

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

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments relating to approved examiners and orders 2

Proceeds of Crime Regulations 2002 2

Schedule 2—Amendments relating to administration 3

Proceeds of Crime Regulations 2002 3

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.