

1993—No. 106

**CONFISCATION OF PROCEEDS OF CRIME ACT 1989—  
REGULATION**

(Relating to the New South Wales Crime Commission)

NEW SOUTH WALES



*[Published in Gazette No. 26 of 19 March 1993]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Confiscation of Proceeds of Crime Act 1989, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.P.,  
Attorney General.

**Commencement**

1. This Regulation commences on 22 March 1993.

**Amendments**

2. The Confiscation of Proceeds of Crime Regulation 1991 is amended:

(a) by inserting after clause 5 (c) the following paragraph:

(c1) the New South Wales Crime Commission if the property was forfeited following an application made by the Commission under section 13 (2) of the Act; and

(b) by inserting after clause 13 the following clause:

**Appropriate officer—New South Wales Crime Commission**

14. For the purposes of paragraph (d) of the definition of “appropriate officer” in section 4 (1) of the Act, the New South Wales Crime Commission is the appropriate officer in relation to the following functions:

- (a) applying for a forfeiture order under section 13 (2) of the Act;
- (b) applying for an order under section 22 (1) of the Act pending forfeiture;
- (c) applying for a restraining order under section 43 (1) of the Act in respect of property of a person who has been, or is about to be, charged with a drug trafficking offence;
- (d) applying under section 45 (3) of the Act for an order that is ancillary to a restraining order made by the Supreme Court;
- (e) applying for particulars of a restraining order to be recorded under section 49 (1) of the Act;
- (f) applying for an order under section 50 (2) of the Act to set aside a disposition of, or dealing with, property in contravention of a restraining order made in respect of a person who has been, or is about to be, charged with a drug trafficking offence.

---

#### **EXPLANATORY NOTE**

The Confiscation of Proceeds of Crime Act 1989 enables an appropriate officer to make applications for certain orders concerning property that was used in or in connection with, or derived from, the commission of a serious offence such as a drug trafficking offence (“tainted property”).

An appropriate officer may make an application under the Act for any of the following:

- a forfeiture order against tainted property under section 13
- an order under section 22 pending Forfeiture
- an order under section 43 restraining dealings with, or dispositions of, tainted property
- an order under section 45 which is ancillary to a restraining order
- a record under section 49 of the particulars of a restraining order by the authority responsible for registering title to, or charges over, property of the kind that is subject to the order
- an order under section 50 of the Act to set aside a disposition of, or dealing with, property that is subject to a restraining order.

The objects of this Regulation are to amend the Confiscation of Proceeds of Crime Regulation 1991:

- to prescribe the New South Wales Crime Commission to be an appropriate officer in relation to applications for orders and other matters relating to property that is tainted by its connection with, or derivation from, a drug trafficking offence
  - to ensure that the Commission receives a notice in the prescribed form from a person who makes an application under section 20 of the Act for a declaration concerning an interest in property forfeited by the court following an application by the Commission under section 13.
-