

Legislative Council—No 111

As introduced and read a first time, 31 August 2023

South Australia

Criminal Law Consolidation (Criminal Organisations—Prescribed Places) Amendment Bill 2023

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935* and to make related amendments to the *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*.

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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 *Criminal Law Consolidation (Criminal Organisations—Prescribed Places) Amendment Act 2023*.

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

2—Amendment of section 83GA—Preliminary

(1) Section 83GA(2)—delete "*Subordinate Legislation Act 1978*" and substitute:

Legislative Instruments Act 1978

10 (2) Section 83GA—after subsection (5) insert:

(5a) No obligation to provide procedural fairness exists in relation to the making of a declaration by regulation that—

15 (a) an entity is a criminal organisation for the purposes of paragraph (c) of the definition of *criminal organisation* in subsection (1); or

- (b) an event is a prescribed event for the purposes of the definition of *prescribed event* in subsection (1); or
- (c) a place is a prescribed place for the purposes of the definition of *prescribed place* in subsection (1).

5 (3) Section 83GA(6)—delete "*Subordinate Legislation Act 1978*" and substitute:
Legislative Instruments Act 1978

Schedule 1—Related amendments to *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*

Part 1—Preliminary

10 **1—Effect of Part 2**

- (1) Part 2 of this Schedule has effect to amend the *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*.
- (2) To remove any doubt, the amendments to the *Criminal Law Consolidation (Criminal Organisations) Regulations 2015* under Part 2 of this Schedule, on the commencement
15 of that Part, have effect to—
 - (a) repeal the declaration of certain places as prescribed places for the purposes of the definition of *prescribed place* in section 83GA(1) of the *Criminal Law Consolidation Act 1935* by deleting regulations 3 and 4; and
 - (b) declare certain places to be prescribed places for the purposes of the
20 definition of *prescribed place* in section 83GA(1) of the *Criminal Law Consolidation Act 1935* by making new regulations 3 to 9 (inclusive).
- (3) Section 83GA(2) of the *Criminal Law Consolidation Act 1935* does not apply to a regulation made under Part 2 of this Schedule.
- (4) The *Legislative Instruments Act 1978* does not apply in relation to a regulation made
25 under Part 2 of this Schedule.

Part 2—Amendment of *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*

2—Substitution of regulations 3 and 4

Regulations 3 and 4—delete the regulations and substitute:

30 **3—Declaration of prescribed place—Cowirra (CT 5995/665)**

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5995/665 is declared to be a prescribed place.

Note—

35 The prescribed place relates to property at the address 591 Kenny Road, Cowirra (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

4—Declaration of prescribed place—Cowirra (CT 5880/413)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5880/413 is declared to be a prescribed place.

Note—

The prescribed place relates to property at the address Lot 555 Kenny Road, Cowirra (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

5—Declaration of prescribed place—Mount Gambier (CT 6142/108)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 6142/108 is declared to be a prescribed place.

Note—

The prescribed place relates to property at the address 305 Commercial Street West, Mount Gambier (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

6—Declaration of prescribed place—Wingfield (CT 5696/244)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5696/244 is declared to be a prescribed place.

Note—

The prescribed place relates to property at the address 108-118 Francis Road, Wingfield (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

7—Declaration of prescribed place—Wingfield (CT 5249/413)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5249/413 is declared to be a prescribed place.

Note—

The prescribed place relates to property at the address 108-118 Francis Road, Wingfield (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

8—Declaration of prescribed place—Wingfield (CT 5249/414)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5249/414 is declared to be a prescribed place.

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Note—

The prescribed place relates to property at the address 108-118 Francis Road, Wingfield (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).

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9—Declaration of prescribed place—Wingfield (CT 5249/415)

For the purposes of the definition of *prescribed place* in section 83GA(1) of the Act, the whole of the land contained in Certificate of title 5249/415 is declared to be a prescribed place.

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Note—

The prescribed place relates to property at the address 108-118 Francis Road, Wingfield (which may relate to the whole or part of the prescribed place and is not to be taken to define the prescribed place).