



Crimes (Currency) (Disposal of Condemned Forfeited Articles) Direction 2019

I, Michael Sukkar, Assistant Treasurer, make the following direction.

Dated 30 September 2019

Michael Sukkar
Assistant Treasurer

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
5 Definitions	1
Part 2—Directions	3
6 Direction to the constable	3
7 Direction to the Reserve Bank, Royal Australian Mint or Australian Office of Financial Management.....	3
Part 3—Application	4
8 Application	4
Schedule 1—Amendments	5
<i>Disposal of Forfeited Articles Direction 2014</i>	5
<i>Disposal of Forfeited Articles Direction 2016</i>	5
<i>Disposal of Forfeited Articles Direction 2018</i>	5

Part 1—Preliminary

1 Name

This instrument is the *Crimes (Currency) (Disposal of Condemned Forfeited Articles) Direction 2019*.

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.	

Note: This table relates only to the provisions of this instrument as originally made.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 *Crimes (Currency) Act 1981*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Crimes (Currency) Act 1981* as in force from time to time.

In this instrument:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

constable has the meaning given by subsection 29(8) of the Act.

Section 5

official has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

the Act means the *Crimes (Currency) Act 1981*.

Part 2—Directions

6 Direction to the constable

Further to subsection 29(7) of the Act, upon a court ordering a forfeited article be condemned under subsection 29(5) of the Act, or under subsection 9(2) of the *Crimes Act 1914*, the constable in possession of the article is directed to deliver the article into the possession of a person occupying, or performing the duties of, one of the following positions:

- (a) Governor of the Reserve Bank of Australia;
- (b) Chief Executive Officer of the Royal Australian Mint;
- (c) Chief Executive of the Australian Office of Financial Management.

Note: This section does not prevent:

- (a) an official of the Commonwealth entity of which a person occupying, or performing the duties of, a position referred to in paragraph (a), (b) or (c) is the accountable authority, taking possession of the article on behalf of the person; or
- (b) a person occupying, or performing the duties of, a position referred to in paragraph (a), (b) or (c) entering into an arrangement for condemned forfeited articles to be delivered into the possession of certain officials on their behalf.

7 Direction to the Reserve Bank, Royal Australian Mint or Australian Office of Financial Management

Further to subsection 29(7) of the Act, a person who has possession under section 6 of this instrument, or a previous application of this section, of a condemned forfeited article, is directed to do one of the following with the article:

- (a) if the person is satisfied that the article is required to be retained by that person for a legitimate purpose—retain the article for that purpose;
- (b) if the person is satisfied that the article is required for a legitimate purpose by another person occupying, or performing the duties of, a position referred to in paragraph 6(a), (b) or (c)—deliver the article to that person to be retained for that purpose;
- (c) if the person is satisfied that the article is required for a legitimate purpose by Australian Federal Police—deliver the article to the Commissioner of the Australian Federal Police to be retained for that purpose;
- (d) otherwise—destroy the article.

Example: A legitimate purpose includes staff training, research, and maintaining a database of forfeited articles.

Note: This section does not prevent:

- (a) an official of the Commonwealth entity of which a person occupying, or performing the duties of, a position referred to in paragraph (a), (b) or (c) is the accountable authority, retaining, delivering, taking possession of, or destroying the article on behalf of the person; or
- (b) a person occupying, or performing the duties of, a position referred to in paragraph (a), (b) or (c) entering into an arrangement for condemned forfeited articles to be dealt with by certain officials on their behalf.

Part 3—Application

8 Application

This instrument applies to articles condemned under subsection 29(5) of the Act, or under subsection 9(2) of the *Crimes Act 1914*, on or after the day this instrument commences.

Schedule 1—Amendments

Disposal of Forfeited Articles Direction 2014

1 The whole of the instrument

Repeal the instrument.

Disposal of Forfeited Articles Direction 2016

2 The whole of the instrument

Repeal the instrument.

Disposal of Forfeited Articles Direction 2018

3 The whole of the instrument

Repeal the instrument.