



Criminal Proceeds Confiscation Act 2002

Criminal Proceeds Confiscation Regulation 2013

Current as at 28 August 2020

Reprint note

This is the last reprint before repeal. Repealed on 1 September 2023 by 2023 SL No. 113 s 10.

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Queensland

Criminal Proceeds Confiscation Regulation 2013

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Criminal Proceeds Confiscation Regulation 2013

1 Short title

This regulation may be cited as the *Criminal Proceeds Confiscation Regulation 2013*.

2 Serious criminal offences

Each offence mentioned in schedule 1 is a serious criminal offence for section 17(1)(b) of the Act.

3 Confiscation offences

Each offence mentioned in schedule 2 is a confiscation offence for section 99(e) of the Act.

4 Corresponding laws

- (1) Each law mentioned in schedule 3 corresponds to the Act for schedule 6 of the Act, definition *corresponding law*.
- (2) Each of the following repealed laws is, despite its repeal, taken to be a corresponding law to the extent necessary to enable an order made under the repealed Act, whether before or after the repeal, to be filed under the Act—
 - (a) the *Crimes (Confiscation of Profits) Act 1986* (Vic);
 - (b) the *Crimes (Confiscation of Profits) Act 1988* (WA).

Note—

For provisions about the filing of interstate orders see chapter 7 (Interstate orders and warrants), part 2 (Provisions about filing interstate orders) of the Act.

5 Interstate forfeiture orders

An order made under a provision mentioned in schedule 4 is an interstate forfeiture order for schedule 6 of the Act, definition *interstate forfeiture order*.

6 Interstate pecuniary penalty orders

An order made under a provision mentioned in schedule 5 is an interstate pecuniary penalty order for schedule 6 of the Act, definition *interstate pecuniary penalty order*.

7 Interstate restraining orders

An order made under a provision mentioned in schedule 6 is an interstate restraining order for schedule 6 of the Act, definition *interstate restraining order*.

8 When Magistrates Court may make forfeiture order for real property

For section 150(2) of the Act, a Magistrates Court may make a forfeiture order for real property only if the total value of the real property and all other property the court is required to take into consideration under section 150(1) of the Act is not more than the limit of a Magistrates Court's civil jurisdiction.

9 Repeal

The Criminal Proceeds Confiscation Regulation 2002, SL No. 367 is repealed.

Schedule 1 Serious criminal offences

section 2

- 1 an offence against section 252(1) of the Act
- 2 an offence against any of the following provisions of the Criminal Code—
 - section 229H(1)
 - section 229I(1)
 - section 229K(2)
- 3 an offence against the *Drugs Misuse Act 1986*, section 10A(1) or (3)
- 4 an offence against the *Prostitution Act 1999*, section 70

Schedule 2 Confiscation offences

section 3

an offence against any of the following—

- the *Prostitution Act 1999*, section 73(1)
- the *Racing Act 2002*
- the repealed *Racing and Betting Act 1980*

Schedule 3 Corresponding laws

section 4

- 1 *Confiscation of Criminal Assets Act 2003* (ACT)
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW)
- 3 *Criminal Assets Recovery Act 1990* (NSW)
- 4 *Criminal Property Forfeiture Act 2002* (NT)
- 5 *Criminal Assets Confiscation Act 2005* (SA)
- 6 *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA)
- 7 *Crime (Confiscation of Profits) Act 1993* (Tas)
- 8 *Confiscation Act 1997* (Vic)
- 9 *Criminal Property Confiscation Act 2000* (WA)

Schedule 4 Interstate forfeiture order provisions

section 5

- 1 *Confiscation of Criminal Assets Act 2003* (ACT), sections 54, 59 and 67
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW), sections 18 and 32
- 3 *Criminal Assets Recovery Act 1990* (NSW), sections 22, 29 and 31A
- 4 *Criminal Property Forfeiture Act 2002* (NT), sections 94, 96, 97, 99, 100 and 101
- 5 *Criminal Assets Confiscation Act 2005* (SA), sections 47, 48, 56B and 77
- 6 *Crime (Confiscation of Profits) Act 1993* (Tas), sections 16 and 152
- 7 *Confiscation Act 1997* (Vic), sections 33, 34, 34C, 36, 36F, 36GB, 38, 39 and 40ZB
- 8 *Criminal Property Confiscation Act 2000* (WA), sections 22, 28 and 30
- 9 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 7
- 10 the repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 10

Schedule 5 Interstate pecuniary penalty order provisions

section 6

- 1 *Confiscation of Criminal Assets Act 2003* (ACT), sections 84 and 85
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW), sections 24 and 29
- 3 *Criminal Assets Recovery Act 1990* (NSW), sections 27, 28A and 31B
- 4 *Criminal Property Forfeiture Act 2002* (NT), sections 71, 75, 76 and 81
- 5 *Criminal Assets Confiscation Act 2005* (SA), sections 95 and 111
- 6 *Crime (Confiscation of Profits) Act 1993* (Tas), section 21
- 7 *Confiscation Act 1997* (Vic), part 8
- 8 *Criminal Property Confiscation Act 2000* (WA), sections 12, 16, 17 and 22
- 9 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 12
- 10 the repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 15

Schedule 6 **Interstate restraining order provisions**

section 7

- 1 *Confiscation of Criminal Assets Act 2003* (ACT), sections 30 and 31
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW), sections 22, 42L, 42M and 43
- 3 *Criminal Assets Recovery Act 1990* (NSW), section 10A
- 4 *Criminal Property Forfeiture Act 2002* (NT), sections 40, 43 and 44
- 5 *Criminal Assets Confiscation Act 2005* (SA), section 24
- 6 *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA), section 20
- 7 *Crime (Confiscation of Profits) Act 1993* (Tas), sections 26, 116 and 118
- 8 *Confiscation Act 1997* (Vic), sections 18, 36M and 40I
- 9 *Criminal Property Confiscation Act 2000* (WA), sections 34 and 43
- 10 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 16
- 11 the repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 20