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

Statutory Rules 2002 No. 1²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian Federal Police Act 1979*, the *Australian Prudential Regulation Authority Act 1998*, the *Commonwealth Electoral Act 1918*, the *Crimes Act 1914*, the *Customs Act 1901*, the *Customs Administration Act 1985*, the *Director of Public Prosecutions Act 1983*, the *Electronic Transactions Act 1999*, the *Financial Management and Accountability Act 1997*, the *Jury Exemption Act 1965*, the *Ombudsman Act 1976*, the *Public Order (Protection of Persons and Property) Act 1971* and the *Referendum (Machinery Provisions) Act 1984*.

Dated

✓

2002

19 December

✓ PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

CHRISTOPHER MARTIN ELLISON
Minister for Justice and Customs

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1 Name of Regulations

These Regulations are the *Australian Crime Commission Establishment (Consequential Amendments) Regulations 2002* (No.).

2 Commencement

These Regulations commence on the commencement of Schedule 1 to the *Australian Crime Commission Establishment Act 2002*.

3 Amendment of Australian Federal Police Regulations 1979

Schedule 1 amends the *Australian Federal Police Regulations 1979*.

4 Amendment of Australian Prudential Regulation Authority Regulations 1998

Schedule 2 amends the *Australian Prudential Regulation Authority Regulations 1998*.

5 Amendment of Crimes Regulations 1990

Schedule 3 amends the *Crimes Regulations 1990*.

6 Amendment of Customs Administration Regulations 2000

Schedule 4 amends the *Customs Administration Regulations 2000*.

7 Amendment of Customs (Narcotics Inquiries) Regulations 1980

Schedule 5 amends the *Customs (Narcotics Inquiries) Regulations 1980*.

- 8 Amendment of Director of Public Prosecutions Regulations 1984**
Schedule 6 amends the *Director of Public Prosecutions Regulations 1984*.
- 9 Amendment of Electoral and Referendum Regulations 1940**
Schedule 7 amends the *Electoral and Referendum Regulations 1940*.
- 10 Amendment of Electronic Transactions Regulations 2000**
Schedule 8 amends the *Electronic Transactions Regulations 2000*.
- 11 Amendment of Financial Management and Accountability Regulations 1997**
Schedule 9 amends the *Financial Management and Accountability Regulations 1997*.
- 12 Amendment of Jury Exemption Regulations**
Schedule 10 amends the *Jury Exemption Regulations*.
- 13 Amendment of Ombudsman Regulations 1977**
Schedule 11 amends the *Ombudsman Regulations 1977*.
- 14 Amendment of Public Order (Protection of Persons and Property) Regulations 1999**
Schedule 12 amends the *Public Order (Protection of Persons and Property) Regulations 1999*.

**Schedule 1 Amendments of Australian
Federal Police Regulations
1979**

(regulation 3)

[1] Paragraph 26 (a)

omit

National Crime Authority

insert

Australian Crime Commission (the *ACC*)

[2] Paragraph 26 (b)

omit

Authority,

insert

ACC,

**Schedule 2 Amendment of *Australian
Prudential Regulation
Authority Regulations 1998***
(regulation 4)

[1] Paragraph 5 (k)

substitute

- (k) the Australian Crime Commission established by section 7
of the *Australian Crime Commission Act 2002*;

2002,

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

7

Schedule 3 Amendments of *Crimes Regulations 1990*

(regulation 5)

[1] Paragraph 4B (2) (b)

substitute

- (b) if the authorising officer for the controlled operation is an Australian Crime Commission (*ACC*) authorising officer (within the meaning of section 15J of the Act) — the Chief Executive Officer of the Australian Crime Commission.

[2] Paragraph 4BA (c)

substitute

- (c) if the participating agency is the ACC — any SES employee who is a member of the staff of the ACC within the meaning of section 47 of the *Australian Crime Commission Act 2002*;

**Schedule 4 Amendments of *Customs
Administration Regulations
2000***

(regulation 6)

[1] Schedule 2, item 1.01

omit

[2] Schedule 2, item 1.18

substitute

1.18 Australian Crime Commission A, B, C, D, E, F, G

**Schedule 5 Amendments of *Customs*
(Narcotics Inquiries)
*Regulations 1980***
(regulation 7)

[1] Schedule 1, Forms 1, 2 and 3, before section 1

omit

[Australian Federal Police/National Crime Authority]*

insert

[Australian Federal Police/Australian Crime Commission]*

[2] Schedule 1, Forms 1, 2 and 3, section 2

omit

[a member of the Australian Federal Police within the meaning of the *Customs Act 1901*, in respect of an application made on behalf of the Australian Federal Police/a member of [the National Crime Authority/a police force who is a member of the staff of the National Crime Authority]*, in respect of an application made on behalf of the National Crime Authority]*

insert

[a member of the Australian Federal Police within the meaning of the *Customs Act 1901*, in respect of an application made on behalf of the Australian Federal Police/[the Chief Executive Officer/a member of a police force who is a member of the staff]* of the Australian Crime Commission], in respect of an application made on behalf of the Australian Crime Commission]*

**Schedule 6 Amendment of *Director of
Public Prosecutions
Regulations 1984***
(regulation 8)

[1] Subparagraph 3 (1) (a) (iia)

substitute

- (iia) a person who performs services for the Australian Crime Commission under an arrangement under subsection 58(1) of the *Australian Crime Commission Act 2002*; or

Schedule 7 Amendments of *Electoral and Referendum Regulations 1940*

(regulation 9)

[1] Schedule 2, Part 2

after

Australian Competition and Consumer Commission

insert

Australian Crime Commission

[2] Schedule 2, Part 2

omit

National Crime Authority

[3] Schedule 3, before item 1

insert

1A

Australian Crime
Commission (ACC)

- (a) Collecting, analysing or disseminating information or intelligence relating to relevant criminal activities
- (b) Investigating matters relating to relevant criminal activities
- (c) Assembling or analysing evidence about offences and suspected offences

[4] Schedule 3, item 14

omit

Schedule 8 Amendments of *Electronic Transactions Regulations 2000*

(regulation 10)

[1] Schedule 1, after item 12

insert

12A *Australian Crime Commission Act 2002,*
subsections 19A (2), 20 (2), 28 (1), 28 (4) and
29 (1)

Section 11

[2] Schedule 1, item 86

omit

Schedule 10 Amendments of Jury Exemption Regulations

(regulation 12)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Jury Exemption Regulations 1987*.

[2] Paragraph 5 (2) (h)

substitute

(h) the Chief Executive Officer within the meaning of the *Australian Crime Commission Act 2002* and an examiner or a member of the staff of the Australian Crime Commission within the meaning of that Act;

[3] Subparagraph 5 (2) (j) (i)

omit

**Schedule 11 Amendments of Ombudsman
Regulations 1977**

(regulation 13)

[1] Schedule 4, before item 1

insert

1A Australian Crime Commission Chief Executive Officer

[2] Schedule 4, item 13A

omit

**Schedule 12 Amendments of *Public Order*
(Protection of Persons and
*Property) Regulations 1999***
(regulation 14)

[1] Paragraph 4 (d)

substitute

(d) the Australian Crime Commission.

[2] Subregulation 8 (5)

substitute

(5) An authorised officer for the Australian Crime Commission (the *ACC*) may also disclose the information to the Chief Executive Officer of the ACC.

[3] Regulation 8, note 2

substitute

Note 2 For the application of the *Privacy Act 1988* to an act or practice of the Australian Crime Commission, see subparagraph 7 (1) (a) (iv) of that Act.

Notes

1. These Regulations amend (in Schedule 1) Statutory Rules 1979 No. 210, as amended by 1980 No. 140; 1981 Nos. 161 and 192; 1982 Nos. 199 and 282; 1983 No. 158; 1984 Nos. 164, 296 (as amended by 1985 No. 82) and 297; 1985 Nos. 82 and 293; 1986 No. 299; 1987 No. 14; 1988 Nos. 83, 84 and 363; 1989 Nos. 1, 139, 343, 344, 361 and 362; 1990 Nos. 23, 87, 273 and 409; 1992 No. 298; 1993 No. 60; 1994 No. 113; 1995 No. 324; 1996 Nos. 171 and 330; 1997 No. 375; 1998 No. 232; 2000 Nos. 137 and 138; 2001 No. 77; 2002 No. 4.

These Regulations also amend (in Schedule 2) Statutory Rules 1998 No. 200, as amended by 1999 Nos. 141 and 246; 2001 Nos. 227 and 256; 2002 No. 64.

These Regulations also amend (in Schedule 3) Statutory Rules 1990 No. 227, as amended by 1991 Nos. 235 and 258; 1992 Nos. 91 and 276; 1994 No. 297; 1995 No. 23; 1996 Nos. 7, 125, 228 and 264; 1997 No. 14; 1998 Nos. 68 and 361; 1999 No. 156; 2000 Nos. 99, 100 and 219; 2001 Nos. 49, 105, 138 and 334; 2002 Nos. 5, 66, 186 and 194.

These Regulations also amend (in Schedule 4) Statutory Rules 2000 No. 27, as amended by 2000 No. 351; 2001 No. 24; 2002 No. 158.

These Regulations also amend (in Schedule 5) Statutory Rules 1980 No. 328, as amended by 1988 No. 199; 1990 No. 131; 1998 No. 15; 2000 No. 352; 2002 No. 6.

These Regulations also amend (in Schedule 6) Statutory Rules 1984 No. 249, as amended by 1990 Nos. 155 and 253; 1992 No. 371; 1996 No. 287; 1997 No. 75; 1998 No. 356.

These Regulations also amend (in Schedule 7) Statutory Rules 1940 No. 163, as amended by 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1980 No. 241; 1981 Nos. 80 and 84; 1983 Nos. 114, 153, 176, 181, 235, 274 (disallowed by the Senate on 15 December 1983) and 313; 1984 No. 287; 1987 Nos. 118 and 119; 1988 Nos. 182 and 339; 1989 No. 32; 1990 Nos. 33 and 334; 1992 No. 422; 1993 Nos. 28 and 356; 1995 Nos. 21, 190 and 322; 1997 No. 411; 1998 Nos. 57 and 296; 2000 Nos. 47, 196 and 355; 2001 Nos. 248 (disallowed by the Senate on 15 May 2002) and 340; 2002 No. 117.

These Regulations also amend (in Schedule 8) Statutory Rules 2000 No. 19, as amended by 2000 No. 101; 2001 Nos. 84, 137 and 263.

These Regulations also amend (in Schedule 9) Statutory Rules 1997 No. 328, as amended by 1998 Nos. 65, 112, 122, 261, 289 and 333; 1999 Nos. 44, 45, 107, 108 and 272; 2000 Nos. 20 (as amended by 2000 No. 145), 145, 200 and 224; 2001 Nos. 13 and 198; 2002 Nos. 74, 113, 211 and 298.

These Regulations also amend (in Schedule 10) Statutory Rules 1987 No. 186, as amended by 1989 No. 185; 1990 No. 205; 1992 No. 123 (as amended by 1992 No. 289); 1997 No. 316.

These Regulations also amend (in Schedule 11) Statutory Rules 1977 No. 104, as amended by 1978 No. 103; 1979 No. 182; 1980 No. 348; 1982 No. 63; 1985 No. 98; 1989 No. 9; 1991 No. 431; 1995 No. 138; 1998 No. 47; 1999 No. 192; 2002 No. 122.

These Regulations also amend (in Schedule 12) Statutory Rules 1999 No. 26, as amended by 2001 No. 10.

2. Notified in the *Commonwealth of Australia Gazette* on / 2002. 20 December