



Proceeds of Crime Amendment (Approved Examiners and Other Measures) Regulation 2016

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 13 October 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Michael Keenan
Minister for Justice

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1 Name

This is the *Proceeds of Crime Amendment (Approved Examiners and Other Measures) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	15 October 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Proceeds of Crime Regulations 2002

1 After paragraph 5(dc)

Insert:

- (dd) declaration, under subsection 36GB(1) of the *Confiscation Act 1997* (Vic.), that property has been forfeited under section 36GA of that Act;
- (de) declaration, under subsection 40ZB(3) of the *Confiscation Act 1997* (Vic.), that property has been forfeited under section 40ZA of that Act;

2 After paragraph 7(da)

Insert:

- (db) unexplained wealth restraining order under section 40I of the *Confiscation Act 1997* (Vic.);

3 After paragraph 7(k)

Insert:

- (ka) interim restraining order under subsection 40(1) of the *Criminal Property Forfeiture Act* (NT);

4 Regulation 12

Repeal the regulation, substitute:

12 Approved examiners

- (1) For paragraph 183(5)(a) of the Act, the following offices are specified:
 - (a) an office held by a person who is a presidential member of the Administrative Appeals Tribunal established under the *Administrative Appeals Tribunal Act 1975*;
 - (b) an office held by a person who is a non-presidential member of that Tribunal who is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory, and has been enrolled for at least 5 years.
- (2) For paragraph 183(5)(a) of the Act, the following classes of people are specified:
 - (a) persons who have held the office of judge in the Supreme Court, District Court or County Court of a State or Territory and have stated, in writing, willingness to be an approved examiner;
 - (b) persons who have held the office of magistrate and have stated, in writing, willingness to be an approved examiner.

Schedule 2—Amendments relating to administration

Proceeds of Crime Regulations 2002

1 Regulation 15

Omit “\$50”, substitute “\$62.50”.

2 Subregulations 17(1) and (2)

Repeal the subregulations.

3 Subregulation 17(3)

Repeal the subregulation, substitute:

- (3) For paragraph 297(f) of the Act, the annual management fee of \$272 500 is specified for the 2016 calendar year and each later calendar year.