

South Australia

# **Serious and Organised Crime (Control) Regulations 2008**

under the *Serious and Organised Crime (Control) Act 2008*

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## **Legislative history**

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### **1—Short title**

These regulations may be cited as the *Serious and Organised Crime (Control) Regulations 2008*.

### **2—Commencement**

These regulations will come into operation on the day on which the *Serious and Organised Crime (Control) Act 2008* comes into operation.

### **3—Interpretation**

In these regulations—

*Act* means the *Serious and Organised Crime (Control) Act 2008*.

### **4—Serious criminal offences—prescribed offences**

For the purposes of paragraph (b) of the definition of *serious criminal offences* in section 3 of the Act, the following summary offences are prescribed:

- (a) offences under section 25 or 33K(1)(b) of the *Controlled Substances Act 1984*;
- (b) offences under section 20(3) of the *Criminal Law Consolidation Act 1935* (being basic offences within the meaning of that Act);
- (c) offences under section 12, 23 or 48 of the *Explosives Act 1936*;
- (d) offences under section 11, 14 or 14A of the *Firearms Act 1977* (being summary offences under any of those sections);
- (e) offences under section 75, 76 or 90 of the *Lottery and Gaming Act 1936*;
- (f) offences under section 6(1), 15, 15A, 25A, 26, 28, 29, 51 or 61 of the *Summary Offences Act 1953*;

- (g) offences under regulation 4.02, 4.08, 4.10, 4.17, 4.25, 9.02 or 15.10 of the *Explosives Regulations 1996*;
- (h) offences under regulation 5 of the *Explosives (Fireworks) Regulations 2001*;
- (i) offences under a previous enactment corresponding to an offence referred to in a preceding paragraph;
- (j) offences consisting of a conspiracy to commit an offence referred to in a preceding paragraph;
- (k) offences consisting of an attempt to commit an offence referred to in paragraphs (a) to (i) (inclusive).

### **5—Prescribed criminal convictions**

For the purposes of section 35(3)(a) of the Act, criminal convictions of the following kinds are prescribed:

- (a) convictions of a major indictable offence;
- (b) convictions of an offence under the Act;
- (c) convictions of an offence consisting of a conspiracy to commit an offence referred to in a preceding paragraph;
- (d) convictions of an offence consisting of an attempt to commit an offence referred to in paragraph (a) or (b).

### **6—Prescribed forms of association**

- (1) For the purposes of section 35(6)(c) of the Act, courses of training or education of the following kinds are prescribed:
  - (a) courses of training or education provided in accordance with the *Education Act 1972*;
  - (b) courses of training or education comprising higher education or vocational education and training provided in accordance with the *Training and Skills Development Act 2008*;
  - (c) courses of training or education provided by an institution (within the meaning of the *Higher Education Funding Act 1988* of the Commonwealth);
  - (d) courses of training or education required to be undertaken as a condition of parole under the *Correctional Services Act 1982*;
  - (e) courses of training or education provided in accordance with the *Family and Community Services Act 1972*;
  - (f) courses of training or education provided in accordance with the *Children's Protection Act 1993*;
  - (g) courses of training or education in relation to which a youth is granted a leave of absence under section 40 of the *Young Offenders Act 1993*.
- (2) For the purposes of section 35(6)(d) of the Act, rehabilitation, counselling or therapy sessions of the following kinds are prescribed:
  - (a) rehabilitation, counselling or therapy sessions conducted or provided by a charitable organisation;

- (b) rehabilitation, counselling or therapy sessions conducted or provided in the course of the provision of a health service (within the meaning of the *Health Care Act 2008*);
  - (c) rehabilitation, counselling or therapy sessions conducted or provided in accordance with the *Children's Protection Act 1993*;
  - (d) rehabilitation, counselling or therapy sessions conducted or provided in accordance with the *Family and Community Services Act 1972*;
  - (e) rehabilitation, counselling or therapy sessions in relation to which a youth is granted a leave of absence under section 40 of the *Young Offenders Act 1993*.
- (3) For the purposes of section 35(6)(f) of the Act, associations of the following kinds are prescribed:
- (a) associations between persons residing (whether permanently or temporarily)—
    - (i) in a supported residential facility (within the meaning of the *Supported Residential Facilities Act 1992*); or
    - (ii) in an approved treatment centre (within the meaning of the *Mental Health Act 1993*); or
    - (iii) in a facility providing emergency housing operated by State, Commonwealth or local government, or by a charitable organisation;
  - (b) associations occurring between members of a registered political party (within the meaning of the *Electoral Act 1985* or the *Commonwealth Electoral Act 1918* of the Commonwealth (as the case requires)) at an official meeting of the party, or a branch of the party;
  - (c) associations occurring in the course of legal proceedings;
  - (d) associations occurring in the course of the provision of a health service (within the meaning of the *Health Care Act 2008*) (other than in relation to a rehabilitation, counselling or therapy session referred to in subregulation (2)(b));
  - (e) associations occurring in the course of complying with a lawful direction of a person exercising a power, or carrying out official duties, under an Act (whether of this State or another jurisdiction).
- (4) In this regulation—
- charitable organisation*** means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, provided that it is not also carried on for the purpose of securing pecuniary benefit for its members.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2008	248	<i>Gazette 4.9.2008 p4248</i>	4.9.2008: r 2