

Serial 91  
Criminal Property Forfeiture Amendment Bill 2014  
Mr Elferink

A Bill for an Act to amend the *Criminal Property Forfeiture Act*



# NORTHERN TERRITORY OF AUSTRALIA

## CRIMINAL PROPERTY FORFEITURE AMENDMENT ACT 2014

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Act No. [ ] of 2014

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### Table of provisions

1	Short title .....	1
2	Commencement .....	1
3	Act amended .....	1
4	Section 5 amended.....	1
5	Section 81 amended.....	2
6	Section 82 amended.....	2
7	Section 85 amended.....	2
8	Part 14 inserted .....	3
	Part 14                      Transitional matters for Criminal Property Forfeiture Amendment Act 2014	
	167            Application of Criminal Property Forfeiture Amendment Act 2014	
9	Expiry of Act .....	3





# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2014

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An Act to amend the *Criminal Property Forfeiture Act*

[Assented to [ ] 2014]  
[Second reading [ ] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Criminal Property Forfeiture Amendment Act 2014*.

## 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## 3 Act amended

This Act amends the *Criminal Property Forfeiture Act*.

## 4 Section 5 amended

Section 5

*insert (in alphabetical order)*

**agreement** means a tenancy, lease, hire agreement or contract.

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**5 Section 81 amended**

Section 81(2)

*omit*

may

*insert*

must

**6 Section 82 amended**

Section 82(a)

*omit, insert*

- (a) at the time the property became crime-used, the respondent:
- (i) had a legal or equitable interest in the property through an agreement granted by another person who is an innocent party in relation to the property; or
  - (ii) had a right of occupancy, use or possession of the property through an agreement granted by another person who is an innocent party in relation to the property; or
  - (iii) did not have effective control of the property; or

**7 Section 85 amended**

After section 85(2)

*insert*

- (3) In this section, the **value** of crime-used property is the freehold value of real property, or the full value of other property, and not the value of an interest in the property under an agreement.

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**8            Part 14 inserted**

After section 166

*insert*

**Part 14                    Transitional matters for Criminal Property  
Forfeiture Amendment Act 2014**

**167            Application of Criminal Property Forfeiture Amendment  
Act 2014**

- (1) This Act, as amended by the *Criminal Property Forfeiture Amendment Act 2014*, applies only in relation to proceedings under this Act that are commenced after the commencement of this section (the **commencement**).
- (2) This Act, as in force before the commencement, continues to apply in relation to proceedings that were commenced before the commencement.

**9            Expiry of Act**

This Act expires on the day after it commences.