

Legislative Council—No 160

As introduced and read a first time, 11 April 2024

South Australia

**Criminal Law Consolidation (Recruiting Children
To Commit Crime) Amendment Bill 2024**

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

- 5 This Act may be cited as the *Criminal Law Consolidation (Recruiting Children To Commit Crime) Amendment Act 2024*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

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

3—Insertion of Part 7D

- 10 After Part 7C insert:

Part 7D—Recruiting etc children to engage in certain criminal activities

267AB—Recruiting etc child for criminal activity

- 15 (1) A prescribed adult who takes any step to require, recruit or encourage a child—
 - (a) to commit a major indictable offence; or
 - (b) to engage in conduct that would, if undertaken by the prescribed adult, constitute a major indictable offence; or
 - 20 (c) to engage in conduct that would, if undertaken by the prescribed adult, constitute aiding, abetting, counselling or procuring the commission of a major indictable offence,

is guilty of an offence.

Maximum penalty:

- 25 (a) in the case where the relevant major indictable offence has a maximum penalty of imprisonment for more than 15 years—that maximum penalty; or

(b) in the case where the relevant major indictable offence has a maximum penalty of imprisonment for not more than 15 years—imprisonment for 15 years.

5 (2) A prescribed adult may be found guilty of an offence against this section—

(a) whether or not the child does, in fact, engage in conduct, or agrees to engage in conduct, that would constitute the relevant major indictable offence; or

10 (b) whether or not the child has been charged with, or found guilty of, the relevant major indictable offence; or

(c) whether the relevant major indictable offence is, or is to be, committed within or outside this State.

(3) In this section—

child means a person who is under the age of 18 years;

15 *criminal organisation* has the same meaning as in Part 3B Division 2;

prescribed adult means—

(a) a member of a criminal organisation who is 18 years of age or more; or

20 (b) a person who is 21 years of age or more.