

# **NORTHERN TERRITORY OF AUSTRALIA**

## **CRIMES (FORFEITURE OF PROCEEDS) REGULATIONS**

As in force at 13 March 1996

### **Table of provisions**

1	Citation .....	1
2	Definitions.....	1
3	Corresponding law.....	2
4	Interstate forfeiture order .....	2
5	Interstate pecuniary penalty order .....	3
6	Interstate restraining order.....	3
7	Prescribed particulars of restraining order .....	3
8	Search warrants .....	4
9	Prescribed serious offences .....	4

### **Schedule 1**

### **Schedule 2**

### **Schedule 3**

### **ENDNOTES**



# 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



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\* (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

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## 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

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\*(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

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 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