



Queensland

Criminal Code (Organised Criminal Groups) Amendment Bill 2007



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2007

A Bill

for

An Act to amend the Criminal Code

*Criminal Code (Organised Criminal Groups)
Amendment Bill 2007*

The Parliament of Queensland enacts— 1

Clause 1 Short title 2
This Act may be cited as the *Criminal Code (Organised Criminal Groups) Amendment Act 2007*. 3 4

Clause 2 Commencement 5
This Act commences on a day to be fixed by proclamation. 6

Clause 3 Code amended 7
This Act amends the Criminal Code. 8

Clause 4 Insertion of new ch 57A 9
Part 7, after section 545— 10
insert— 11

‘Chapter 57A Organised criminal groups 12

‘545A Participation as a member of organised criminal group 13 14

‘(1) A person who participates as a member of a group knowing— 15
(a) that it is an organised criminal group; and 16
(b) that the person’s participation contributes to the 17
occurrence of any criminal activity of the group; 18
commits a crime. 19

Maximum penalty—5 years imprisonment. 20

‘(2) In this section— 21
member, of a group, includes— 22

(a) an associate member or prospective member (however 23
described) of the group; and 24

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- (b) another person who identifies himself or herself, in some way, as belonging to the group. 1
2
- Examples for paragraph (b)—* 3
- wearing clothing, patches, insignia or symbols relevant to the group 4
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 - having a tattoo or brand that is an identifying mark, picture or word relevant to the group 6
7
 - making statements about membership of or belonging to the group 8
9
 - having a known association with members of the group 10
- organised criminal group*** means a group of 3 or more persons who have as their objective or 1 of their objectives— 11
12
- (a) obtaining material benefit from the commission of an offence for which an offender is liable to imprisonment for a term of 4 years or more; or 13
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- (b) obtaining material benefit from conduct outside Queensland that, if it occurred in Queensland, would constitute the commission of an offence for which an offender is liable to imprisonment for a term of 4 years or more; or 16
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- (c) the commission of a serious violent offence; or 21
- (d) conduct outside Queensland that, if it occurred in Queensland, would constitute the commission of a serious violent offence; 22
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- whether or not— 25
- (e) some of the persons are subordinates or employees of other persons; or 26
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- (f) only some of the persons participating in the group at a particular time are involved in the planning, arrangement or execution at that time of a particular action, activity or transaction; or 28
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- (g) the group's membership changes from time to time. 32
- serious violent offence*** means an offence— 33
- (a) for which an offender is liable to imprisonment for a term of 5 years or more; and 34
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|---|---------------------|
| (b) if the conduct constituting the offence involves any of the following— | 1
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| (i) loss of a person's life or an act or omission likely to cause loss of a person's life; | 3
4 |
| (ii) serious injury to a person or an act or omission likely to cause serious injury to a person; | 5
6 |
| (iii) serious damage to property in circumstances endangering the physical safety of a person; | 7
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| (iv) perverting the course of justice, if the purpose of the conduct is to prevent, hinder or obstruct the detection, investigation or prosecution of an offence— | 9
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| (A) for which an offender is liable to imprisonment for a term of 5 years or more; and | 13
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| (B) that involved, involves or would involve conduct of the kind mentioned in subparagraphs (i) to (iii).' | 16
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