Drug traffickers to lose all their money and assets

John Rau

August 4, 2016

Serious drug traffickers face having all their wealth confiscated after Parliament finally agreed to new laws advocated by the State Government in a five-year campaign led by Attorney-General John Rau.

The crackdown on the Mr Bigs of the drug world will hit them where it hurts, stripping them of all assets whether or not acquired from proceeds of their crime.

Under new powers, repeat, high-level offenders will become “declared drug traffickers”.

The law targets dealers who are caught three times in ten years or who commit a serious crime involving a commercial amount of a controlled drug.

The declared drug trafficker will be liable to forfeit all their assets.

This Government policy to attack the drug trade was announced in 2010 and first brought to Parliament as a Bill in May 2011.

Passed in the Lower House, that first bill was neutered by the Legislative Council. This started a lengthy saga with the policy taken to two elections and the bill introduced to Parliament three more times only to be frustrated by amendments and delays.

Happily, a recent deadlock conference with members of the Legislative Council found common ground to agree on the initiative.

That resulted in the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill finally returning to the Lower House where it passed today.

Background

In the 2010 election campaign, the State Government announced a policy to legislate for total confiscation of the property of a serious drug trafficker.

This policy was encapsulated in a Bill introduced on 18 May 2011. The Bill faltered in the Upper House and Parliament was prorogued at the end of 2011.

The Bill and further Bills with similar provisions were introduced in February 2012 and October 2013 and May 2014 – each time being thwarted in the Legislative Council, until a deadlock conference on 27 July 2016.
The Bill allows for the confiscation of all of a declared drug trafficker’s property, whether or not established as lawfully acquired and whether or not there is any proof about the property. Assets and property can be restrained pending prosecution of matters before the court.

A dealer will be declared if found guilty of three indictable drug offences over ten years – excluding time in jail – or found guilty of trafficking a commercial quantity. A commercial quantity includes 500g of amphetamine, 2.5kg of cannabis, 100 cannabis plants, 2kg cannabis resin or 200g heroin.

Confiscated assets will be paid into a Rehabilitation Fund which is devoted to programs and facilities for the benefit of victims, offenders and other persons and which will further crime-prevention and rehabilitation strategies.

Quotes attributable to Attorney-General John Rau

Drug crime is all about money and we are determined to take the money off the big dealers.

The only way to tackle drugs on our streets is to attack the problem at its source. These new laws attack the supply side and the criminal networks which prey on South Australians.

We have pursued this policy over the past five years because it will cause serious damage to this evil trade.

In the end, the detail of the laws have finally been resolved in a deadlock conference between the Government, crossbench MPs and Opposition with all sides making compromises.

I thank all parties for co-operating on the final result and look forward to the speedy implementation of the laws.

South Australians want to live in a community free from the crimes of the drug world. These measures take our community closer to that goal.