

1997

**THE LEGISLATIVE ASSEMBLY OF
THE AUSTRALIAN CAPITAL TERRITORY**

CRIMES (AMENDMENT) BILL (NO.7) 1997

EXPLANATORY MEMORANDUM

Circulated by the authority of the Attorney General

Gary Humphries MLA

Crimes (Amendment) Bill (No. 7) 1997

Explanatory Memorandum

Outline

The Crimes (Amendment) Bill (No.7) 1997 (the Bill) amends provisions of the *Crimes Act 1900* (the Act) to give effect to a new fine enforcement scheme proposed by the Magistrates Court (Amendment) Bill (No.2) 1997.

Financial Implications

Nil

Notes on Clauses

Formal provisions

Clauses 1, 2 and 3 are formal clauses setting out the short title of the Act, providing for the commencement of its provisions and providing that references in the Act to “the Principal Act” are references to the *Crimes Act 1900*.

Commencement

Subclause 2(2) provides that the substantive provisions of the Bill will commence on the day on which the substantive provisions of the Magistrates Court (Amendment) Act (No.2) 1997 commence.

Concurrent and cumulative sentences

Clause 4 amends section 443 of the Act, which deals with the Court’s discretion in determining whether a sentence of imprisonment is to be served concurrently or cumulatively with other sentences of imprisonment. Subsection 443(2) presently provides that where court sentences a person to term of imprisonment in default of payment of a fine the term is, unless the court otherwise orders, to be served cumulatively on any

Schedule 5

Clause 9 amends Schedule 5 of the Act consequentially on the omission of subsection 556G(3).

Transitional

Clause 10 is to the effect that the changes to the community service provisions of the Act, in relation to fine default, effected by the Bill, do not apply in relation to a person who is already the subject of a community service order when the new scheme commences