

**DISCUSSION PAPER****Statutory Review of the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016****BACKGROUND:**


The Attorney General (AG) is presently reviewing the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016* ('Amendment Act').

On 3 June 2021 the AG wrote to the Commissioner of Police seeking input on how the amendments have worked in practice, and in particular:


- the extent to which the Amendment Act has achieved the intended outcomes;
- any factors which have been an impediment to the Amendment Act achieving the intended outcomes; and
- how the operation of the *Criminal Assets Confiscation Act 2005* might be improved to realise the outcomes sought by the Amendment Act or to otherwise improve how the proceeds of serious drug offences are dealt with within the criminal justice system.

**RELEVANT POINTS:****The extent to which the Amendment Act has achieved the intended outcomes.**

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)




4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), Clause 16(1)(a)(iv), and Clause 16(1)(b)


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**Any factors which have been an impediment to the Amendment Act achieving the intended outcomes**


4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), Clause 16(1)(a)(iv), and Clause 16(1)(b)

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4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)



4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)




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<sup>1</sup> South Australia, Parliamentary Debates, House of Assembly, 2012, HANSARD-11-12107 (John Rau, Attorney-General)

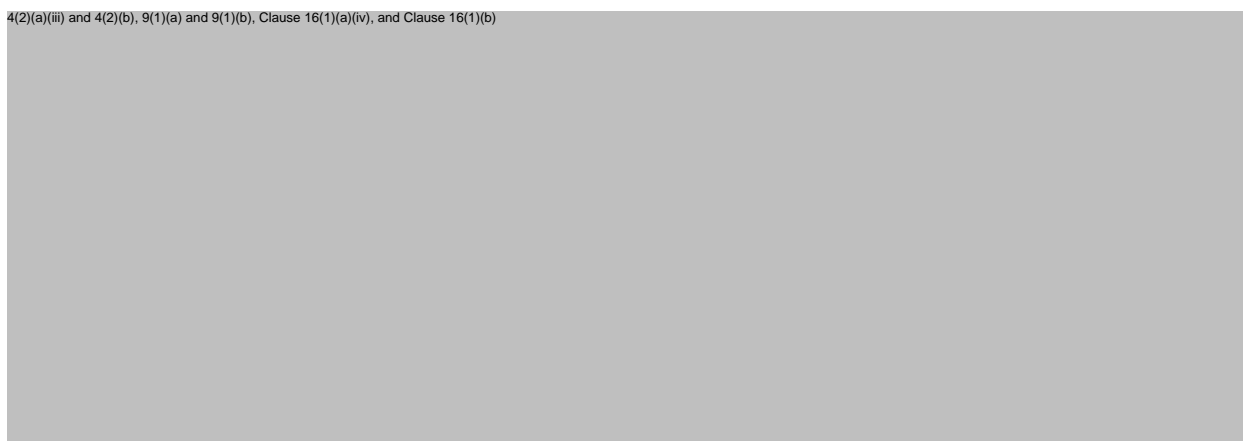


4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), Clause 16(1)(a)(iv), and Clause 16(1)(b)



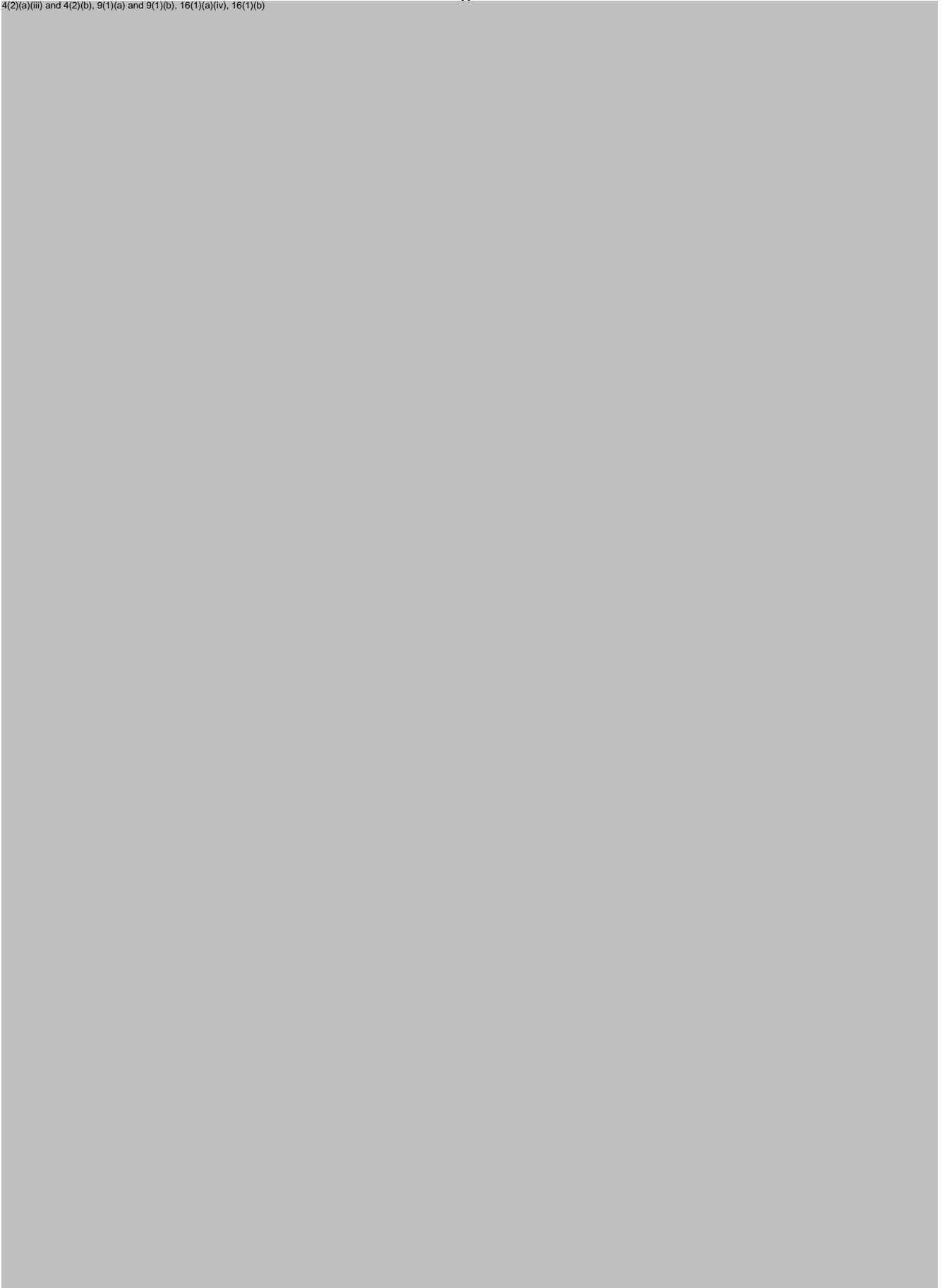
**How the operation of the *Criminal Assets Confiscation Act 2005* might be improved to realise the outcomes sought by the Amendment Act or to otherwise improve how the proceeds of serious drug offences are dealt with within the criminal justice system.**

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), Clause 16(1)(a)(iv), and Clause 16(1)(b)



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<sup>2</sup> South Australia, Parliamentary Debates, House of Assembly, 2004, 844 (Michael Atkinson, Attorney-General)




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<sup>3</sup> Part 4, Division 2 – Freezing notices, *Criminal Property Confiscation Act 2000* (WA)


<sup>4</sup> South Australia, Parliamentary Debates, House of Assembly, 2004, 843 (Michael Atkinson, Attorney-General)

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)



<sup>5</sup> South Australia, Parliamentary Debates, House of Assembly, 2004, 844 (Michael Atkinson, Attorney-General)

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)




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<sup>6</sup> Criminal Assets Confiscation (Miscellaneous) Amendment Bill, *Second Reading*, 2018, (Vickie Chapman, Deputy Premier, Attorney-General)

<sup>7</sup> *Criminal Property Confiscation Act 2000 (WA)*, section 131(2)

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)




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<sup>8</sup> *Confiscation Act 1997 (Vic)*, sections 19A, 19B, 19C

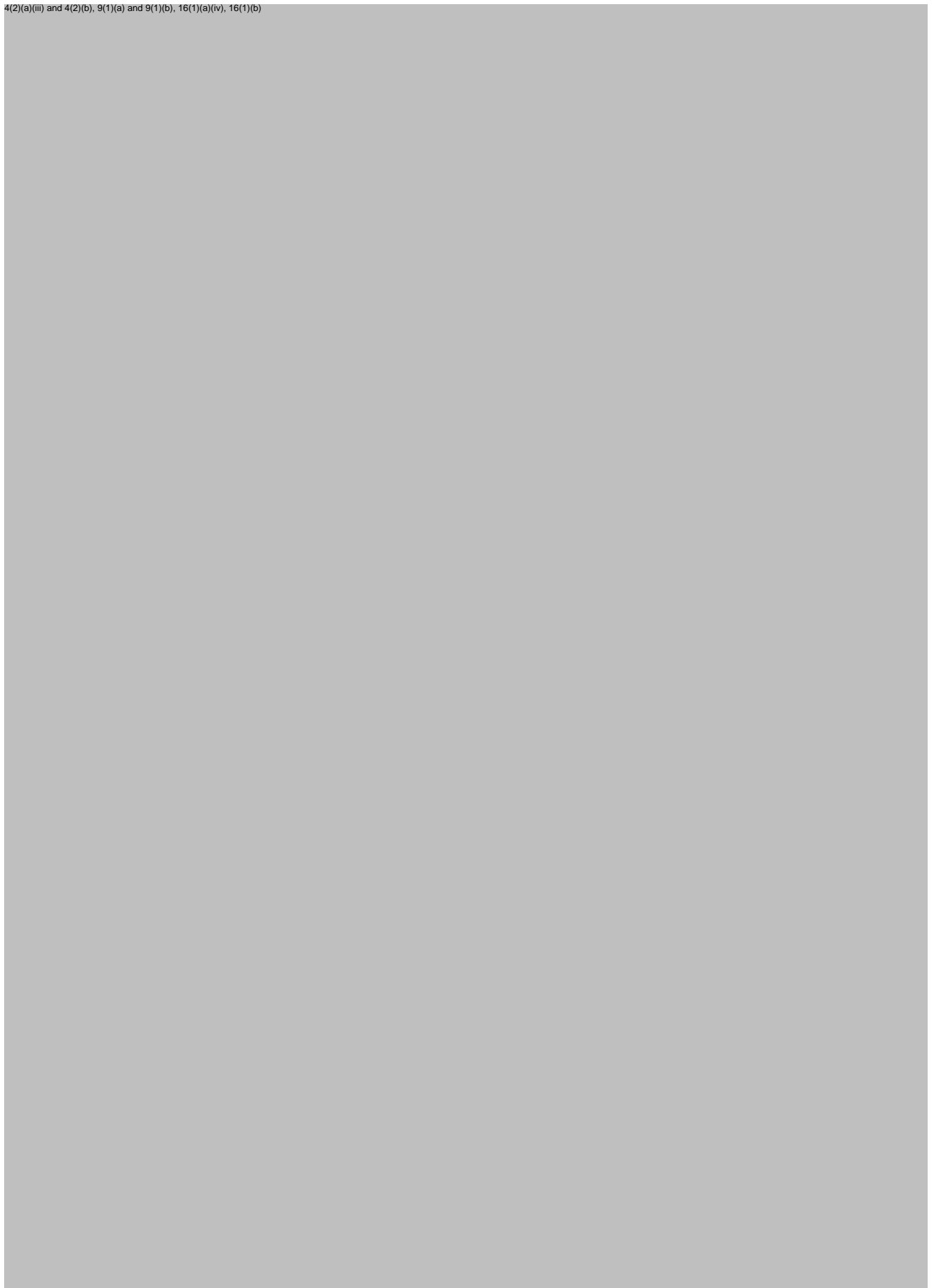
<sup>9</sup> *Criminal Property Confiscation Act 2000 (WA)*, section 37

<sup>10</sup> *Criminal Property Confiscation Act 2000 (WA)*, sections 50

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)




4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)



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<sup>11</sup> South Australia, Parliamentary Debates, House of Assembly, 2011, (John Rau, Attorney-General)

4(2)(a)(iii) and 4(2)(b), 9(1)(a) and 9(1)(b), 16(1)(a)(iv), 16(1)(b)



Prepared by: Detective Senior Sergeant Carly McMahon  
Contact: Detective Superintendent Adam Rice  
Telephone: <sup>6(1)</sup>  
Date: 6 July 2021  
Reference: MLO 0775/21

Recommended:

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Officer in Charge  
Financial and Cybercrime  
Investigation Branch

/ / 2021

Approved:

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Assistant Commissioner  
Crime Service

/ / 2021