

2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes Legislation Amendment Bill 2018

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Crimes Legislation Amendment Bill 2018

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes Legislation Amendment Act 2018*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • [Confiscation of Criminal Assets Act 2003](#)
- 11 • [Crimes Act 1900](#)
- 12 • [Crimes \(Child Sex Offenders\) Act 2005](#)
- 13 • [Crimes \(Surveillance Devices\) Act 2010](#)
- 14 • [Drugs of Dependence Act 1989](#)
- 15 • [Legislation Act 2001](#)
- 16 • [Magistrates Court Act 1930](#)
- 17 • [Supreme Court Act 1933](#).

1 **Part 2** **Confiscation of Criminal Assets**
2 **Act 2003**

3 **4** **Definitions for pt 13**
4 **Section 195, definition of *issuing officer*, paragraph (a)**

5 *after*
6 a judge,
7 *insert*
8 the associate judge,

1 **Part 3 Crimes Act 1900**

2 **5 Definitions for pt 10**
3 **Section 185, definition of *issuing officer*, paragraph (a)**

4 *after*
5 a judge,
6 *insert*
7 the associate judge,

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

3 **6** **Entry and search warrant—application**
4 **Section 116C (1)**

5 *after*
6 sergeant
7 *insert*
8 (the *applicant*)

9 **7** **Section 116C (1)**

10 *omit*
11 the Magistrates Court
12 *substitute*
13 a magistrate

14 **8** **Section 116C (4)**

15 *omit*
16 court
17 *substitute*
18 magistrate

1 **9 What an entry and search warrant may authorise**
2 **Section 116H (3) (a)**

3 *omit*
4 court
5 *substitute*
6 magistrate

7 **10 Extension and amendment of entry and search warrant**
8 **Section 116I (4)**

9 *omit*
10 The Magistrates Court
11 *substitute*
12 A magistrate

13 **11 Section 116I (5)**

14 *omit*
15 If the court grants the application, it must
16 *substitute*
17 If the magistrate grants the application, the magistrate must

18 **12 Revocation of entry and search warrant**
19 **Section 116J (2)**

20 *omit*
21 The court
22 *substitute*
23 A magistrate

13 Section 116J (3)

2 *omit*

3 The court

4 *substitute*

5 The magistrate

14 Further amendments, mentions of *Magistrates Court*

7 *omit*

8 Magistrates Court

9 *substitute*

10 magistrate

11 *in*

- 12 • section 116D (1)
- 13 • section 116E (3)
- 14 • section 116F
- 15 • section 116G (2) and (3)
- 16 • section 116H (1) (l)
- 17 • section 116J (1).

1 **Part 5** **Crimes (Surveillance Devices)**
2 **Act 2010**

3 **15** **Who may issue warrants?**
4 **Section 10 (1), new note**

5 *insert*

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

7 **16** **Dictionary, new definition of *judge***

8 *insert*

9 ***judge*** includes the associate judge.

1 **Part 6** **Drugs of Dependence Act 1989**

2 **17 Search warrants**
3 **Section 187 (1), definition of *issuing officer*, paragraph (a)**

4 *after*

5 a judge,

6 *insert*

7 the associate judge,

1 **Part 7** **Legislation Act 2001**

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

4 *substitute*

5 (2) A *penalty unit* is—

6 (a) for an offence committed by an individual—\$160; or

7 (b) for an offence committed by a corporation—\$810.

8 **Example**

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

- 11 • If the person is an individual, the maximum fine is, therefore, \$1 600
12 (\$160 x 10).
13 • If the person is a corporation, the maximum fine is, therefore, \$8 100
14 (\$810 x 10).

1 **Part 8** **Magistrates Court Act 1930**

2 **19 Court may waive committal proceedings**
3 **New section 88B (1A) to (1C)**

4 *insert*

5 (1A) If the court commits an accused person for trial under subsection (1)
6 and the person has been charged with a back-up or related offence—

7 (a) the prosecutor must tell the court about the back-up or related
8 offence; and

9 (b) the court must transfer the proceeding for the back-up or related
10 offence to the Supreme Court, to be dealt with under the
11 *Supreme Court Act 1933*, part 8.

12 (1B) Subsection (1A) does not prevent the accused person being charged
13 with an offence after committal under subsection (1).

14 (1C) However, if the accused person is charged with a back-up or related
15 offence after committal under subsection (1), the court must transfer
16 the proceeding for the offence to the Supreme Court, to be dealt with
17 under the *Supreme Court Act 1933*, part 8.

1 **Part 9** **Supreme Court Act 1933**

2 **20** **Back-up and related offences**
3 **Section 68D (1) (a) (i)**

4 *substitute*

5 (i) section 88B (Court may waive committal proceedings);

6 (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 2018.

3 Republications of amended laws

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