

South Australia

**Criminal Law Consolidation (Instruments of
Crime) Amendment Bill 2005**

A BILL FOR

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*.

5 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.

10 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

15 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

20 (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.

5 (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

10 (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.

15 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—

20 (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:

25 (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*;

30 *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—

35 (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.