

ATTORNEY GENERAL — CONFISCATION OF THE PROCEEDS OF CRIME

1315. Hon Aaron Stonehouse to the Leader of the House representing the Attorney General:

- (1) I refer the Minister to the Auditor General's recent report on the *Confiscation of the Proceeds of Crime*, and specifically to the correspondence on page 11, wherein the Director of Public Prosecutions (DPP) states that, and I quote, "The DPP has long submitted that confiscations activities should be centralised in one agency, with that agency having powers to investigate, issue notices, manage property and conduct confiscation proceedings. This would likely resolve, or at least make possible the resolution of, many of the issues identified by the OAG. Creation of such an agency would require amendment of the Criminal Property Confiscation Act." In light of that statement, I ask:
 - (a) does the Attorney General acknowledge and agree with Auditor General's findings that:
 - (i) no single agency knows what impact confiscating assets is having on crime;
 - (ii) seized assets could be better managed than they are at present to minimise deterioration in condition and value between seizure and either sale or return of the asset; and
 - (iii) more clarity is needed around the outcomes that the DPP and Western Australia Police are to achieve from the Confiscation Account funding they receive each year?
 - (2) Does the Attorney General agree with the DPP submission recommending the creation of a single, centralised agency with the power to investigate, issue notices, manage property and conduct confiscation proceedings and, if yes, what form might such an agency take?
 - (3) Does the Attorney General have any plans to review and amend the *Criminal Property Confiscation Act 2000* beyond those already before this Parliament?

Hon Sue Ellery replied:

I thank the Hon member for notice of the question.

- (1) (a) The Attorney General acknowledges the Auditor General's report and has considered its findings and recommendations.
 - (i) The objective of the audit was to assess if agencies are effectively and efficiently identifying, confiscating and distributing proceeds of crime. Through these performance measures we already know, to some extent, the impact confiscations activities has on disrupting crime.
 - (ii) As the primary purpose of these activities is to disrupt crime, not generate income, it is more efficient and effective to allocate funds and resources on confiscations activities rather than maintaining assets to preserve their value.
 - (iii) The agreement with the Office of the Director of Public Prosecutions clearly specifies Key Performance Indicators and the funding is used in accordance with the *Director of Public Prosecutions Act 1991*.
- (2) The audit did not sufficiently take into account the broader legislative framework of the *Criminal Property Confiscations Act 2000 (CPCA 2000)* (WA) and found that the agencies responsible under this act are adequately identifying, freezing and confiscating assets.
- (3) The *Corruption, Crime and Misconduct and Criminal Property Confiscations Amendment Bill 2017* was passed by this Parliament on the 28 June 2018. The Attorney General intends to appoint a suitably independent reviewer to undertake a review of the *Criminal Property Confiscations Act 2000* (WA) and is not currently considering any amendments to that Act at this stage.