

South Australia

# **Prohibition of Human Cloning for Reproduction Regulations 2018**

under the *Prohibition of Human Cloning for Reproduction Act 2003*

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### **1—Short title**

These regulations may be cited as the *Prohibition of Human Cloning for Reproduction Regulations 2018*.

### **2—Commencement**

These regulations will come into operation on 1 September 2018.

### **3—Interpretation**

In these regulations, unless the contrary intention appears—

*Act* means the *Prohibition of Human Cloning for Reproduction Act 2003*.

### **4—Applications for warrants (section 20(7) of Act)**

- (1) The grounds of an application for a warrant under section 20 of the Act made personally must be verified by affidavit.
- (2) An application for a warrant cannot be made by telephone unless, in the opinion of the applicant, a warrant is urgently required and there is not enough time to make the application personally.
- (3) If an application for a warrant is made by telephone—
  - (a) the applicant must inform the magistrate of the applicant's name and identify the position that the applicant holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
  - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and

- (c) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
  - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
  - (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
  - (f) the magistrate must inform the applicant of the terms of the warrant; and
  - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (4) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

#### **5—Compensation for damage (section 23(2) of Act)**

- (1) Any compensation under section 23(1) of the Act is payable by the Minister.
- (2) A person seeking compensation must make application to the Minister in a manner and form determined by the Minister.
- (3) The Minister may require that an applicant provide such information as may be determined by the Minister in order to substantiate a claim for compensation, and that that information be verified by affidavit.

### **Schedule 1—Revocation of *Prohibition of Human Cloning for Reproduction Regulations 2003***

The *Prohibition of Human Cloning for Reproduction Regulations 2003* are revoked.

#### **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 2 August 2018

No 194 of 2018

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