

South Australia

Police Variation Regulations 2018

under the *Police Act 1998*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Police Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 27 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 *Police Regulations 2014*

4—Insertion of regulation 89A

After regulation 89 insert:

89A—Terrorism intelligence

- (1) In accordance with section 74B(1) of the Act, SA Police is designated as a terrorism intelligence authority.

- (2) In accordance with section 74B(2) of the Act, information may be classified by SA Police as terrorism intelligence in accordance with the following procedures:
 - (a) information that is being considered for classification as terrorism intelligence must be assessed by a member of SA Police in accordance with guidelines established by the Commissioner;
 - (b) the Commissioner may classify information that has been so assessed as terrorism intelligence;
 - (c) the Commissioner may not delegate the function of classifying information as terrorism intelligence except to a Deputy Commissioner or Assistant Commissioner of Police.
- (3) The Commissioner must ensure that records are kept in relation to the use of terrorism intelligence.
- (4) The Commissioner must ensure that records referred to in subregulation (3) would enable the following information to be determined for each period of 12 months ending on 30 June:
 - (a) the number of matters in relation to which terrorism intelligence was used during the period;
 - (b) the number of individual pieces of terrorism intelligence used in relation to each such matter;
 - (c) the relevant statutory provision for each such matter.
- (5) The Commissioner must ensure that all relevant provisions of Department of the Premier and Cabinet Circular *PC030 - Protective Security Policy Framework* (or any Department of the Premier and Cabinet Circular issued in substitution for that Circular) are complied with in relation to terrorism intelligence (including in relation to the records referred to in subregulation (3)).
- (6) For the purposes of paragraph (e) of the definition of ***terrorist offence*** in section 74B(12) 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*.

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

No 40 of 2018

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