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CRIMINAL ORGANISATIONS CONTROL ACT 2012

CRIMINAL ORGANISATIONS CONTROL REGULATIONS 2013

Western Australia

Criminal Organisations Control Regulations 2013

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Schedule 1 — Forms

Criminal Organisations Control Act 2012

Criminal Organisations Control Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Organisations Control Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Criminal Organisations Control Act 2012* section 4 comes into operation.

3. Registrar nominated (s. 7)

The Principal Registrar of the Supreme Court is nominated under section 7(5) of the Act as the registrar with whom an application for a declaration that an organisation is a criminal organisation must be lodged.

4. Records of declaration proceedings (s. 32)

- (1) The custody of the records of declaration proceedings, once the particular proceedings are complete, is with the Police Force of Western Australia.

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- (2) A person wishing to have access to the records of declaration proceedings must first obtain the written permission of the Commissioner of Police or a senior police officer authorised to give that permission by the Commissioner.
- (3) Permission to have access to the records of declaration proceedings may be stated to be for one or more of the following —
 - (a) access to particular records;
 - (b) searching of some or all of the records;
 - (c) inspection of the records;
 - (d) copying of particular records.

5. Prescribed activities (s. 80)

For the purposes of the definition of ***prescribed activity*** in section 80(1) of the Act, any activity required to be licensed under the *Debt Collectors Licensing Act 1964* is a prescribed activity.

6. Public inspection of information on register (s. 114)

The place at which the Commissioner of Police is to make the information on the register publicly available free of charge under section 114 of the Act is the Perth Police Centre, 2 Fitzgerald Street, Northbridge WA 6003.

7. Corresponding laws (s. 118)

Each of the following provisions is a corresponding law for the purposes of the definition of that term in section 118 of the Act —

- (a) *Crimes (Criminal Organisations Control) Act 2012* (New South Wales) section 7 (*declaration*);
- (b) *Crimes (Criminal Organisations Control) Act 2012* (New South Wales) section 19 (*control order*);

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- (c) *Serious and Organised Crime (Control) Act 2008* (South Australia) section 11 (*declaration*);
- (d) *Serious and Organised Crime (Control) Act 2008* (South Australia) section 22 (*control order*);
- (e) *Criminal Organisation Act 2009* (Queensland) section 10 (*declaration*);
- (f) *Criminal Organisation Act 2009* (Queensland) section 18 (*control order*);
- (g) *Criminal Organisations Control Act 2012* (Victoria) section 19 (*declaration*);
- (h) *Criminal Organisations Control Act 2012* (Victoria) section 43 (*control order*);
- (i) *Serious Crime Control Act* (Northern Territory) section 15 (*declaration*);
- (j) *Serious Crime Control Act* (Northern Territory) sections 25(2)(a) and 26(4)(a) (*control order*).

8. Application for registration of interstate declaration (s. 119)

- (1) An application for the registration of an interstate declaration under section 119 of the Act is to be made by providing the registrar with a written request for registration setting out the following —
 - (a) the name of the respondent;
 - (b) a statement indicating that none of the matters set out in paragraphs (a) to (c) of section 120 of the Act apply in relation to the application;
 - (c) a statement indicating that all of the preconditions applicable under paragraphs (a) to (c) of section 121 of the Act have been established;
 - (d) either —
 - (i) the date on which the interstate declaration will cease to be in force in the jurisdiction in which it was made (if not revoked sooner); or

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- (ii) a statement indicating that, under the law of the jurisdiction in which it was made, the interstate declaration will remain in force for an indefinite period.

- (2) The written request under subregulation (1) is to be accompanied by the affidavit required by section 119(2) of the Act.

9. Application for registration of interstate control order (s. 133)

- (1) An application for the registration of an interstate control order under section 133 of the Act is to be made by providing the registrar with a written request for registration setting out the following —
 - (a) the name of the respondent;
 - (b) a statement indicating that none of the matters set out in paragraph (a) or (b) of section 134 of the Act apply in relation to the application;
 - (c) a statement indicating that all of the preconditions applicable under paragraphs (a) to (c) of section 135(1) of the Act have been established;
 - (d) a statement indicating whether or not the order needs to be adapted or modified for its effective operation in this State, and details of the adaptation or modification if it does.
- (2) The written request under subregulation (1) is to be accompanied by the affidavits and any further statement and details required by section 133(2) of the Act.

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r. 10**10. Form for application for renewal of registration of interstate control order (s. 143)**

The form for an application for the renewal of registration of an interstate control order under section 143 of the Act is
Schedule 1 Form 1.

Criminal Organisations Control Regulations 2013**Schedule 1 Forms**

Schedule 1 — Forms

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Form 1 — Application for renewal of registration of interstate control order*Criminal Organisations Control Act 2012* section 143

To: Registrar, Supreme Court,

1. An interstate control order [No.] made under [tick one] —
- ☐ the *Crimes (Criminal Organisations Control) Act 2012* (New South Wales) section 19
 - ☐ the *Serious and Organised Crime (Control) Act 2008* (South Australia) section 22
 - ☐ the *Criminal Organisation Act 2009* (Queensland) section 18
 - ☐ the *Criminal Organisations Control Act 2012* (Victoria) section 43
 - ☐ the *Serious Crime Control Act* (Northern Territory) section 25(2)(a) or 26(4)(a)

was registered under the *Criminal Organisations Control Act 2012*
Part 7 Division 3 on
[date]

2. The registration of this interstate control order
has expired / expires on
[date]
3. This is an application to renew the registration of that interstate control order.

Criminal Organisations Control Regulations 2013Forms **Schedule 1**

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4. The affidavit required by section 143(2)(c) of the Act accompanies this application.

.....
[Signature of Commissioner of Police or delegate]

.....
[date]

R. KENNEDY, Clerk of the Executive Council.