

Criminal Code Regulations 2002 2002 No. 67

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 67

Issued by the Authority of the Minister for Justice and Customs

Subject: *Criminal Code Act 1995*

Criminal Code Regulations 2002

Section 5 of the *Criminal Code Act 1995* (the Criminal Code) provides that the Governor-General may make regulations, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

The purpose of the Regulations is to identify prescribed substances which must not, without exception, be carried by post under section 471 of the Schedule to the *Criminal Code Act 1995* (the Criminal Code).

Section 471 of the Schedule to the Criminal Code provides a person is guilty of an offence if the person causes an article to be carried by post and the article consists of, encloses or contains an explosive or a dangerous or harmful substance or thing that the regulations say must not, without exception, be carried by post.

Equivalent regulations previously existed in the *Crimes Regulations 1990* (the Crimes Regulations) within Regulation 6F, having been made for the purposes of section 85X of the *Crimes Act 1914* (the Crimes Act). Section 85X was repealed by the new provisions in the *Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002* which replace outdated postal offences to encompass the use of all postal services and other like services not just Australia Post as at present.

The former Crimes Regulations also provided for certain goods that were not prohibited but were only to be carried if handled and packaged according to Australian Post Regulations. These goods will not be replicated, because the new approach under the Criminal Code is to apply a general test of dangerousness/harmfulness to all substances, without need to list them.

The Criminal Code Regulations commenced on gazettal.