



Australian Capital Territory

Confiscation of Criminal Assets Regulations 2003

Subordinate Law SL2003-25

The Australian Capital Territory Executive makes the following regulations under the *Confiscation of Criminal Assets Act 2003*.

Dated 14 August 2003.

SIMON CORBELL
Minister

JON STANHOPE
Minister



Australian Capital Territory

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Confiscation of Criminal Assets Act 2003

Contents

	Page
Part 1	Preliminary
1	Name of regulations 1
2	Commencement 1
3	Notes 1
Part 2	Corresponding laws and orders
4	Corresponding laws—Act, dict, def <i>corresponding law</i> 2
5	Corresponding law orders—Act, dict, def <i>interstate restraining order</i> 2

Contents

		Page
6	Corresponding law orders—Act, dict, def <i>interstate automatic forfeiture decision</i>	3
7	Corresponding law orders—Act, dict, def <i>interstate civil forfeiture order</i>	4
8	Corresponding law orders—Act, dict, def <i>interstate conviction forfeiture order</i>	5
9	Corresponding law orders—Act, dict, def <i>interstate penalty order</i>	6
Part 3	Miscellaneous	
10	Police officer to give DPP notice of proposal to restrain property	7
11	Other narcotic substances—Act, s 90, def <i>narcotic substance</i>	7
12	Confiscated assets trust fund—public trustee’s annual management fee—Act, s 132 (1) (d)	7
Schedule 1	Other narcotic substances	8

Part 1 Preliminary

1 Name of regulations

These regulations are the *Confiscation of Criminal Assets Regulations 2003*.

2 Commencement

These regulations commence on the commencement of the *Confiscation of Criminal Assets Act 2003*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Corresponding laws and orders

4 Corresponding laws—Act, dict, def *corresponding law*

The following laws are declared to be corresponding laws:

- (a) *Confiscation of Proceeds of Crime Act 1989* (NSW);
- (b) *Criminal Assets Recovery Act 1990* (NSW);
- (c) *Confiscation Act 1997* (Vic);
- (d) *Criminal Proceeds Confiscation Act 2002* (Qld);
- (e) *Criminal Property Confiscation Act 2000* (WA);
- (f) *Criminal Assets Confiscation Act 1996* (SA);
- (g) *Crime (Confiscation of Profits) Act 1993* (Tas);
- (h) *Criminal Property Forfeiture Act 2002* (NT).

5 Corresponding law orders—Act, dict, def *interstate restraining order*

- (1) Corresponding law orders under the following provisions are prescribed:
 - (a) *Confiscation of Proceeds of Crime Act 1989* (NSW), section 43;
 - (b) *Criminal Assets Recovery Act 1990* (NSW), section 10;
 - (c) *Confiscation Act 1997* (Vic), section 18;
 - (d) *Criminal Proceeds Confiscation Act 2002* (Qld), sections 31, 122 and 208 (6);
 - (e) *Criminal Property Confiscation Act 2000* (WA), sections 34 and 43;

- (f) *Criminal Assets Confiscation Act 1996* (SA), section 15;
 - (g) *Crime (Confiscation of Profits) Act 1993* (Tas), section 26;
 - (h) *Criminal Property Forfeiture Act 2002* (NT), sections 40, 43 and 44.
- (2) The following corresponding law orders are also prescribed:
- (a) an order consenting to the making of an order prescribed under subregulation (1);
 - (b) an order varying an order prescribed under subregulation (1);
 - (c) an order varying the property to which an order prescribed under subregulation (1) relates.

6 Corresponding law orders—Act, dict, def *interstate automatic forfeiture decision*

- (1) Corresponding law orders under the following provisions are prescribed:
- (a) *Criminal Proceeds Confiscation Act 2002* (Qld), section 163;
 - (b) *Confiscation Act 1997* (Vic), section 35;
 - (c) *Criminal Property Confiscation Act 2000* (WA), sections 7 and 8;
 - (d) *Criminal Property Forfeiture Act 2002* (NT), section 94.
- (2) The following corresponding law orders are also prescribed:
- (a) an order varying an order prescribed under subregulation (1);
 - (b) an order varying the property to which an order prescribed under subregulation (1) relates.

7 Corresponding law orders—Act, dict, def *interstate civil forfeiture order*

- (1) Corresponding law orders under the following provisions are prescribed:
- (a) *Criminal Assets Recovery Act 1990* (NSW), section 22;
 - (b) *Confiscation Act 1997* (Vic), part 4;
 - (c) *Criminal Proceeds Confiscation Act 2002* (Qld), section 58;
 - (d) *Criminal Property Confiscation Act 2000* (WA)—
 - (i) section 22 if the order is made otherwise than in relation to a relevant confiscation offence for which a person has been convicted; and
 - (ii) section 28 if the order is made otherwise than in relation to a relevant confiscation offence for which a person has been convicted;
 - (e) *Criminal Property Forfeiture Act 2002* (NT), sections 96 and 97.
- (2) The following corresponding law orders are also prescribed:
- (a) an order consenting to the making of an order prescribed under subregulation (1);
 - (b) an order varying an order prescribed under subregulation (1);
 - (c) an order varying the property to which an order prescribed under subregulation (1) relates.

8 Corresponding law orders—Act, dict, def *interstate conviction forfeiture order*

- (1) Corresponding law orders under the following provisions are prescribed:
- (a) *Criminal Assets Recovery Act 1990* (NSW), section 18;
 - (b) *Confiscation Act 1997* (Vic), division 3.1;
 - (c) *Criminal Proceeds Confiscation Act 2002* (Qld), section 151;
 - (d) *Criminal Property Confiscation Act 2000* (WA)—
 - (i) section 22 if the order is made in relation to a relevant confiscation offence for which a person has been convicted; and
 - (ii) section 28 if the order is made in relation to a relevant confiscation offence for which a person has been convicted;
 - (e) *Criminal Assets Confiscation Act 1996* (SA), section 8;
 - (f) *Crime (Confiscation of Profits) Act 1993* (Tas), section 16.
- (2) The following corresponding law orders are also prescribed:
- (a) an order consenting to the making of an order prescribed under subregulation (1);
 - (b) an order varying an order prescribed under subregulation (1);
 - (c) an order varying the property to which an order prescribed under subregulation (1) relates.

9 Corresponding law orders—Act, dict, def *interstate penalty order*

- (1) Corresponding law orders under the following provisions are prescribed:
- (a) *Confiscation of Proceeds of Crime Act 1989* (NSW), sections 24 and 29;
 - (b) *Criminal Assets Recovery Act 1990* (NSW), section 27;
 - (c) *Confiscation Act 1997* (Vic), part 8;
 - (d) *Criminal Proceeds Confiscation Act 2002* (Qld), sections 78, 184 and 202;
 - (e) *Criminal Property Confiscation Act 2000* (WA), sections 12, 16, 17 and 22;
 - (f) *Criminal Assets Confiscation Act 1996* (SA), section 9;
 - (g) *Crime (Confiscation of Profits) Act 1993* (Tas), section 21;
 - (h) *Criminal Property Forfeiture Act 2002* (NT), sections 71, 75, 76 and 81.
- (2) The following corresponding law orders are also prescribed:
- (a) an order consenting to the making of an order prescribed under subregulation (1);
 - (b) an order varying an order prescribed under subregulation (1).

Part 3 Miscellaneous

10 **Police officer to give DPP notice of proposal to restrain property**

- (1) If a police officer proposes that property should be restrained under the Act, a police officer must give the director of public prosecutions written notice of—
 - (a) the property to which the proposal relates; and
 - (b) the name and address of anyone whom the police officer believes has an interest in the property.

Note If a form is approved under the Act, s 259 (Approved forms) for a notice, the form must be used.

- (2) The notice may include any other information the police officer considers appropriate.
- (3) A failure by a police officer to comply with this regulation does not invalidate an application for a restraining order under the Act.

11 **Other narcotic substances—Act, s 90, def *narcotic substance***

The substances mentioned in schedule 1 are prescribed.

12 **Confiscated assets trust fund—public trustee's annual management fee—Act, s 132 (1) (d)**

The annual fee is 1.1% of the amount paid into the trust fund each financial year.

Schedule 1 Other narcotic substances

(see reg 11)

column 1 item	column 2 substance
1	1.4 Butandiol
2	2,5-Dimethoxy-4-Methyl Amphetamine
3	3-Methylfentanyl
4	Acetorphine
3	3-Methylfentanyl
4	Acetorphine
5	Alphamethyl
6	Amphetamine
7	Benzylmorphine
8	Cannabis
9	Cocaine
10	Codeine
11	Dexamphetamine
12	Diacetylmorphine (Heroin)
13	Dihydromorphine
14	DMA (2,5-Dimethoxyamphetamine)
15	DOET (2,5-Dimethoxy-4-Ethyl Amphetamine)
16	Ethylmorphine
17	Fentanyl
18	Hydroxy Amphetamine
19	Ketamine

column 1 item	column 2 substance
20	Lysergide (LSD)
21	MBDB (N-Methyl-3,4-Methylenedioxyphenyl-2-Butanamine)
22	MDA (3,4-Methylene Dioxy Amphetamine)
23	MDMA (Ecstasy) (3,4-Methylene Dioxymethamphetamine)
24	Methadone
25	Methamphetamine
26	Methaqualone
27	Methyl Amphetamine
28	Morphine
29	Nexus (4-Bromo-2,5-Dimethoxyphenethylamine)
30	Opium
31	PCP (Phencyclidine),(1-(1-Phenylcyclohexyl)Piperadine)
32	Pethidine
33	Racemate

Endnote

Notification

Notified under the Legislation Act on 14 August 2003.
(see www.legislation.act.gov.au)

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