



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

Hansard Wednesday, 25 November 2009

CRIMINAL PROCEEDS CONFISCATION (SERIOUS AND ORGANISED CRIME UNEXPLAINED WEALTH) AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (11.34 am): I table a draft consultation bill that lays out the LNP's position on smashing serious and organised crime.

Tabled paper: Private member's consultation draft of the Criminal Proceeds Confiscation (Serious and Organised Crime Unexplained Wealth) Amendment Bill 2009 [[1480](#)].

Tabled paper: Explanatory notes for public consultation on the consultation draft of the Criminal Proceeds Confiscation (Serious and Organised Crime Unexplained Wealth) Amendment Bill [[1481](#)].

Profit and wealth are the chief motivators of participants in organised crime. The Criminal Proceeds Confiscation (Serious and Organised Crime Unexplained Wealth) Amendment Bill 2009 proposes to do more than any other legislation ever introduced in Queensland to attack the profit and wealth motivators of organised crime. The core objective of this bill is to remove the financial incentive to commit organised crime. Two important concepts introduced in this exposure draft include (1) the concept of unexplained wealth and (2) the concept of a reverse onus of proof.

The proposed bill defines 'unexplained wealth' as wealth that is greater than the person's wealth that was lawfully acquired. Under existing Queensland law, for the state to confiscate assets there has to be a direct connection between the assets and the criminal offences. That is, the prosecution must first prove a nexus between criminal activity and assets derived from crime. The proposed bill allows for the confiscation of not just unexplained assets legally owned by individuals but also assets effectively controlled or gifted away by that person.

A recent Commonwealth joint committee inquiry into the legislative arrangements to outlaw serious and organised crime groups heard considerable evidence from many Australian and international law enforcement agencies. These law enforcement agencies praised the benefits of unexplained wealth legislation that reverses the onus of proof as a way of disrupting organised crime. From that inquiry it was clear that if we can take away the profit benefit then we are having more impact than we would through any number of other measures.

The LNP's proposed bill contains a number of provisions dealing specifically with drug traffickers. The proposed bill will have the effect of financially devastating declared convicted drug traffickers. The bill would allow authorities to confiscate unexplained assets but also all legitimate assets from a declared drug trafficker. The Public Interest Monitor will oversee the rights of others who are subject to the reverse onus of proof provisions of the bill. I wait for public comment.