



New South Wales

Criminal Assets Recovery Amendment (Unexplained Wealth) Bill 2022

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* to provide that the Supreme Court must make an unexplained wealth order if satisfied, on the balance of probabilities, that the total value of the person's current or previous wealth is greater than the value of the person's lawfully acquired wealth. The burden of proof is on the person to prove that the person's current or previous wealth is lawfully acquired.

Currently, the Supreme Court must make an unexplained wealth order if the Court finds a reasonable suspicion that the person has engaged in serious crime related activities or acquired property from another's person's serious crime related activity.

The Bill also enables the Director of Public Prosecutions to make an application for an unexplained wealth order in addition to the NSW Crime Commission, who may currently make the application.

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 on the date of assent to the proposed Act.

Schedule 1 **Amendment of Criminal Assets Recovery Act 1990 No 23**

Schedule 1 makes the amendments referred to in the above overview.