



LEGISLATIVE ASSEMBLY OF THE NT  
TABLED DOCUMENTS

Committee: EPSC  
 Paper No: 1-10 Date: 29 / 10 / 2019  
 Tabled By: AGD - re Criminal Property Forfeiture Amendment Bill 2019  
 Signed: KB

## Example

*Equitable sharing of \$60 million following a joint proceeds of crime operation between the Commonwealth, a participating jurisdiction (e.g. NSW), a foreign jurisdiction (e.g. USA) and a non-cooperating jurisdiction (e.g. Qld).*

1. *On 1 May 2018, AFP successfully obtains an unexplained wealth order under the Proceeds of Crime Act 2002 (Cth). It has 60 days from that date to advise the CJC.*
2. *On 4 May 2018, AFP advises other members of the CJC of the final unexplained wealth order. The CJC has until 4 November 2018 (ie six months) to establish a sub-committee and have that committee decide the proportions to be distributed to contributing jurisdictions.*
3. *On 6 May 2018, the Minister for Home Affairs, as the Minister for the forfeiting jurisdiction, decides to allocate ten million dollars to the USA, to be paid once the allocation of the remaining funds (\$50 million) is determined.*
4. *On 4 June 2018, the CJC meets and determines which party or parties to the national scheme were involved in the joint operation – in this case NSW and the Commonwealth. NSW and the Commonwealth form the CJC sub-committee.*
5. *The CJC sub-committee agrees that Qld (a non-cooperating jurisdiction) contributed to the joint investigation and that 10% should be allocated in recognition of this contribution.*
6. *For the remaining 90%, NSW and Commonwealth could then:*
  - *Agree that there are no exceptional circumstances which would warrant departure from the presumption of equal proportion. The remaining amount would be distributed in equal shares (45% each);*
  - *Agree that there were exceptional circumstances to vary the equal shares presumption and agree on a different proportion of allocation, such as 10% to the Commonwealth and 80% to NSW; or*
  - *Agree that there are exceptional circumstances to vary the equal shares presumption, however do not agree on a different allocation – revert back to equal shares between Cth and NSW.*
7. *The Department of Home Affairs brief the Commonwealth Minister on the outcome of the CJC sub-committee consideration in consultation with the AFP.*
8. *Two million dollars of the unexplained wealth amount is allocated to the respondent's spouse as hardship payment, as specified in the court order.*
9. *The Commonwealth Minister authorises the payment of:*
  - *ten million dollars to USA, and*
  - *the remaining amount (\$48 million) distributed to NSW, Qld and retained by the Commonwealth in the proportions agreed by the CJC sub-committee.*