

**NORTHERN TERRITORY OF AUSTRALIA**

**CRIMES (FORFEITURE OF PROCEEDS) REGULATIONS**

As in force at 13 March 1996

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 13 March 1996

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## CRIMES (FORFEITURE OF PROCEEDS) REGULATIONS

### Regulations under the *Crimes (Forfeiture of Proceeds) Act*

#### 1 Citation

These Regulations may be cited as the *Crimes (Forfeiture of Proceeds) Regulations*.

#### 2 Definitions

In these Regulations, unless the contrary intention appears:

***Australian Capital Territory Act*** means the *Proceeds of Crime Act 1991* of the Australian Capital Territory as in force from time to time.

***Commonwealth Act*** means the *Proceeds of Crime Act 1987* of the Commonwealth as in force from time to time.

***Drug Trafficking Act of New South Wales*** means the *Drug Trafficking (Civil Proceedings) Act 1990* of New South Wales as in force from time to time.

***former New South Wales Act*** means the *Crimes (Confiscation of Profits) Act 1985* of the State of New South Wales as in force from time to time.

***New South Wales Act*** means the *Confiscation of Proceeds of Crime Act 1989* of the State of New South Wales as in force from time to time.

***Queensland Act*** means the *Crimes (Confiscation) Act 1989* of the State of Queensland as in force from time to time.

***South Australian Act*** means the *Crimes (Confiscation of Profits) Act 1986* of the State of South Australia as in force from time to time.

***Tasmanian Act*** means the *Crimes Confiscation of Profits) Act 1993* of the State of Tasmania as in force from time to time.

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**Victorian Act** means the *Crimes (Confiscation of Profits) Act 1986* of the State of Victoria as in force from time to time.

**Western Australian Act** means the *Crimes (Confiscation of Profits) Act 1988* of the State of Western Australia as in force from time to time.

### **3 Corresponding law**

For the purposes of the definition of **corresponding law** in section 3 of the Act:

- (aa) the Australian Capital Territory Act;
- (a) the Commonwealth Act;
- (ab) the Drug Trafficking Act of New South Wales;
- (b) the former New South Wales Act;
- (c) the New South Wales Act;
- (d) the Queensland Act;
- (e) the South Australian Act;
- (ea) the Tasmanian Act;
- (f) the Victorian Act; and
- (g) the Western Australian Act,

are prescribed to be laws that correspond to the Act.

### **4 Interstate forfeiture order**

For the purposes of the definition of **interstate forfeiture order** in section 3 of the Act, an order made under:

- (a) section 19(1) of the Commonwealth Act;
- (b) section 5(1) of the former New South Wales Act;
- (c) section 18 of the New South Wales Act;
- (d) section 8 of the Queensland Act;
- (e) section 5(1) of the South Australian Act;
- (f) section 7 of the Victorian Act; or

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(g) section 10 of the Western Australian Act,  
is an order of a kind prescribed to be within that definition.

**5 Interstate pecuniary penalty order**

For the purposes of the definition of *interstate pecuniary penalty order* in section 3 of the Act, an order made under:

- (a) section 26(1) of the Commonwealth Act;
- (b) section 10(1) of the former New South Wales Act;
- (c) section 24, 25, 29 or 30 of the New South Wales Act;
- (d) section 13 of the Queensland Act;
- (e) section 12 of the Victorian Act; or
- (f) section 15 of the Western Australian Act,

is an order of a kind prescribed to be within that definition.

**6 Interstate restraining order**

For the purposes of the definition of *interstate restraining order* in section 3 of the Act, an order made under:

- (a) section 43(2) of the Commonwealth Act;
- (b) section 12(2) of the former New South Wales Act;
- (c) section 43 of the New South Wales Act;
- (d) section 17 of the Queensland Act;
- (e) section 6(1) of the South Australian Act;
- (f) section 16 of the Victorian Act; or
- (g) section 20 of the Western Australian Act,

is an order of a kind prescribed to be within that definition.

**7 Prescribed particulars of restraining order**

For the purposes of section 22 of the Act, the prescribed particulars of a restraining order are:

- (a) the full name of the appropriate officer who applied for the restraining order under section 14 of the Act;

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- (b) the name of the court by which the order was made;
  - (c) the date when the order was made; and
  - (d) a description of the affected property which is sufficient to identify it.

## **8 Search warrants**

A search warrant issued under:

- (a) section 42(2) of the Act shall be in the form in Schedule 1;
- (b) section 42(4) of the Act shall be in the form in Schedule 2; and
- (c) section 52 of the Act shall be in the form in Schedule 3.

## **9 Prescribed serious offences**

For the purposes of paragraph (b) of the definition of **serious offence** in section 3 of the Act, an offence against section 31, 32 or 33 of the *Unlawful Betting Act* is a prescribed offence.

## Schedule 1

regulation 8(a)

### NORTHERN TERRITORY OF AUSTRALIA

#### *Crimes (Forfeiture of Proceeds) Act*

#### WARRANT TO SEARCH PERSON

To \_\_\_\_\_, a member of the Police Force.

I, \_\_\_\_\_, a magistrate, in pursuance of section 42(2) of the *Crimes (Forfeiture of Proceeds) Act*, issue a warrant authorizing the above – named member of the Police Force and any other member of the Police Force, with such assistance, and by such force, as is necessary and reasonable:

(a) to search

(name of person to be searched)

for the following tainted property:

(specify tainted property)

; and

(b) to seize property found in the course of the search that the member believes, on reasonable grounds, to be tainted property of that kind.

#### THIS WARRANT

(a) is issued for the purpose of

(include purpose for which warrant issued, including reference to the nature of the relevant serious offence); and

(b) shall cease to have effect at midnight on

(a date not later than 21 days after the date of issue of the warrant).

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Magistrate

## Schedule 2

regulation 8(b)

### NORTHERN TERRITORY OF AUSTRALIA

#### *Crimes (Forfeiture of Proceeds) Act*

#### WARRANT TO SEARCH LAND OR PREMISES

To \_\_\_\_\_, a member of the Police Force.

I, \_\_\_\_\_, a magistrate, in pursuance of section 42(4) of the *Crimes (Forfeiture of Proceeds) Act*, issue a warrant authorizing the above-named member of the Police Force and any other member of the Police Force, with such assistance, and by such force, as is necessary and reasonable:

- (a) to enter:
  - \*(i) onto \_\_\_\_\_  
(specify land to be searched); or
  - \*(ii) on or into \_\_\_\_\_  
(specify premises to be searched),
- (b) to search that land/those premises\* for the following tainted property:  
(specify tainted property); and
- (c) to seize property found in the course of the search that the member believes, on reasonable grounds to be tainted property of that kind.

#### THIS WARRANT

- (a) is issued for the purpose of \_\_\_\_\_  
(include purpose for which warrant issued, including reference to the nature of the relevant serious offence);
- (b) authorizes entry to be made to the land or the premises, as the case may be:
  - \*(i) at any time of the day or night; or



\*(ii) during

specify hours of day or night entry authorized); and

(c) shall cease to have effect at midnight on

(a date not later than 21 days after the date of issue of the warrant).

Dated 19 .

Magistrate

\* Delete if not applicable

### Schedule 3

regulation 8(c)

#### NORTHERN TERRITORY OF AUSTRALIA

#### *Crimes (Forfeiture of Proceeds) Act*

#### WARRANT TO SEARCH FOR PROPERTY-TRACKING DOCUMENTS

To \_\_\_\_\_, a member of the Police Force.

The Supreme Court of the Northern Territory of Australia, in pursuance of section 52 of the *Crimes (Forfeiture of Proceeds) Act*, hereby issues a search warrant authorizing the above-named member of the Police Force and any other member of the Police Force, with such assistance, and by such force, as is necessary and reasonable:

- (a) to enter:
  - \* (i) on \_\_\_\_\_  
(specify land to be searched); or
  - \* (ii) on or into \_\_\_\_\_  
(specify the premises to be searched)
- (b) to search that land/those premises\* for the following property-tracking documents:  
(specify property-tracking documents); and
- (c) to seize any document found in the course of the search that the member believes, on reasonable grounds, to be a document of that kind.

#### THIS SEARCH WARRANT

- (a) is issued for the purpose of \_\_\_\_\_  
(include purpose for which warrant issued, including reference to the nature of the relevant serious offence);
- (b) authorizes entry to be made to the land or the premises, as the case may be:
  - \* (i) at any time of the day or night; or

\*(ii) during

(specify hours of day or night entry authorized); and

(c) shall cease to have effect at midnight on

(a date not later than one month after the date of issue of the warrant).

Dated 19 .

Judge of the Supreme Court  
of the Northern Territory  
of Australia

\* Delete if not applicable

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**ENDNOTES**
**1****KEY**

Key to abbreviations

**amd = amended**  
**app = appendix**  
**bl = by-law**  
**ch = Chapter**  
**cl = clause**  
**div = Division**  
**exp = expires/expired**  
**f = forms**  
**Gaz = Gazette**  
**hdg = heading**  
**ins = inserted**  
**lt = long title**  
**nc = not commenced**

**od = order**  
**om = omitted**  
**pt = Part**  
**r = regulation/rule**  
**rem = remainder**  
**renum = renumbered**  
**rep = repealed**  
**s = section**  
**sch = Schedule**  
**sdiv = Subdivision**  
**SL = Subordinate Legislation**  
**sub = substituted**

**2****LIST OF LEGISLATION*****Crimes (Forfeiture of Proceeds) Regulations (SL No. 32, 1989)***

Notified	8 November 1989
Commenced	8 November 1989

***Amendments of Crimes (Forfeiture of Proceeds) Regulations (SL No. 53, 1992)***

Notified	14 October 1992
Commenced	14 October 1992

***Amendments of Crimes (Forfeiture of Proceeds) Regulations (SL No. 24, 1994)***

Notified	10 August 1994
Commenced	10 August 1994

***Amendments of Crimes (Forfeiture of Proceeds) Regulations (SL No. 10, 1996)***

Notified	13 March 1996
Commenced	13 March 1996

**3****LIST OF AMENDMENTS**

r 2	amd No. 53, 1992, r 2; No. 24, 1994, r 1; No. 10, 1996
r 3	amd No. 53, 1992, r 3; No. 24, 1994, r 2
r 9	ins No. 53, 1992, r 4