

South Australia

## Serious and Organised Crime (Unexplained Wealth) Regulations 2010

under the *Serious and Organised Crime (Unexplained Wealth) Act 2009*

---

### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Corresponding unexplained wealth orders (section 3(1))
- 5 Deposit holders (section 3(1))
- 6 Prescribed requirements for duplicate warrant (section 16(4)(g)(ii))
- 7 Prescribed form of notice (section 17)
- 8 Prescribed manner of giving notices (section 37)

Schedule 1—Prescribed form of notice

Legislative history

---

#### 1—Short title

These regulations may be cited as the *Serious and Organised Crime (Unexplained Wealth) Regulations 2010*.

#### 2—Commencement

These regulations will come into operation on the day on which the *Serious and Organised Crime (Unexplained Wealth) Act 2009* comes into operation.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Serious and Organised Crime (Unexplained Wealth) Act 2009*;

*payment services* means services providing for, or facilitating, the payment or transfer of money or the granting of credit by 1 person to another person (and includes a service provided by electronic means).

#### 4—Corresponding unexplained wealth orders (section 3(1))

- (1) The following kinds of orders made under a law of a State, Territory or the Commonwealth are declared to be within the definition of **corresponding unexplained wealth order** in section 3(1) of the Act:
  - (a) orders that are made under relevant Acts and that require the payment of an amount of money by a person in respect of property or benefits that have not been lawfully acquired;

- (b) orders that are made under relevant Acts and that are similar in nature to literary proceeds orders under the *Criminal Assets Confiscation Act 2005*;
  - (c) recognised Australian pecuniary penalty orders (within the meaning of the *Criminal Assets Confiscation Act 2005*).
- (2) The following are **relevant Acts** for the purposes of this regulation:
- (a) the *Criminal Assets Recovery Act 1990* of New South Wales;
  - (b) the *Confiscation of Proceeds of Crime Act 1989* of New South Wales;
  - (c) the *Confiscation Act 1997* of Victoria;
  - (d) the *Criminal Proceeds Confiscation Act 2002* of Queensland;
  - (e) the *Criminal Property Confiscation Act 2000* of Western Australia;
  - (f) the *Crimes (Confiscation of Profits) Act 1993* of Tasmania;
  - (g) the *Criminal Property Forfeiture Act 2002* of the Northern Territory;
  - (h) the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory;
  - (i) the *Proceeds of Crime Act 2002* of the Commonwealth.

### **5—Deposit holders (section 3(1))**

Institutions that engage in any 1 or more of the following activities are declared to be **deposit holders** for the purposes of the definition in section 3(1) of the Act:

- (a) acting as an agent for an ADI;
- (b) acting as a broker (of any kind);
- (c) the provision of accountancy services;
- (d) the provision of betting or gaming services;
- (e) the provision of payment services;
- (f) money lending;
- (g) dealing in commodities.

### **6—Prescribed requirements for duplicate warrant (section 16(4)(g)(ii))**

For the purposes of section 16(4)(g)(ii) of the Act, the duplicate warrant must comply with the following additional requirements:

- (a) the duplicate warrant must specify that it is a duplicate warrant and has been filled out following the making of an application to a judicial officer by telephone;
- (b) the duplicate warrant must specify the date on which, and time at which, the judicial officer signed the warrant.

### **7—Prescribed form of notice (section 17)**

The notice set out in Schedule 1 is prescribed for the purposes of section 17(4)(a) of the Act.

## **8—Prescribed manner of giving notices (section 37)**

For the purposes of section 37 of the Act, the following additional manners of giving or serving a notice, order or other document are prescribed:

- (a) in the case of a notice, order or other document to be given to or served on a corporation—
  - (i) by leaving it for the corporation at the registered address of the corporation; or
  - (ii) by posting it to the corporation at the registered address of the corporation;
- (b) in any case—by a means indicated by the person as being an available means of service (such as by email, fax or by delivering it, addressed to the person, to the facilities of a document exchange).

## Schedule 1—Prescribed form of notice

### Notice of execution of warrant under *Serious and Organised Crime (Unexplained Wealth) Act 2009* (section 17(4)(a))

To: <i>(use this box if a person was searched—insert the name and address of the person)</i>
The occupier of the following premises: <i>(use this box in any other case)</i>
<b>Details of issue of warrant:</b>
Name of judicial officer who issued warrant:
Date of issue of warrant:
Time of issue of warrant:
<b>Details of execution of warrant:</b>
Police officer who executed warrant:
Name:
Rank:
Number:
<b>Date of execution of warrant:</b>
Seizure of documents or articles: <i>(tick one box and, if documents or articles seized, fill in details)</i> <input type="checkbox"/> No documents or articles were seized under the warrant. <input type="checkbox"/> The following documents or articles were seized under the warrant:  <i>(attach additional pages if insufficient space)</i>
<b>Signature of police officer who executed warrant:</b>

## 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
2010	181	<i>Gazette 5.8.2010 p3984</i>	29.8.2010: r 2