

Western Australia

**Crimes (Confiscation of Profits) (Corresponding
Laws) Regulations 1990**

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Crimes (Confiscation of Profits) (Corresponding Laws) Regulations 1990

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Western Australia

CRIMES (CONFISCATION OF PROFITS) ACT 1988

**Crimes (Confiscation of Profits) (Corresponding
Laws) Regulations 1990**

Made by His Excellency the Governor in Executive Council under
sections 56 and 61.

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Part I — Preliminary

1. Citation

These regulations may be cited as the *Crimes (Confiscation of Profits) (Corresponding Laws) Regulations 1990*.

[Regulation 1 amended by Gazette 3 December 1993 p.6480.]

2. Interpretation

In these regulations —

“the Australian Capital Territory Act” means the *Proceeds of Crime Act 1991* of the Australian Capital Territory as amended from time to time;

“the New South Wales Act (1985)” means the *Crimes (Confiscation of Profits) Act 1985* of New South Wales as amended from time to time;

“the New South Wales Act (1989)” means the *Confiscation of Proceeds of Crime Act 1989* of New South Wales as amended from time to time;

“the New South Wales Act (1990)” means the *Criminal Assets Recovery Act 1990* of New South Wales as amended from time to time;

“the Northern Territory Act” means the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory as amended from time to time;

“the South Australian Act (1986)” means the *Crimes (Confiscation of Profits) Act 1986* of South Australia as amended from time to time;

“the South Australian Act (1996)” means the *Criminal Assets Confiscation Act 1996* of South Australia as amended from time to time;

“the Tasmanian Act” means the *Crime (Confiscation of Profit) Act 1993* of Tasmania as amended from time to time;

“the Victorian Act (1986)” means the *Crimes (Confiscation of Profits) Act 1986* of Victoria as amended from time to time;

“the Victorian Act (1997)” means the *Confiscation Act 1997* of Victoria as amended from time to time.

*[Regulation 2 amended by Gazettes 3 December 1993 p.6480;
8 December 1995 p.5972; 12 December 1997 pp.7264-5;
29 October 1999 pp.5397-8; 13 October 2000 p.5719.]*

Part II — New South Wales

Division 1 — Application of the New South Wales Act (1985)

3. Declaration — corresponding law

The New South Wales Act (1985) is declared to be a law which corresponds to the Act.

4. Declaration — forfeiture order

A forfeiture order made under section 5 (1) of the New South Wales Act (1985) is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

5. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 10 (1) of the New South Wales Act (1985) is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

6. Declaration — restraining order

A restraining order made under section 12 (2) of the New South Wales Act (1985) is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

Division 2 — Application of the New South Wales Act (1989)

7. Declaration — corresponding law

The New South Wales Act (1989) is declared to be a law which corresponds to the Act.

8. Declaration — drug proceeds order

A drug proceeds order made under section 29 (1) of the New South Wales Act (1989) is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

9. Declaration — forfeiture order

A forfeiture order made under section 18 (1) of the New South Wales Act (1989) is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

10. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 24 (1) of the New South Wales Act (1989) is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

11. Declaration — restraining order

A restraining order made under section 43 of the New South Wales Act (1989) is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

Division 3 — Application of the New South Wales Act (1990)

[Heading inserted in Gazette 29 October 1999 p.5398.]

11A. Declaration — corresponding law

The New South Wales Act (1990) is declared to be a law which corresponds to the Act.

[Regulation 11A inserted in Gazette 29 October 1999 p.5398.]

11B. Declaration — forfeiture order

A forfeiture order made under section 22 of the New South Wales Act (1990) is declared to be an order within the definition of “interstate forfeiture order” in section 3(1) of the Act.

[Regulation 11B inserted in Gazette 29 October 1999 p.5398.]

11C. Declaration — pecuniary penalty order

A proceeds assessment order made under section 27 of the New South Wales Act (1990) is declared to be an order within the

definition of “interstate pecuniary penalty order” in section 3(1) of the Act.

[Regulation 11C inserted in Gazette 29 October 1999 p.5398.]

11D. Declaration — restraining order

A restraining order made under section 10 of the New South Wales Act (1990) is declared to be an order within the definition of “interstate restraining order” in section 3(1) of the Act.

[Regulation 11D inserted in Gazette 29 October 1999 p.5398.]

Part III — Northern Territory

12. Declaration — corresponding law

The Northern Territory Act is declared to be a law which corresponds to the Act.

13. Declaration — forfeiture order

A forfeiture order made under section 5 (1) of the Northern Territory Act is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

14. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 10 (1) of the Northern Territory Act is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

15. Declaration — restraining order

A restraining order made under section 14 (2) of the Northern Territory Act is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

Part IV — Queensland

16. Declaration — corresponding laws

- (1) The *Crimes (Confiscation of Profits) Act 1989* of Queensland, as amended from time to time, is declared to be a law which corresponds to the Act.
- (2) The *Crimes (Confiscation) Act 1989* of Queensland, as amended from time to time, is declared to be a law which corresponds to the Act.

[Regulations 16 inserted in Gazette 13 October 2000 p.5719.]

17. Declaration — forfeiture order

A forfeiture order made —

- (a) under section 8(1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland; or
- (b) under section 23(1) of the *Crimes (Confiscation) Act 1989* of Queensland,

is declared to be an order within the definition of “interstate forfeiture order” in section 3(1) of the Act.

[Regulations 17 inserted in Gazette 13 October 2000 p.5720.]

18. Declaration — special forfeiture order

A special forfeiture order made —

- (a) under section 60 of the *Crimes (Confiscation of Profits) Act 1989* of Queensland; or
- (b) under section 86(1) of the *Crimes (Confiscation) Act 1989* of Queensland,

is declared to be an order within the definition of “interstate forfeiture order” in section 3(1) of the Act.

[Regulations 18 inserted in Gazette 13 October 2000 p.5720.]

19. Declaration — pecuniary penalty order

A pecuniary penalty order made —

- (a) under section 13(1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland; or
- (b) under section 34(1) of the *Crimes (Confiscation) Act 1989* of Queensland,

is declared to be an order within the definition of “

[Regulations 19 inserted in Gazette 13 October 2000 p.5720.]

20. Declaration — restraining order

A —

- (a) restraining order made under section 17 of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (b) restraining order made under section 40 of the *Crimes (Confiscation) Act 1989* of Queensland; or
- (c) further order (relating to an order under paragraph (b) of this regulation) made under section 45 of the *Crimes (Confiscation) Act 1989* of Queensland,

is declared to be an order within the definition of “interstate restraining order” in section 3(1) of the Act.

[Regulations 20 inserted in Gazette 13 October 2000 p.5720.]

Part V — South Australia

Division 1 — The South Australian Act (1986)

[Heading inserted in Gazette 12 December 1997 p.7265.]

21. Declaration — corresponding law

The South Australian Act (1986) is declared to be a law which corresponds to the Act.

[Regulation 21 amended in Gazette 12 December 1997 p.7265.]

22. Declaration — forfeiture order

A forfeiture order made under section 5 (1) of the South Australian Act (1986) is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

[Regulation 22 amended in Gazette 12 December 1997 p.7265.]

23. Declaration — sequestration order

A sequestration order made under section 6 (1) of the South Australian Act (1986) is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

[Regulation 23 amended in Gazette 12 December 1997 p.7265.]

Division 2 — The South Australian Act (1996)

[Heading inserted in Gazette 12 December 1997 p.7265.]

23A. Declaration — corresponding law

The South Australian Act (1996) is declared to be a law which corresponds to the Act.

[Regulation 23A inserted in Gazette 12 December 1997 p.7265.]

23B. Declaration — interstate forfeiture order

A forfeiture order made under section 8 of the South Australian Act (1996) is declared to be an order within the definition of “interstate forfeiture order” under section 3 (1) of the Act.

[Regulation 23B inserted in Gazette 12 December 1997 p.7265.]

23C. Declaration — interstate forfeiture order

A forfeiture order made under section 9 of the South Australian Act (1996) is declared to be an order within the definition of “interstate forfeiture order” under section 3 (1) of the Act.

[Regulation 23C inserted in Gazette 12 December 1997 p.7265.]

23D. Declaration — interstate restraining order

A restraining order made under section 15 of the South Australian Act (1996) is declared to be an order within the definition of “interstate restraining order” under section 3 (1) of the Act.

[Regulation 23D inserted in Gazette 12 December 1997 p.7265.]

Part VI — Victoria

Division 1 — Application of the Victorian Act (1986)

[Heading inserted in Gazette 29 October 1999 p.5398.]

24. Declaration — corresponding law

The Victorian Act (1986) is declared to be a law which corresponds to the Act.

[Regulation 24 amended in Gazette 29 October 1999 p.5398.]

25. Declaration — forfeiture order

A forfeiture order made under section 7 (1) of the Victorian Act (1986) is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

[Regulation 25 amended in Gazette 29 October 1999 p.5399.]

26. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 12 (1) of the Victorian Act (1986) is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

[Regulation 26 amended in Gazette 29 October 1999 p.5399.]

27. Declaration — restraining order

A restraining order made under section 16 of the Victorian Act (1986) is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

[Regulation 27 amended in Gazette 29 October 1999 p.5399.]

Division 2 — Application of the Victorian Act (1997)

[Heading inserted in Gazette 29 October 1999 p.5399.]

27A. Declaration — corresponding law

The Victorian Act (1997) is declared to be a law which corresponds to the Act.

[Regulation 27A inserted in Gazette 29 October 1999 p.5399.]

27B. Declaration — forfeiture order

A forfeiture order made under section 33 or 36 or a civil forfeiture order made under 38 of the Victorian Act (1997) is declared to be an order within the definition of “interstate forfeiture order” in section 3(1) of the Act.

[Regulation 27B inserted in Gazette 29 October 1999 p.5399.]

27C. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 59 or 64 of the Victorian Act (1997) is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3(1) of the Act.

[Regulation 27C inserted in Gazette 29 October 1999 p.5399.]

27D. Declaration — restraining order

A restraining order made under section 14 or 18 of the Victorian Act (1997) is declared to be an order within the definition of “interstate restraining order” in section 3(1) of the Act.

[Regulation 27D inserted in Gazette 29 October 1999 p.5399.]

Part VII — Tasmania

[Heading inserted by Gazette 3 December 1993 p.6480.]

28. Declaration — corresponding law

The Tasmanian Act is declared to be a law which corresponds to the Act.

[Regulation 28 inserted by Gazette 3 December 1993 p.6480.]

29. Declaration — forfeiture order

A forfeiture order made under section 16 (1) of the Tasmanian Act is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

[Regulation 29 inserted by Gazette 3 December 1993 p.6480.]

30. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 21 (1) of the Tasmanian Act is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

[Regulation 30 inserted by Gazette 3 December 1993 p.6481.]

31. Declaration — restraining order

A restraining order made under section 26 (2) of the Tasmanian Act is declared to be an order within the definition of “interstate restraining order” in section 3 (1) of the Act.

[Regulation 31 inserted by Gazette 3 December 1993 p.6481.]

Part VIII — Australian Capital Territory

[Heading inserted in Gazette 8 December 1995 p.5972.]

32. Declaration — corresponding law

The Australian Capital Territory Act is declared to be a law which corresponds to the Act.

[Regulation 32 inserted in Gazette 8 December 1995 p.5972.]

33. Declaration — forfeiture order

A forfeiture order made under section 19 (1) of the Australian Capital Territory Act is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

[Regulation 33 inserted in Gazette 8 December 1995 p.5973.]

34. Declaration — pecuniary penalty order

A pecuniary penalty order made under section 25 (1) of the Australian Capital Territory Act is declared to be an order within the definition of “interstate pecuniary penalty order” in section 3 (1) of the Act.

[Regulation 34 inserted in Gazette 8 December 1995 p.5973.]

35. Declaration — order for forfeiture

An order that property is forfeited under section 28 of the Australian Capital Territory Act is declared to be an order within the definition of “interstate forfeiture order” in section 3 (1) of the Act.

[Regulation 35 inserted in Gazette 8 December 1995 p.5973.]

36. Declaration — restraining order

A restraining order made under section 45 (2) of the Australian Capital Territory Act is declared to be an order within the

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definition of “interstate restraining order” in section 3 (1) of the Act.

[Regulation 36 inserted in Gazette 8 December 1995 p.5973.]

Notes

- ^{1.} This is a compilation of the *Crimes (Confiscation of Profits) (Corresponding Laws) Regulations 1990* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Crimes (Confiscation of Profits) Regulations 1990</i>	27 April 1990 pp.2061-3	27 April 1990
<i>Crimes (Confiscation of Profits) Amendment Regulations 1993</i>	3 December 1993 p.6480-1	3 December 1993
<i>Crimes (Confiscation of Profits) (Corresponding Laws) Amendment Regulations 1995</i>	8 December 1995 pp.5972-3	8 December 1995
<i>Crimes (Confiscation of Profits) (Corresponding Laws) Amendment Regulations 1997</i>	12 December 1997 pp.7264-5	12 December 1997
<i>Crimes (Confiscation of Profits) (Corresponding Laws) Amendment Regulations 1999</i>	29 October 1999 pp.5397-9	29 October 1999
<i>Crimes (Confiscation of Profits) (Corresponding Laws) Amendment Regulations 2000</i>	13 October 2000 pp.5719-20	13 October 2000