

Authorised Version No. 001
Criminal Organisations Control Regulations
2013

S.R. No. 34/2013

Authorised Version as at
19 March 2013

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Definition	1
PART 2—CORRESPONDING ORDERS	2
5 Corresponding control orders	2
6 Corresponding declarations	2
PART 3—PRESCRIBED FORMS	4
7 Notice of making of declaration in respect of an organisation	4
8 Notice of revocation of declaration in respect of an organisation	4
9 Notice of making of control order that applies to a declared organisation	4
10 Notice of variation or revocation of control order or ancillary order applying to an organisation	4
<hr/>	
SCHEDULE—Forms	6
Form 1—Notice of Making of Declaration in Respect of an Organisation	6
Form 2—Notice of Revocation of Declaration in Respect of an Organisation	7
Form 3—Notice of Making of Control Order that Applies to a Declared Organisation	8

<i>Regulation</i>	<i>Page</i>
Form 4—Notice of Variation or Revocation of Control Order Applying to an Organisation	10
Form 5—Notice of Variation or Revocation of Ancillary Order Applying to an Organisation	11
<hr/>	
ENDNOTES	12
1. General Information	12
2. Table of Amendments	13
3. Explanatory Details	14

Authorised Version No. 001
Criminal Organisations Control Regulations
2013

S.R. No. 34/2013

Authorised Version as at
19 March 2013

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to prescribe—

- (a) provisions of laws of other jurisdictions under which corresponding declarations and control orders may be made; and
- (b) an additional requirement to affix, to or near certain premises, a notice of a control order that applies to a declared organisation; and
- (c) the forms of notices required to be affixed to or near certain premises.

2 Authorising provision

These Regulations are made under section 138 of the **Criminal Organisations Control Act 2012**.

3 Commencement

These Regulations come into operation on 19 March 2013.

4 Definition

In these Regulations—

the Act means the **Criminal Organisations Control Act 2012**.

PART 2—CORRESPONDING ORDERS

5 Corresponding control orders

For the purposes of the definition of *corresponding control order* in section 3(1) of the Act, the following provisions are prescribed—

- (a) section 19(1) of the Crimes (Criminal Organisations Control) Act 2012 of New South Wales;
- (b) sections 25(2)(a) and 26(4)(a) of the Serious Crime Control Act 2011 of the Northern Territory;
- (c) section 18 of the Criminal Organisation Act 2009 of Queensland;
- (d) section 22(2) of the Serious and Organised Crime (Control) Act 2008 of South Australia;
- (e) section 57 of the Criminal Organisations Control Act 2012 of Western Australia.

6 Corresponding declarations

For the purposes of the definition of *corresponding declaration* in section 3(1) of the Act, the following provisions are prescribed—

- (a) section 9 of the Crimes (Criminal Organisations Control) Act 2012 of New South Wales;
- (b) section 15 of the Serious Crime Control Act 2011 of the Northern Territory;
- (c) section 10 of the Criminal Organisation Act 2009 of Queensland;
- (d) section 11 of the Serious and Organised Crime (Control) Act 2008 of South Australia;

Criminal Organisations Control Regulations 2013

S.R. No. 34/2013

Part 2—Corresponding Orders

r. 6

(e) section 13 of the Criminal Organisations
Control Act 2012 of Western Australia.

PART 3—PRESCRIBED FORMS

7 Notice of making of declaration in respect of an organisation

For the purposes of section 26(4) of the Act, the prescribed form of a notice of a declaration which applies to an organisation is Form 1 set out in the Schedule.

8 Notice of revocation of declaration in respect of an organisation

For the purposes of section 32(4) of the Act, the prescribed form of a notice of an order of the Court revoking a declaration which applied to an organisation is Form 2 set out in the Schedule.

9 Notice of making of control order that applies to a declared organisation

- (1) The Chief Commissioner must cause notice of a control order which applies to a declared organisation under section 43(1) of the Act to be affixed to or near an appropriate place.
- (2) The notice must be affixed as soon as practicable after the order was made but no later than 7 days after it was made.
- (3) The notice must be in the form of Form 3 set out in the Schedule.

10 Notice of variation or revocation of control order or ancillary order applying to an organisation

For the purposes of section 62(4) of the Act—

- (a) the prescribed form of a notice of an order of the Court varying or revoking a control order is Form 4 set out in the Schedule; and

Criminal Organisations Control Regulations 2013

S.R. No. 34/2013

Part 3—Prescribed Forms

r. 10

-
- (b) the prescribed form of a notice of an order of the Court varying or revoking an ancillary order is Form 5 set out in the Schedule.
-

SCHEDULE

FORMS

FORM 1

Regulation 7

Criminal Organisations Control Act 2012

NOTICE OF MAKING OF DECLARATION IN RESPECT OF AN ORGANISATION

Section 26

Attention: *[insert the name of, or other particulars sufficient to identify, the organisation to which the declaration applies]*, including members, former members and prospective members

A declaration has been made under section 19 of the **Criminal Organisations Control Act 2012** by the Supreme Court of Victoria (the Court) on *[insert date]*.

The declaration takes effect on that date and provides that *[insert the name of, or other particulars sufficient to identify, the organisation to which the declaration applies]* is a declared organisation for the purposes of the **Criminal Organisations Control Act 2012**.

A declaration remains in effect for three years after it takes effect unless it is sooner revoked. However, a declaration does not have effect for any period during which its operation is stayed by the Court and such a period does not count for the purposes of calculating the three years during which the declaration is in effect.

While the declaration is in effect, the Chief Commissioner of Police may apply for the making of a control order that applies to *[insert the name of, or other particulars sufficient to identify, the organisation to which the declaration applies]* or any member, former member or prospective member of that organisation.

The Court's determination to make the declaration may be appealed.

FORM 2

Regulation 8

Criminal Organisations Control Act 2012

**NOTICE OF REVOCATION OF DECLARATION IN RESPECT OF
AN ORGANISATION**

Section 32

Attention: *[insert the name of, or other particulars sufficient to identify, the organisation to which the revoked declaration applied],*
including members, former members and prospective members

On *[insert date declaration was made]*, a declaration was made by the Supreme Court of Victoria (the Court) under section 19 of the **Criminal Organisations Control Act 2012**, which provided that *[insert the name of, or other particulars sufficient to identify, the organisation to which the revoked declaration applied]* was a declared organisation for the purposes of that Act.

That declaration was revoked under section 29 of the **Criminal Organisations Control Act 2012** by the Court on *[insert date]*.
The revocation took effect on that date.

The Court's revocation of the declaration may be appealed.

Sch.

FORM 3

Regulation 9

Criminal Organisations Control Act 2012

**NOTICE OF MAKING OF CONTROL ORDER THAT APPLIES TO
A DECLARED ORGANISATION**

Attention: [*insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies*],
including members, former members and prospective members

On [*insert date*], a control order was made under section 43(1) of the **Criminal Organisations Control Act 2012** by the Supreme Court of Victoria (the Court) with respect to [*insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies*].

The control order takes effect on [*insert date*] and includes the following conditions—

[*insert the conditions included in the control order*].

To enable the control order to be given effect, the Court made *an ancillary order/*ancillary orders under section 48 of the **Criminal Organisations Control Act 2012. The terms of the ancillary *order/*orders are—

[*insert the terms of the ancillary order*].

The Court also made an order under section 46 of the **Criminal Organisations Control Act 2012 winding up [*insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies*]. The terms of the order are—

[*insert the terms of the order winding up the organisation*].

A control order remains in effect for three years after it takes effect unless it is sooner revoked or the declaration that applies to [*insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies*] (the relevant declaration) is revoked or ceases to have effect. However, a control order does not have effect for any period during which the operation of either the control order or the relevant declaration is stayed by the Court, and such a period does not count for the purposes of calculating the three years during which the control order is in effect.

It is an offence under section 68 of the **Criminal Organisations Control Act 2012** to contravene a control order *or an ancillary order.

The Court's determination to make the control order may be appealed.

Criminal Organisations Control Regulations 2013
S.R. No. 34/2013

Sch.

******The Court's determination to make the ancillary **order/*orders* may also be appealed.

** Delete if inapplicable*

****** *Delete paragraph if inapplicable*

Sch.

FORM 4

Regulation 10

Criminal Organisations Control Act 2012

**NOTICE OF VARIATION OR REVOCATION OF CONTROL
ORDER APPLYING TO AN ORGANISATION**

Section 62

Attention: *[insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies or applied], including members, former members and prospective members*

On *[insert date control order was made]*, a control order was made by the Supreme Court of Victoria (the Court) under section 43 of the **Criminal Organisations Control Act 2012** with respect to *[insert the name of, or other particulars sufficient to identify, the declared organisation to which the control order applies]*.

That control order was **varied/*revoked* under section 58 of the **Criminal Organisations Control Act 2012** by the Court on *[insert date]*.

The **variation/*revocation* takes effect on *[insert date]*.

The control order that was **varied/*revoked* included the following conditions—

[insert the conditions included in the control order].

******The conditions now included in the varied control order are—

[insert the conditions included in the varied control order].

The Court's **variation/*revocation* of the control order may be appealed.

** Delete if inapplicable*

****** *Delete paragraph if inapplicable*

FORM 5

Regulation 10

Criminal Organisations Control Act 2012

**NOTICE OF VARIATION OR REVOCATION OF ANCILLARY
ORDER APPLYING TO AN ORGANISATION**

Section 62

Attention: *[insert the name of, or other particulars sufficient to identify, the declared organisation to which the ancillary order applies or applied]*, including members, former members and prospective members

On *[insert date ancillary order was made]*, an ancillary order was made by the Supreme Court of Victoria (the Court) under section 48 of the **Criminal Organisations Control Act 2012** with respect to *[insert the name of, or other particulars sufficient to identify, the declared organisation to which the ancillary order applies]*. That ancillary order was made to enable a control order, made under section 43 of the **Criminal Organisations Control Act 2012** in relation to that organisation, to be given effect.

That ancillary order was **varied/*revoked* under section 58 of the **Criminal Organisations Control Act 2012** by the Court on *[insert date]*.
The **variation/*revocation* takes effect on *[insert date]*.

The ancillary order that was **varied/*revoked* stated—
[insert the terms of the ancillary order].

***The varied ancillary order now states—*
[insert the terms of the varied ancillary order].

The Court's **variation/*revocation* of the control order may be appealed.

** Delete if inapplicable*

*** Delete paragraph if inapplicable*

ENDNOTES

1. General Information

The Criminal Organisations Control Regulations 2013, S.R. No. 34/2013 were made on 19 March 2013 by the Governor in Council under section 138 of the **Criminal Organisations Control Act 2012**, No. 80/2012 and came into operation on 19 March 2013: regulation 3.

The Criminal Organisations Control Regulations 2013 will sunset 10 years after the day of making on 19 March 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Criminal Organisations Control Regulations 2013 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

No entries at date of publication.