



18 August 2022

Ref: DOIA 2223-0164

Joshua Rogers

fyi-request-19930-113487ef@requests.fyi.org.nz

Dear Joshua

Thank you for your email of 16th July 2022 seeking information from the New Zealand Police pursuant to the Official Information Act 1982 (**the OIA**). The information you requested was not held by the New Zealand Police. Your request was subsequently transferred to the Ministry of Business, Innovation and Employment (MBIE) in accordance with section 14 of the OIA.

You have sought the following items:

1. ***"1. A financial figure of the following years restrained/recovered assets including but not limited to - vehicles, property's, home assets, cash and bank balances, 2022, 2021, 2020, 2019.***
2. ***Documentation regarding the above request. For example, How the money has been spent from the proceeds of crime – who has requested it and how much was given to them, including why/what the money is to be used for. (Part of the proceeds of crime allows agencies to request funding for various reasons)***
3. ***A list of assets sold at auction - how much they sold for and what happened to the money.***
4. ***How much of the assets/cash recovered were recovered from gangs or organized crime groups***
5. ***How many search and seizures were conducted in the years stated in section 1 that lead to recovery of assets/cash."***

Item 1

Item 1 of your request has been interpreted to be seeking the total value of all restrained assets including and not limited to: bank accounts, cash, motor vehicles, motorcycles, plant and machinery, properties, farms, cryptocurrency, jewellery, artwork, shares and other valuable collections for the periods 2019, 2020, 2021, and 2022

This information is unavailable in the calendar year format you have sought. The information has, however, been provided in the manner recorded by MBIE, namely in financial years, from 1 July to 30 June.

Financial year from July to June	2018-19	2019-20	2020-21	2021-22
Total estimated value of assets at the end of the Business year	\$362,180,585	\$534,461,394	\$ 607,722,926	\$ 563,061,183

Item 2

MBIE does not hold the information sought in item 2. In accordance with section 14 of the OIA this part of your request has been transferred to the Ministry of Justice (**MOJ**), as the information requested is believed to be more closely aligned with the functions of this team who manage any distributions of the Proceeds of Crime Fund (hypothecated fund) for the Crown. They will contact you directly with the information you requested.

Item 3

Item 3 has been interpreted to be seeking three separate sets of information, namely:

- a list of assets sold at auction
- how much the assets were sold for; and
- what happened to the money

Your request for a **list of assets sold at auction** is refused pursuant to ss 9(2)(a) and 9(2)(b)(i) of the OIA, which sets out that the withholding of the information is necessary to: ***s 9(2)(a) protect the privacy of natural persons; or s 9(2)(b)(i) protect information where the making available of the information would disclose a trade secret.***

The annual totals of **assets sold** at auction is set out below:

Financial year from July to June	2018-19	2019-20	2020-21	2021-22
Assets sold via public auction	\$11,761,612	\$13,983,231	\$37,475,024	\$11,276,628

Items auctioned included motor vehicles, motorcycles, boats, real estate property, plant and machinery, cryptocurrency, general goods, artwork, wine, jewellery and hangbags.

The information regarding the use of **the money** will be covered by the information provided by MOJ, as they are responsible for the Proceeds of Crime Fund. Section 82-87 of the Criminal Proceeds (Recovery) Act 2009 (**CPRA**) sets out how the funds will be disbursed, with any surplus funds paid into the Proceeds of Crime Fund.

Item 4

The information you have sought is not recorded by this unit. It is not a statistic we collect, as the role of the Official Assignee is to take custody and control of seized assets and await court orders to deal with them. As the investigations leading to the seizures are undertaken by the NZ Police, it is likely that they would be the best source of information regarding your question.

A manual count of our current matters, based on the information available in court documents, show a total of 116 (or 38%) of cases involve gangs or organized crime groups. As a result of your questions, consideration is being given by our team as to whether we should be collecting this information going forward.

I refer you back to the table in the response to Item 1 for the total value of assets restrained. Cash is considered an asset and has been included in this amount.

Item 5

Item 5 has been interpreted as requesting the number of orders and warrants that were received by this unit and resulted in assets being restrained. For specific search and seizure numbers, it is likely the NZ Police will hold this information.

In explanation of the table below, the number of new orders include:

- Restraining Orders (including Variation Orders in a particular case that involves further assets identified for forfeiture or restraint during the conduct of the case; and
- Forfeiture Orders; and
- Warrants that require Police to place assets in the custody and control of the Official Assignee under section 103 of the CPRA.

The figures for the value of assets include the total estimated value of assets placed into the custody and control of the Official Assignee at the end of each business year.

The last row of the table shows the total funds paid to the Proceeds of Crime fund as recoveries from the disposal of forfeited assets vested completely with the Crown.

Financial year from July to June	2018-19	2019-20	2020-21	2021-22
Number of new orders and warrants	191	225	206	102
Value of restrained assets	\$130,890,392	\$204,758,083	\$97,138,566	\$57,937,011
Money transferred to Proceeds of Crime Fund	\$15,121,166	\$15,348,585	\$17,663,987	\$109,933,554

You have the right under section 28(3) of the OIA to make a complaint to the Ombudsman about this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone: 0800 802 602.

Please do not hesitate to contact me on naomi.bentley@mbie.govt.nz if you require any further information.



Naomi Bentley
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Ministry of Business, Innovation and Employment