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Digest No. 1658

Criminal Proceeds (Recovery) Bill 2007 (2009 No 81-2)

Date of Introduction:	13 March 2007
Portfolio:	Justice
Select Committee:	Law and Order
Report presented	25 July 2008
Published: 03 March 2009 Prepared by John McSoriley BA LL.B, Barrister Legislative Analyst P: (04) 471-9626 (Ext. 9626) F: (04) 471-1250	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status. Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

Purpose

The aim of the Bill is to "... make more effective provision for the confiscation of property that either represents the profits of criminal offending or was used to facilitate the commission of crime"¹.

"The Bill consists of 3 Parts. It is intended that, at the Committee of the whole House stage, subparts 1 and 2 of Part 3 will be divided from the rest of the Bill to become a separate Mutual Assistance in Criminal Matters Amendment Bill and a separate Sentencing Amendment Bill. Parts 1 and 2 will remain as the Criminal Proceeds (Recovery) Bill and on commencement replace the Proceeds of Crimes Act 1991"².

The Proceeds of Crime Act 1991 is to be repealed.

The Bill as introduced is described in [Bills Digest No 1495](#).

¹ Criminal Proceeds (Recovery) Bill, 2007 No 81-1, Explanatory note, general policy statement, p. 1.

² Ibid.

Main changes to the Bill

Recovery body to be the Police

The Select Committee has recommended that the New Zealand Police be designated as the recovery body and provision be made for decisions of the Commissioner of Police under the Bill to be challengeable in the courts (*Part 2, Subpart 6, amending Clause 91 and deleting Clause 92; and substituting the expression "Commissioner of Police" for the expression "Director of Criminal Proceeds Confiscation" throughout the Bill; deleting Clause 94 of the Bill*).

Definitions

Certain consequential, minor or clarificatory definition amendments are recommended (*Part 1, Clause 5*).

Immunity from liability

The Select Committee has recommended that there be a specific provisions in the Bill relating to immunity from liability for financial institutions and the people working for them who comply with Clauses 104, 113 and 114 of the Bill (basically complying with requirements to disclose information in the course of investigations of various sorts) (*Part 2, Subpart 7, inserting new Clause 115A into the Bill*).

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