Media Release

John Elferink
Attorney-General and Minister for Justice

Northern Territory continues tough approach to criminal property forfeiture

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Attorney-General John Elferink announced he would continue to drive some of the toughest property forfeiture laws in the country.

“The Northern Territory Government will not stand by and allow drug dealers and other offenders to profit at the expense of the community,” Mr Elferink said.

“The Northern Territory is the only jurisdiction in the country where a drug trafficker’s property can be seized regardless of whether it was directly derived from proceeds of crime.

“There is no sympathy in the community for these offenders and we will make sure that they do not profit from criminal behaviour, even if that means that they lose everything including their house, car, boat and cash.

“The Country Liberals tough law and order approach has resulted in almost $4.2 million in property forfeited in 2012-13 and 2013-14.

“This is compared to $1.2 million in the previous two financial years under the former Labor Government.

“This should serve as a warning to criminals that they will not only serve jail time, but can and will lose everything they own.”

Items regularly forfeited under the Criminal Property Forfeiture Act include property (land and house), motor vehicles, cash, and money often held in bank accounts.

The Parliament will today debate a Bill to close a loophole in current legislation, ensuring criminals get the punishment they deserve.

“The proposed amendment to the Criminal Property Forfeiture Act will ensure that when an offender commits an offence using property they don’t own, the Northern Territory Government may seize the offender’s assets to the value of that property,” Mr Elferink said.
“This means that if an offender sells drugs from a $30,000 hire car, the Northern Territory Government will recover that value of the offender’s personal property – even if it has no connection to the offending.”

The change comes following a Northern Territory Supreme Court case between the Director of Public Prosecutions V Green where the defendant successfully argued that the value of a rural property (owned by an innocent third party and leased) which was used by the offender to grow hydroponic cannabis could not be substituted with forfeited property to the same value owned by the offender.

“This legislation should send a message to all drug suppliers and dealers; if you continue with your illegal activities, you will lose it all.” Mr Elferink said.

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