




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

**CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND
SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL**

 **Mr MINNIKIN** (Chatsworth—LNP) (5.08 pm): I wish to rise in this House today to speak in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. I wish to take this opportunity to thank the Attorney-General and Minister for Justice, the Hon. Jarrod Bleijie, for bringing another piece of quality legislation to the House. A commitment to dealing with unexplained wealth was included in our six-month plan of July-December 2012. As Edmund Burke said—

The only thing necessary for the triumph of evil is for good men—
and women—

to do nothing.

So it is no surprise that, in this regard, we are getting on with the job and we are getting things done. I would also like to take this opportunity to express my appreciation to the Legal Affairs and Community Safety Committee for undertaking the consideration of this amendment bill.

As the state member for Chatsworth, I am extremely proud to represent the people as part of the Newman government, which is committed to delivering its election commitments. Queensland is indeed a great state with great opportunity for people who wish to prosper the legitimate way. Queensland should not be an attractive state for individuals who wish to have a hiding spot for their wealth that has been created from criminal activity. The Newman government is ensuring that Queensland is not a great state with great opportunity for hardened criminals and their dirty money.

In March of 2012 the Commonwealth Parliamentary Joint Committee on Law Enforcement delivered a report which included evidence from relevant law enforcers. This report suggested that the weaker the appropriate legislation is the more attractive it becomes for a criminal to engage in their illegal activity. Why should we make it easy for the lowest in our society to financially gain from the sale of illegal substances? The sale of these illegal substances is not just a transaction between the dealer, and in more cases than not the addict to a drug, it is far more than that. It affects family, friends and other members of society. People who financially gain from the sale of drugs quite frankly do not give a damn about the \$39 million impact that illicit drug use had on the Queensland healthcare system in 2012. They are more interested in making a quick buck with no regard to their obligation as a member of society to contribute by way of paying their equitable share of tax. In more cases than not serious criminal activity is motivated by a desire to create wealth quickly without involving the taxman too much at all. This amendment bill will effectively ensure that individuals are deterred from potential involvement in serious criminal activity. This amendment bill will enact legislation that will deliver on the Newman government's pre-election commitment to implement unexplained wealth orders and drug-trafficking declarations. This amendment bill shows that the government is serious about cracking down on serious drug offenders in our society and the associated serious criminal activity that they bring.

There are many objectives of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. Firstly, the bill will be amended to implement a scheme to recover unexplained wealth. This amendment bill will also serve to provide innocent dependants of criminals a pathway to apply to the Supreme Court for relief from hardship. The Criminal Proceeds Confiscation Act 2002 will also be amended to introduce serious drug offender confiscation orders. Amendments will be made to both the Criminal Proceeds Confiscation Act and the Penalties and Sentences Act 1982 to introduce harsher confiscation measures when it comes to serious drug offences. The Crime and Misconduct Act 2001 will be amended alongside the Police Powers and Responsibilities Act 2000 to assist with evidence relating to matters that come under the Criminal Proceeds Confiscation Act. Finally, these amendments will increase the effectiveness of the criminal confiscation regime in the state of Queensland.

The Newman government is committed to getting tough on crime of any type and that is why my constituents in the Chatsworth electorate can be assured that unlike the ALP we mean what we say and we actually follow through with positive action. For the benefit of the opposition, I will remind them again of our six-month action plan, July to December of 2012, which has every single action item ticked off. This is the clear distinction between the Newman government and 20 years of ALP government that left behind a legacy of debt and numerous broken policies and promises. These amendments will bring Queensland into line with many other Australian jurisdictions, such as Western Australia, Northern Territory, New South Wales as well as the Commonwealth of Australia, that already have effective legislation in place to deal with unexplained wealth orders.

It is important to note that this amendment bill provides an extension of the state's capacity to obtain an individual's property without their consent. An application can only be made if the individual resides or has property in this state. This amendment bill ensures that the Supreme Court can take action if there appears to be a serious case relating to an individual's unexplained wealth. Often unexplained wealth is the consequence of drug trafficking, an activity that can amass a large income in a relatively small amount of time. This amendment bill provides that serious drug confiscation orders remove the financial gains that result from serious criminal activity that is generally associated with drugs. This amendment bill will have a retrospective effect on an individual's activity, therefore a person may be charged for a crime that occurred before this amendment came into effect.

The Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill most importantly caters for the innocent people who are affected by serious criminal activity. Often an individual may engage in illegal activity without the knowledge of their spouse, child or other dependants. This amendment bill will ensure that dependants can make a special hardship case to the Supreme Court when it comes to assets or wealth that may be forfeited as the funds were a result of criminal activity. Dependant individuals who are innocent bystanders and are severely impacted by a Supreme Court order to seize assets or funds can now apply for relief to ensure that they will not be grossly affected. It has been my utmost privilege to speak in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I thoroughly commend this bill to the House.