

DRAFT SECOND READING SPEECH

HON. M. T. (RENE) HIDDING MP

Removal of Fortifications Bill 2017

check Hansard for delivery

Madam Speaker

I move that the Bill now be read a second time.

The purpose of the Bill is to introduce proven laws into this state that will provide for the removal or modification of fortifications from premises used by organised crime in furtherance of their criminal enterprises.

Organised criminal groups take proactive measures to impede law enforcement efforts to detect and prosecute their criminal enterprises. One such measure is the fortification of premises, which provides security for the conduct of illicit activities. Further, such fortifications provide heightened confidence to criminals when engaging in criminal conduct, and can be intimidating to the communities in which they are located.

The adoption of fortifications by criminal groups is especially common in the case of outlaw motorcycle gangs, which are the predominant organised crime groups operating in Tasmania. These gangs are also significantly responsible for the distribution of crystalline methamphetamine (commonly known as Ice) in this state.

In recognition of the use of fortifications by organised criminal groups, provisions for the removal of excessive fortifications were introduced into Division III of Part II of the *Police Offences Act 1935* in 2007. However, internal legal advice to the Tasmania Police was received that they were unworkable.

One criticism of the current provisions is that they do not require any linkage to criminal conduct, which in turn can make it difficult to argue the fortifications are excessive (as opposed to reasonable security measures).

To address these issues, the Bill repeals the current fortification removal provisions in the *Police Offences Act 1935* and replaces them with a standalone Act, based on Victorian legislation. The Victorian model was selected following an examination of fortification legislation in all Australian states.

Not only does the Victorian model address the deficiencies identified in the current Tasmanian provisions, it is far more comprehensive as to both the powers of police and the rights of owners and occupiers of premises.

The Victorian model is also proven. Following the introduction of the laws into that state in 2013, Victoria Police has used them to successfully remove fortifications from five outlaw motorcycle clubhouses.

Providing effective tools to Tasmania Police to facilitate the disruption of organised criminal groups, including outlaw motorcycle gangs, is critical to the Tasmanian community. Not only will this assist in preventing these organisations becoming entrenched in the state, but will directly impact their ability to further and conceal their criminal activities.

The Bill will become law on the day on which it receives Royal Assent.

I commend the Bill to the House.