

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

Group: 3

Program: Other Agency

Question: BE14/003

Senator Macdonald asked the following question at the hearing on 26-29 May 2014:

CHAIR: That is indeed interesting. Mr Dawson mentioned that in the last year they had recovered \$31 million of illegal cash—and drugs. I do not suppose we can convert the drugs to cash unless we are in the market ourselves, which I am sure we are not! But would that \$31 million normally go to the Crime Commission?

Mr Dawson: The \$31 million is cash only. That excludes any seizure of property that might be forfeited under the Proceeds of Crime Act. I should add, though, that the totality of that \$31 million cash since December 2012 is subject to a joint task force approach with other law enforcement agencies, so it may be a shared arrangement with other enforcement agencies on a pro rata basis as to—

CHAIR: But it goes back to fighting crime?

Mr Dawson: It goes back to the confiscated assets account if it is lawfully seized and subject to those arrangements.

CHAIR: You said the \$31 million was cash. Do you have a figure for the assets seized in the same period and which now presumably are assets of the good guys, whether that is the government, your commission or someone else?

Mr Dawson: Given that it is a national situation, each law enforcement agency under the jurisdictional arrangements will make applications. They are generally subject to conviction based asset seizures. So we will have to wait until the court determinations, because they generally relate to predicate offences. It is an ongoing—

CHAIR: You said 'since December 2012'. For the period since December 2012 do you have a figure—perhaps you could take this on notice—that results from the sale of seized assets that came to the Crime Commission, acknowledging that some would go to the Queensland Police Service and some to the Federal Police?

Mr Dawson: Yes. In addition to the cash, I am advised that the restraint of more than \$30 million of assets is subject to the national arrangements. A proportion of that will be subject to convictions. I am not talking about unexplained wealth; I am talking about assets seized during criminal investigations from persons subject to charges. So, in addition to the \$31 million in cash, \$30 million worth of assets are under seizure at the moment from that same period.

CHAIR: Perhaps on notice you could tell me what you actually got into your bank account in that same period from the sale of those assets.

Mr Dawson: I will take that on notice.

CHAIR: If you would, thanks.

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

Since its commencement, the Eligo National Task Force (Eligo) has undertaken significant operational activity culminating in the disruption of several global money laundering and drug networks.

In conjunction with partner agencies, more than \$60 million in cash and assets have either been seized or restrained since the commencement of ACC Eligo Task Force in December 2012.

\$8.4 million worth of cash and assets have been ordered by the courts to be forfeited. This is comprised of:

- \$1.4 million to the Commonwealth pursuant to the *Proceeds of Crime Act 2002* (Cth), and
- \$7 million to the State of New South Wales pursuant the *Criminal Assets Recovery Act 1990* (NSW).

Other matters remain before the courts.

Under the *Proceeds of Crime Act 2002*, funds from the forfeiture of assets to the Commonwealth are deposited into the Confiscated Assets Account, rather than being paid directly to any one agency.

Funds are then allocated from this account on a project by project basis.

As such it is impossible to allocate specific expenditure associated with the \$1.4m forfeited to the Commonwealth as a result of the Eligo National Taskforce. However, the ACC has recently received \$3 million from the Confiscated Assets Account in order to bolster its resourcing in the area of unexplained wealth intelligence.