

South Australia

Criminal Law (High Risk Offenders) Variation Regulations 2018

under the *Criminal Law (High Risk Offenders) Act 2015*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law (High Risk Offenders) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 21 of the *Statutes Amendment (Terror Suspect Detention) Act 2017* 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 *Criminal Law (High Risk Offenders) Regulations 2015*

4—Insertion of regulations 3A and 3B

After regulation 3 insert:

3A—Definition of terrorist offence

For the purposes of paragraph (e) of the definition of *terrorist offence* in section 4 of the Act, the following kinds of offences are prescribed:

- (a) an offence against section 83CA of the *Criminal Law Consolidation Act 1935*;
- (b) any offence against Part 3D of the *Criminal Law Consolidation Act 1935*;
- (c) an offence against section 37 of the *Summary Offences Act 1953*.

3B—Prescribed modifications of Act

- (1) For the purposes of section 6(2) of the Act the following modifications are prescribed:
 - (a) a reference to the CE is to be read as a reference to the chief executive of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Youth Justice Administration Act 2016*;
 - (b) a reference to a community corrections officer is to be read as a reference to a community youth justice officer under the *Youth Justice Administration Act 2016*;
 - (c) a reference to custody as a prisoner or imprisonment is to be read as a reference to detention;
 - (d) a reference to a prison is to be read as a reference to a training centre;
 - (e) a reference to the Parole Board is to be read as a reference to the Youth Parole Board;
 - (f) a reference to the presiding member of the Parole Board is to be read as a reference to a member of the Training Centre Review Board designated, in writing, by the Attorney-General for the purposes of this paragraph (or, in the absence of that member, to a member of the Training Centre Review Board designated in accordance with subregulation (2));

- (g) a reference to the deputy presiding member of the Parole Board is to be read as a reference to a member of the Training Centre Review Board designated, in writing, by the Attorney-General for the purposes of this paragraph (or, in the absence of that member, to a member of the Training Centre Review Board designated in accordance with subregulation (2)); and
 - (h) a reference to a magistrate is to be read as a reference to a magistrate or Judge of the Youth Court.
- (2) The Attorney-General may designate, in writing, a member of the Training Centre Review Board who may act in the absence of a member designated under subregulation (1)(f) or (g).

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 13 February 2018

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