

South Australia

Criminal Law (High Risk Offenders) Regulations 2015

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

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Legislative history

1—Short title

These regulations may be cited as the *Criminal Law (High Risk Offenders) Regulations 2015*.

3—Interpretation

In these regulations—

Act means the *Criminal Law (High Risk Offenders) Act 2015*.

3A—Definition of terrorist offence

- (1) For the purposes of paragraph (e) of the definition of **terrorist offence** in section 4 of the Act, the following kinds of offences against the laws of South Australia 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*.
- (2) For the purposes of paragraph (e) of the definition of **terrorist offence** in section 4 of the Act, the following kinds of offences against the laws of other States and Territories of the Commonwealth are prescribed:
 - (a) an offence against section 310J of the *Crimes Act 1900* of New South Wales;
 - (b) the following offences against Schedule 1 of the *Criminal Code Act 1983* of the Northern Territory:
 - (i) an offence against section 51 where the unlawful organisation to which the offence relates is a terrorist organisation;
 - (ii) an offence against section 53 where the unlawful organisation to which the offence relates is a terrorist organisation;

- (iii) an offence against section 54;
 - (iv) an offence against section 55;
 - (c) an offence against section 4B of the *Terrorism (Community Protection) Act 2003* of Victoria.
- (3) In this regulation—
- terrorist organisation*** means an organisation referred to in paragraph (b) of the definition of ***terrorist organisation*** in Division 102 of the Commonwealth Criminal Code.

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));
 - (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).

4—Prescribed authority

For the purposes of sections 7(3) and 21 of the Act, the prescribed authority is the person for the time being performing the duties, or holding or acting in the position, of the Clinical Director, Forensic Mental Health Service South Australia.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2015	231	<i>Gazette 11.11.2015 p4895</i>	25.1.2016: r 2
2018	39	<i>Gazette 13.2.2018 p774</i>	26.2.2018: r 2
2019	213	<i>Gazette 26.9.2019 p3366</i>	26.9.2019: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>26.2.2018</i>
r 3A		
r 3A(1)	r 3A inserted by 39/2018 r 4	26.2.2018
	r 3A varied and redesignated as r 3A(1) by 213/2019 r 4(1), (2)	26.9.2019
r 3A(2) and (3)	inserted by 213/2019 r 4(2)	26.9.2019
r 3B	inserted by 39/2018 r 4	26.2.2018

Historical versions

26.2.2018