

South Australia

Serious and Organised Crime (Control) Regulations 2008

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

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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.

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 4 September 2008

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