

LEGISLATIVE COUNCIL

CONFISCATION AMENDMENT (UNEXPLAINED WEALTH) BILL 2024

(Amendments and New Clause to be moved by JACLYN SYMES)

1. Clause 24, page 24, after line 8 insert—

"(4) For the purposes of an assessment of a person's wealth under this section—

- (a) property acquired more than 10 years prior to the application date is taken to have been lawfully acquired; and
- (b) a benefit derived more than 10 years prior to the application date is taken to have been lawfully derived; and
- (c) a service or advantage obtained more than 10 years prior to the application date is taken to have been lawfully obtained.

(5) In this section—

application date, for a person whose wealth is being assessed, means the date on which an application is made for an unexplained wealth order to be made against the person."

2. Clause 24, page 24, after line 32 insert—

"Note

A respondent's wealth is taken to have been lawfully acquired if the wealth was acquired more than 10 years prior to the date on which an application is made for an unexplained wealth order to be made against the respondent—see section 40ZAAC(4)."

NEW CLAUSE

3. Insert the following New Clause to follow clause 45—

'45A New section 148 inserted

After section 147 of the **Confiscation Act 1997** insert—

"148 Review of introduction of new unexplained wealth pathway by Confiscation Amendment (Unexplained Wealth) Act 2024

- (1) The Attorney-General must cause a review to be conducted of the operation of Division 1A of Part 4A of this Act and any provisions of this Act that support the operation of that Division.
- (2) The review must be commenced no later than 3 years after the commencement of section 24 of the **Confiscation Amendment (Unexplained Wealth) Act 2024**.

- (3) The review must be completed no later than 12 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of Parliament as soon as practicable after receiving it."!