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CRIMINAL PROPERTY CONFISCATION ACT 2000

**CRIMINAL PROPERTY
CONFISCATION
REGULATIONS 2000**

Criminal Property Confiscation Act 2000

Criminal Property Confiscation Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Criminal Property Confiscation Regulations 2000*.

2. Commencement

These regulations come into operation on the day on which the *Criminal Property Confiscation Act 2000* comes into operation.

3. Corresponding laws

For the purposes of the definition of “corresponding law” in the Glossary to the Act, each of the following laws, as amended from time to time, is prescribed as a law that corresponds to this Act —

- (a) the *Proceeds of Crime Act 1991* of the Australian Capital Territory;
- (b) the *Crimes (Confiscation of Profits) Act 1985* of New South Wales;
- (c) the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;

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- (d) the *Criminal Assets Recovery Act 1990* of New South Wales;
- (e) the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (f) the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (g) the *Crimes (Confiscation) Act 1989* of Queensland;
- (h) the *Crimes (Confiscation of Profits) Act 1986* of South Australia;
- (i) the *Criminal Assets Confiscation Act 1996* of South Australia;
- (j) the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (k) the *Crimes (Confiscation of Profits) Act 1986* of Victoria;
- (l) the *Confiscation Act 1997* of Victoria.

4. Interstate confiscation declarations

For the purposes of the definition of “interstate confiscation declaration” in the Glossary to the Act the following are prescribed —

- (a) a forfeiture order under section 19(1) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory;
- (b) an order that property is forfeited under section 28 of the *Proceeds of Crime Act 1991* of the Australian Capital Territory;
- (c) a forfeiture order under section 5(1) of the *Crimes (Confiscation of Profits) Act 1985* of New South Wales;
- (d) a drug proceeds order under section 29(1) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;

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- (e) a forfeiture order under section 18(1) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (f) an assets forfeiture order under section 22 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (g) a forfeiture order under section 5(1) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (h) a forfeiture order under section 8(1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (i) a special forfeiture order under section 60 of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (j) a forfeiture order under section 23(1) of the *Crimes (Confiscation) Act 1989* of Queensland;
- (k) a special forfeiture order under section 86(1) of the *Crimes (Confiscation) Act 1989* of Queensland;
- (l) a forfeiture order under section 5(1) of the *Crimes (Confiscation of Profits) Act 1986* of South Australia;
- (m) a forfeiture order under section 8 or 9 of the *Criminal Assets Confiscation Act 1996* of South Australia;
- (n) a forfeiture order under section 16(1) of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (o) a forfeiture order under section 7(1) of the *Crimes (Confiscation of Profits) Act 1986* of Victoria;
- (p) a forfeiture order under section 33 or 36 of the *Confiscation Act 1997* of Victoria;
- (q) a civil forfeiture order under section 38 of the *Confiscation Act 1997* of Victoria.

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5. Interstate criminal benefits declarations

For the purposes of the definition of “interstate criminal benefits declaration” in the Glossary to the Act the following are prescribed —

- (a) a pecuniary penalty order under section 25(1) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory;
- (b) a pecuniary penalty order under section 10(1) of the *Crimes (Confiscation of Profits) Act 1985* of New South Wales;
- (c) a pecuniary penalty order under section 24(1) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (d) a drug proceeds order under section 29 of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (e) a proceeds assessment order under section 27 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (f) a pecuniary penalty order made under section 10(1) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (g) a pecuniary penalty order under section 13(1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (h) a pecuniary penalty order under section 34(1) of the *Crimes (Confiscation) Act 1989 of Queensland*;
- (i) an order under section 9 of the *Criminal Assets Confiscation Act 1996* of South Australia;
- (j) a pecuniary penalty order under section 21(1) of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;

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- (k) a pecuniary penalty order under section 12(1) of the *Crimes (Confiscation of Profits) Act 1986* of Victoria;
- (l) a pecuniary penalty order under section 59 or 64 of the *Confiscation Act 1997* of Victoria.

6. Interstate freezing orders

For the purposes of the definition of “interstate freezing order” in the Glossary to the Act the following are prescribed —

- (a) a restraining order under section 45(2) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory;
- (b) an order under section 51 of the *Proceeds of Crime Act 1991* of the Australian Capital Territory varying an order under section 45(2) of the Act;
- (c) a restraining order under section 12(2) of the *Crimes (Confiscation of Profits) Act 1985* of New South Wales;
- (d) a restraining order under section 43 of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (e) a restraining order under section 10 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (f) a restraining order made under section 14(2) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (g) a restraining order under section 17 of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (h) a restraining order under section 40 of the *Crimes (Confiscation) Act 1989* of Queensland;
- (i) an order under section 45 of the *Crimes (Confiscation) Act 1989* of Queensland varying an order under section 40 of the Act;
- (j) a sequestration order under section 6(1) of the *Crimes (Confiscation of Profits) Act 1986* of South Australia;
- (k) a restraining order under section 15 of the *Criminal Assets Confiscation Act 1996* of South Australia;

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- (l) a restraining order under section 26(2) of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (m) a restraining order made under section 16 of the *Crimes (Confiscation of Profits) Act 1986* of Victoria;
- (n) a restraining order under section 14 or 18 of the *Confiscation Act 1997* of Victoria.

7. Repeal

The following regulations are repealed —

- (a) the *Crimes (Confiscation of Profits) (Corresponding Laws) Regulations 1990*;
- (b) the *Crimes (Confiscation of Profits) (General) Regulations 1994*.

8. Savings — interstate orders

- (1) Despite the repeal effected by regulation 7(a), the *Crimes (Confiscation of Profits) (Corresponding Laws) Regulations 1990* as in force before the commencement of these regulations continue to apply in relation to any interstate forfeiture order or interstate restraining order to which Part 10 of the *Criminal Property Confiscation Act 2000* applies under section 7(2) of the *Criminal Property Confiscation (Consequential Provisions) Act 2000*.
- (2) In subregulation (1) —
 - “**interstate forfeiture order**” has the same meaning as it has in the *Crimes (Confiscation of Profits) Act 1988*;
 - “**interstate restraining order**” has the same meaning as it has in the *Crimes (Confiscation of Profits) Act 1988*.

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9. Savings — restraining orders

- (1) Despite the repeal effected by regulation 7(b), the *Crimes (Confiscation of Profits) (General) Regulations 1994* continue to apply in relation to a restraining order that has effect under section 7(1) of the *Criminal Property Confiscation (Consequential Provisions) Act 2000*.
- (2) In subregulation (1) —
 “restraining order” has the same meaning as in the *Crimes (Confiscation of Profits) Act 1988*.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

