



Australian Capital Territory

Crimes Legislation Amendment Act 2018 (No 2)

A2018-40

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Australian Capital Territory

Crimes Legislation Amendment Act 2018 (No 2)

A2018-40

An Act to amend legislation about crimes, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2018 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Confiscation of Criminal Assets Act 2003](#)
- [Crimes Act 1900](#)
- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Surveillance Devices\) Act 2010](#)
- [Drugs of Dependence Act 1989](#)
- [Legislation Act 2001](#)
- [Magistrates Court Act 1930](#)
- [Supreme Court Act 1933](#).

Part 2 Confiscation of Criminal Assets Act 2003

4 Definitions for pt 13 Section 195, definition of *issuing officer*, paragraph (a)

after

a judge,

insert

the associate judge,

Part 3 Crimes Act 1900

5 Definitions for pt 10 Section 185, definition of *issuing officer*, paragraph (a)

after

a judge,

insert

the associate judge,

Part 4 **Crimes (Child Sex Offenders)
Act 2005**

6 **Entry and search warrant—application
Section 116C (1)**

after

sergeant

insert

(the *applicant*)

7 **Section 116C (1)**

omit

the Magistrates Court

substitute

a magistrate

8 **Section 116C (4)**

omit

court

substitute

magistrate

**9 What an entry and search warrant may authorise
Section 116H (3) (a)**

omit

court

substitute

magistrate

**10 Extension and amendment of entry and search warrant
Section 116I (4)**

omit

The Magistrates Court

substitute

A magistrate

11 Section 116I (5)

omit

If the court grants the application, it must

substitute

If the magistrate grants the application, the magistrate must

**12 Revocation of entry and search warrant
Section 116J (2)**

omit

The court

substitute

A magistrate

13 Section 116J (3)

omit

The court

substitute

The magistrate

14 Further amendments, mentions of *Magistrates Court*

omit

Magistrates Court

substitute

magistrate

in

- section 116D (1)
- section 116E (3)
- section 116F
- section 116G (2) and (3)
- section 116H (1) (l)
- section 116J (1).

Part 5 Crimes (Surveillance Devices) Act 2010

15 Who may issue warrants? Section 10 (1), new note

insert

Note **Judge** includes the associate judge (see dict).

16 Dictionary, new definition of *judge*

insert

judge includes the associate judge.

Part 6 Drugs of Dependence Act 1989

17 Search warrants Section 187 (1), definition of *issuing officer*, paragraph (a)

after

a judge,

insert

the associate judge,

Part 7 Legislation Act 2001

18 Penalty units Section 133 (2) and example and note

substitute

- (2) A *penalty unit* is—
- (a) for an offence committed by an individual—\$160; or
 - (b) for an offence committed by a corporation—\$810.

Example

‘Maximum penalty: 10 penalty units.’ means that a person who is convicted of the relevant offence is liable to a maximum fine of 10 penalty units.

- If the person is an individual, the maximum fine is, therefore, \$1 600 (\$160 x 10).
- If the person is a corporation, the maximum fine is, therefore, \$8 100 (\$810 x 10).

Part 9 Supreme Court Act 1933

20 Back-up and related offences Section 68D (1) (a) (i)

substitute

- (i) section 88B (Court may waive committal proceedings);
- (ia) section 90A (7) (Plea of guilty at committal hearing);

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 September 2018.

2 Notification

Notified under the [Legislation Act](#) on 7 November 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2018 (No 2), which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2018 and was passed by the Assembly on 23 October 2018.

Clerk of the Legislative Assembly