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Mr Tony Sievers MLA  
Chair  
Economic Policy Scrutiny Committee  
GPO Box 3721  
Darwin NT 0801

Via email: [EPSC@nt.gov.au](mailto:EPSC@nt.gov.au)

Dear Mr Sievers

Thank you for your letter dated 18 October 2019 in regards to the Criminal Property Forfeiture Amendment Bill 2019 that the Economic Policy Scrutiny Committee is conducting.

Please find attached the response to the question on notice raised by the Economic Policy Scrutiny Committee.

Don't hesitate to contact my office on 89365610 if you require any further information.

Yours sincerely

NATASHA FYLES

- 7 NOV 2019

**ECONOMIC POLICY SCRUTINY COMMITTEE**  
**RESPONSE BY THE DEPARTMENT OF THE ATTORNEY-GENERAL**  
**AND JUSTICE**  
**TO QUESTION ON NOTICE FROM THE COMMITTEE**  
**CRIMINAL PROPERTY FORFEITURE AMENDMENT BILL 2019**

**Question on Notice:**

*The definition of “contributing jurisdiction” under proposed section 130A does not appear to include the Northern Territory. However, it would appear that it is meant to include the NT, as proposed sections 130G(4)(d), 130P and 130Q all refer to “other contributing jurisdictions”. In addition, proposed section 130J(1) refers to sharing the proceeds between “contributing jurisdictions”.*

*Please clarify why the NT is not included in the definition of “contributing jurisdiction” and whether this is covered by another provision in the Bill.*

**AGD Response:**

The definition of **contributing jurisdiction** in the Criminal Property Forfeiture Amendment Bill 2019 does not include the Territory, because the Territory is the **forfeiting jurisdiction** (for example, in the context of section 130J).

As the *Criminal Property Forfeiture Act 2002* operates in our jurisdiction when the Territory pursues a forfeiture action, for the purposes of the National Scheme, the Territory will always be the **forfeiting jurisdiction** (the one which is pursuing the assets in the Territory), and other jurisdictions will be the **contributing jurisdictions** (if they provide assistance to the action). The Territory, along with all other signatories to the National Scheme, are defined as **participating jurisdictions** for the purpose of the National Scheme.

In other **participating jurisdictions** (for example, in the ACT), the Territory is defined as a **contributing jurisdiction**, as the Territory would be contributing to any potential forfeiture action in that jurisdiction (for example, section 135A of the *Confiscation of Criminal Assets Act 2003* (ACT)).