

Australian Capital Territory

Confiscation of Criminal Assets Amendment Regulation 2022 (No 1)

Subordinate Law SL2022-5

The Australian Capital Territory Executive makes the following regulation under the [Confiscation of Criminal Assets Act 2003](http://www.legislation.act.gov.au/a/2003-8).

Dated 11 April 2022.

Andrew Barr

Chief Minister

Shane Rattenbury

Minister



Australian Capital Territory

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made under the

[Confiscation of Criminal Assets Act 2003](http://www.legislation.act.gov.au/a/2003-8" \o "A2003-8)

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1 Name of regulation

This regulation is the *Confiscation of Criminal Assets Amendment Regulation 2022 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Confiscation of Criminal Assets Regulation 2003](http://www.legislation.act.gov.au/sl/2003-25).

4 Section 4 (f)

substitute

(f) [Criminal Assets Confiscation Act 2005](https://www.legislation.sa.gov.au/lz?path=/c/a/criminal%20assets%20confiscation%20act%202005) (SA);

(fa) [Serious and Organised Crime (Unexplained Wealth) Act 2009](https://www.legislation.sa.gov.au/lz?path=/c/a/serious%20and%20organised%20crime%20(unexplained%20wealth)%20act%202009) (SA);

5 Section 5 (1) (b)

omit

section 10

substitute

section 10A

6 Section 5 (1) (c)

after

section 18

insert

and section 40I

7 Section 5 (1) (f)

substitute

(f) [Criminal Assets Confiscation Act 2005](https://www.legislation.sa.gov.au/lz?path=/c/a/criminal%20assets%20confiscation%20act%202005) (SA), section 24;

(fa) [Serious and Organised Crime (Unexplained Wealth) Act 2009](https://www.legislation.sa.gov.au/lz?path=/c/a/serious%20and%20organised%20crime%20(unexplained%20wealth)%20act%202009) (SA), section 20;

8 Section 6 (1) (c)

substitute

(c) [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA), section 30 if the property was confiscated under that Act, section 8 (1);

(ca) [Criminal Assets Confiscation Act 2005](https://www.legislation.sa.gov.au/lz?path=/c/a/criminal%20assets%20confiscation%20act%202005) (SA), section 77;

9 Section 7 (1) (a)

after

section 22

insert

and section 31A

10 Section 7 (1) (d)

substitute

(d) [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA)—

(i) section 28 if the order is made otherwise than in relation to a relevant confiscation offence for which the person has been convicted; and

(ii) section 30 if the property was confiscated under that Act, section 6, 7 or 8 (2);

11 New section 7 (3)

insert

(3) In this section:

relevant confiscation offence—see the [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA), glossary.

12 Section 8 (1) (a)

substitute

(a) [Confiscation of Proceeds of Crime Act 1989](https://legislation.nsw.gov.au/view/html/inforce/current/act-1989-090) (NSW), section 18;

13 Section 8 (1) (d)

substitute

(d) [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA), section 28 if the order is made in relation to a relevant confiscation offence for which a person has been convicted;

14 Section 8 (1) (e)

omit

15 New section 8 (3)

insert

(3) In this section:

relevant confiscation offence—see the [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA), glossary.

16 Section 9 (1) (f)

substitute

(f) [Criminal Assets Confiscation Act 2005](https://www.legislation.sa.gov.au/lz?path=/c/a/criminal%20assets%20confiscation%20act%202005) (SA), section 95;

17 New section 9A

in part 2, insert

9A Corresponding law orders—Act, dict, def interstate unexplained wealth order

(1) Corresponding law orders under the following provisions are prescribed:

(a) [Criminal Assets Recovery Act 1990](https://legislation.nsw.gov.au/view/html/inforce/current/act-1990-023) (NSW), section 28A and section 31B;

(b) [Criminal Proceeds Confiscation Act 2002](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2002-068) (Qld), section 89G;

(c) [Criminal Property Confiscation Act 2000](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a2058.html) (WA), section 12;

(d) [Serious and Organised Crime (Unexplained Wealth) Act 2009](https://www.legislation.sa.gov.au/lz?path=/c/a/serious%20and%20organised%20crime%20(unexplained%20wealth)%20act%202009) (SA), section 9;

(e) [Crime (Confiscation of Profits) Act 1993](http://www.legislation.tas.gov.au/linkto.w3p;doc_id=20++1993+AT@EN+CURRENT) (Tas), section 142;

(f) [Criminal Property Forfeiture Act 2002](https://legislation.nt.gov.au/en/Legislation/CRIMINAL-PROPERTY-FORFEITURE-ACT-2002) (NT), section 71.

(2) The following corresponding law orders are also prescribed:

(a) an order consenting to the making of an order prescribed under subsection (1);

(b) an order varying an order prescribed under subsection (1);

(c) an order varying the property to which an order prescribed under subsection (1) relates.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2 May 2022.

2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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