

Mr Ward has pleaded guilty to a charge of dealing with property suspected of being proceeds of crime. On 29 May 2021 he was driving north on the Midland Highway near Oatlands when police officers stopped him, showed him a search warrant, searched his car, and found \$30,000 in cash under a floor mat in front of the front passenger seat. By his plea of guilty he has acknowledged that he had possession of that money, that he knew it was there, and that there were reasonable grounds to suspect that it constituted proceeds of crime.

He has been charged under s 66B(1) of the *Crime (Confiscation of Profits) Act* 1993. That subsection reads:

"(1) A person who deals with property, if there are reasonable grounds to suspect that the property is proceeds of crime, is guilty of an offence.
Penalty: Imprisonment for a term not exceeding 2 years."

Having possession of property amounts to "dealing" with it for the purpose of this legislation. Under s 66B(2), it is a defence to a prosecution for an offence under s 66B(1) if the defendant satisfies the court that he or she had no reasonable grounds for suspecting that the property was substantially derived or realised, directly or indirectly, from an act or omission constituting an offence against a law in force in the Commonwealth, a State or a Territory. Mr Ward did not seek to establish his innocence pursuant to that provision.

In May 2021 Mr Ward was living in South Australia. He had travelled from South Australia by car to retrieve some belongings and to return to live in South Australia. He was driving towards the Spirit of Tasmania when intercepted. Police officers offered him an opportunity to participate in an interview, but he declined. He cooperated with the authorities by returning to Tasmania in July 2021 when he was arrested, charged and bailed. That saved the cost and inconvenience of extraditing him. He facilitated the administration of justice by pleading guilty to the charge at an early stage. However he did not go so far as to offer any explanation or information as to where the money had come from, whose it was, or where he was taking it.

He is not to be sentenced on the basis that he knew or believed that the money constituted proceeds of crime. If any such knowledge, or even recklessness, were established, he would be guilty of a more serious offence with a higher maximum penalty.

Mr Ward was 33 years old at the time of the interception and is now 35. He was fined for possessing drugs in Queensland in 2018 and 2019, but has no other relevant antecedents. He has a partner but no children. He was educated to grade 12 level in Sydney and has worked as a personal trainer, as a security guard, and in a dog breeding business.

His counsel submitted to me that, because of his general good character, I should not impose a conviction. If Mr Ward wishes to work as a security guard, I understand there is legislation that would require him to disclose a conviction when applying for the appropriate licence over the next ten years, but that disclosure would be required only in the next five years if I deal with him without a conviction. He has family members in North America, but might it difficult or impossible to enter the USA with a conviction for an offence potentially related to money laundering. His counsel assured me that he would not engage in this sort of conduct again.

This was a serious offence. It involved a substantial sum of money. A lot of common mitigating circumstances are absent. Mr Ward is not a youthful offender. He is not a first offender. There is no sign of remorse. There is no suggestion that he became involved in the transportation of the money as a result of gullibility being exploited by a criminal. Apart from cooperating in relation to the prosecution, he has done nothing to facilitate the administration of justice.

Criminal activity involving substantial cash transactions is often very difficult to detect. Deterrent penalties are therefore appropriate for offences involving the possession of substantial sums that constitute the proceeds of crime, or the possession of such sums when there are reasonable grounds to suspect that they are the proceeds of crime. Parliament has therefore made provision for imprisonment as a penalty for a s 66B offence.

Because of the amount of money involved, I consider that imprisonment is an appropriate penalty in this case. It of course counts in Mr Ward's favour that he does not have a bad record and that he cooperated in relation to the prosecution, I am taking those matters into account when deciding on the length of the sentence.

Andrew Frank Ward, I convict you and sentence you to 5 months' imprisonment with effect from 5 December 2022. I order that the \$30,000 seized by police officers from you on 29 May 2021 be forfeited to the State of Tasmania.

Catchwords: Driving with \$30,000 hidden in car. Reasonable grounds for suspecting money was proceeds of crime.