CRIMINAL PROPERTY CONFISCATION ACT 2000

CRIMINAL PROPERTY
CONFISCATION
REGULATIONS 2000
Criminal Property Confiscation Act 2000

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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.
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.