

Legislative Council—No 138

As introduced and read a first time, 8 February 2024

South Australia

Controlled Substances (Destruction of Seized Property) Amendment Bill 2024

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Controlled Substances (Destruction of Seized Property) Amendment Act 2024*.

Part 2—Amendment of *Controlled Substances Act 1984*

2—Amendment of section 52E—Seized property and forfeiture

(1) Section 52E(2)—after paragraph (b) insert:

or

10 (c) is prescribed equipment for the purposes of section 33LA that is, or may at some stage have been, capable of being used for hydroponic cannabis cultivation,

(2) Section 52E(4)—delete "subsection (2)" and substitute:

subsection (2)(a) or (b)

15 (3) Section 52E(6a)—after "Police" insert:

20 (including, without limitation, the costs of the Commissioner of Police, or a person acting at the direction of the Commissioner of Police, collecting, transporting and dismantling the property as may reasonably be required for the purposes of destroying the property) provided that such costs may not exceed the maximum amount (if any) prescribed by the regulations

Schedule 1—Transitional provision

1—Equipment seized prior to commencement

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- (1) Subject to subclause (2), section 52E of the *Controlled Substances Act 1984* as amended by this Act applies in relation to any equipment of a kind referred to in section 52E(2)(c) that is in the possession of the Commissioner of Police on or after the commencement of this Act (whether the equipment was seized before or after that commencement).
 - (2) Section 52E(6a) does not apply to equipment of a kind referred to in section 52E(2)(c) that was seized before the commencement of this Act.