



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

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Committee Secretary
Parliamentary Joint Committee on Law Enforcement
PO Box 6100
Parliament House
Canberra ACT 2600
Email: le.committee@aph.gov.au

Dear Committee Secretary

RE: Inquiry into Commonwealth unexplained wealth legislation and arrangements.

Thank you, for the opportunity to provide comments to the Parliamentary Joint Committee on Law Enforcement into Commonwealth unexplained wealth legislation and arrangements.

The inquiry is welcomed as effective unexplained wealth legislation has the potential to be another vital tool to attack the economic base of those who seek to profit from crime and it provides a legitimate strategy to target those who have accumulated unexplained wealth.

In response to the Inquiry I offer:

- Organised crime is traditionally built on wealth acquisition and any initiatives specifically designed to target unexplained wealth and or proceeds of crime are supported.
- The South Australian *Serious and Organised Crime (Unexplained Wealth) Act 2009*, was proclaimed on 29 August 2010. To date there have been no incidents of interaction between South Australia Police and other *Commonwealth, state and territory legislation and law enforcement activity* on specific targets or criminal networks.
- Unexplained wealth legislation is a relatively new initiative and there is an opportunity for enhanced coordination, cooperation and information sharing between Commonwealth and State agencies. This is particularly so with the targeting of assets involving criminal networks.
- With crime types such as drugs, motor cycle gangs and cyber-crime there are formalised high level structures and processes which are in place to enhance levels of cooperation between Commonwealth and State agencies. Consideration could be

given to adopting a similar approach for the targeting of assets within criminal networks throughout Australia to achieve desired outcomes. This would also potentially improve unexplained wealth arrangements and practices between jurisdictions. The ultimate aim being the development of a robust National approach.

- The effectiveness of the Inquiry may be enhanced through acknowledging and potentially addressing the existing inconsistencies of the current State and Commonwealth unexplained wealth legislation and arrangements.
- If it is intended that multi-jurisdictional unexplained wealth operations will take place upon the introduction of Commonwealth legislation, decisions will need to be made on a case by case basis as to whether State or Commonwealth legislation is utilised.
- If multi-jurisdictional unexplained wealth operations are intended, determinations relating to the allocation of recovered money/assets will need to be made to prevent disputes between agencies.
- For example - monies recovered under South Australian unexplained wealth legislation is directed '*towards the costs of administering the Act*', with any remaining balance paid into the Victims of Crime Fund. Agreed principles between the Commonwealth / State and Territories will need to be developed specifying equitable arrangements for disbursing received money and assets. Similar discussions have occurred in relation to criminal asset confiscation legislation.
- The effectiveness of identifying unexplained wealth targets across jurisdictions to counter serious and organised crime will probably be limited unless clear mechanisms are developed and implemented to facilitate appropriate information exchange and target development assessment processes.

South Australia Police will monitor with interest any outcomes or decisions arising from the Inquiry.

~~Yours sincerely,~~

(Malcolm A Hyde)
COMMISSIONER OF POLICE