

4 March 2022

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Our ref: 93332

Tēnā koe Cherie

### **Official Information Act request: Criminal Proceeds (Recovery) Act 2009**

Thank you for your email of 1 February 2022, requesting information on the use of the Criminal Proceeds (Recovery) Act 2009 and the redistribution of assets seized through the "hypothecated fund". Your request has been considered under the Official Information Act 1982 (the OIA).

Your request was partially transferred to the Ministry of Justice on 2 February from Ministry of Business, Innovation and Employment (MBIE). We have prepared a response to the aspects of your request that fall under the scope of the Ministry of Justice.

Specifically, the components of your initial request that we are responding to are:

3. *For each of the years 2017-2021, the money value of restraint and forfeiture orders that were re-distributed through the "hypothecated fund" to institutions that target the drivers of drug and organised crime.*
4. *For each of the years 2017-2021, specifically which government agencies / institutions that target the drivers of drug and organised crime were successful in their application for this "hypothecated fund" and approved by Cabinet.*

It is important that I provide some general information to explain the role of the Criminal Proceeds (Recovery) Act 2009 (CPRA). Assets and cash seized by the Police under the CPRA are, once all legal matters are addressed, placed in the Proceeds of Crime Fund (the Fund). Non-profit organisations can partner up with one of the 40 public and non-public service agencies to receive funding for a proposed initiative.

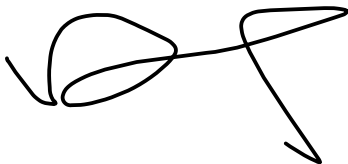
More information on who can apply, the criteria for funding and how the fund works can be found on the Ministry of Justice website at: <https://www.justice.govt.nz/justice-sector-policy/about-the-justice-sector/proceeds-of-crime-fund/>

MBIE, as the Official Assignee of the CPRA, is directed to manage assets while the cases relating to these assets go through the court process. When the management of the Fund was transferred to the Ministry of Justice in 2019, Cabinet also agreed that MBIE could begin to recover costs for securing, managing and selling assets seized under the CPRA.

Please find **attached** information relating to both questions 3 and 4 of your OIA request combined. We have interpreted your request as relating to financial years.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Ministry of Justice. Alternatively, you are advised of your right to also raise any concerns with the office of the Ombudsman. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Nāku noa, nā



Paul Arts  
**Acting General Manager, Strategy and Investment  
Sector Directorate**