

South Australia

## **Security and Investigation Agents Variation Regulations 2007**

under the *Security and Investigation Agents Act 1995*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Security and Investigation Agents Regulations 1996***

- 4 Variation of Schedule 1—Offences preventing persons being licensed agents or process servers
- 5 Variation of Schedule 1A—Classes of offences (regulation 12C)

#### **Schedule 1—Transitional provision**

- 1 Transitional provision
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Security and Investigation Agents Variation Regulations 2007*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Security and Investigation Agents Regulations 1996***

#### **4—Variation of Schedule 1—Offences preventing persons being licensed agents or process servers**

- (1) Schedule 1, clause 1(1)—after "any function to be authorised by a licence" insert:  
other than the function of controlling crowds
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- (2) Schedule 1, clause 1—after subclause (2) insert:
- (2a) An offence to which this subclause applies is prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to the function of controlling crowds to be authorised by a licence if—
    - (a) a sentence of detention or imprisonment of more than 30 months was imposed in respect of the offence; or
    - (b) the offence was committed by a minor and—
      - (i) in the case of a minor dealt with in relation to the offence as an adult—the conviction was within the previous 10 years; or
      - (ii) in any other case—the conviction was within the previous 5 years; or
    - (c) the offence was committed by an adult and the conviction was within the previous 10 years.
  - (2b) Subclause (2a) applies to the following offences:
    - (a) an indictable offence;
    - (b) common assault or an offence of violence;
    - (c) an offence against the *Controlled Substances Act 1984* involving a prohibited substance or a drug of dependence;
    - (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
    - (e) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
    - (f) an offence against the *Police Act 1998*;
    - (g) an offence against the Act or these regulations or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;
    - (h) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.
- (3) Schedule 1, clause 1(4)—delete subclause (4)
- (4) Schedule 1, clause 3—after its present contents (now to be designated as subclause (1)) insert:
- (2) For the purposes of the application of section 25(1)(e)(ii) of the Act to a person who, immediately before the day on which this subclause comes into operation, holds a licence that authorises the person to perform the function of controlling crowds, a conviction of a simple cannabis offence (within the meaning of section 45A of the *Controlled Substances Act 1984*) committed by the person before that day is to be disregarded.

## **5—Variation of Schedule 1A—Classes of offences (regulation 12C)**

Schedule 1A, clause 2(b)—delete ", other than a simple cannabis offence within the meaning of section 45A of that Act"

## **Schedule 1—Transitional provision**

### **1—Transitional provision**

A variation to the *Security and Investigation Agents Regulations 1996* made by a provision of these regulations applies in respect of an application under the Act if the application is determined after the commencement of that provision irrespective of whether the application was lodged before or after that commencement.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 8 February 2007

No 8 of 2007

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