



Crimes Legislation Amendment (Economic Disruption) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 29 April 2021

David Hurley
Governor-General

By His Excellency's Command

Karen Andrews
Minister for Home Affairs

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1 Name

This instrument is the *Crimes Legislation Amendment (Economic Disruption) Regulations 2021*.

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.	5 May 2021

Note: This table relates only to the provisions of this instrument as originally made.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 following:

- (a) the *Crimes Act 1914*;
- (b) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Crimes Regulations 2019

1 After Part 1

Insert:

Part 1A—General

4A Costs etc. payable to Official Trustee

For the purposes of paragraph 9B(1)(a) of the Act, there is payable to the Official Trustee an amount equal to the amount of costs, charges and expenses incurred in connection with the performance or exercise by the Official Trustee of functions, duties or powers under section 9A the Act.

4B Remuneration of Official Trustee

For the purposes of paragraph 9B(1)(b) of the Act, the amount of remuneration payable to the Official Trustee in respect of the performance or exercise by the Official Trustee of functions, duties or powers under section 9A of the Act is the equivalent amount of remuneration that is payable to the Official Trustee in respect of the Official Trustee's exercise of powers and performance of functions or duties under the *Proceeds of Crime Act 2002*.

Note: Regulation 22 of the *Proceeds of Crime Regulations 2019* sets out the amount of remuneration that is payable to the Official Trustee in respect of the Official Trustee's exercise of powers and performance of functions or duties under the *Proceeds of Crime Act 2002*

Proceeds of Crime Regulations 2019

2 Section 7 (at the end of the table items headed "South Australia")

Add:

7A *Serious and Organised Crime (Unexplained Wealth) Act 2009*

3 Section 14

Repeal the section.

4 Section 15 (heading)

Omit "sections 102 and 103", substitute "section 102".

5 Section 15

Omit "or 103".

6 Sections 21 and 22

Omit "or under Part VI of the Mutual Assistance Act", substitute ", under Part VI of the Mutual Assistance Act or under section 208DA or Division 3 of Part XIII of the *Customs Act 1901*".

7 Clause 1 of Schedule 1 (Table 5, after table item 2)

Insert:

- 2A a declaration that particular property has been forfeited under Division 1 of Part 4 of the *Criminal Assets Confiscation Act 2005* section 56B of the *Criminal Assets Confiscation Act 2005*

8 Clause 1 of Schedule 2 (at the end of Table 5)

Add:

- 5 an unexplained wealth order section 9 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*

9 Clause 1 of Schedule 3 (at the end of Table 5)

Add:

- 5 a restraining order section 20 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*

10 After clause 2 of Schedule 4

Insert:

2A Table 2A—Crimes Act 1914

The following table specifies indictable offences against provisions of the *Crimes Act 1914* (as in force before 15 April 2010) for the purposes of paragraph (h) of the definition of *serious offence* in section 338 of the *Proceeds of Crime Act 2002*.

Item	An offence against any of the following provisions of the <i>Crimes Act 1914</i> (as in force before 15 April 2010) is a serious offence
1	section 50BA (sexual intercourse with child under 16)
2	section 50BB (inducing child under 16 to engage in sexual intercourse))
3	section 50BC (sexual conduct involving child under 16)
4	section 50BD (inducing child under 16 to be involved in sexual conduct)
5	section 50DA (benefiting from offence against Part IIIA)
6	section 50DB (encouraging offence against Part IIIA)

11 Clause 3 of Schedule 4 (table item 29)

Repeal the item, substitute:

- 29 section 272.10 (aggravated offence—sexual intercourse or other sexual activity with child outside Australia)

12 Clause 3 of Schedule 4 (after table item 34)

Insert:

- 34A section 272.15A (“grooming” person to make it easier to engage in sexual activity with a

child outside Australia)

13 Clause 3 of Schedule 4 (after table item 40)

Insert:

40A section 273A.1 (possession of child-like sex dolls etc.)

40B section 273B.4 (failing to protect child at risk of child sexual abuse offence)

40C section 273B.5 (failing to report child sexual abuse offence)

14 Clause 3 of Schedule 4 (after table item 59)

Insert:

59A section 471.25A (using a postal or similar service to “groom” another person to make it easier to procure persons under 16)

15 Clause 3 of Schedule 4 (after table item 63)

Insert:

63A section 474.22A (possessing or controlling child abuse material obtained or accessed using a carriage service)

16 Clause 3 of Schedule 4 (after table item 64)

Insert:

64A section 474.23A (conduct for the purposes of electronic service used for child abuse material)

17 Clause 3 of Schedule 4 (table item 67)

Repeal the item, substitute:

67 section 474.25B (aggravated offence—using a carriage service for sexual activity with person under 16 years of age)

18 Clause 3 of Schedule 4 (after table item 69)

Insert:

69A section 474.27AA (using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age)