

NEW LAWS TO MAKE CRIMINALS ACCOUNT FOR UNEXPLAINED WEALTH

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Tough new State Government laws will make it easier for police to strip organised crime figures of “unexplained wealth” as part of a raft of new policing measures.

Premier Kristina Keneally told the *NSW Police Association Biennial Conference* on the Central Coast that the **new *Unexplained Wealth Laws*** will give the *NSW Crime Commission* unprecedented powers to target major crime figures.

Now money and assets confiscated from those suspected of criminal activity will go straight back into providing compensation to victims of crime.

This could mean an additional \$120 million for victims of crime over the next decade.

The **new *Unexplained Wealth Laws*** will overcome significant challenges that law enforcement agencies currently face when investigating major crimes in NSW. Under existing laws, police must prove the money and assets are the proceeds of criminal activity.

Now the onus will be on suspects to prove they obtained their wealth legitimately.

“Organised crime bosses and major drug traffickers often go to extraordinary lengths to hide the source of their tainted assets from the reach of law enforcement agencies,” Ms Keneally said.

“This is about lifting the lid on the ill-gotten gains of major crimes in NSW.

“It will send a powerful message to crime figures.

“Converting sportscars and luxury homes that are obtained through criminal activity into compensation to help victims heal and put their lives back together is one of the most important things we can achieve with this law.”

Other tough new police measures announced at the conference include:

- **A review of the *Police Integrity Commission Act 1996*** to examine the possibility of giving the PIC Inspector powers of direction that ensure police officers under investigation are afforded procedural fairness; and
- **An independent review of the police promotions system** to ensure all police vacancies are being fairly filled by the best available officers to be conducted by the Hon. Lance Wright, former President of the NSW Industrial Relations Commission.

Under the new ***Unexplained Wealth Laws***, 50 per cent of monies obtained will be directed to the *Victims Compensation Fund* which provides payments to those who have suffered injuries through violent crime, including both psychological and physical harm.

In 2008/09, the *NSW Crime Commission* confiscated more than \$24 million in proceeds of crime under the *Criminal Assets Recovery Act (CARA)*, and so far this financial year more than \$23 million has been confiscated.

Criminal assets confiscated last year included real estate, large sums of cash, prestige vehicles, motorcycles, boats, jewellery, spa baths, plasma televisions and casino chips.

The tough new laws mean:

- The **NSW Crime Commission** will now be able to pursue unexplained wealth accumulated by a suspect over an unlimited period of time. Previously the commission was restricted to targeting assets linked to criminal activity in the past six years;
- The **Supreme Court** will be given the discretion to not make an unexplained wealth order if it considers it in the public interest not to do so, for instance if a person is genuinely unable to locate records from their distant past; and
- Suspects will also have the right to appeal against an order.

The *NSW Crime Commission* will now be able to apply for a special unexplained wealth order if it can show the Supreme Court there is a “reasonable suspicion” a person is engaged in serious criminal activity.

The unexplained wealth laws were developed following a series of national meetings on organised crime involving both law enforcement and justice agencies.

Attorney General John Hatzistergos said the NSW Government is now briefing other States and Territories to ensure there are no loopholes.

“NSW is working with other jurisdictions in Australia to ensure unexplained wealth orders are recognised interstate,” Mr Hatzistergos said.

“Organised criminals often try to hide behind a facade of legitimacy by staying one step away from observable criminal conduct.

“These new laws will give police a powerful weapon in the battle to dismantle major criminal enterprises – no enterprise can operate without funding.

“They will also apply to family members or associates who may be holding wealth derived from the proceeds of serious criminal activities.

“There are major crime suspects known to police who have accumulated wealth far in excess of their legitimate occupations and declared income.”

Amounts confiscated under CARA:

Financial Year	CARA – realisable Confiscation orders
1996-97	\$3,983,345
1997-98	\$10,152,292
1998-99	\$9,386,039
1999-00	\$11,015,299
2000-01	\$8,744,925
2001-02	\$9,411,967
2002-03	\$16,692,136
2003-04	\$15,204,694
2004-05	\$14,068,743
2005-06	\$13,125,527
2006-07	\$17,764,497
2007-08	\$29,654,262
2008-09	\$24,000,808
2009 -	\$23,000,000
Total	\$206,204,534