

South Australia

Serious and Organised Crime (Unexplained Wealth) Regulations 2010

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

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Schedule 1—Prescribed form of notice

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>
Details of issue of warrant:
Name of judicial officer who issued warrant:
Date of issue of warrant:
Time of issue of warrant:
Details of execution of warrant:
Police officer who executed warrant:
Name:
Rank:
Number:
Date of execution of warrant:
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>
Signature of police officer who executed warrant:

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 5 August 2010

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