

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. •

THE LAW

ENVIRONMENT

Gas approvals depend on water

Legal protections to meet community expectations.

Impacts on water resources will be included as part of the environmental approval process of coal seam gas projects and large scale coal mines under laws introduced into the House.

The Environment Protection and Biodiversity Conservation Amendment Bill 2013 will classify water resources as a matter of national environmental significance in the case of coal seam gas and large scale coal mines.

Environment Minister Tony Burke said that until now it has only been possible to consider the impact on water resources of mining projects if there was a related risk to an existing matter of national environmental significance, such as an endangered species or protected wetlands area.

Mr Burke said this failed to live up to reasonable community expectations that the government could act to protect water resources from contamination.

“They want to know that I am considering whether there is an irreversible depletion or contamination of our surface water and ground water resources,” Mr Burke said.

“But under our current national and environmental law, as environment minister I cannot take these concerns into consideration directly.”

Mr Burke said the amendments will provide a strong legal basis for the protection the community wants of its water resources.

“This amendment provides the appropriate gateway for federal approval,” Mr Burke said.

“It means that when an approval is given, or when a decision is made, the community expectation that I have taken into account the impacts on water resources will match up with the legal obligations of the environment minister.”

Shadow Environment Minister Greg Hunt offered qualified support for the amendments, saying coal seam gas should not compromise the security of water resources.

“Mining companies should not have free reign and should only operate where there is a community licence to do so,” Mr Hunt said.

But he said the best way to allow for the co-existence of mining, agriculture and communities is to work cooperatively with all stakeholders.

“Just as it did with the mining tax, the government has blindsided the energy and resources sector and imposed retrospective rules on the energy and resources sector which will have a direct impact on investments.” •



WATER WATCH: Coal seam gas projects face new requirements

CUSTOMS

Dumping on below cost imports

New commission to monitor pricing.

A new Anti-Dumping Commission will take control of protecting Australian businesses from cut price imports under changes to anti-dumping legislation passed by the House of Representatives.

Dumping involves an overseas supplier selling a product at below cost price or below the price it is sold in the supplier's country. It is most commonly done to get rid of surplus stock or overproduction, but can be done in a predatory fashion to gain market power and drive local suppliers out of a market.

The Customs Amendment (Anti-Dumping Commission) Bill 2013 will establish the Anti-Dumping Commission to monitor pricing of imported goods, taking over the role from the International Trade Remedies section of Customs.

Home Affairs Minister Jason Clare said the establishment of the commission is the first step in a series of important reforms to strengthen Australia's anti-dumping provisions and protect local manufacturers. These include increasing the number of investigators working on anti-dumping cases, making the anti-dumping system more accessible for smaller businesses and toughening penalties against overseas producers who try to circumvent the system.

“The establishment of a well-resourced and effective anti-dumping commission is an important part of this reform program,” Mr Clare said.

“It will deliver stronger protection for Australian industry against unfair competition from overseas – and help protect Australian jobs put at risk by products being dumped into Australia.



DUMPING GROUND: *Cut price imports hitting local businesses*

“Where goods are dumped into our domestic market, it can hurt Australian industry, it can also reduce confidence in the whole trading system, and that is why it is important that you have a strong anti-dumping system that can make sure people play by the rules.”

The reforms received support from the opposition, with Shadow Minister for Industry Sophie Mirabella telling the House there has been significant problems in Australia’s anti-dumping system for a long time.

“It has been unworkable with excessive costs and time,” Mrs Mirabella said. “There has been difficulty for those wanting to pursue an anti-dumping application to access the system. These concerns have been voiced to us by industry for a long time.”

While supporting the legislation, Mrs Mirabella accused the government of introducing an inferior copy of Coalition policy in the area.

“We came up with a comprehensive world’s-best-practice policy back in 2011,” she said. “The government has panicked, followed suit and introduced a whole series of bills regarding anti-dumping, trying to play catch-up. We have not opposed those bills, as we will not oppose these ones.”

Major industry groups, unions and large manufacturers have welcomed the changes,

saying they will protect Australian industry and jobs from unfair overseas competition.

However some downstream manufacturers that rely on cheap imports of foreign materials to remain competitive have questioned the wisdom of the reforms.

The Australian Steel Association said a 15.4 per cent duty on hot rolled coil steel imports from several Asian countries, applied using anti-dumping provisions, would be a sustained impost on the competitiveness of Australia’s downstream steel manufacturing sectors.

But in debate on the bill, government MP Tony Zappia (Makin, SA) said dumping is destroying Australian businesses and jobs and strong action is needed now.

“Often when those jobs and industries are lost, they are lost forever,” Mr Zappia said. “Competing on a level playing field is one thing, but competing with products that are sold below cost is another.

“That is what is happening. That is why this legislation is timely and why it will be welcomed by Australian industry and Australian workers.”

The Anti-Dumping Commission will be based in Melbourne and will take over responsibility for anti-dumping disputes from July this year. •

PETROL

Low aroma fuel tackles sniffing

Voluntary scheme toughened.

Petrol station owners in certain communities will now be forced to offer low-aromatic Opal fuel as an alternative to regular fuel thanks to new laws that strengthen an anti-petrol-sniffing strategy.

Opal fuel is a low aromatic unleaded fuel that has been designed to reduce the incidence of petrol sniffing, a practice which damages internal organs, the brain and the nervous system.

The Low Aromatic Fuel Bill 2012 toughens the current voluntary scheme, which gives fuel providers the choice to sign-up to supplying Opal fuel in designated ‘anti-sniffing’ zones where communities have called for help.

Federal MP Adam Bandt (Melbourne, Vic) introduced the bill to parliament and said the use of Opal fuel has been associated with an average 70 per cent reduction in the prevalence of sniffing in Central Australia.

“The 2009 committee inquiry, which the Greens initiated, recommended that the anti-sniffing strategy could be strengthened by giving the minister the powers that are contained within this bill to mandate the use of Opal fuel in certain areas,” Mr Bandt said.

“This would give the government the power to ensure that the aspirations and the sheer hard work of communities are backed up by a process that ultimately prevents a selfish few from consistently undermining the efforts of the community as a whole.

“This bill will give the minister the power to declare areas where it will be an offence to not supply non-sniffable fuel,” he said.

The legislation passed with support from the government and crossbenchers, but was opposed by the opposition which advocated a state and territory-based approach.

Shadow Minister for Families, Housing and Human Services Kevin Andrews said states and territories can be more effective in tackling the problem.

“Government must act in order to ensure that the considerable social cost of petrol sniffing is eradicated,” Mr Andrews said.

“But the Coalition does not believe that the federal government should do this, where states and territories can be more effective.

“If we were to see state and territory based legislation that was based on the Northern Territory’s Volatile Substance Abuse Prevention Act 2005, we would have a more targeted, flexible and legally robust approach to the sniffing of fuel,” he said. •