

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Moore)

Crimes (Amendment) Bill (No. 3) 1997

**A BILL
FOR**

An Act to amend the *Crimes Act 1900*

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

Short title

- 5 **1.** This Act may be cited as the *Crimes (Amendment) Act (No. 3) 1997*.

Commencement

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

Principal Act

- 10 **3.** In this Act, "Principal Act" means the *Crimes Act 1900*.¹

Insertion

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

Job No. 1997/124

Offence notices

“575. (1) Where a police officer reasonably believes that a person has committed a prescribed offence, he or she may serve an offence notice on that person.

5 “(2) Where a police officer—

(a) serves an offence notice on a child; and

(b) reasonably believes that the child resides with a parent or guardian;

he or she shall serve, or cause to be served, a copy of the notice on the parent or guardian.

10 “(3) 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;

15 (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.

20 “(4) 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;

25 (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.

30 “(5) 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.

“(6) Subject to subsection (4), nothing in this section shall be construed as affecting the institution or prosecution of proceedings for a prescribed offence.

35 “(7) In this section—

'child' means a person who is under the age of 18 years on the date on which the prescribed offence is alleged to have been committed;

5 'prescribed offence' means an offence against subsection 482 (1) or 493 (1), section 545A, 546A, 546C or 546E 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 and 23, 1997.

Penalty units

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