



Australian Capital Territory

# **Confiscation of Criminal Assets Regulations 2003 No 25**

made under the

**Confiscation of Criminal Assets Act 2003**

**Republication No 1**

**Effective: 15 August 2003 – 31 October 2004**

Republication date: 15 August 2003

Regulations not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Confiscation of Criminal Assets Regulations 2003*, made under the *Confiscation of Criminal Assets Act 2003*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law up to 15 August 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Confiscation of Criminal Assets Regulations 2003

made under the

**Confiscation of Criminal Assets Act 2003**

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R1  
15/08/03

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Australian Capital Territory

# **Confiscation of Criminal Assets Regulations 2003**

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## Part 1 Preliminary

### 1 Name of regulations

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

### 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.

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## Schedule 1      Other narcotic substances

(see reg 11)

<b>column 1 item</b>	<b>column 2 substance</b>
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

**Schedule 1**      Other narcotic substances

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<b>column 1 item</b>	<b>column 2 substance</b>
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

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Confiscation of Criminal Assets Regulations 2003 SL2003-25**

notified LR 14 August 2003

reg 1, reg 2 commenced 14 August 2003 (LA s 75 (1))

remainder commenced 15 August 2003 (s 2 and see Confiscation of Criminal Assets Act 2003 A2003-8, s 2 and CN2003-7)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

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