

Our ref: Criminal Law Committee

11 March 2013

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By Post and Email to: lacsc@parliament.qld.gov.au

Dear Research Director

Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012- further submission

Thank you for inviting the Society to appear at the public hearing on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012 on 6 March 2013. The Society appreciated the opportunity to discuss our views with members of the Committee.

During the hearing, we advised that we would provide advice in writing regarding the issue of a time limit on the proceeds which can fall under the scope of an unexplained wealth order.

In our view, the legislation should contain a specified time period for the purpose of determining the value of proceeds. We consider that it would be particularly important for a time period to be included given the reversal of the onus of proof inherent in unexplained wealth laws and our concerns with the intrusive nature of these applications.

The Society considers that an appropriate time frame would be the value of proceeds derived over a period of up to 6 years before the application for the order is made. We note that this is the time period specified for other orders under the *Criminal Proceeds Confiscation Act 2002* (such as proceeds assessment orders) and is also proposed as the time frame for serious drug offender confiscation orders, which are also the subject of this Bill. We consider that 6 years would be appropriate to ensure consistency within the legislation.

Thank you for accepting our further submissions on this issue.

Yours faithfully



Annette Bradfield
President