

Legislative Council—No 148

As received from the House of Assembly and read a first time, 24 November 2011

South Australia

**Criminal Law Consolidation (Looting)
Amendment Bill 2010**

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 (Looting) Amendment Act 2010*.

5 2—Commencement

This Act will come into operation 1 month after the day on which it is assented to by the Governor.

3—Amendment provisions

10 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 section 5AA—Aggravated offences

(1) Section 5AA(1)—after paragraph (h) insert:

- 15 (ha) in the case of an offence against Division 2 or 3 of Part 5, or Part 6A—the offender committed the offence in a place in relation to which, at the time of the offence—
 - (i) there was in force a declaration under Part 4 of the *Emergency Management Act 2004*; or
 - (ii) —
 - 20 (A) residents and others in the place, or in the vicinity of the place, had been advised (by radio broadcast) by the CFS that, as a result of a severe, extreme or catastrophic fire danger rating in respect of the place, they should activate their bushfire survival plan; and
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(B) that advice had not been withdrawn or ceased to apply; or

(iii) residents and others had not been able to return to the place after leaving in response to a declaration referred to in subparagraph (i) or the provision of advice referred to in subparagraph (ii),

and the offender knew, ought reasonably to have known, or was reckless with respect to, that fact;

(2) Section 5AA(5)—before the definition of *child* insert:

CFS means the South Australian Country Fire Service;

5—Amendment of section 134—Theft (and receiving)

Section 134(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) for a basic offence—imprisonment for 10 years;

(b) for an aggravated offence—imprisonment for 15 years.