



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

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CRIMINAL PROCEEDS CONFISCATION BILL

Mr HOBBS (Warrego—NPA) (11.55 p.m.): I am pleased to speak to the Criminal Proceeds Confiscation Bill tonight. It is about time that we had this legislation. It has been in other states for quite some time and has been very successful. I was very fortunate recently to look at what happens in the other states. It is certainly a great way to deter criminal activity. It has been particularly effective in terms of the amount of money that has been collected. Although some people might say it is a bit harsh, the reality is that if we have not committed a crime we should not have a great problem in substantiating where a particular asset was obtained. That is particularly important.

On numerous occasions even in Queensland criminals have served their time only to be released to go on to enjoy the profits gained from their crime. For too long we have been a soft touch for criminals. There is still further to go. Until we get telephone interception powers in Queensland we will still be a target for criminals. New South Wales has particularly strong powers. In the past it has had serious criminal activity. The indications are that those people are heading to Queensland, particularly for money laundering. This is one small step in the right direction that will at least curtail that illegal activity.

Under the existing scheme the reality is that we have to obtain a conviction before we can even start the process. That is the way I understand it. The conviction has to be related to a particular asset. Of course, there may be instances where a criminal is convicted of an offence but his assets are built on previous illegal activity on which he could not be proven guilty. That is the problem we have. He might have been found to have committed an illegal activity which did not make a great deal of money. Under our legislation confiscation can only be based on the existing case, that is, profits can only be confiscated where they were derived from the proven offence. This legislation is certainly a vast improvement on that. The explanatory notes state 'even if a person is not charged or convicted of any criminal offence'. It states further—

The Bill will incorporate a conviction based scheme similar to the existing Queensland scheme with a new civil based confiscation scheme modelled on the Criminal Assets Recovery Act 1990 New South Wales.

As I mentioned before, that act is far superior to probably any other that we have in the state.

In respect of the administrative cost to government of implementation, I note that the government has provided some \$0.547 million output funding to the Department of Justice and Attorney-General in 2002-03 to cover the costs of the department's role in administering the bill, with half a million to be provided in 2003-04 and similar funding thereafter. I think that is a very small amount of money for a good investment. It would not surprise me if we do not get millions if this is put in place effectively because they have had some good results down south.

The other issue is that the reversal of the onus only occurs once the state has satisfied the Supreme Court that the person has been involved in some criminal activity of a specific kind within the previous six years. There are some limitations there. I just wonder whether that is long enough. I suppose it is a start. We can probably at least start along that line.

I believe there is a lot more work to be done. There is a lot of criminal activity that has gone undetected in the past. I notice with regard to this particular bill that there has been some consultation, and that is a change from the government from what we have seen in recent times. It is pleasing to see. It gives us some hope.

Mr Wellington: What does consultation mean?

Mr HOBBS: That is a good point. This is the first time that we have seen consultation on a bill for a long time in this House.

Mr Horan: It is pretty rare.

Mr HOBBS: It is pretty rare, as the member for Toowoomba South says. It will be interesting to see what happens later on this week in relation to other matters before the House. At least here something has been put in place. This bill will go quite some way towards deterring criminals from coming to Queensland. We do not need them. We have enough problems of our own without having to worry about criminals making Queensland a safe haven where they can flourish and carry out their illegal activities.