

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

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

***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.