

South Australia

Criminal Law Consolidation (General) Regulations 2006

under the *Criminal Law Consolidation Act 1935*

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Legislative history

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) Regulations 2006*.

3—Interpretation

In these regulations—

Act means the *Criminal Law Consolidation Act 1935*.

3A—Prescribed occupations—aggravated offences

- (1) For the purposes of section 5AA(1)(k)(ii), emergency work is a prescribed occupation or employment.
- (2) In this regulation—

accident or emergency department of a hospital means the part of a hospital dedicated to the hospital's major accident and emergency functions, including those areas of the department used for administrative, waiting, reception, storage, diagnostic, treatment, consultation, triage and resuscitation functions and the access bays for ambulance and police;

emergency means an event that causes or threatens to cause—

- (a) the death of, or injury or other damage to the health of, any person; or
- (b) the destruction of, or damage to, property; or
- (c) a disruption to essential services or to services usually enjoyed by the community; or
- (d) harm to the environment, or to flora or fauna;

emergency services provider means—

- (a) South Australian Country Fire Service; or
- (b) South Australian Metropolitan Fire Service; or
- (c) South Australian State Emergency Service; or
- (d) SA Ambulance Service Inc; or
- (e) St John Ambulance Australia South Australia Incorporated; or
- (f) Surf Life Saving South Australia Incorporated; or
- (g) a body or organisation that is a member of Volunteer Marine Rescue—South Australia Incorporated; or
- (h) the accident or emergency department of a hospital;

emergency work means work carried out (whether or not in response to an emergency) by or on behalf of an emergency services provider.

3B—Emergency workers and employing authorities

- (1) For the purposes of the definition of *emergency workers* in section 19A(11) of the Act, the following persons are emergency workers for the purposes of that section:
 - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
 - (b) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc.
- (2) For the purposes of paragraph (b) of the definition of *employing authority* in section 19A(11) of the Act, the employing authority for a person who is an emergency worker for the purposes of that section is—
 - (a) in relation to an emergency worker referred to in subregulation (1)(a)—
 - (i) if the emergency worker is a member of the South Australian Metropolitan Fire Service—the Chief Officer of SAMFS; or
 - (ii) if the emergency worker is a member of the South Australian Country Fire Service—the Chief Officer of SACFS; or
 - (iii) if the emergency worker is a member of the South Australian State Emergency Service—the Chief Officer of SASES; or
 - (b) in relation to an emergency worker referred to in subregulation (1)(b)—the Chief Executive Officer of SA Ambulance Service Inc.

3C—Certain conduct not to constitute street race

- (1) For the purposes of the definition of *street race* in section 19AD(7) of the Act, the following conduct is declared not to be included within the ambit of that definition:
 - (a) conduct reasonably occurring in the course of—
 - (i) obtaining a genuine qualification (however described) to operate a motor vehicle of a particular kind or in a particular manner; or

- (ii) participation in a genuine program designed to improve the defensive driving skills of a person;
 - (b) conduct that occurs in the course of an event the subject of an order made under section 33 of the *Road Traffic Act 1961* (being conduct that complies with any requirement or condition imposed in relation to the order);
 - (c) conduct that occurs in the course of an event the subject of a permit granted by the Confederation of Australian Motor Sport (being conduct that complies with any requirement or condition imposed in relation to the permit);
 - (d) conduct that occurs in the course of an event comprising a tour, regularity trial, treasure hunt or similar event in which the participants drive in a manner that indicates a general intention to comply with the provisions of the *Road Traffic Act 1961*;
 - (e) conduct comprising a road test of a motor vehicle that occurs—
 - (i) in the course of the purchase, or potential purchase, of the motor vehicle; or
 - (ii) in the course of, or is consequential upon, repairing or maintaining the motor vehicle,and that is undertaken in a manner that indicates a general intention on the part of the driver to comply with the provisions of the *Road Traffic Act 1961*;
 - (f) conduct that occurs with the approval of the Commissioner of Police.
- (2) An application for approval under subregulation (1)(f) must be made in a manner and form determined by the Commissioner of Police.
- (3) An approval under subregulation (1)(f)—
- (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) may be varied or revoked by the Commissioner of Police by notice in writing.
- (4) If a person contravenes or fails to comply with a condition specified in an approval under subregulation (1)(f), the approval does not, while the contravention or non-compliance continues, operate in that person's favour.

4—Prescribed objects

- (1) For the purposes of section 32A of the Act, a **prescribed object** is an object that would, on impact with a vehicle, cause severe damage to the vehicle or harm (whether directly or indirectly) to an occupant of the vehicle (but does not include soft fruits, vegetables or eggs).

Examples—

- (a) rocks;
- (b) bricks;
- (c) lumps, blocks or pieces of clay or concrete;
- (d) sizeable or heavy pieces of metal or metal objects;
- (e) sizeable or heavy pieces of wood;
- (f) glass bottles;

(g) filled cans or plastic containers.

- (2) In this regulation—
harm has the same meaning as in section 21 of the Act.

5—Notice to admit facts—prescribed form of warning

For the purposes of section 285BA(3) of the Act the prescribed form of warning to be included in a notice under section 285BA is as follows:

You are not required to admit these facts, but if you are convicted, the Court is required to take an unreasonable failure to make an admission in response to this notice into account in fixing sentence.

You would unreasonably fail to admit facts if, for example, you claimed privilege against incriminating yourself as a reason for not making the admission and made the prosecution prove facts which were not seriously contested at your trial.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Formerly

Criminal Law Consolidation (Section 32A Prescribed Objects) Regulations 2006

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|-----------------------|
| 2006 | 223 | <i>Gazette 7.9.2006 p3173</i> | 10.9.2006: r 2 |
| 2007 | 16 | <i>Gazette 1.3.2007 p680</i> | 1.3.2007: r 2 |
| 2007 | 314 | <i>Gazette 13.12.2007 p4883</i> | 13.12.2007: r 2 |
| 2011 | 195 | <i>Gazette 18.8.2011 p3491</i> | 21.8.2011: r 2 |
| 2013 | 17 | <i>Gazette 21.2.2013 p501</i> | 4.3.2013: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|-------------|---------------------------------|------------------|
| r 1 | varied by 16/2007 r 4 | 1.3.2007 |
| <i>r 2</i> | <i>deleted by 16/2007 r 5</i> | <i>1.3.2007</i> |
| r 3A | inserted by 314/2007 r 4 | 13.12.2007 |
| r 3B | inserted by 195/2011 r 4 | 21.8.2011 |
| r 3C | inserted by 195/2011 r 5 | 21.8.2011 |
| r 5 | inserted by 16/2007 r 6 | 1.3.2007 |

Historical versions

1.3.2007

13.12.2007