

1991

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by the Authority of
Mr Bernard Collaery MLA
Attorney-General)

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Outline

The ACT Community Law Reform Committee was established in June 1990.

On 4 November the Attorney-General, Bernard Collaery, issued a reference to the ACT Community Law Reform Committee to examine the law in force with respect to Section 556 of the Crimes Act as it applies to the Territory.

The Committee has now reported with its unanimous view being that Section 552 and 556 of the Crimes Act be repealed.

The Community Law Reform Committee considered that Section 556 of the Crimes Act should be repealed to remove an injustice which may arise. A possible consequence of Section 556 is that if a person initiates proceedings to bring an alleged offender before the Court, then Section 556 precludes the person from commencing further proceedings against the alleged offender.

The Community Law Reform Committee considered that Section 556 should be repealed so that if a person lays an information in respect of a criminal offence the person may pursue a civil remedy thereafter.

The Community Law Reform Committee also recommends that Section 552 of this Act, which relates to juvenile first offenders, should be repealed as it considers that such a provision should not appear in the Crimes Act when young persons are more than adequately dealt with by the Childrens Services Act 1986.

In accordance with Report No 1 of the ACT Community Law Reform Committee the Crimes (Amendment) Bill 1991 provides that sections 552 and 556 of the Crimes Act be repealed and that section 437 of the Crimes Act be amended by removing the reference made to section 556.

Financial Implications

This Bill has no implications for revenue or expenditure.

Clause Notes

Clause 1 - provides that the Act may be cited as the Crimes (Amendment) Act 1991.

Clause 2 - states that the Crimes Act means the Crimes Act 1900 of the State of New South Wales in its application in the Territory.

Clause 3 - amends section 437 of the Crimes Act by omitting from subsection (8) the words "subject to section 556, nothing" and substituting "Nothing".

Clause 4 - repeals sections 552 and 556 of the Crimes Act.