

NORTHERN TERRITORY OF AUSTRALIA

CRIMES (FORFEITURE OF PROCEEDS) REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1989, No. 32*

Regulations under the Crimes (Forfeiture
of Proceeds) Act

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Crimes (Forfeiture of Proceeds) Act.

Dated 27 October 1989.

J.H. MUIRHEAD
Administrator

CRIMES (FORFEITURE OF PROCEEDS) REGULATIONS

1. CITATION

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

2. DEFINITIONS

In these Regulations, unless the contrary intention appears -

"Commonwealth Act" means the Proceeds of Crime Act 1987 of the Commonwealth 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;

* Notified in the Northern Territory Government Gazette
on 8 NOV 1989.

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"Queensland Act" means the Crimes (Confiscation of Profits) 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;

"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 -

- (a) the Commonwealth Act;
- (b) the former New South Wales Act;
- (c) the New South Wales Act;
- (d) the Queensland Act;
- (e) the South Australian 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
- (g) section 10 of the Western Australian Act,

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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;
- (b) the name of the court by which the order was

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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.
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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

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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

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- (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)

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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.

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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
