

South Australia

Serious and Organised Crime (Control) Regulations 2008

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

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Legislative history

1—Short title

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

3—Interpretation

In these regulations—

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

Uniform Poisons Standard has the same meaning as in the *Controlled Substances (Poisons) Regulations 2011*.

3A—Corresponding control orders and declarations

- (1) For the purposes of the definition of *corresponding control order* in section 3 of the Act, the following provisions are prescribed:
 - (a) section 18 of the *Criminal Organisation Act 2009* of Queensland;
 - (b) section 19 of the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales;
 - (c) sections 25(2)(a) and 26(4)(a) of the *Serious Crime Control Act* of the Northern Territory.
- (2) For the purposes of the definition of *corresponding declaration* in section 3 of the Act, the following provisions are prescribed:
 - (a) section 10 of the *Criminal Organisation Act 2009* of Queensland;

- (b) section 9 of the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales;
- (c) section 15 of the *Serious Crime Control Act* of the Northern Territory.

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:

- (aa) offences under section 18 of the *Controlled Substances Act 1984* involving—
 - (i) anabolic or androgenic steroidal agents (including when separately specified in Schedule 4 of the *Uniform Poisons Standard*); or
 - (ii) steroid hormones (as set out in Schedule 4 of the *Uniform Poisons Standard*);
- (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), 21B, 21C, 21D, 21E, 21F, 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).

4A—Prescribed office

For the purposes of the following provisions of the Act, the office of registrar of the Supreme Court is prescribed:

- (a) section 9(4);
- (b) section 14(4);
- (c) section 15(4)(a);
- (d) paragraph (a) of the definition of *registrar* in section 37;
- (e) section 39W(3)(c)(ii).

4B—Prescribed activity

For the purposes of the definition of *prescribed activity* in section 22(9) of the Act, any occupation or activity engaged in pursuant to an authorisation (within the meaning of section 22 of the Act) issued under any of the following Acts is prescribed:

- (a) *Firearms Act 1977*;
- (b) *Gaming Machines Act 1992*;
- (c) *Hydroponics Industry Control Act 2009*;
- (d) *Liquor Licensing Act 1997*;
- (e) *Security and Investigation Agents Act 1995*.

5—Prescribed criminal convictions

- (1) For the purposes of section 35(3)(a) of the Act, criminal convictions of the following kinds are prescribed:
 - (a) conviction of a major indictable offence or an offence against the law of another jurisdiction consisting of conduct that would, if engaged in this State, be a major indictable offence;
 - (b) conviction of an offence under the Act or a corresponding Act;
 - (c) conviction of an offence consisting of a conspiracy to commit an offence referred to in a preceding paragraph;
 - (d) conviction of an offence consisting of an attempt to commit an offence referred to in paragraph (a) or (b).
- (2) In this regulation—

corresponding Act means—

 - (a) the *Criminal Organisation Act 2009* of Queensland; and
 - (b) the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales; and
 - (c) the *Serious Crime Control Act* of the Northern Territory.

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* or the *Youth Justice Administration Act 2016*;
 - (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 34 of the *Youth Justice Administration Act 2016*.
- (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* or the *Youth Justice Administration Act 2016*;
 - (e) rehabilitation, counselling or therapy sessions in relation to which a youth is granted a leave of absence under section 34 of the *Youth Justice Administration Act 2016*.
- (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 for the genuine purpose of political communication;
 - (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.

6A—Registration of corresponding declaration—prescribed manner

In accordance with section 39(2)(a) of the Act, an application for registration of a corresponding declaration must be made by providing the Registrar with a written request for registration setting out—

- (a) the name of the respondent; and
- (b) a statement indicating that none of the matters set out in paragraphs (a) to (f) of section 39(4) apply in relation to the application; and
- (c) either—
 - (i) the date on which the corresponding declaration will cease to be in force in the jurisdiction in which it was made (if not revoked sooner); or
 - (ii) a statement indicating that under the law of the jurisdiction in which it was made, the corresponding declaration will remain in force for an indefinite period.

6B—Registration of corresponding control order—prescribed manner

In accordance with section 39I(2)(a) of the Act, an application for registration of a corresponding control order must be made by providing the Registrar with a written request for registration setting out—

- (a) the name of the respondent; and
- (b) a statement indicating that none of the matters set out in paragraphs (a) to (c) of section 39I(4) apply in relation to the application; and
- (c) either—
 - (i) the date on which the corresponding control order will cease to be in force in the jurisdiction in which it was made (if not revoked sooner); or
 - (ii) a statement indicating that under the law of the jurisdiction in which it was made, the corresponding declaration will remain in force for an indefinite period.

Legislative history

Notes

- 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.

Revocation of regulations

The *Serious and Organised Crime (Control) Regulations 2008* were revoked by Sch 1 of the *Serious and Organised Crime (Control) Regulations 2023* on 3.8.2023.

Principal regulations and variations

Year	No	Reference	Commencement
2008	248	<i>Gazette 4.9.2008 p4248</i>	4.9.2008: r 2
2012	159	<i>Gazette 14.6.2012 p2762</i>	17.6.2012: r 2
2013	158	<i>Gazette 14.6.2013 p2576</i>	14.6.2013: r 2
2016	268	<i>Gazette 24.11.2016 p4515</i>	1.12.2016: r 2

Provisions varied

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>17.6.2012</i>
r 3		
Uniform Poisons Standard	inserted by 159/2012 r 4	17.6.2012
r 3A	inserted by 159/2012 r 5	17.6.2012
r 4	varied by 159/2012 r 6	17.6.2012
	varied by 158/2013 r 4	14.6.2013
rr 4A and 4B	inserted by 159/2012 r 7	17.6.2012
r 5	substituted by 159/2012 r 8	17.6.2012
r 6		
r 6(1)	varied by 268/2016 r 4(1), (2)	1.12.2016
r 6(2)	varied by 268/2016 r 4(3), (4)	1.12.2016
r 6(3)	varied by 159/2012 r 9	17.6.2012
rr 6A and 6B	inserted by 159/2012 r 10	17.6.2012

Historical versions

17.6.2012

14.6.2013