



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*.

Dated 11 April 2022.

ANDREW BARR
Chief Minister

SHANE RATTENBURY
Minister



Australian Capital Territory

Confiscation of Criminal Assets Amendment Regulation 2022 (No 1)

Subordinate Law SL2022-5

made under the

[Confiscation of Criminal Assets Act 2003](#)

Contents

		Page
1	Name of regulation	1
2	Commencement	1
3	Legislation amended	1
4	Section 4 (f)	1
5	Section 5 (1) (b)	1
6	Section 5 (1) (c)	2

J2021-1349

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
7	Section 5 (1) (f)	2
8	Section 6 (1) (c)	2
9	Section 7 (1) (a)	2
10	Section 7 (1) (d)	3
11	New section 7 (3)	3
12	Section 8 (1) (a)	3
13	Section 8 (1) (d)	3
14	Section 8 (1) (e)	4
15	New section 8 (3)	4
16	Section 9 (1) (f)	4
17	New section 9A	4

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](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Confiscation of Criminal Assets Regulation 2003*.

4 Section 4 (f)

substitute

- (f) *Criminal Assets Confiscation Act 2005 (SA)*;
- (fa) *Serious and Organised Crime (Unexplained Wealth) Act 2009 (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* (SA), section 24;

(fa) *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA), section 20;

8 Section 6 (1) (c)

substitute

(c) *Criminal Property Confiscation Act 2000* (WA), section 30 if the property was confiscated under that Act, section 8 (1);

(ca) *Criminal Assets Confiscation Act 2005* (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* (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* (WA), glossary.

12 Section 8 (1) (a)

substitute

- (a) *Confiscation of Proceeds of Crime Act 1989* (NSW), section 18;

13 Section 8 (1) (d)

substitute

- (d) *Criminal Property Confiscation Act 2000* (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* (WA), glossary.

16 Section 9 (1) (f)

substitute

(f) *Criminal Assets Confiscation Act 2005* (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* (NSW), section 28A and section 31B;
- (b) *Criminal Proceeds Confiscation Act 2002* (Qld), section 89G;
- (c) *Criminal Property Confiscation Act 2000* (WA), section 12;
- (d) *Serious and Organised Crime (Unexplained Wealth) Act 2009* (SA), section 9;
- (e) *Crime (Confiscation of Profits) Act 1993* (Tas), section 142;
- (f) *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](#) on 2 May 2022.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
