

South Australia

Serious and Organised Crime (Control) Variation Regulations 2012

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Serious and Organised Crime (Control) Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on the day on which the *Serious and Organised Crime (Control)(Miscellaneous) Amendment Act 2012* comes into operation.

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 *Serious and Organised Crime (Control) Regulations 2008*

4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *Act* insert:

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

5—Insertion of regulation 3A

After regulation 3 insert:

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.

6—Variation of regulation 4—Serious criminal offences—prescribed offences

Regulation 4—before paragraph (a) insert:

- (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*);

7—Insertion of regulations 4A and 4B

After regulation 4 insert:

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*.

8—Substitution of regulation 5

Regulation 5—delete the regulation and substitute:

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.

9—Variation of regulation 6—Prescribed forms of association

Regulation 6(3)(b)—delete paragraph (b) and substitute:

- (b) associations occurring for the genuine purpose of political communication;

10—Insertion of regulations 6A and 6B

After regulation 6 insert:

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.

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 14 June 2012

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