

Question on Notice

No. 1007

Asked on 23 August 2018

MR T WATTS ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

With reference to the *Criminal Proceeds Confiscation Act 2002*—

Will the Attorney-General provide Chapter 2 and Chapter 3 confiscations in the format published on the Open Data website (reported separately for 2013-14 to 2017-18)?

ANSWER:

I thank the Member for Toowoomba North for his question.

The *Criminal Proceeds Confiscation Act 2002* (the Act) provides for the confiscation of property derived from criminal activity. There are two ways proceeds of crime may be recovered:

1. Conviction-based, which enables the recovery of property associated with a crime **after** a conviction for that crime has been secured; and
2. Non-conviction based, which allows the recovery of property suspected of criminal origins **without** the necessity of securing a criminal conviction.

The Director of Public Prosecutions is responsible for administering the conviction-based scheme under Chapter 3 of the Act. The Crime and Corruption Commission administers the non-conviction based scheme under Chapter 2 and the serious drug offender confiscation order scheme under Chapter 2A of the Act. The Director of Public Prosecutions is the solicitor on record for all proceedings under the Act.

Each financial year, the Office of the Director of Public Prosecutions publishes an annual report, containing confiscation statistics. The annual report for the Office of the Director of Public Prosecutions is publicly available through the Office's website. The further publication of this data on the Queensland Government Data website is not mandated and is at the discretion of the Office of the Director of Public Prosecutions.

For the member's information, I attach a document entitled 'Criminal Proceeds Confiscations 2007-2018' which contains confiscations data for Chapters 2, 2A and 3 of the *Criminal Proceeds Confiscation Act 2002*, for the financial years 2007-2008 to 2017-2018. As requested, this data is in the format published on the Queensland Government Data website.

I note the Chapter 3 figures for the 2016-2017 financial year, in the tabled document, are higher than the figures provided in the 2016-2017 annual report of the Office of the Director

of Public Prosecutions. This error was discovered when confirming the figures for this response and I am advised that the figures provided in the tabled document are accurate.

The member will also note the figures in the tabled document, while consistent with the format published on the Queensland Government Data website, include an additional row for serious drug offender confiscation matters. This additional row reflects the commencement of the serious drug offender confiscation order scheme in September 2013 and data that is ordinarily included in the annual report of the Office of the Director of Public Prosecutions.

Criminal Proceeds Confiscations 2007-2018

Chapters 2 & 2A historical statistical results 2007-2008 to 2017-2018

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
New matters	55	51	69	34	31	25	40	37	50	51	28
Restraining orders	78	78	97	44	64	48	65	63	73	68	40
Serious drug offence certificates issued	N/A	N/A	N/A	N/A	N/A	N/A	9	315	582	1,035	1,090
Value of assets restrained	\$18.56m	\$24.37m	\$19.5m	\$14.11m	\$20.86m	\$17.091m	\$13.799m	\$18.316m	\$19.052m	\$21.120m	\$9.712m
Value of assets forfeited	\$4.675m	\$3.31m	\$5.57m	\$9.32m	\$7.01m	\$16.983m	\$7.65m	\$8.375m	\$10.01m	\$8.994m	\$9.454m

Note: The serious drug offender confiscation order scheme (Chapter 2A) commenced on 6 September 2013, which explains nonexistent data for previous years and, accounts for low figures in the 2013-2014 financial year.

Chapter 3 historical statistical results 2007-2008 to 2017-2018

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Pecuniary Penalty Orders collected	*\$467,771	*\$750,071	*\$1,120,894	\$164,819	\$123,996	\$148,203	\$120,812	\$210,376	\$82,265	\$92,416	\$237,572
Forfeiture Orders collected	\$948,220	\$646,592	\$571,430	\$458,074	\$597,062	\$638,046	\$969,269	\$815,475	\$589,185	\$1.840m	\$2,607,845
Total monies collected	\$1,415,992	\$1,396,663	\$1,692,324	\$622,894	\$721,058	\$786,250	\$1,090,081	\$1,025,851	\$671,450	\$1,932,416	\$2,845,417