



AUSTRALIAN CAPITAL TERRITORY

Crimes (Amendment) Act (No. 4) 1997

No. 117 of 1997

An Act to amend the *Crimes Act 1900*

[Notified in ACT Gazette S420: 24 December 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Crimes (Amendment) Act (No. 4) 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Crimes Act 1900*.¹

Matters to which court to have regard

4. Section 429A of the Principal Act is amended by adding at the end of subsection (1) the following paragraph:

“(x) whether the person has paid the prescribed penalty in accordance with an offence notice served, under section 575, on him or her for an offence.”

Insertion

5. After section 574 of the Principal Act the following section is inserted:

Offence notices

“575. (1) Where a police officer—

- (a) is satisfied as to the identity of a person who has attained the age of 18 years; and
- (b) reasonably believes that the person has committed a prescribed offence;

he or she may serve an offence notice on the person.

“(2) An offence notice shall—

- (a) specify the nature of the alleged prescribed offence;
- (b) specify the date on which and the time and place at which the prescribed offence is alleged to have been committed;
- (c) contain a statement to the effect that, if the alleged offender pays the prescribed penalty within 60 days after the date of service of the notice, no further action will be taken in respect of that offence;
- (d) specify the place at which and the manner in which the prescribed penalty may be paid; and
- (e) contain such other particulars (if any) as are prescribed.

“(3) If the prescribed penalty is paid in accordance with the offence notice—

- (a) any liability of the person in respect of the alleged prescribed offence shall be deemed to be discharged;
- (b) no further proceedings shall be taken in respect of the alleged offence; and
- (c) the person shall not be regarded as having been convicted of the alleged offence.

“(4) Any substance, equipment or object seized under any Act in connection with the alleged offence that would have been liable to forfeiture in the event of a conviction shall, on payment of the prescribed penalty in accordance with the offence notice, be forfeited to the Territory.

“(5) Subject to subsection (3), nothing in this section shall be construed as affecting the institution or prosecution of proceedings for a prescribed offence.

“(6) Notwithstanding paragraphs (3) (b) and (c), where—

- (a) a person pays the prescribed penalty in accordance with an offence notice; and
- (b) a conviction for the relevant prescribed offence would constitute a breach of conditions of—
 - (i) bail;
 - (ii) a recognisance to be of good behaviour; or
 - (iii) parole;

the person shall be dealt with as if he or she had breached the relevant conditions.

“(7) The Commissioner of Police may extend, by such period as the Commissioner thinks fit, the period of 60 days referred to in paragraph (2) (c) upon receipt, before the end of that period, of a written request to do so from a person who has been served with an offence notice.

“(8) Where a person who has been served with an offence notice fails to pay the prescribed penalty—

- (a) within 60 days after the date of service of the notice; or
- (b) if an extension of time has been granted under subsection (7), within that period;

the Commissioner of Police shall cause an information, in writing and on oath, to be laid before a Magistrate commencing proceedings against the person in respect of the offence to which the offence notice relates.

“(9) Where an information is laid before a Magistrate in accordance with subsection (8), the Magistrate shall issue his or her warrant in the first instance for the arrest of the person in accordance with subsection 42 (1) of the *Magistrates Court Act 1930*.

“(10) In this section—

‘prescribed offence’ means an offence against section 546C of this Act or subsection 84 (1) of the *Liquor Act 1975*;

‘prescribed penalty’ means 1 penalty unit.”.

NOTES

Principal Act

1. Reprinted as at 30 November 1996. See also Act No. 74, 1996; Nos. 10, 23 and 86, 1997.

Penalty units

See section 33AA of the *Interpretation Act 1967*.

[Presentation speech made in Assembly on 3 September 1997]