



AUSTRALIAN CAPITAL TERRITORY

## **Proceeds of Crime (Consequential Amendments) Act 1991**

**No. 104 of 1991**

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### **An Act to make certain amendments consequent on the making of the *Proceeds of Crime Act 1991***

*[Notified in ACT Gazette S162: 10 January 1992]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Proceeds of Crime (Consequential Amendments) Act 1991*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on the day on which the provisions (other than sections 1 and 2) of the *Proceeds of Crime Act 1991* commence.

#### **Principal Act**

**3.** In this Act, “Principal Act” means the Crimes Act, 1900 of the State of New South Wales in its application in the Territory.

**Interpretation**

4. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘Trust Fund’ means the Confiscated Assets Trust Fund established by section 33 of the *Proceeds of Crime Act 1991*;”.

**Seizure of forfeited articles**

5. Section 350 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

“(4) All articles condemned under subsection (2) as forfeited shall be transferred to the Public Trustee to be dealt with under section 350A.”.

**Insertion**

6. After section 350 of the Principal Act the following sections are inserted:

**Forfeited articles to be dealt with by Public Trustee**

“350A. Where articles are transferred to the Public Trustee under subsection 350 (4), the Public Trustee shall, subject to any direction by the Minister given in a particular case—

- (a) sell or otherwise dispose of the articles;
- (b) apply the proceeds of the sale or disposition in payment of the Public Trustee’s remuneration and other costs, charges and expenses of the kind referred to in section 350B payable to or incurred by him or her in connection with the sale or disposition; and
- (c) pay the remainder of those proceeds to the Trust Fund as required by section 34 of the *Proceeds of Crime Act 1991*.

**Costs etc. payable to Public Trustee**

“350B. (1) The regulations may make provision in relation to—

- (a) the costs, charges and expenses incurred in connection with; and
- (b) the Public Trustee’s remuneration in respect of;

the performance or exercise by the Public Trustee of functions, duties or powers under section 350.

“(2) Where there are no regulations in relation to a matter referred to in subsection (1)—

- (a) the regulations referred to in section 59 of the *Proceeds of Crime Act 1991* apply, so far as they are applicable, and with appropriate changes, in relation to the matter; and
- (b) a reference in subsection (1) to regulations shall be taken to be a reference to the regulations referred to in section 59 of the *Proceeds of Crime Act 1991*.”.

*[Presentation speech made in Assembly on 5 December 1991]*