

South Australia

Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005

An Act to amend the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of heading to Part 5 Division 4

Heading to Part 5 Division 4—after "Money laundering" insert:

and dealing in instruments of crime

5—Insertion of section 138A

After section 138 insert:

138A—Dealing in instruments of crime

- (1) A person who deals in property is guilty of an offence if—
- (a) the person knows that—
 - (i) the property is an instrument of crime; and
 - (ii) the dealing may facilitate the commission of a crime or assist an offender to escape detection or avoid any other consequence of the crime; and
 - (b) the person's conduct is dishonest.

Maximum penalty:

In the case of a natural person—Imprisonment for 20 years.

In the case of a body corporate—\$600 000.

- (2) A person who deals in property is guilty of an offence if —
- (a) the property is an instrument of crime; and
 - (b) the person—
 - (i) ought reasonably to know that it is an instrument of crime; and
 - (ii) is reckless about whether the dealing may facilitate the commission of a crime or assist an offender to escape detection or avoid any other consequence of the crime; and
 - (c) the person's conduct is dishonest.

Maximum penalty:

In the case of a natural person—Imprisonment for 4 years.

In the case of a body corporate—\$120 000.

- (3) In this section—

crime means—

- (a) an indictable offence against the law of the State or a corresponding offence against the law of the Commonwealth, another State or a Territory, or a place outside Australia; or
- (b) any of the following offences:
 - (i) a serious drug offence; or
 - (ii) an offence against section 68(3) of the *Criminal Law Consolidation Act 1935*; or
 - (iii) an offence against section 28(1)(a) of the *Summary Offences Act 1953*;

instrument of crime means—

- (a) property that has been used or is intended for use for or in connection with the commission of a crime; or
- (b) property into which any such property has been converted;

serious drug offence means—

- (a) an offence against section 32 of the *Controlled Substances Act 1984* (other than an offence of a kind described in subsection (6) of that section); or
- (b) a conspiracy to commit, or an attempt to commit, such an offence.