



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.