

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 282

Senator Ludwig asked the following question at the hearing on 31 October 2005:

- a) In how many cases has a person had assets restrained and or forfeited prior to the finalisation of a criminal prosecutions commencing or when the criminal charges are heard?
- (i) What is the total value of the restrained assets?
 - (ii) Of those assets that have been restrained prior to the finalisation of a criminal prosecution commencing, how many have subsequently been forfeited, and how many have been released back to the original owner?
- b) Regarding requests for assistance from foreign law enforcement agencies, proceeds of crime, how many requests have been received?
- (i) What countries have they been received from?
 - (ii) How much has been forfeited to these countries?
 - (iii) What is the process of requesting?
 - (iv) How many requests are denied?
 - (v) What reasons are they denied for?

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

- a) Between 1 January 2003 and 31 October 2005 there have been 128 cases where the AFP has restrained and/or forfeited assets prior to the finalisation of criminal prosecutions commencing or when the criminal charges are heard.
- (i) Total value of restrained assets for the period 1 January 2003 to 31 October 2005 is \$38,324,679. This figure does not include asset values restrained in civil proceedings. Combined with civil forfeitures this figure is substantially larger.
 - (ii) Forfeited assets – 249
Released assets - 193.
- b) 14.
- (i) China, Indonesia, Germany, Philippines, Zambia, United States of America, United Kingdom, Ukraine, Czech Republic and Hong Kong.
 - (ii) \$620,000.00 has been forfeited to Indonesia and \$201,000.00 has been forfeited to the UK. No monies have been forfeited to the other countries at this stage.
 - (iii) There are two ways that a foreign country may request assistance. Firstly, through the *Mutual Assistance in Criminal Matters Act 1987* whereby the Attorney-General's Department refers all requests via AFP internal processes. Secondly, the AFP may commence *Proceeds of Crime Act 2002* inquiries based upon information received directly from foreign law enforcement agencies prior to receipt of a Mutual Assistance Request. Again, this information is received via AFP internal processes.

- (iv) Mutual Assistance Requests are received first through the Attorney General's Department who make the decision as to whether the matter is accepted or not. For this reason the AFP do not have data on the number of requests denied.
- (v) Mutual Assistance Requests are received first through the Attorney General's Department who make the decision as to whether the matter is accepted or not, consequently the AFP does not have information on the reasons for denied requests.