

Information Notice

Act Title:	Confiscation Act 1997
Information Title:	Retrospective Commencement
Version:	011

The amendments made to section 157 of the **Confiscation Act 1997** by section 5 of the **Crimes, Confiscation and Evidence Acts (Amendment) Act 1998**, No. 80/1998 are deemed to have come into operation on 1 July 1998.

Section 5 reads as follows:

5. Transitional provisions

- (1) In section 157 of the **Confiscation Act 1997**, after sub-section (4) **insert—**
 - "(4A) The **Crimes (Confiscation of Profits) Act 1986** continues to apply, despite its repeal, with respect to serious offences and interstate serious offences within the meaning of that Act for which a criminal proceeding was commenced before the commencement of Part 2 of this Act (irrespective of whether any conviction of that offence for the purposes of that Act occurs before or after the commencement of that Part) as if that Act had not been repealed.
 - (4B) Without limiting sub-section (4A)—
 - (a) any application, appeal or order may be made, direction given, warrant issued or other thing done under the **Crimes (Confiscation of Profits) Act 1986** that could have been made, given, issued or done under that Act had it not been repealed; and
 - (b) anything made, given, issued or done under that Act after its repeal by virtue of this section has the like effect as it would have had if that Act had not been repealed."
- (2) In section 157 of the **Confiscation Act 1997**, after sub-section (11) **insert—**
 - "(12) A reference in this section to the **Crimes (Confiscation of Profits) Act 1986** is a reference to that Act as in force immediately before its repeal.
 - (13) The amendments made to this section by section 5 of the **Crimes, Confiscation and Evidence Acts (Amendment) Act 1998** do not affect the rights of the parties that were the subject of the proceeding known as *Martin v Cooper and Martin* heard in the Magistrates' Court at Melbourne and determined on 7 October 1998."