

Serial 244
Criminal Code Amendment (Money Laundering) Bill 2004
Dr Toyne

**A BILL
for
AN ACT**

to amend the Criminal Code



NORTHERN TERRITORY OF AUSTRALIA
CRIMINAL CODE AMENDMENT (MONEY LAUNDERING) ACT 2004

No. of 2004

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2004

AN ACT

to amend the Criminal Code

[Assented to 2004]

[Second reading 2004]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment (Money Laundering) Act 2004*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. New Part VII, Division 3A

The Criminal Code is amended by inserting in Part VII after Division 3 the following:

"Division 3A – Money laundering

"231A. Definitions

"(1) In this Division –

'deals with', in relation to money or other property, means –

Criminal Code Amendment (Money Laundering) Act 2004

- (a) receives or has possession or control of the money or other property;
- (b) conceals or attempts to conceal the money or other property;
- (c) passes the money or other property to another person; or
- (d) disposes of the money or other property in any other way;

'offence' means –

- (a) an offence against a law in force in the Territory; or
- (b) an offence against a law of the Commonwealth, a State, another Territory or a foreign state, that would be an offence if committed in the Territory;

'proceeds of crime' means money or other property that is derived or realised, directly or indirectly, by any person from the commission of an offence.

"(2) For the definition of 'proceeds of crime', it is necessary to prove facts that constitute one or more offences but the particulars of an offence need not be proven.

"231B. Money laundering

"(1) Any person who deals with proceeds of crime is guilty of a crime and is liable to imprisonment for 20 years.

"(2) It is a defence to a prosecution for an offence against this section if the defendant proves –

- (a) that he or she –
 - (i) did not know;
 - (ii) did not believe or suspect; and
 - (iii) did not have reasonable grounds to suspect,that the money or other property was proceeds of crime; or
- (b) that he or she engaged in the act or omission alleged to constitute the crime in order to assist the enforcement of a law of the Territory, the Commonwealth, a State or another Territory.

"231C. Dealing with property used in connection with an offence

"(1) Any person who deals with money or other property that is being used or is intended to be used in the commission of, or to facilitate the commission of, an offence is guilty of a crime and is liable to imprisonment for 20 years.

"(2) For subsection (1), in order to prove that money or other property is being or is intended to be used in the commission of, or to facilitate the commission of, an offence, it is not necessary to establish that –

- (a) a particular offence was or was intended to be committed in relation to the money or other property; or
- (b) a particular person had or had intended to commit an offence in relation to the money or other property.

"(3) It is a defence to a prosecution for an offence against this section if the defendant proves –

- (a) that he or she –
 - (i) did not know;
 - (ii) did not believe or suspect; and
 - (iii) did not have reasonable grounds to suspect,

that the money or other property was being used or was intended to be used in the commission of, or to facilitate the commission of, an offence; or

- (b) that he or she engaged in the act or omission alleged to constitute the crime in order to assist the enforcement of a law of the Territory, the Commonwealth, a State or another Territory.

"231D. Summary offence

"Any person who deals with money or other property that he or she ought reasonably to have suspected to be –

- (a) proceeds of crime; or
- (b) being used or intended to be used in the commission of, or to facilitate the commission of, an offence,

is guilty of an offence and is liable to imprisonment for 2 years.

"231E. Prosecution to be approved

"A prosecution for an offence under this Division must not be commenced without the consent of the Director of Public Prosecutions.

"231F. Section 31 not to apply

"Section 31 does not apply to offences in this Division."
