Taking the Profit out of Crime

Criminal Assets Confiscation Taskforce
Launched in January 2011, the Criminal Assets Confiscation Taskforce (CACT) was formed to enhance the identification and pursuit of potential criminal asset confiscation matters.

The CACT realises the Commonwealth Government’s election commitment to use a truly integrated approach to asset confiscation where investigations and litigation are conducted within one agency.

Led by the Australian Federal Police (AFP), and bringing together resources and expertise from the AFP, the Australian Taxation Office (ATO) and the Australian Crime Commission (ACC), the CACT has stepped up the fight against organised crime through intensive targeting of criminal wealth.

The AFP has committed investigators and specialists, such as forensic accountants and litigators, who are trained in locating concealed criminal wealth in Australia and overseas. The ATO and the ACC provide financial analysis and intelligence support to the CACT through co-located officers.

The CACT works in partnership with Commonwealth, state, territory and international agencies, extending its reach globally.

The CACT was implemented in two phases with the permanent phase being launched in January 2012.

WHAT WE DO

One of the most effective methods of disrupting and dismantling organised crime syndicates is to target their financial base. In doing so, the perceived benefit and financial gains associated with criminal activities removed, preventing the reinvestment of profits into further criminal ventures.

The CACT uses a proactive intelligence-led approach for the identification of criminal wealth and employs an innovative approach to asset confiscation where intelligence, operations, legal and other specialist resources from each participating agency work together.

The CACT works in partnership with state, territory and international law enforcement agencies to
identify, investigate and litigate appropriate asset confiscation matters at the Commonwealth level.

Many of the investigations are conducted jointly with partner agencies, further reducing duplication in effort across the Commonwealth. The CACT identifies the most effective and appropriate enforcement strategy for each individual case, this may be through proceeds of crime action; application of taxation remedies or other Commonwealth debt recovery, and/or recovery through relevant state, territory or foreign law enforcement agencies.

The CACT builds on AFP and participating agencies’ relationships with foreign law enforcement, financial intelligence units and international partners. These relationships assist in identifying and subsequently confiscating the proceeds of foreign crimes arriving in or transiting through Australia, as well as the proceeds of Australian crime located in foreign jurisdictions.

The CACT does not undertake criminal investigations such as drug trafficking, fraud or people smuggling. However, the CACT does assist these types of investigations through financial analysis support and the pursuit of the proceeds of crime.

HOW WE OPERATE

The CACT brings together a variety of highly skilled individuals and teams in an integrated model. It employs several interrelated strategies to target the criminal economy. These strategies are to identify potential confiscation matters, coordinate and deliver the best approach to achieve confiscation, and ultimately disrupt and deter criminals by removing the profits of criminality and preventing further investment in criminal activity.

CACT agencies share a common overarching goal; to draw on agency skills, roles and perspectives to enhance the collective ability to target the criminal economy and take the profit out of crime.
Criminal Assets
Confiscation Taskforce

Lamborghini motor vehicle restrained in Operation Volante
PROCEEDS OF CRIME LITIGATION

The primary criminal asset confiscation tool available to federal law enforcement is the Proceeds of Crime Act 2002 (POCA). The POCA enables authorised Commonwealth agencies to pursue both conviction and non-conviction based actions where profits are being derived from crime.

To achieve a truly integrated CACT, where investigation and litigation are undertaken within one agency, amendments were made to the POCA to provide the AFP with the power to commence and conduct proceeds of crime litigation on behalf of the Commonwealth. This role previously fell solely to the Commonwealth Director of Public Prosecutions.

The conduct of POCA litigation represents a significant new role for the AFP and the AFP has created a Proceeds of Crime Litigation (POCL) function. POCL is an integral part of the CACT and is comprised of qualified and specialised lawyers and litigation assistants who conduct all POCA litigation on behalf of the Commissioner. POCL provides early strategic advice on asset confiscation and independently exercises the Commissioner’s delegation in respect of commencing litigation.
Criminal Assets Confiscation Taskforce

PERFORMANCE
The effectiveness of the CACT is measured by the value of assets restrained.

The implementation of the CACT has contributed to an increase in assets restrained with the following results delivered over the past four financial years:

- 2012/13 — $62.5M
- 2011/12 — $97.4M
- 2010/11 — $41.1M
- 2009/10 — $18.9M

INTELLIGENCE
The CACT has instituted new methods for target identification. These involve the acquisition and analysis of information from participating and partner agencies as well as industry.

Diamond jewellery restrained in Operation Vidua
REFERRALS

Referrals to the CACT can come from:

- Commonwealth agencies;
- AFP criminal investigations where assets have been identified;
- Intelligence developed targets;
- Foreign law enforcement agency requests relating to economic fugitives and those transferring or transiting proceeds of foreign crimes into Australia; and
- State/Territory based criminal asset agencies and police jurisdictions.
CONTACT THE CACT

The CACT forms part of the AFP’s Serious and Organised Crime portfolio and is managed from the AFP National Headquarters in Canberra. Regional teams are located in Sydney, Melbourne, Brisbane, Perth and Canberra, providing national coverage.

To contact the CACT please contact the Operations Monitoring Centre in the relevant state or territory.

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