

Crimes Legislation (Consequential Amendments) Regulation 2015

Select Legislative Instrument No. 76, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 28 May 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Michael Keenan

Minister for Justice

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1 Name

This is the *Crimes Legislation (Consequential Amendments) Regulation 2015*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under the following Acts:

(a) the *Australian Crime Commission Act 2002*;

(b) the *Crimes Act 1914*;

(c) the *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010*;

(d) the *Financial Transaction Reports Act 1988*;

(e) the *Law Enforcement Integrity Commissioner Act 2006*;

(f) the *Proceeds of Crime Act 2002*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Crime Commission Regulations 2002

1 Part 3 of Schedule 3 (table items 301 and 302, column headed “Law”)

Omit “*Misconduct*”, substitute “*Corruption*”.

Crimes Regulations 1990

2 Regulation 4A (table item 3, column headed “Law”)

Omit “*Misconduct*”, substitute “*Corruption*”.

3 Regulation 4BAB (table item 3, column headed “Law”)

Omit “*Misconduct*”, substitute “*Corruption*”.

4 Subregulation 11(4) (cell at table item 12, column headed “Law”)

Repeal the cell, substitute:

|  |
| --- |
| *Crime and Corruption Act 2001* (previously called the *Crime and Misconduct Act 2001*) |

Financial Transaction Reports Regulations 1990

5 Regulation 11B

Repeal the regulation.

Law Enforcement Integrity Commissioner Regulations 2006

6 Paragraph 5(c)

Repeal the paragraph, substitute:

(c) for Queensland—the Crime and Corruption Commission established under section 220 of the *Crime and Corruption Act 2001* (Qld);

Proceeds of Crime Regulations 2002

7 Paragraph 5(d)

Repeal the paragraph.

8 After paragraph 5(e)

Insert:

(eaa) serious drug offender confiscation order under section 93ZZB of the *Criminal Proceeds Confiscation Act 2002* of Queensland;

9 After paragraph 5(j)

Insert:

(ja) wealth forfeiture order under section 152 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;

10 Paragraph 6(d)

Repeal the paragraph.

11 After paragraph 6(e)

Insert:

(eaa) unexplained wealth order under section 89G of the *Criminal Proceeds Confiscation Act 2002* of Queensland;

12 Paragraph 7(d)

Repeal the paragraph.

13 Paragraph 7(e)

Repeal the paragraph, substitute:

(e) restraining order under section 31, 93M or 122 of the *Criminal Proceeds Confiscation Act 2002* of Queensland;

14 After paragraph 7(j)

Insert:

(ja) interim wealth‑restraining order under section 116 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;

(jb) wealth‑restraining order under section 118 of the *Crime (Confiscation of Profits) Act 1993* of Tasmania;

15 After subparagraph 9(a)(viii)

Insert:

(viiia) section 270.5 (servitude offences);

16 Subparagraphs 9(a)(ix) and (x)

Repeal the subparagraphs, substitute:

(ix) section 270.6A (forced labour offences);

(ixa) section 270.7 (deceptive recruiting for labour or services);

(x) section 270.7B (forced marriage offences);

17 After subparagraph 9(a)(xi)

Insert:

(xia) section 271.3 (trafficking in persons—aggravated offence);

18 After subparagraph 9(a)(xiii)

Insert:

(xiiia) section 271.6 (domestic trafficking in persons—aggravated offence);

19 After subparagraph 9(a)(xiv)

Insert:

(xiva) section 271.7B (offence of organ trafficking—entry into and exit from Australia);

(xivb) section 271.7C (organ trafficking—aggravated offence);

(xivc) section 271.7D (offence of domestic organ trafficking);

(xivd) section 271.7E (domestic organ trafficking—aggravated offence);

(xive) section 271.7F (harbouring a victim);

(xivf) section 271.7G (harbouring a victim—aggravated offence);

(xivg) section 271.8 (offence of debt bondage);

(xivh) section 271.9 (debt bondage—aggravated offence);

20 After subparagraph 9(a)(xvi)

Insert:

(xvia) section 272.10 (aggravated offence—child with mental impairment or under care, supervision or authority of defendant);

21 After subparagraph 9(a)(xxvi)

Insert:

(xxvia) section 273.7 (aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people);

22 After subparagraph 9(a)(xliv)

Insert:

(xliva) section 474.25B (aggravated offence—child with mental impairment or under care, supervision or authority of defendant);

23 At the end of regulation 9

Add:

; (c) an offence against any of the following provisions of the *Copyright Act 1968*:

(i) subsection 132AC(1) (commercial‑scale infringement prejudicing copyright owner);

(ii) subsection 132AD(1) (making infringing copy commercially);

(iii) subsection 132AE(1) (selling or hiring out infringing copy);

(iv) subsections 132AF(1) and (2) (offering infringing copy for sale or hire);

(v) subsections 132AG(1) and (2) (exhibiting infringing copy in public commercially);

(vi) subsection 132AH(1) (importing infringing copy commercially);

(vii) subsections 132AI(1) and (2) (distributing infringing copy);

(viii) subsection 132AJ(1) (possessing infringing copy for commerce);

(ix) subsections 132AL(1) and (2) (making or possessing device for making infringing copy);

(x) subsection 132AN(1) (causing work to be performed publicly);

(xi) subsection 132AO(1) (causing recording or film to be heard or seen in public);

(xii) subsection 132AQ(1) (removing or altering electronic rights management information);

(xiii) subsection 132AR(1) (distributing, importing or communicating copies after removal or alteration of electronic rights management information);

(xiv) subsection 132AS(1) (distributing or importing electronic rights management information).