



*Criminal Proceeds Confiscation Act 2002*

# **Criminal Proceeds Confiscation Regulation 2023**

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Queensland

# Criminal Proceeds Confiscation Regulation 2023

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# Criminal Proceeds Confiscation Regulation 2023

## 1 Short title

This regulation may be cited as the *Criminal Proceeds Confiscation Regulation 2023*.

## 2 Commencement

This regulation commences on 1 September 2023.

## 3 Serious criminal offences—Act, s 17

For section 17(1)(b) of the Act, an offence mentioned in schedule 1 is prescribed as a serious criminal offence.

## 4 Confiscation offences—Act, s 99

For section 99(e) of the Act, an offence mentioned in schedule 2 is prescribed as a confiscation offence.

## 5 When Magistrates Court may make forfeiture order for real property—Act, s 150

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 consider under section 150(1) of the Act is not more than the limit of a Magistrates Court's civil jurisdiction.

## 6 Corresponding laws—Act, sch 6

For schedule 6 of the Act, definition *corresponding law*—

- (a) a law mentioned in schedule 3 is prescribed to be a law that corresponds to the Act; and
- (b) the *Crimes (Confiscation of Profits) Act 1986 (Vic)* (the *repealed law*) is, despite its repeal, prescribed to be a

law that corresponds to the Act, to the extent necessary to enable an order made under the repealed law, whether before or after its repeal, to be filed under the Act.

**7 Interstate forfeiture orders—Act, sch 6**

For schedule 6 of the Act, definition *interstate forfeiture order*, an order made under a provision mentioned in schedule 4 is declared to be an interstate forfeiture order.

**8 Interstate pecuniary penalty orders—Act, sch 6**

For schedule 6 of the Act, definition *interstate pecuniary penalty order*, an order made under a provision mentioned in schedule 5 is declared to be an interstate pecuniary penalty order.

**9 Interstate restraining orders—Act, sch 6**

For schedule 6 of the Act, definition *interstate restraining order*, an order made under a provision mentioned in schedule 6 is declared to be an interstate restraining order.

**10 Repeal**

The Criminal Proceeds Confiscation Regulation 2013, SL No. 154 is repealed.

## **Schedule 1      Serious criminal offences**

### section 3

An offence against any of the following—

- section 252(1) of the Act
- the *Drugs Misuse Act 1986*, section 10A(1) or (3).

## **Schedule 2      Confiscation offences**

section 4

An offence against any of the following—

- the *Racing Act 2002*
- the repealed *Racing and Betting Act 1980*.



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## Schedule 3 Corresponding laws

### section 6

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

## **Schedule 4      Interstate forfeiture order provisions**

### section 7

- 1 the *Confiscation of Criminal Assets Act 2003* (ACT), section 54, 59 or 67
- 2 the *Confiscation of Proceeds of Crime Act 1989* (NSW), section 17F, 18, 27, 32 or 34A
- 3 the *Criminal Assets Recovery Act 1990* (NSW), section 22, 29 or 31A
- 4 the *Criminal Property Forfeiture Act 2002* (NT), section 94, 96, 97, 99, 100 or 101
- 5 the *Criminal Assets Confiscation Act 2005* (SA), section 47, 48, 56B or 77
- 6 the *Crime (Confiscation of Profits) Act 1993* (Tas), section 16 or 152
- 7 the *Confiscation Act 1997* (Vic), section 33, 34, 34C, 36, 36F, 36GB, 38, 39, 40ZB or 70
- 8 the *Criminal Property Confiscation Act 2000* (WA), section 22, 28 or 30
- 9 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 7

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## Schedule 5      Interstate pecuniary penalty order provisions

### section 8

- 1 the *Confiscation of Criminal Assets Act 2003* (ACT), section 84, 85 or 98D
- 2 the *Confiscation of Proceeds of Crime Act 1989* (NSW), section 24 or 29
- 3 the *Criminal Assets Recovery Act 1990* (NSW), section 27, 28A or 31B
- 4 the *Criminal Property Forfeiture Act 2002* (NT), section 71, 75, 76 or 81
- 5 the *Criminal Assets Confiscation Act 2005* (SA), section 95 or 111
- 6 the *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA), section 9
- 7 the *Crime (Confiscation of Profits) Act 1993* (Tas), section 21
- 8 the *Confiscation Act 1997* (Vic), section 59 or 60
- 9 the *Criminal Property Confiscation Act 2000* (WA), section 12, 16, 17 or 22
- 10 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 12

## **Schedule 6**      **Interstate restraining order provisions**

### section 9

- 1 the *Confiscation of Criminal Assets Act 2003* (ACT), section 30, 31 or 32A
- 2 the *Confiscation of Proceeds of Crime Act 1989* (NSW), section 22, 42L, 42M, 43 or 43A
- 3 the *Criminal Assets Recovery Act 1990* (NSW), section 10A
- 4 the *Criminal Property Forfeiture Act 2002* (NT), section 40, 43 or 44
- 5 the *Criminal Assets Confiscation Act 2005* (SA), section 24
- 6 the *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA), section 20
- 7 the *Crime (Confiscation of Profits) Act 1993* (Tas), section 26, 116 or 118
- 8 the *Confiscation Act 1997* (Vic), section 18, 36M or 40I
- 9 the *Criminal Property Confiscation Act 2000* (WA), section 34 or 43
- 10 the repealed *Crimes (Confiscation of Profits) Act 1986* (Vic), section 16