

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Sub Program 2.2.1

Question No. 67

Senator Barnett asked the following question at the hearing on 8 February 2010:

Last June, the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 was introduced into the Parliament:

- a. Has the bill been enacted, ie has it received Royal Assent?
- b. If so, since the introduction of this legislation, have any restraining orders been placed on criminal assets or properties using unexplained wealth provisions?
- c. If so, what is the approximate value of the assets under the restraining order?
- d. Where will the proceeds from these assets go? Will it simply be absorbed into the Government's consolidated revenue?

The answer to the honourable senator's question is as follows:

The Bill received the Royal Assent on 19 February 2010, at which time the unexplained wealth provisions in the Bill commenced.

To date, no restraining orders have been placed on criminal assets in reliance on those provisions.

If an unexplained wealth order is made against a person for the payment to the Commonwealth of a specified amount of money, that amount is a debt due by that person to the Commonwealth, and must be deposited into the Confiscated Assets Account established under the *Proceeds of Crime Act 2002*.

Money in the Confiscated Assets Account does not form part of the consolidated revenue. Funds in the account can only be used for purposes specified in the *Proceeds of Crime Act*. These purposes include funding programs approved by the Minister for the purposes of crime prevention, law enforcement, treatment of drug addiction and diversionary measures relating to illegal use of drugs.