

TASMANIA

**CRIME (CONFISCATION OF PROFITS)
AMENDMENT REGULATIONS 2021**

STATUTORY RULES 2021, No. 67

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**CRIME (CONFISCATION OF PROFITS)
AMENDMENT REGULATIONS 2021**

I, the 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 23 August 2021.

B. BAKER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

1. Short title

These regulations may be cited as the *Crime (Confiscation of Profits) Amendment Regulations 2021*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Principal Regulations

In these regulations, the *Crime (Confiscation of Profits) Regulations 2014** are referred to as the Principal Regulations.

4. Regulation 5 amended (Interstate forfeiture order)

Regulation 5 of the Principal Regulations is amended by inserting after paragraph (a) the following paragraph:

- (ab) section 98D of the Australian Capital Territory Act 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;

5. Regulation 7 amended (Interstate restraining order)

Regulation 7 of the Principal Regulations is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) section 30, 31, 32A or 39 of the Australian Capital Territory Act;

6. Regulation 9 amended (Prescribed purpose under section 79(5)(e) of Act)

Regulation 9 of the Principal Regulations is amended as follows:

*S.R. 2014, No. 117

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- (a) by omitting paragraph (a) and substituting the following paragraphs:
 - (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;
 - (aab) 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;
- (b) by omitting from paragraph (ab) “Part 9” and substituting “Part 3 or 9”.

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

Notified in the *Gazette* on 1 September 2021.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Crime (Confiscation of Profits) Regulations 2014* by prescribing, for the purposes of the *Crime (Confiscation of Profits) Act 1993* –

- (a) that payments may be made from the Crime (Confiscation of Profits) Account for the purposes of –
 - (i) funding investigations and prosecutions of unlawful activities, and proceedings under that Act in certain circumstances; and
 - (ii) reimbursing the Public Trustee for reasonable costs or expenses incurred in managing property that is subject to a restraining order under that Act; and
- (b) certain orders made in the Act as interstate forfeiture orders or interstate restraint orders.