



Queensland

Criminal Proceeds Confiscation Act 2002

Criminal Proceeds Confiscation Regulation 2002

Current as at 23 March 2007

**NOTE—This is the last reprint before repeal.
Repealed on 9 August 2013 by 2013 SL No.
154 s 9.**

Information about this reprint

This regulation is reprinted as at 23 March 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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Criminal Proceeds Confiscation Regulation 2002

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Criminal Proceeds Confiscation Regulation 2002

[as amended by all amendments that commenced on or before 23 March 2007]

1 Short title

This regulation may be cited as the *Criminal Proceeds Confiscation Regulation 2002*.

2 Commencement

This regulation commences on 1 January 2003.

3 Serious criminal offences

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

4 Confiscation offences

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

5 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.

6 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*.

7 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*.

8 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*.

9 When Magistrates Court may make forfeiture order for real property

For applying section 150(2) of the Act to real property, the total value of property that may be forfeited under a forfeiture order made by a Magistrates Court is the total value of the real property and all other property the court is required by section 150(1) of the Act to take into consideration.

Schedule 1 Serious criminal offences

section 3

- 1 An offence against any of the following provisions of the Criminal Code—
 - section 229H(1)
 - section 229I(1)
 - section 229K(2) or (8).
- 2 An offence against the *Prostitution Act 1999*, section 70.

Schedule 2 Confiscation offences

section 4

An offence against any of the following—

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

Schedule 3 Corresponding laws

section 5

- 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 (NT).*
- 5 *Criminal Assets Confiscation Act 2005 (SA).*
- 6 *Crime (Confiscation of Profits) Act 1993 (Tas).*
- 7 *Confiscation Act 1997 (Vic).*
- 8 *Criminal Property Confiscation Act 2000 (WA).*

Schedule 4 Interstate forfeiture orders provisions

section 6

- 1 *Confiscation of Criminal Assets Act 2003* (ACT), sections 54 and 67.
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW), section 18.
- 3 *Criminal Assets Recovery Act 1990* (NSW), section 22.
- 4 *Criminal Property Forfeiture Act* (NT), sections 94, 96, 97, 99, 100 and 101.
- 5 *Criminal Assets Confiscation Act 2005* (SA), section 47.
- 6 *Crime (Confiscation of Profits) Act 1993* (Tas), section 16.
- 7 The repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 7.
- 8 *Confiscation Act 1997* (Vic), sections 33 and 38.
- 9 The repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 10.
- 10 *Criminal Property Confiscation Act 2000* (WA), sections 22, 28 and 30.

Schedule 5 Interstate pecuniary penalty orders provisions

section 7

- 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), section 27.
- 4 *Criminal Assets Confiscation Act 2005* (SA), section 95.
- 5 *Crime (Confiscation of Profits) Act 1993* (Tas), section 21.
- 6 The repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 12.
- 7 *Confiscation Act 1997* (Vic), sections 59 and 64.
- 8 The repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 15.
- 9 *Criminal Property Confiscation Act 2000* (WA), sections 12, 16, 17 and 22.

Schedule 6 Interstate restraining orders provisions

section 8

- 1 *Confiscation of Criminal Assets Act 2003* (ACT), sections 30 and 31.
- 2 *Confiscation of Proceeds of Crime Act 1989* (NSW), section 43.
- 3 *Criminal Assets Recovery Act 1990* (NSW), section 10.
- 4 *Criminal Property Forfeiture Act* (NT), sections 40, 43 and 44.
- 5 *Criminal Assets Confiscation Act 2005* (SA), section 24.
- 6 *Crime (Confiscation of Profits) Act 1993* (Tas), section 26.
- 7 The repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 16.
- 8 *Confiscation Act 1997* (Vic), section 14.
- 9 The repealed *Crimes (Confiscation of Profits) Act 1988* (WA), section 20.
- 10 *Criminal Property Confiscation Act 2000* (WA), section 43.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 March 2007. Future amendments of the Criminal Proceeds Confiscation Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 January 2003	
1A	2004 SL No. 261	3 December 2004	
1B	2007 SL No. 40	23 March 2007	

5 List of legislation

Criminal Proceeds Confiscation Regulation 2002 SL No. 367

made by the Governor in Council on 19 December 2002
notfd gaz 20 December 2002 pp 1359–63
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2003 (see s 2)
exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Criminal Proceeds Confiscation Amendment Regulation (No. 1) 2004 SL No. 261

notfd gaz 3 December 2004 pp 1117–9
commenced on date of notification

Criminal Proceeds Confiscation Amendment Regulation (No. 1) 2007 SL No. 40

notfd gaz 23 March 2007 pp 1366–9
commenced on date of notification

6 List of annotations

SCHEDULE 3—CORRESPONDING LAWS

amd 2004 SL No. 261 s 3; 2007 SL No. 40 s 3

SCHEDULE 4—INTERSTATE FORFEITURE ORDERS PROVISIONS

sch hdg amd 2007 SL No. 40 s 4(1)

sch 4 amd 2004 SL No. 261 s 4; 2007 SL No. 40 s 4(2)–(3)

SCHEDULE 5—INTERSTATE PECUNIARY PENALTY ORDERS PROVISIONS

amd 2004 SL No. 261 s 5; 2007 SL No. 40 s 5

SCHEDULE 6—INTERSTATE RESTRAINING ORDERS PROVISIONS

amd 2004 SL No. 261 s 6; 2007 SL No. 40 s 6

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