



The representative voice of crime victim services

Kathryn Ovington
Criminal Law Branch
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON
ACT 2600

23 February 2007

Dear Ms Ovington

REVIEW OF THE *PROCEEDS OF CRIME ACT 2002 (Cth)*

Thank you for the letter of 14 November last regarding the Review Of The *Proceeds Of Crime Act 2002 (Cth)*. Victim Support Australasia (VSA) is pleased to be able to provide comment on the possible implementation of the Review's recommendations and consequential legislative amendment.

VSA is the peak body representing crime victim services across the country. VSA's interest in the Review arises from its constitutional purpose "to advance the interests of people victimised by crime and encourage the development of support services throughout Australasia, whilst striving towards a crime free society."

The Executive Committee of VSA is of the view that confiscation of criminal assets acts an important deterrent to criminal activity. We also draw your attention to the use of confiscated criminal assets in some jurisdictions for the benefit of the community at large and for victims of crime in particular.

It is clear that the community at large benefits from the disbursement of confiscated criminal assets to those law enforcement, regulatory and prosecution agencies engaged in bringing offenders to justice. In an indirect sense, the stronger law enforcement and prosecution function is of benefit to victims in that these activities seek ultimately to prevent criminal conduct. It is logical to us that Recommendation 16 for transparent criteria for disbursement amongst these agencies within the jurisdictions will encourage collaborative activity.

We note Recommendation 14 that suggests legal aid may be granted from the Confiscated Assets Account for the benefit of persons served with orders on their property. Of course it is right that individuals should have access to legal representation in their defence. This does, however, stand in rather stark contrast to the Review's conclusion that "the circumstances do not warrant a change [*to consider victims as recipients*] at this time". (para 9.33)

We are of the view that victims of crime as a distinct constituency within the community may arguably have a strong moral claim on the Confiscated Assets Account. We do not necessarily argue that individual victims (in person or as entities) should be recipients of the fund (as "compensation" in para 9.33).

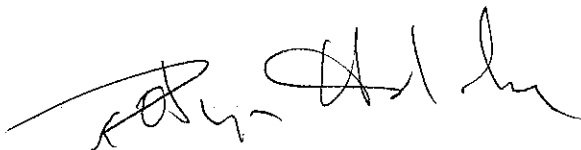
Rather, we argue that funds may be disbursed for the benefit of victims of crime in general. It is not significant that confiscated assets largely derive from property matters such as fraud, laundering or drug importation for example. These and regulatory offences are the source of the bulk of confiscated assets in some State and Territory schemes. This does not prevent their disbursement to areas that are of benefit to victims of crime.

In our view, to include disbursement to areas that promote the interests of and support for victims of crime carries an important message to the community that we are all harmed by criminal activity, these offences are not "victimless", and that the Government is concerned to mitigate the effects of that harm.

Our recommendation does not represent "a major policy change" (para 9.33). Rather our suggestion presents an opportunity for the Australian Government, working in partnership with the States and Territories, to support a program of initiatives under the Commonwealth Law Ministers Statement of Basic Principles of Justice for Victims of Crime signed in October 2005.

Victim Support Australasia would be delighted to assist in the development of such a program.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robyn Holder', written in a cursive style.

Robyn Holder
CHAIR, VICTIM SUPPORT AUSTRALASIA