

South Australia

Criminal Law Consolidation (General) (Surrendered Items) Variation Regulations 2017

under the *Criminal Law Consolidation Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) (Surrendered Items) Variation Regulations 2017*.

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 *Criminal Law Consolidation (General) Regulations 2006*

4—Variation of regulation 4A—Dealing with surrendered items

- (1) Regulation 4A—delete "*Firearms Act 1977*" wherever occurring and substitute in each case:

Firearms Act 2015

- (2) Regulation 4A(1)—delete "section 269OA(3)" and substitute:
sections 269NC(3) and 269OA(3)
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- (3) Regulation 4A(4) and (5)—delete subregulations (4) and (5) and substitute:
- (4) If—
- (a) the condition imposed under section 269NB(4)(a) of the Act on the release on licence of the person who surrendered the surrendered item is revoked, or a Division 3A order to which the person is subject is revoked or lapses; or
- (b) the condition imposed under section 269O(1a)(a) of the Act on the release on licence of the person who surrendered the surrendered item is revoked, or a supervision order to which the person is subject is revoked or lapses,
- (as the case may be) the person may notify the Commissioner of Police of that fact.
- (5) Subject to this regulation, if the Commissioner of Police—
- (a) is notified pursuant to subregulation (4); or
- (b) otherwise becomes aware that—
- (i) the release on licence of the person is no longer subject to the condition imposed under section 269NB(4)(a), or the Division 3A order to which the person is subject is revoked or lapses; or
- (ii) the release on licence of the person is no longer subject to the condition imposed under section 269O(1a)(a), or the supervision order to which the person is subject is revoked or lapses,
- (as the case may be) the Commissioner of Police must cause the surrendered item to be returned to the person who surrendered the item.
- (4) Regulation 4A(9)(a)—delete "269OA(1) of the Act" and substitute:
269NC(1) or 269OA(1) of the Act, as the case requires
- (5) Regulation 4A(14), definition of *surrendered item*—after "section" insert:
269NC(1) or

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 19 December 2017

No 348 of 2017

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