

Criminal Assets Bureau
Opening Statement to the Joint Oireachtas Committee on Justice
Proceeds of Crime (Amendment) Bill 2024

Chairman, Committee members,

1. On behalf of the Criminal Assets Bureau we welcome the opportunity to address the Joint Oireachtas Committee on Justice on the proposed Proceeds of Crime (Amendment) Bill 2024
2. Firstly, we wish to acknowledge the work of the Department of Justice, Office of the Attorney General and other key stakeholders including the Revenue Commissioners and the Garda Síochána in bringing the Bill to committee stage.
3. I will open by saying that the Bureau is firmly supportive of the Bill which we believe will enhance greatly the effectiveness of the Proceeds of Crime Acts ('PoCA Acts') and will address some of the legal infirmities identified in the Criminal Assets Bureau Act 1996 and 2005 ('the CAB Acts').

In particular, the Bureau believes that the proposed changes under Heads 4, 5 and 8 represent sensible, measured but significant improvements to the Proceeds of Crime framework under which the Bureau has operated for the last 27 years:

- a. **Heads 4** provides for the introduction of a statutory framework for a bureau officer to restrain transactions for the purpose of carrying out a proceeds of crime investigation. The proposed head will introduce an important bespoke tool for proceeds of crime investigators to freeze transactions (typically financial accounts) for the purpose of allowing the necessary investigations to take place. Given the increasingly complex, financial and often multijurisdictional nature of proceeds of crime investigations, the Bureau submits that the proposal would be significantly more effective if the proposed maximum duration of such restraint orders is increased from the proposed 28 days to 56 days. This would ensure a more efficient use of the officers and court time.
- b. **Head 5** proposes reducing the statutory time period – from seven to two years - before which, an asset determined to be the proceeds of crime, can be vested in the State or injured party. The reduction of this time period, together with the restriction on the grounds on which a disposal order can be opposed, will – in the view of the Bureau – reduce both duration and cost of such applications. This will have the effect of greatly improving the effectiveness of the overall scheme.

- c. **Head 8** proposes that a receiver be appointed solely for the purpose of depriving a person of enjoyment of the proceeds of crime. To date, the Courts have exercised its discretion to appoint a receiver over the proceeds of crime in cases in which the Bureau has demonstrated that there is a risk. It is the Bureau's view that the proposal will reduce greatly the anomalous situation whereby a persons might continue to enjoy the benefit of property for up to seven years after the High Court has determined it to be the proceeds of crime. The proposal - the view of the Bureau - is more aligned with the legislative intent and overall spirit of the Proceeds of Crime Framework to the deny and deprive persons of such benefits.
4. In addition to the foregoing, the Bill proposes a number of heads which will further improve the efficacy of the Proceeds of Crime Scheme and amend some of the practical frailties and anomalies identified in the Criminal Assets Bureau Acts.
5. We believe that by adopting the Bill, it will create a more effective Criminal Assets Bureau, improve efficiencies in the non-conviction based forfeiture scheme under which it operates, facilitate better exchange of information and, in the case of the extension of anonymity provisions, safeguard the security of former bureau officers and members of staff of the Bureau. All of which, we believe will have the effect of increasing public confidence in the Justice system, the Bureau and by extension, the Rule of Law.
6. In conclusion we are grateful for the opportunity to contribute to this committee hearing and we welcome any questions that its members may have on foot of our submission, our experience in the operation of the Proceeds of Crime Scheme currently, and the Bureau's views on the impact that the Bill is likely to have on this.

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