



Western Australia

# **Criminal Property Confiscation Regulations 2000**

Compare between:

[23 Apr 2004, 00-b0-08] and [31 Dec 2014, 00-c0-03]



## **Criminal Property Confiscation Regulations 2000**

### **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;
- (d) the *Criminal Assets Recovery Act 1990* of New South Wales;
- (e) the *Criminal Property Forfeiture Act 2002* of the Northern Territory;

- (f) the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (g) the *Crimes (Confiscation) Act 1989* of Queensland;
- (ha) [the Criminal Proceeds Confiscation Act 2002 \(Queensland\)](#);
- (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.

*[Regulation 3 amended ~~in~~ Gazette 23 Apr 2004 p. 1315; [30 Dec 2014 p. 5505.](#)]*

#### **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;
- (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 declaration under section 94 of the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
- (ga) a forfeiture order under section 96, 97, 99, 100 or 101 of the *Criminal Property Forfeiture Act 2002* 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;
- (la) a forfeiture order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 58;
- (lb) a serious drug offender confiscation order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 93ZZB;
- (lc) a forfeiture order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 151;
- (ld) a tainted property substitution declaration under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 153D;
- (le) a direction under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 164;
- (lf) a special forfeiture order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 202;
- (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.

[Regulation 4 amended ~~in~~ [Gazette 23 Apr 2004 p. 1316](#); [30 Dec 2014 p. 5505](#).]

## **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) *deleted*

- (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*;
- (ia) a proceeds assessment order under *Criminal Proceeds Confiscation Act 2002 (Queensland)* section 78;
- (ib) an unexplained wealth order under *Criminal Proceeds Confiscation Act 2002 (Queensland)* section 89G;
- (ic) a pecuniary penalty order under *Criminal Proceeds Confiscation Act 2002 (Queensland)* section 184;
- (id) a special forfeiture order under *Criminal Proceeds Confiscation Act 2002 (Queensland)* section 202;
- (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;
- (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.

*[Regulation 5 amended ~~in~~ Gazette 23 Apr 2004 p. 1316; 30 Dec 2014 p. 5505.]*

## 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 under section 43 or 44 of the *Criminal Property Forfeiture Act 2002* 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;
- (ja) a restraining order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 31;
- (jb) a restraining order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 93M;
- (jc) a restraining order under *Criminal Proceeds Confiscation Act 2002* (Queensland) section 122;
- (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;
- (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.

[Regulation 6 amended ~~in~~; Gazette 23 Apr 2004 p. 1316; 30 Dec 2014 p. 5506.]

## 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*.

**Notes**

- <sup>1</sup> This is a compilation of the *Criminal Property Confiscation Regulations 2000* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Criminal Property Confiscation Regulations 2000</i>	19 Dec 2000 p. 7263-9	1 Jan 2001 (see r. 2 and <i>Gazette</i> 29 Dec 2000 p. 7903)
<i>Criminal Property Confiscation Amendment Regulations 2004</i>	23 Apr 2004 p. 1315-16	23 Apr 2004
<a href="#"><u><i>Criminal Property Confiscation Amendment Regulations 2014</i></u></a>	<a href="#"><u>30 Dec 2014</u></a> <a href="#"><u>p. 5504-6</u></a>	<a href="#"><u>r. 1 and 2: 30 Dec 2014</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>31 Dec 2014 (see r. 2(b))</u></a>