

According to a recent report from the Australian Crime Commission there are more than 250,000 unlicensed firearms in Australia, many of which are owned by criminals and used to carry out serious offences.

The measures include expanding the Australian Ballistics Identification Network nationwide to link seized firearms to previous crimes as well as setting up a national firearms register to track legally owned firearms.

There are more than 250,000 unlicensed firearms in Australia

There are currently more than 30 different firearms registers and databases across federal, state and territory agencies. A recent consultant’s report on the options for a national register revealed serious flaws in the current registration system, with 14,000 firearms disappearing from registers each year.

Tracing analysis done on 3,146 guns seized by law enforcement agencies also confirms the legal domestic arsenal is the main source of illegal firearms, with most of those firearms either stolen or not handed in after the Port Arthur massacre. Only 1 per cent of the weapons were found to have been illegally imported from overseas.

“The work they have done to date confirms systemic weaknesses in the current system that results in thousands of firearms moving from legitimate hands into a ‘grey market’ each year,” Mr Clare said.

“It also confirms that these weapons constitute a major source of the firearms used by criminals.”

While supporting the intent of the legislation, Shadow Customs Minister Michael Keenan accused the government of deliberately underestimating the amount of weapons being imported into Australia.

Mr Keenan said it is a growing problem made worse by cuts to law enforcement agencies and less screening of goods as they enter Australia.

“Under Labor, less than 10 per cent of air cargo and less than five per cent of sea cargo are inspected when they enter Australia’s borders, giving criminals a better chance of successfully smuggling weapons, drugs and other contraband into our community,” he said.

As well as increasing penalties for trafficking firearms, the bill also amends unexplained wealth laws previously introduced in 2010. These laws reverse the onus of proof and require suspected criminals to prove their wealth has been legally obtained, rather than police having to prove it is the proceeds of crime.

The amendments will increase police powers to obtain evidence through search and seizure, remove judicial discretion in applying unexplained wealth orders, and prevent suspected criminals from using restrained assets to fund their legal defence against an unexplained wealth order.

“These important amendments will make the laws more effective for law enforcement agencies and enable them to better target serious and organised crime,” Mr Clare said.

Mr Keenan agreed, saying strengthening the ability of law enforcement agencies to seize wealth that cannot be adequately explained is a key step to attacking organised crime.

“This really hits criminals where it hurts – taking away the proceeds of their illicit activities,” he said. “Indeed, doing that is one way to deliver heavy blows to organised criminals.”

But Mr Keenan said he is disappointed the bill does not enact all of the recommendations of the Parliamentary Joint Committee on

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OFF THE STREETS: Crackdown on illegal guns and unexplained wealth

PUBLIC ADMINISTRATION

Modernising the service

Reforms aim for stronger leadership.

The roles, responsibilities and official values of the parliamentary and public services will be updated to better reflect current best practice and contemporary needs under amendments passed by federal parliament.

The changes in the Public Service Amendment Bill 2012 and the Parliamentary Service Amendment Bill 2013 focus on better definition of functions and responsibilities of departmental secretaries and senior executives; an update to the values which guide the work and conduct of staff of the public and parliamentary services; and an increased role for the commissioners which oversee the services.

The amendments follow recommendations in a report titled *Ahead of the game: blueprint for the reform of Australian government administration*, which called for comprehensive reform to modernise the way public services are delivered.

Speaking on the Public Service Bill, Special Minister of State Gary Gray said the amendments would strengthen the management and leadership of the public service and help to embed new practices and behaviours into its culture.

"The bill recognises that the delivery of high-quality services and policy advice requires effective and committed leadership, supported by a public service that is efficient, driven by its desire to serve the community, and contemporary in its outlook," Mr Gray said.

Both bills were passed by parliament with unanimous support from all parties. •



Law Enforcement, particularly the recommendation to involve the Australian Crime Commission in pursuing unexplained wealth orders.

"This really hits criminals where it hurts – taking away the proceeds of their illicit activities."

"The ACC has significant coercive powers to force witnesses to answer questions, and those significant powers – which are unavailable to other law enforcement agencies – would have been very helpful in pursuing proceeds of crime."

The Law Enforcement Committee made a total of 18 recommendations on the bill, all of which the government has committed to support in whole or in part through further action and legislation. •