

Passed by both Houses



New South Wales

Criminal Assets Recovery Amendment Bill 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Criminal Assets Recovery Amendment Bill 2014

Act No , 2014

An Act to amend the *Criminal Assets Recovery Act 1990* to make further provision with respect to the recovery of proceeds of illegal activities from persons associated with the perpetrators, and for other purposes.

See also the *Mining and Petroleum Legislation Amendment Act 2014*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Criminal Assets Recovery Amendment Act 2014*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Criminal Assets Recovery Act 1990 No 23

[1] Section 4 Definitions

Insert “(including, without limitation, an increase in the value of an interest in property)” after “benefit” in the definition of *proceeds* in section 4 (1).

[2] Section 4 (1), definition of “proceeds”

Omit paragraph (b). Insert instead:

- (b) by another person if the person engaged in the activity:
 - (i) intended for the other person to derive or realise (whether directly or indirectly) the interest, service, advantage or benefit, or
 - (ii) knew, or ought reasonably to have known, that the other person would be likely to derive or realise (whether directly or indirectly) the interest, service, advantage or benefit.

[3] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

any other Act that amends this Act

[4] Schedule 1, Part 6

Insert after Part 5:

Part 6 Criminal Assets Recovery Amendment Act 2014

26 Application of amendments

- (1) The amendments made to this Act by the *Criminal Assets Recovery Amendment Act 2014* extend to:
 - (a) activities engaged in, and to proceeds that were derived or realised, before the commencement of those amendments, and
 - (b) applications for orders under this Act made (but not yet determined) before the commencement of those amendments.
- (2) Nothing in those amendments affects the validity of any order made under this Act before the commencement of the amendments.