



New South Wales

Criminal Assets Recovery Amendment (Organised Crime Reforms) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Criminal Assets Recovery Act 1990* (***the Act***) for the following purposes—

- (a) to remove the requirement that the Supreme Court, when considering whether to make an assets forfeiture order or proceeds assessment order against a person, only considers the conduct of the person in the 6-year period before the making of the application for the order,
- (b) to require an arms-length transaction before a person can be said to have acquired an interest in property for sufficient consideration,
- (c) to clarify the Supreme Court must have regard to an increase in the value of property and money or property held in, or distributed from, a trust when making a proceeds assessment order,
- (d) to include certain offences under the *Public Health (Tobacco) Act 2008* as serious criminal offences,
- (e) to make other minor amendments.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Criminal Assets Recovery Act 1990 No 23

Schedule 1[7]–[12] remove the 6-year limitation on the retroactive recovery of proceeds of illegal activities of a person if the Supreme Court finds it more probable than not that the person has engaged in serious crime related activity or acquired the proceeds of illegal activities. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[5] provides that, for the purposes of the Act, a person acquires an interest in property for sufficient consideration if the person acquires the interest—

- (a) by way of an arms-length transaction, and
- (b) for a consideration that reflects the value of the interest.

Schedule 1[6] includes certain offences under the *Public Health (Tobacco) Act 2008* as serious criminal offences.

Schedule 1[13] provides that money or an interest in property may be assessed for the purposes of making a proceeds assessment order even if the money or interest is held in, or distributed from, a trust.

Schedule 1[14] extends the meaning of *benefit or advantage* in the Act, section 28 to include an increase in the value of property. The Supreme Court must have regard to an increase in the value of property when making an assessment for a proceeds assessment order.

Schedule 1[2] inserts a definition of *derived* to ensure the terms “derived” and “realised” are used consistently in the Act. **Schedule 1[3] and [4]** make consequential amendments.

Schedule 1[15] inserts savings and transitional provisions consequent on the enactment of the proposed Act.



New South Wales

Criminal Assets Recovery Amendment (Organised Crime Reforms) Bill 2025

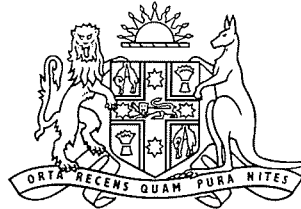
Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Criminal Assets Recovery Act 1990 No 23	3

This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Criminal Assets Recovery Amendment (Organised Crime Reforms) Bill 2025

No , 2025

A Bill for

An Act to make miscellaneous amendments to the *Criminal Assets Recovery Act 1990*.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Criminal Assets Recovery Amendment (Organised Crime Reforms) Act 2025</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6

Schedule 1	Amendment of Criminal Assets Recovery Act 1990 No 23	1
		2
[1] Section 3 Principal objects		3
Omit “in the previous 6 years” from section 3(b).		4
[2] Section 4 Definitions		5
Insert in alphabetical order in section 4(1)—		6
<i>derived</i> includes realised.		7
[3] Section 4(1), definition of “proceeds”		8
Omit “or realised”.		9
[4] Section 4(1), definition of “proceeds”, paragraph (b)(i) and (ii)		10
Omit “or realise” wherever occurring.		11
[5] Section 4(2)		12
Omit the subsection. Insert instead—		13
(2) A reference in this Act to acquiring an interest in property for sufficient consideration is a reference to acquiring the interest—		14
(a) by way of an arms-length transaction, and		15
(b) for a consideration that, having regard solely to commercial considerations, reflects the value of the interest.		16
[6] Section 6 Meaning of “serious crime related activity”		17
Insert after section 6(2), definition of <i>serious criminal offence</i> , paragraph (f)—		18
(f1) an offence under the <i>Public Health (Tobacco) Act 2008</i> , section 6(1), 6A(2), 6A(3) or 7(1),		19
[7] Section 22 Making of assets forfeiture order		20
Omit “not more than 6 years before the making of the application” from section 22(2).		21
[8] Section 22(5)		22
Omit the subsection.		23
[9] Section 27 Making of proceeds assessment order		24
Omit “that took place not more than 6 years before the making of the application for the order” from section 27(1).		25
[10] Section 27(2) and (2A)(c)		26
Omit “not more than 6 years before the making of the application for the order” wherever occurring.		27
[11] Section 27(4) and (4A)		28
Omit the subsections.		29
[12] Section 28 Assessment for proceeds assessment order—illegal activity proceeds		30
Omit “during the period of 6 years before the making of the application for the order” from section 28(3).		31
		32
		33
		34
		35
		36
		37

[13] Section 28(1A)	1
Insert after section 28(1)—	2
(1A) Subsection (1)(a) extends to include money or an interest in property held in a trust or distributed from a trust.	3 4
[14] Section 28(6)	5
Insert after section 28(5)—	6
(6) In this section— <i>benefit or advantage</i> includes an increase in the value of property.	7 8
[15] Schedule 1 Savings and transitional provisions	9
Insert at the end of the schedule, with appropriate part and clause numbering—	10
 Part Criminal Assets Recovery Amendment (Organised Crime Reforms) Act 2025	 11 12
Definition	13
In this part— <i>amending Act</i> means the <i>Criminal Assets Recovery Amendment (Organised Crime Reforms) Act 2025</i> .	14 15 16
Arms-length transaction	17
Section 4(2), as substituted by the amending Act, extends to a transaction occurring before the substitution.	18 19
Removal of 6-year limitation	20
(1) An assets forfeiture order may be made under section 22, as amended by the amending Act, in relation to an activity, even if the activity occurred more than 6 years before the amendment.	21 22 23
(2) A proceeds assessment order may be made under section 27, as amended by the amending Act, in relation to an activity, even if the activity occurred more than 6 years before the amendment.	24 25 26
(3) Section 28(3), as amended by the amending Act, applies to an application made after the amendment to enable the defendant's expenditure to be treated as proceeds derived from an illegal activity, even if the expenditure occurred more than 6 years before the amendment.	27 28 29 30
Assessment for proceeds assessment order	31
(1) Section 28(1A), as inserted by the amending Act, extends to include money or property held in, or distributed from, a trust before the commencement of the subsection.	32 33 34

(2)	Section 28(6), as inserted by the amending Act, extends to an increase in the value of property occurring before the commencement of the subsection.	1
		2