



# NORTHERN TERRITORY GOVERNMENT FACT SHEET

## Criminal Property Forfeiture Act 2002

The Government has committed to addressing the illicit drug trade and its links to crime. The Government's drug laws package is targeted at drug dealers, traffickers and manufacturers.

The purpose of criminal property forfeiture schemes is to prevent unjust enrichment from criminal activity – so that crime **does not** pay. Criminal property forfeiture also prevents criminals from financing future criminal activities and returns ill-gotten criminal gains to the community.

The *Criminal Property Forfeiture Act* will improve the Northern Territory's ability to confiscate proceeds of crime by moving to a non-conviction based civil scheme.

All other states in Australia have a non-conviction civil scheme for criminal property forfeiture. The Northern Territory's move to this scheme will help prevent the relocation of criminal activity from southern states, where non-conviction based schemes are making an impact. The Northern Territory must not become a haven for those who seek to profit from illegal activities.

**The *Criminal Property Forfeiture Act* will allow for confiscation of property used in, or in connection with, the commission of a criminal offence. The object of the legislation is the recovery of assets and profits.**

Civil forfeiture can occur where a court is satisfied that it is more probable than not that criminal conduct has occurred.

Police will be able to obtain restraining orders over property where they believe the property is crime-used or crime-derived. Appropriate powers will allow investigators to monitor and suspend financial transactions, produce property-tracking documents and account for unexplained wealth.

In particular this legislation provides for the confiscation of ill-gotten gains of declared Drug Traffickers. A declared Drug Trafficker is a person convicted of three serious drug offences.

Once declared a Drug Trafficker, all property subject to a restraining order that is owned or controlled by the person, and all property that was given away by the person will be forfeited to the Territory.



Northern Territory Government

