

South Australia

# **Criminal Law Consolidation (General) (Appropriate Form of Custody) Variation Regulations 2021**

under the *Criminal Law Consolidation Act 1935*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Criminal Law Consolidation (General) Regulations 2006***

- 4 Insertion of regulation 6
    - 6 Determination of appropriate form of custody—section 269X
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Criminal Law Consolidation (General) (Appropriate Form of Custody) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on the day on which section 8 of the *Statutes Amendment (Attorney-General's Portfolio) Act 2020* 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 Consolidation (General) Regulations 2006*

### 4—Insertion of regulation 6

After regulation 5 insert:

#### **6—Determination of appropriate form of custody—section 269X**

- (1) For the purposes of the definition of *designated officer* in section 269X(7) of the Act, the office of Clinical Director, Forensic Mental Health Services, Department for Health and Wellbeing, is prescribed.
- (2) In determining an appropriate form of custody for the detention of a defendant pursuant to section 269X(5) of the Act, the designated officer must consult with the CE (within the meaning of section 269X) and take into account any representation made to the designated officer by the CE in respect of an appropriate form of custody for the defendant.

#### **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 25 March 2021

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