

Australian Crime Commission Establishment (Consequential Amendments) Regulations 2002 (No. 1) 2002 No. 326

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 326

Issued by the Authority of the Minister for Justice and Customs

Subject: *Australian Federal Police Act 1979*
Australian Prudential Regulation Authority Act 1998
Commonwealth Electoral Act 1918
Crimes Act 1914
Customs Act 1901
Customs Administration Act 1985
Director of Public Prosecutions Act 1983
Electronic Transactions Act 1999
Financial Management and Accountability Act 1997
Jury Exemption Act 1965
Ombudsman Act 1976
Public Order (Protection of Persons and Property) Act 1971
Referendum (Machinery Provisions) Act 1984

Australian Crime Commission Establishment (Consequential Amendments) Regulations 2002 (No. 1)

Section 70 of the *Australian Federal Police Act 1979* (the AFP Act) empowers the Governor-General to make regulations, not inconsistent with the AFP Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 60 of the *Australian Prudential Regulation Authority Act 1998* (the APRA Act) empowers the Governor-General to make regulations, not inconsistent with the APRA Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 395 of the *Commonwealth Electoral Act 1918* (the Electoral Act) empowers the Governor-General to make regulations, not inconsistent with the Electoral Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 91 of the *Crimes Act 1914* (the Crimes Act) empowers the Governor-General to make regulations, not inconsistent with the Crimes Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 270 of the *Customs Act 1901* (the Customs Act) empowers the Governor-General to make regulations, not inconsistent with the Customs Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 18 of the *Customs Administration Act 1985* (the Customs Administration Act) empowers the Governor-General to make regulations, not inconsistent with the Customs Administration Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 34 of the *Director of Public Prosecutions Act 1983* (the DPP Act) empowers the Governor-General to make regulations, not inconsistent with the DPP Act, prescribing all matters

required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 16 of the *Electronic Transactions Act 1999* (the Electronic Transactions Act) empowers the Governor-General to make regulations, not inconsistent with the Electronic Transactions Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 65 of the *Financial Management and Accountability Act 1997* (the FMA Act) empowers the Governor-General to make regulations, not inconsistent with the FMA Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Subsection 4(2) of the *Jury Exemption Act 1965* (the Jury Exemption Act) empowers the Governor-General to make regulations, not inconsistent with the Jury Exemption Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 38 of the *Ombudsman Act 1976* (the Ombudsman Act) empowers the Governor-General to make regulations, not inconsistent with the Ombudsman Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 13H of the *Public Order (Protection of Persons and Property) Act 1971* (the Public Order (PPP) Act) empowers the Governor-General to make regulations, not inconsistent with the Public Order (PPP) Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 144 of the *Referendum (Machinery Provisions) Act 1984* (the Referendum Act) empowers the Governor-General to make regulations, not inconsistent with the Referendum Act, prescribing all matters required or permitted by the Act to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The purpose of these Regulations is to amend a number of regulations consequential on the establishment of the Australian Crime Commission (ACC) to replace the National Crime Authority (NCA), the Australian Bureau of Criminal Intelligence and the Office of Strategic Crime Assessment.

These Regulations also make a minor amendment to the citation of the Jury Exemption Regulations.

Regulations 3 - 14 amend, respectively the:

- Australian Federal Police Regulations 1979
- Australian Prudential Regulation Authority Regulations 1998
- Crimes Regulations 1990
- Customs (Narcotic Inquiries) Regulations 1980
- Customs Administration Regulations 2000
- Director of Public Prosecutions Regulations 1984
- Electoral and Referendum Regulations 1940
- Electronic Transactions Regulations 2000

- Financial Management and Accountability Regulations 1997
- Jury Exemption Regulations
- Ombudsman Regulations 1977
- Public Order (Protection of Persons and Property) Regulations 1999

The amendments to the regulations do not make any substantive changes to the effect of the primary provisions. The amendments will, however, enable each regulation to operate in the same way in respect of the ACC as it currently does to the NCA.

These Regulations also change the citation of the Jury Exemption Regulations so that they are the Jury Exemption Regulations 1987.

The Regulations commence on the commencement of Schedule 1 to the *Australian Crime Commission Establishment Act 2002*, which is expected to be 1 January 2003.