

**Legislative Council—No 289**

As received from the House of Assembly and read a first time, 28 November 2017

South Australia

**Statutes Amendment (Drug Offenders) Bill 2017**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984* and the *Criminal Assets Confiscation Act 2005*.

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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 *Statutes Amendment (Drug Offenders) Act 2017*.

#### 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 *Controlled Substances Act 1984*

#### 4—Amendment of section 44—Matters to be considered when court fixes penalty

Section 44(1)—after paragraph (d) insert:

- 15 (daa) in the case of an offence against section 33—whether a child was present at any stage when the offence occurred; and

## **5—Amendment of section 52—Power to search, seize etc**

Section 52—after subsection (9) insert:

- 5 (9a) Without limiting the circumstances in which an authorised officer who is a police officer may form a reasonable suspicion for the purposes of subsection (6) or (9), if the officer sees a person or vehicle entering or leaving premises that the officer reasonably suspects are used for the manufacture, distribution or storage of a substance, and possession of the substance by a person would contravene this Act, it is reasonable for the officer to suspect that the person has the substance in the person's possession or that the substance is in the vehicle or a vehicle in which the person is present after leaving the premises.
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## **Part 3—Amendment of *Criminal Assets Confiscation Act 2005***

### **6—Amendment of section 209—Credits to Victims of Crime Fund**

15 Section 209(1)—delete "(including any costs involved in dealing with, or disposing of property in accordance with this Act and salary and other costs associated with the employment of the Administrator)"

### **7—Amendment of section 227—Costs and exemplary or punitive damages**

Section 227—after subsection (1) insert:

- 20 (1a) However, the court may not award exemplary or punitive damages to the person.

### **8—Amendment of section 230—Regulations**

Section 230—after its present contents (now to be designated as subsection (1)) insert:

- 25 (2) Regulations under this Act may—
- (a) be of general application or limited application; and
  - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
  - (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the DPP.
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