

TASMANIA

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**CRIME (CONFISCATION OF PROFITS)  
REGULATIONS 2024**

**STATUTORY RULES 2024, No. 72**

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**CRIME (CONFISCATION OF PROFITS)  
REGULATIONS 2024**

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Crime (Confiscation of Profits) Act 1993*.

Dated 18 November 2024.

A. M. BLOW  
Lieutenant-Governor

By His Excellency's Command,

GUY BARNETT  
Minister for Justice

**1. Short title**

These regulations may be cited as the *Crime (Confiscation of Profits) Regulations 2024*.

**2. Commencement**

These regulations take effect on  
21 November 2024.

### **3. Interpretation**

In these regulations –

*Act* means the *Crime (Confiscation of Profits) Act 1993*.

### **4. Corresponding laws**

For the purposes of the definition of *corresponding law* in section 4(1) of the Act, the following laws are declared to be laws that correspond to the Act:

- (a) the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory;
- (b) the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) the *Criminal Assets Recovery Act 1990* of New South Wales;
- (d) the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
- (e) the *Criminal Proceeds Confiscation Act 2002* of Queensland;
- (f) the *Criminal Assets Confiscation Act 2005* of South Australia;
- (g) the *Serious and Organised Crime (Unexplained Wealth) Act 2009* of South Australia;
- (h) the *Confiscation Act 1997* of Victoria;

- (i) the *Criminal Property Confiscation Act 2000* of Western Australia.

## **5. Interstate forfeiture order**

For the purposes of section 4 of the Act, an order, declaration, or other decision of a court, made and in force under any of the following provisions is declared to be within the definition of *interstate forfeiture order*:

- (a) section 54, 59, 60, 67 or 250 of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory;
- (b) section 98D of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory if the order under that section results in the application of section 98G of that Act to restrained property within the meaning of that Act;
- (c) a restraining order under section 30 of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory (after the relevant period of time as provided for by section 62 of that Act has elapsed);
- (d) a restraining order under section 31 of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory (after the relevant period of time as provided for by section 58 of that Act has elapsed);

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- (e) section 17F, 18, 33 or 34A of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (f) section 22, 22AA or 31A of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (g) section 94, 96(1), 97, 99, 100 or 101 of the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
- (h) section 58, 93ZZB or 151 of the *Criminal Proceeds Confiscation Act 2002* of Queensland;
- (i) section 47 or 56B of the *Criminal Assets Confiscation Act 2005* of South Australia;
- (j) section 33, 34, 34C, 36, 36F, 36GB, 38, 39 or 40ZB of the *Confiscation Act 1997* of Victoria;
- (k) section 28 or 30 of the *Criminal Property Confiscation Act 2000* of Western Australia.

**6. Interstate pecuniary penalty order**

For the purposes of section 4 of the Act, an order, declaration, or other decision of a court, made and in force under any of the following provisions is declared to be within the definition of *interstate pecuniary penalty order*:

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- (a) section 84 or 85 of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory;
- (b) section 24, 27, 29 or 32 of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) section 27, 28A, 29 or 31B of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (d) section 71, 75, 76 or 81 of the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
- (e) section 78, 89G, 184 or 202 of the *Criminal Proceeds Confiscation Act 2002* of Queensland;
- (f) section 95 or 111 of the *Criminal Assets Confiscation Act 2005* of South Australia;
- (g) section 9 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* of South Australia;
- (h) section 59 or 60 of the *Confiscation Act 1997* of Victoria;
- (i) section 12, 16, 17 or 22 of the *Criminal Property Confiscation Act 2000* of Western Australia.

## **7. Interstate restraining order**

For the purposes of section 4 of the Act, an order, declaration, or other decision of a court, made and in force under any of the following provisions is declared to be within the definition of *interstate restraining order*:

- (a) section 30, 31, 32A, 39 or 98D of the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory;
- (b) section 22, 27, 32, 42C, 42L, 42M, 42V, 43, 43A or 45 of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) section 10A or 12 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (d) section 40, 43, 44 (if subsection (1)(b) (i), (ii) or (iii) or subsection (1)(c) of section 44 applies in respect of the restraining order under that section), 45 or 46 of the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
- (e) section 31, 37, 93M, 93T, 122, 129 or 208 of the *Criminal Proceeds Confiscation Act 2002* of Queensland;
- (f) section 24 or 40 of the *Criminal Assets Confiscation Act 2005* of South Australia;



- (g) section 20 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* of South Australia;
- (h) section 18, 26, 31F, 36M, 36W, 40I, 40IA or 40W of the *Confiscation Act 1997* of Victoria;
- (i) section 34 or 43 of the *Criminal Property Confiscation Act 2000* of Western Australia.

**8. Notice of application for return of or access to property**

- (1) In this regulation –

*court of application* means the court in which the application to which the notice relates is made.

- (2) For the purposes of section 46(7) of the Act, a notice is to be in accordance with Form 1.
- (3) Despite subregulation (2), the form of a notice for the purposes of section 46(7) of the Act is to be adapted to comply with any requirements as to format, or formal matters, provided for by rules of court, or regulations, that are applicable in respect of the court of application.
- (4) For the purposes of section 46(7) of the Act, a notice referred to in subregulation (2) is to be served on the following:
  - (a) the Commissioner;

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- (b) the DPP;
- (c) any other person on whom the court of application directs that the notice is to be served.

**9. Prescribed purpose under section 79(5)(e) of Act**

The following purposes are prescribed for section 79(5)(e) of the Act:

- (a) the following actions by the DPP:
  - (i) the valuation and auctioning, or sale, of forfeited property under the Act;
  - (ii) the investigation, and prosecution, of an unlawful activity, if the unlawful activity is the subject of proceedings under the Act or a corresponding law;
- (b) the reimbursement to the DPP of the reasonable costs or expenses incurred by the DPP in the exercise of powers, and the undertaking of proceedings, under the Act;
- (c) the reimbursement to the Public Trustee of any reasonable costs or expenses, incurred by the Public Trustee as a result of having control or management of property under Part 3 or 9 of the Act, that are not otherwise reimbursed under the Act;

- (d) the payment of extraordinary costs associated with obtaining forensic accounting services in relation to possible applications under section 11 of the Act.

**10. Maximum value of property to be protected**

- (1) In this regulation –

*protected amount* means the maximum value of ordinary tools of trade that are to be protected from restraint or forfeiture under the Act.

- (2) For the purposes of section 191(3)(a) of the Act, the protected amount under section 191(2)(a) of the Act is –
  - (a) in the case of the financial year commencing on 1 July 2024, \$4 350 per person; and
  - (b) for each subsequent financial year, the amount prescribed, under section 116(2)(c)(i) of the *Bankruptcy Act 1966* of the Commonwealth, as the maximum total value that applies under that section for the financial year.

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**SCHEDULE 1 – FORMS**

Regulation 8(2)

**Form 1**

***CRIME (CONFISCATION OF PROFITS) ACT 1993***

**NOTICE OF APPLICATION FOR RETURN OF, OR ACCESS TO, PROPERTY  
(SECTION 46(7))**

To: (Name) .....

(Address) .....,

....., of ..... has  
*(name and address of applicant)*

applied to the..... for an order  
*(name of Court)*

under section 46(6) of the *Crime (Confiscation of Profits) Act 1993*, relating to the

property listed below, seized on .....  
*(date of seizure)*

under a search warrant issued under Part 4 of that Act, directing –

- that the property be returned to the applicant\*
- that the applicant be allowed access to the property\*

List of property –

.....  
.....  
.....  
.....

The application has been set for hearing on ..... at  
*(date)*

..... at.....  
*(time)* *(address of Court)*

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\*Delete whichever is inapplicable.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 November 2024.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) for the purposes of the *Crime (Confiscation of Profits) Act 1993* –
  - (i) prescribe corresponding laws for the purposes of that Act; and
  - (ii) declare certain interstate orders, declarations and decisions of a court to be orders for the purposes of that Act; and
  - (iii) prescribe the form of the notice to be given in relation to an application under section 46(6) of that Act; and
  - (iv) prescribe purposes for which the Treasurer may authorise payments from the Crime (Confiscation of Profits) Account under that Act; and

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- (v) prescribe the maximum value of certain property to be protected from wealth-restraining orders and wealth forfeiture orders under that Act; and
- (b) are made consequentially on the repeal of the *Crime (Confiscation of Profits) Regulations 2014* under section 11 of the *Subordinate Legislation Act 1992*.