



# **Proceeds of Crime Regulations 1987**

**Statutory Rules 1987 No. 224 as amended**

made under the

*Proceeds of Crime Act 1987*

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Consolidated as in force on 2 July 1999

(includes amendments up to SR 1998 No. 335)

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra





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**1 Name of regulations** [see Note 1]

These regulations are the *Proceeds of Crime Regulations 1987*.

**2 Interpretation**

In these regulations, unless the contrary intention appears:  
*the Act* means the *Proceeds of Crime Act 1987*.

**3 Declaration of State laws — definition of  
*corresponding law***

For the purposes of the definition of *corresponding law* in subsection 4 (1) of the Act, each of the following laws is declared to be a law that corresponds to the Act:

- (a) *Criminal Assets Recovery Act 1990* of New South Wales;
- (b) *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) **Confiscation Act 1997** of Victoria;
- (d) *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (e) *Criminal Assets Confiscation Act 1996* of South Australia;
- (f) *Crimes (Confiscation of Profits) Act 1988* of Western Australia;
- (fa) *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (g) *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (h) *Proceeds of Crime Act 1991* of the Australian Capital Territory.

**3A Distributable funds**

For the purposes of paragraph (a) of the definition of *distributable funds* in subsection 4 (1) of the Act, the following moneys paid into the Trust Fund are distributable funds:

- (a) money referred to in paragraph 34B (1) (b) of the Act that is not money referred to in subparagraph 7A (b) (ii);
- (b) money referred to in paragraph (a) of the definition of *proceeds of confiscated assets* in subsection 4 (1) of the Act;
- (c) money referred to in paragraphs (b) to (o) (inclusive) of the definition of *proceeds of confiscated assets* in subsection 4 (1) of the Act that is not an amount in respect of which notice has been given to the Official Trustee under subregulation 11 (2) or 12 (2) or (3);
- (d) money referred to in paragraph 34B (1) (f) of the Act;
- (e) money referred to in paragraph 34B (1) (g) of the Act.

**3B What is a GBE?**

For the purposes of the definition of *GBE* in subsection 4 (1) of the Act, each of the following government business enterprises is prescribed:

- (b) the Australian Industry Development Corporation;
- (c) the Australian National Railways Commission;
- (d) the Australian Postal Corporation;
- (e) ANL Limited;
- (f) the Civil Aviation Authority;
- (h) the Federal Airports Corporation;
- (i) the Health Insurance Commission;
- (j) the Housing Loans Insurance Corporation;
- (k) the Pipeline Authority.

#### 4 Declaration of orders — definition of *interstate forfeiture order*

For the purposes of the definition of *interstate forfeiture order* in subsection 4 (1) of the Act, each of the following kinds of orders is declared to be within the definition:

- (a) assets forfeiture orders under section 22 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (b) forfeiture orders under subsection 18 (1) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) forfeiture orders under Division 1 of Part 3, and civil forfeiture orders under Part 4, of the **Confiscation Act 1997** of Victoria;
- (ca) forfeiture orders under subsection 7 (1) of the *Crimes (Confiscation of Profits) Act 1986* of Victoria that are continued in effect under subsection 157 (6) of the **Confiscation Act 1997** of Victoria;
- (d) forfeiture orders under subsection 8 (1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (e) forfeiture orders made under section 8 or 9 of the *Criminal Assets Confiscation Act 1996* of South Australia;
- (f) forfeiture orders under subsection 10 (1) of the *Crimes (Confiscation of Profits) Act 1988* of Western Australia;
- (fa) forfeiture orders under section 16 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (g) forfeiture orders under subsection 5 (1) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (h) forfeiture orders under subsection 19 (1) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory.

**5 Declaration of orders — definition of *interstate pecuniary penalty order***

For the purposes of the definition of *interstate pecuniary penalty order* in subsection 4 (1) of the Act, each of the following kinds of orders is declared to be within the definition:

- (a) proceeds assessment orders under section 27 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (b) pecuniary penalty orders under subsection 24 (1) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales and drug proceeds orders under subsection 29 (1) of that Act;
- (c) pecuniary penalty orders under Part 8 of the **Confiscation Act 1997** of Victoria;
- (ca) pecuniary penalty orders under subsection 12 (1) of the *Crimes (Confiscation of Profits) Act 1986* of Victoria that are continued in effect under subsection 157 (6) of the **Confiscation Act 1997** of Victoria;
- (d) pecuniary penalty orders under subsection 13 (1) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (da) pecuniary penalty orders under paragraph 9 (4) (b) of the *Criminal Assets Confiscation Act 1996* of South Australia;
- (e) pecuniary penalty orders under subsection 15 (1) of the *Crimes (Confiscation of Profits) Act 1988* of Western Australia;
- (ea) pecuniary penalty orders under section 21 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (f) pecuniary penalty orders under subsection 10 (1) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (g) pecuniary penalty orders under subsection 25 (1) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory.



## 6 Declaration of orders — definition of *interstate restraining order*

For the purposes of the definition of *interstate restraining order* in subsection 4 (1) of the Act, each of the following kinds of orders is declared to be within the definition:

- (a) restraining orders under section 10 of the *Criminal Assets Recovery Act 1990* of New South Wales;
- (b) restraining orders under subsection 43 (2) of the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
- (c) restraining orders under section 18 of the **Confiscation Act 1997** of Victoria;
- (ca) restraining orders under subsection 16 (3) of the *Crimes (Confiscation of Profits) Act 1986* of Victoria that are continued in effect under subsection 157 (6) of the **Confiscation Act 1997** of Victoria;
- (d) restraining orders under subsection 17 (8) of the *Crimes (Confiscation of Profits) Act 1989* of Queensland;
- (e) restraining orders under section 15 of the *Criminal Assets Confiscation Act 1996* of South Australia;
- (f) restraining orders under subsection 20 (7) of the *Crimes (Confiscation of Profits) Act 1988* of Western Australia;
- (fa) restraining orders under section 26 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;
- (g) restraining orders under subsection 14 (2) of the *Crimes (Forfeiture of Proceeds) Act 1988* of the Northern Territory;
- (h) restraining orders under subsection 45 (2) of the *Proceeds of Crime Act 1991* of the Australian Capital Territory.

## 7 Declaration of substances — definition of *narcotic substance*

For the purposes of the definition of *narcotic substance* in subsection 4 (1) of the Act, each substance, or each substance of a kind, specified in an item in Schedule 1 is declared to be a substance to which the definition applies.

**7A Suspended funds**

For the purposes of paragraph (a) of the definition of *suspended funds* in subsection 4 (1) of the Act, the following amounts paid into the Trust Fund are suspended funds:

- (a) if the DPP gives the Official Trustee a copy of a notice referred to in regulation 13 — any amount estimated by the Official Trustee to be equal to the amount payable in accordance with an order:
  - (i) referred to in the notice; and
  - (ii) that may be made under subsection 21 (6), 31 (6) or 31 (7) of the Act;
- (b) an amount that is:
  - (i) referred to in paragraph 34B (1) (b) of the Act; and
  - (ii) derived from the enforcement in a foreign country of an interstate forfeiture order or an interstate pecuniary penalty order;
- (c) an amount that is referred to in paragraph 34B (1) (c) of the Act;
- (d) an amount that is referred to in paragraph (p) or (q) of the definition of *proceeds of confiscated assets* in subsection 4 (1) of the Act, unless the Commonwealth is not obliged to make a payment of that amount for the purposes of subparagraph 34C (1) (a) (ii) of the Act;
- (e) an amount that is referred to in paragraph 34B (1) (e) of the Act;
- (f) an amount in respect of which notice has been given to the Official Trustee under subregulation 11 (2) or 12 (2) or (3).

**8 Remuneration of Official Trustee** [see Note 2]

- (1) There is payable to the Official Trustee in respect of the performance or exercise by the Official Trustee of functions, duties or powers under the Act, if the person performing or exercising such functions, duties or powers in the name of, or on behalf of, the Official Trustee:
  - (a) is a Level 1 officer in the Senior Executive Service of the Australian Public Service or is an officer of a higher classification in the Australian Public Service — remuneration of \$200.00 per hour or part of an hour; or
  - (b) is a Senior Officer, Grade C in the Australian Public Service or is an officer of a higher classification in the Australian Public Service, not being a classification referred to in paragraph (a) — remuneration of \$135.00 per hour or part of an hour; or
  - (c) is an Administrative Service Officer, Class 6 in the Australian Public Service or is an officer of a lower classification in the Australian Public Service — remuneration of \$100.00 per hour or part of an hour;during which any of those functions, duties or powers are being performed or exercised.
- (2) For the purposes of subregulation (1), a person who, for the time being, is performing the duties of a particular office in the Australian Public Service is taken to be the holder of that office.

**9 Costs etc payable to Official Trustee**

There is payable to the Official Trustee an amount equal to the amount of costs, charges and expenses incurred in connection with the performance or exercise by the Official Trustee of functions, duties or powers under the Act.

**10 Notice of application for court order regarding third party interest**

- (1) For the purposes of subsection 21 (9) of the Act, the following notices are prescribed, namely:
  - (a) in respect of an application under subsection 21 (1) of the Act — a notice in accordance with Form 1 in Schedule 2; and
  - (b) in respect of an application under subsection 21 (2) of the Act — a notice in accordance with Form 2 in Schedule 2.
- (2) For the purposes of subsection 23A (10) of the Act, the following notice is prescribed, namely, a notice in accordance with Form 3 in Schedule 2.
- (3) For the purposes of subsection 31 (7A) of the Act, the following notice is prescribed, namely, a notice in accordance with Form 4 in Schedule 2.

**11 Notice by AFP of possible claims under the equitable sharing program**

- (1) In this regulation, unless the contrary intention appears:

*condemned goods* has the same meaning as in section 208DA of the *Customs Act 1901*.

*narcotic goods* and *narcotic-related goods* have the same respective meanings as in the *Customs Act 1901*.

*property* means money, proceeds or an amount, as each case requires, referred to in paragraph (b) or (c) of the definition of *proceeds of confiscated assets* in subsection 4 (1) of the Act.
- (2) As soon as practicable after narcotic-related goods (other than narcotic goods) are condemned or taken to be condemned, an AFP member must give notice in writing to the Official Trustee if the member considers that the condemned goods are property in respect of which a claim may be made under the equitable sharing program.

- (3) Notice to the Official Trustee must include:
  - (a) the name of the claimant State; and
  - (b) the percentage of the value of the property that is likely to be payable in respect of the claim; and
  - (c) other brief particulars of the claim.

**12 Notice by DPP of possible claims under the equitable sharing program**

- (1) In this regulation:

*property* means money, proceeds or an amount, as each case requires, referred to in paragraph (d), (e), (f), (g), (h), (i), (j), (k), (n) or (o) of the definition of *proceeds of confiscated assets* in subsection 4 (1) of the Act.

- (2) As soon as practicable after:

- (a) a forfeiture order is made under subsection 19 (1) of the Act; or
- (b) the forfeiture under section 30 of the Act of property within the meaning of that section; or
- (c) a restraining order is made under subsection 43 (2) of the Act;

the DPP must give notice in writing to the Official Trustee if the DPP considers that the property to which the order or forfeiture, as the case may be, relates is property in respect of which a claim may be made under the equitable sharing program.

- (3) If the DPP:

- (a) applies to a court for a pecuniary penalty order:
  - (i) under Division 3 of Part II of the Act; or
  - (ii) under section 243B of the *Customs Act 1901*; and
- (b) considers that a claim may be made under the equitable sharing program in respect of any amount that is, or may be, paid into the Trust Fund as a result of the order;

the DPP must, as soon as practicable, give notice in writing to the Official Trustee accordingly.

- (4) Notice under subregulation (2) or (3) must include:
  - (a) the name of the claimant State; and
  - (b) the percentage of the property likely to be payable in respect of the claim; and
  - (c) other brief particulars of the claim.

**13 DPP to give Official Trustee copies of certain notices**

- (1) If the DPP is given notice under subsection 21 (9) or 31 (7A) of the Act of the making of an application for an order, the DPP must give the Official Trustee a copy of the notice.
- (2) If the DPP is given notice of an application for a declaration, or of a declaration, under subsection 19 (5) of the Act, the DPP must inform the Official Trustee as soon as practicable.

**14 Annual management fee for Trust Fund**

- (1) For the purposes of subparagraph 34C (1) (a) (iv) of the Act, the prescribed annual management fee is \$10,000.
- (2) The annual management fee is payable on 27 December in each year, beginning on 27 December 1992.

**15 Determination of amount of balance of distributable funds**

- (1) In making a determination for the purposes of subsection 34D (1) of the Act, the Attorney-General is to have regard to the following matters:
  - (a) any amount in respect of which notice has been given to the Official Trustee under subregulation 11 (2) or 12 (2) or (3);
  - (b) any amount payable to a State or to a foreign country under subparagraph 34C (1) (a) (i) of the Act;
  - (c) any amount of suspended funds in respect of which a payment has not been, but may be, made under subparagraph 34C (1) (a) (i) of the Act;

- (d) any amount that may be required to make a payment referred to in subparagraph 34C (1) (a) (v) of the Act;
- (e) the amount of suspended funds that the Official Trustee declares under subsection 34E (3) to be distributable funds.

**17 Prescribed particulars of certificate — paragraph 98 (5) (b) of the Act**

A certificate issued by the registrar of a court under paragraph 98 (5) (b) of the Act must include the following particulars:

- (a) the name of the court that made the pecuniary penalty order;
- (b) the date of the order;
- (c) the amount of money that is to be paid under the order;
- (d) the identity of the person who must pay the amount.

**18 Registration of certificate under subsection 98 (5A) of the Act**

A certificate issued by a registrar under paragraph 98 (5) (b) of the Act may be registered by filing it in a court that has jurisdiction for the recovery of debts of an amount equal to the amount of the pecuniary penalty order.

## Schedule 1 Substances

(regulation 7)

Column 1 Item No.	Column 2 Substances
1	Acetyl-alpha-methylfentanyl
2	Acetylmorphines
3	Alfentanil
4	Alkoxyamphetamines and bromo-substituted alkoxyamphetamines except where separately specified in this Schedule
5	Alkoxyphenethylamines and alkyl-substituted alkoxyphenethylamines except where separately specified in this Schedule
6	Alpha-methylfentanyl
7	Alpha-methylthiofentanyl
8	Beta-hydroxyfentanyl
9	Beta-hydroxy-3-methylfentanyl
10	4-Bromo-3, 5-dimethoxyamphetamine
11	4-Bromo-2, 5-dimethoxyphenethylamine (BDMPEA)
12	3-Bromo-4-methoxyamphetamine
13	4-Bromo-3-methoxyamphetamine
14	Butorphanol
15	Cannabis Oil
16	Cathinone
17	Coca Leaf
18	Concentrate of Poppy Straw (the material arising when poppy straw has entered into a process for concentration of its alkaloids)
19	4-Cyano-2-dimethylamino-4, 4-diphenylbutane



Column 1 Item No.	Column 2 Substances
	(Methadone intermediate)
20	4-Cyano-1-methyl-4-phenylpiperidine (Pethidine intermediate A)
21	Dexamphetamine
22	Dextromoramide
23	Dextropropoxyphene
24	Difenoxin
25	2, 4-Dimethoxyamphetamine
26	3, 4-Dimethoxyamphetamine
27	3, 4-Dimethoxy-5-ethoxyamphetamine
28	2, 5-Dimethoxy-4-ethoxyamphetamine
29	4, 5-Dimethoxy-2-ethoxyamphetamine
30	2, 5-Dimethoxy-4-ethyl-alpha-methylphenylethylamine (DOET)
31	2, 3-Dimethoxy-4, 5-methylenedioxyamphetamine
32	2, 5-Dimethoxy-3, 4-methylenedioxyamphetamine
33	2, 5-Dimethoxy-alpha-methylphenylethylamine (DMA)
34	3, 4-Dimethoxyphenylethylamine
35	3-(1, 2-Dimethylheptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran (DMHP)
36	Drotebanol
37	4, 5-Ethylenedioxy-3-methoxyamphetamine
38	Eticyclidine (PCE)
39	Fenetylline
40	3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran (Parahexyl)
41	Isomethadone

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<b>Column 1 Item No.</b>	<b>Column 2 Substances</b>
42	Levamphetamine
43	Levomethamphetamine
44	Levomethorphan
45	Levomoramide
46	Levophenacymorphan
47	Mecloqualone
48	2-Methoxy-3, 4-methylenedioxyamphetamine
49	2-Methoxy-4, 5-methylenedioxyamphetamine
50	4-Methoxy-2, 3-methylenedioxyamphetamine
51	5-Methoxy-3, 4-methylenedioxy-alpha-methylphenylethylamine (MMDA)
52	2-Methoxy-3, 4-methylenedioxyphenylethylamine
53	3-Methoxy-4, 5-methylenedioxyphenylethylamine
54	4-Methoxy-alpha-methylphenylethylamine (PMA)
55	4-Methoxyphenylethylamine
56	2-Methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid (Moramide intermediate)
57	1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP)
58	1-Methyl-4-phenylpiperidine-4-carboxylic acid (Pethidine intermediate C)
59	3, 4-Methylenedioxy-N, alpha-dimethylphenylethylamine (MDMA)
60	3, 4-Methylenedioxy-N-ethylamphetamine (MDE)
61	3-Methylfentanyl
62	3-Methylthiofentanyl
63	Morphine Methobromide
64	Muscimol
65	Nabilone

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<b>Column 1 Item No.</b>	<b>Column 2 Substances</b>
66	Para-fluorofentanyl
67	Phencyclidine (PCP)
68	1-Phenylethyl-4-phenyl-4-acetoxypiperidine (PEPAP)
69	4-Phenylpiperidine-4-carboxylic acid ethyl ester (Pethidine intermediate B)
70	Propiram
71	Racemoramide
72	Racemorphan
73	Rolicyclidine (PHP, PCPY)
74	Sufentanil
75	Tenocyclidine (TCP)
76	2, 3, 4, 5-Tetramethoxyamphetamine
77	Thiofentanyl
78	Tilidine
79	2, 3, 4-Trimethoxyamphetamine
80	2,3,5-Trimethoxyamphetamine
81	2,3,6-Trimethoxyamphetamine
82	2,4,5-Trimethoxyamphetamine
83	2,4,6-Trimethoxyamphetamine
84	3,4,5-Trimethoxy-alpha-methylphenylethylamine (TMA)
85	1-(3,4,5-Trimethoxyphenyl)-2-aminobutane
86	2,4,5-Trimethoxyphenylethylamine
87	Substances structurally derived from methoxy-phenylethylamine other than: (a) methoxyphenamine; or (b) a substance separately specified in an item in this Schedule

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<b>Column 1 Item No.</b>	<b>Column 2 Substances</b>
88	<p>A substance which is, in relation to a substance specified in an item in this Schedule:</p> <ul style="list-style-type: none"><li>(a) an active principal of that specified substance; or</li><li>(b) a preparation or admixture of that specified substance; or</li><li>(c) a salt of that specified substance or active principal;</li></ul> <p>except where the first-mentioned substance is separately specified in an item in this Schedule</p>
89	<p>A substance (being a drug analogue) which is, in relation to another substance (being a narcotic substance within the meaning of the <i>Customs Act 1901</i> or a substance specified in an item in this Schedule (other than this item), or a stereoisomer, a structural isomer (with the same constituent groups) or an alkaloid of such a drug or substance):</p> <ul style="list-style-type: none"><li>(a) a stereoisomer; or</li><li>(b) a structural isomer having the same constituent groups; or</li><li>(c) an alkaloid; or</li></ul>

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Column 1 Item No.	Column 2 Substances
	<p>(d) a structural modification notionally obtained in one or more of the following ways:</p> <ul style="list-style-type: none"><li>(i) by the replacement of up to 2 carbocyclic or heterocyclic ring structures with different carbocyclic or heterocyclic ring structures; or</li><li>(ii) by the addition of hydrogen atoms to one or more unsaturated bonds; or</li><li>(iii) by the addition of one or more of the alkoxy, cyclic diether, acyl, acyloxy, mono-amino or dialkylamino groups (with up to 6 carbon atoms in any alkyl residue), alkyl, alkenyl or alkynyl groups (with up to 6 carbon atoms in the group, where the group is attached to oxygen (for example, an ester or an ether group), nitrogen, sulphur or carbon) or halogen, hydroxy, nitro or amino groups; or</li><li>(iv) by the replacement of one or more of the groups specified in subparagraph (iii) with another such group or groups; or</li><li>(v) by the conversion of a carboxyl or an ester group into an amide group; or</li></ul> <p>(e) otherwise a homologue, an analogue, a chemical derivative or a substance substantially similar in chemical structure; however manufactured or actually obtained, except where the drug analogue:</p> <p>(f) is a narcotic substance within the meaning of the Customs Act 1901; or</p> <p>(g) is separately specified in an item in this Schedule.</p>

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## **Schedule 2      Forms**

### **Form 1                      Notice in respect of an application                                     under subsection 21 (1) for an                                     order in respect of an interest in                                     property**

(subregulation 10 (1))

Commonwealth of Australia

*Proceeds of Crime Act 1987*

Notice in respect of an application under subsection 21 (1) for an  
order in respect of an interest in property

To: The Commonwealth Attorney-General  
      Robert Garran Offices  
      National Circuit  
      Barton ACT 2600

The Commonwealth Director of Public Prosecutions

*(address of relevant regional office)*

*(Full name of applicant)* of *(address)*, being a person who claims an  
interest in the property specified in the Schedule, hereby gives notice that  
application has been made under subsection 21 (1) of the *Proceeds of  
Crime Act 1987* for an order under subsection 21 (6) of that Act in  
respect of an interest which is the subject of an application for a  
forfeiture order under subsection 19 (1) of that Act.

The application for a forfeiture order was filed in *(name and location of  
court)* on                      19                      in respect of a conviction within the  
meaning of section 5 of the *Proceeds of Crime Act 1987* of *(name of  
convicted person)* for *(state offence(s))* on *(date of conviction)* by *(name  
and location of court)*.

The abovementioned person who claims an interest has applied to the  
court for an order with respect to the interest claimed:

- 
- (a) declaring the nature, extent and value (as at the time when the order is made) of that person's interest; and
  - \* (b) directing the Commonwealth to transfer the interest to that person.
  - \* (c) declaring that there is payable by the Commonwealth to that person an amount equal to the value of the interest as so declared by the court.

This application has been set down for \*mention/\*hearing in the (name and location of court) on 19 at \*a.m./\*p.m.

#### Schedule

The property to which this notice relates is as follows:

(specify property)

Dated 19 .

.....  
\*Applicant giving notice/\*solicitor

\*Omit if not applicable.

**Form 2**                      **Notice in respect of an application  
under subsection 21 (2) for an  
order in respect of an interest in  
forfeited property**  
(subregulation 10 (1))

Commonwealth of Australia

*Proceeds of Crime Act 1987*

Notice in respect of an application under subsection 21 (2) for an  
order in respect of an interest in forfeited property

To: The Commonwealth Attorney-General  
Robert Garran Offices  
National Circuit  
Barton ACT 2600

The Commonwealth Director of Public Prosecutions  
(*address of relevant regional office*)

(*Full name of applicant*) of (*address*), being a person who claims an  
interest in the property specified in the Schedule, hereby gives notice that  
application has been made under subsection 21 (2) of the *Proceeds of  
Crime Act 1987* for an order under subsection 21 (6) of that Act in  
respect of an interest which was forfeited to the Commonwealth under  
that Act.

The property to which this notice relates was forfeited by order of (*name  
and location of court*) on                      19      following the  
conviction within the meaning of section 5 of the *Proceeds of Crime Act  
1987* of (*name of convicted person*) for (*state offence(s)*).

The abovementioned applicant has applied to the court for an order with  
respect to the interest claimed:

- (a) declaring the nature, extent and value (as at the time when  
the order is made) of the applicant's interest; and
- \* (b) directing the Commonwealth to transfer the interest to the  
applicant.



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\* (c) declaring that there is payable by the Commonwealth to the applicant an amount equal to the value of the interest as so declared by the court.

The application has been set down for \*mention/\*hearing in the (*name and location of court*) on 19 at \*a.m./\*p.m.

Schedule

The property to which this notice relates is as follows:

(*specify property*)

Dated 19 .

.....  
\*Applicant giving notice/\*solicitor

\*Omit if not applicable.

**Form 3                      Notice in respect of an application  
under subsection 23A (3) for an  
order in respect of an interest in  
property which is the subject of a  
foreign forfeiture order**

(subregulation 10 (2))

Commonwealth of Australia

*Proceeds of Crime Act 1987*

Notice in respect of an application under subsection 23A (3) for an order in respect of an interest in property which is the subject of a foreign forfeiture order

To: The Commonwealth Attorney-General  
Robert Garran Offices  
National Circuit  
Barton ACT 2600

The Commonwealth Director of Public Prosecutions  
(*address of relevant regional office*)

(*Full name of applicant*) of (*address*), being a person who claims an interest in the property specified in the Schedule, hereby gives notice that application has been made under subsection 23A (3) of the *Proceeds of Crime Act 1987* for an order under subsection 23A (7) of that Act in respect of an interest which is the subject of a foreign forfeiture order.

The foreign forfeiture order in respect of the property to which this notice relates was registered under the *Mutual Assistance in Criminal Matters Act 1987* by order of (*name and location of court*) on 19      and made with respect to the conviction of (*name of convicted person*) for (*state offence(s)*) on 19      by (*name and location of court*).

The abovementioned applicant has applied to the court for an order with respect to the interest claimed:

- 
- (a) declaring the nature, extent and value (as at the time when the order is made) of the applicant's interest; and
  - \* (b) directing the Commonwealth to transfer the interest to the applicant.
  - \* (c) declaring that there is payable by the Commonwealth to the applicant an amount equal to the value of the interest as so declared by the court.

The application has been set down for \*mention/\*hearing in the (*name and location of court*) on 19 at  
\*a.m./\*p.m.

### Schedule

The property to which this notice relates is as follows:

(*specify property*)

Dated 19 .

.....  
\*Applicant giving notice/\*solicitor

\**Omit if not applicable.*

**Form 4**                      **Notice in respect of an application  
under subsection 31 (1) for an  
order in respect of an interest in  
forfeited property previously the  
subject of a restraining order**

(subregulation 10 (3))

Commonwealth of Australia

*Proceeds of Crime Act 1987*

Notice in respect of an application under subsection 31 (1) for an  
order in respect of an interest in forfeited property previously the  
subject of a restraining order

To: The Commonwealth Attorney-General  
Robert Garran Offices  
National Circuit  
Barton ACT 2600

The Commonwealth Director of Public Prosecutions  
(*address of relevant regional office*)

(*Full name of applicant*) of (*address*), being a person who claims an  
interest in the property specified in the Schedule, hereby gives notice that  
application has been made under subsection 31 (1) of the *Proceeds of  
Crime Act 1987* for an order under subsection 31 (6) or (7) of that Act in  
respect of an interest which was forfeited to the Commonwealth under  
subsection 30 (1) of that Act.

The property to which this notice relates was forfeited under section 30  
of the *Proceeds of Crime Act 1987* on                      19                      following  
the conviction within the meaning of section 5 of that Act of (*name of  
convicted person*) for a serious offence within the meaning of that Act,  
namely (*state offence(s)*) by (*name and location of court*).

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The abovementioned applicant has applied to the court for an order with respect to the claimed interest:

- (a) declaring the nature, extent and value (in the case of an order under subsection 31 (7) of the *Proceeds of Crime Act 1987* — as at the time when the order is made) of the applicant's interest; and
- \*(b) directing the Commonwealth to transfer the interest to the applicant.
- \*(c) declaring that there is payable by the Commonwealth to the applicant an amount equal to the value of the interest as so declared by the court.
- \*(d) declaring that section 30 of the *Proceeds of Crime Act 1987* shall cease to operate in relation to the interest if payment is made in accordance with section 33 of that Act.

The application has been set down for \*mention/\*hearing in the (*name and location of court*) on 19 at  
\*a.m./\*p.m.

#### Schedule

The property to which this notice relates is as follows:

(*specify property*)

Dated 19 .

.....  
\*Applicant giving notice/\*solicitor

\*Omit if not applicable.

## Notes to the *Proceeds of Crime Regulations 1987*

### Note 1

The *Proceeds of Crime Regulations 1987* (in force under the *Proceeds of Crime Act 1987*) as shown in this consolidation comprise Statutory Rules 1987 No. 224 amended as indicated in the Tables below.

The *Proceeds of Crime Regulations 1987* were amended by the *CSL Sale Act 1993* (Act No. 88, 1993). The amendment is incorporated in this reprint.

For application, saving or transitional provisions relating to the amendments see subsection 14 (2) of Act No. 88, 1993.

The *Proceeds of Crime Regulations 1987* were amended by the *ANL Sale Act 1995* (Act No. 136, 1995). The *ANL Sale Act 1995* was repealed by section 79 of the same Act before it came into operation.

### Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1987 No. 224	14 Oct 1987	14 Oct 1987	
1989 No. 236	5 Sept 1989	5 Sept 1989 (see r. 1 and <i>Gazette</i> 1989, No. S296)	—
1991 No. 460	19 Dec 1991	19 Dec 1991	—
1993 No. 199	20 July 1993	20 July 1993	—
1994 No. 17	18 Feb 1994	18 Feb 1994	—
1994 No. 238	1 July 1994	1 July 1994	—
1995 No. 80	9 May 1995	9 May 1995	—
1995 No. 325	3 Nov 1995	6 Nov 1995 (see r. 1 and <i>Gazette</i> 1995, No. S423)	—
1996 No. 203	17 Sept 1996	17 Sept 1996	—
1996 No. 267	11 Dec 1996	16 Dec 1996 (see r. 1 and <i>Gazette</i> 1996, No. GN49)	—
1997 No. 110	21 May 1997	21 May 1997	—
1997 No. 240	10 Sept 1997	10 Sept 1997	—
1998 No. 335	16 Dec 1998	16 Dec 1998	—

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## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
R. 1 .....	rs. 1998 No. 335
R. 3 .....	am. 1989 No. 236; 1993 No. 199; 1994 No. 17; 1997 No. 240; 1998 No. 335
R. 3A.....	ad. 1991 No. 460 am. 1997 No. 110
R. 3B.....	ad. 1991 No. 460 am. Act No. 88, 1993; 1993 No. 199
Rr. 4-6.....	am. 1989 No. 236; 1993 No. 199; 1994 No. 17; 1997 No. 240; 1998 No. 335
R. 7 .....	am. 1989 No. 236
R. 7A.....	ad. 1991 No. 460
R. 8 .....	ad. 1989 No. 236 am. 1993 No. 199; 1994 No. 238
Rr. 9, 10.....	ad. 1989 No. 236
R. 11 .....	ad. 1991 No. 460 am. 1993 No. 199
Rr. 12-14.....	ad. 1991 No. 460
R. 15 .....	ad. 1991 No. 460 am. 1997 No. 110
R. 16 .....	ad. 1991 No. 460 am. 1993 No. 199; 1994 No. 17 rs. 1995 No. 80 am. 1995 No. 325 rep. 1997 No. 110
Rr. 17, 18.....	ad. 1996 No. 203
Schedule.....	rep. 1989 No. 236
Schedules 1, 2 .....	ad. 1989 No. 236

**Note 2**

Regulation 8 (1) — Regulation 3 of Statutory Rule 1996 No. 267 provides as follows:

3.1 Paragraph 8 (1) (a):

Omit “of \$200 per hour or part of an hour; or”, substitute “of the amount for each hour or part of an hour prescribed in paragraph 16.07 (8) (c) of the Bankruptcy Regulations; or”.

3.2 Paragraph 8 (1) (b):

Omit “of \$135 per hour or part of an hour; or”, substitute “of the amount for each hour or part of an hour prescribed in paragraph 16.07 (8) (d) of the Bankruptcy Regulations; or”.

3.3 Paragraph 8 (1) (c):

Omit “of \$100 per hour or part of an hour;”, substitute “of the amount for each hour or part of an hour prescribed in paragraph 16.07 (8) (e) of the Bankruptcy Regulations;”.

The proposed amendments were misdescribed and are not incorporated in this reprint.



