

**2009**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CRIMES (TRANSITIONAL PROVISIONS) REGULATION 2009**

**SL2009-21**

**EXPLANATORY STATEMENT**

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# Crimes (Transitional Provisions) Regulation 2009

## Outline

The *Crimes Legislation Amendment Act 2008* (Act) contains provisions that reform the criminal justice system, including amendments to the *Crimes Act 1900*. The Act commences operation on 30 May 2009. It contains transitional provisions to cover the application of the amendments upon the commencement of the Act, including provisions that determine the application of the new provisions under the *Crimes Act 1900* to matters where charges have been laid prior to the commencement of the Act.

The Crimes (Transitional Provisions) Regulation 2009 is made under section 601 of the *Crimes Act 1900* as introduced in clause 1.43 of the Act, that provides that a regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the Act.

The transitional provisions in the Act provide that the amendments do not apply to a proceeding for an offence if the hearing in the proceeding has started before the amendments commence. The Regulation provides clarity that a hearing has started if evidence has been taken in that proceeding other than in relation to bail or an interlocutory matter.

# Crimes (Transitional Provisions) Regulation 2009

## Detail

### Clause 1 – Name of regulation

This is a technical clause that states that the regulation is the *Crimes (Transitional Provisions) Regulation 2009*.

### Clause 2 – Commencement

This clause provides that the regulation commences immediately after the commencement of the *Crimes Legislation Amendment Act 2008*.

### Clause 3 – Modification of Act, pt 30 – Act, s 601(2)

This clause modifies the transitional provisions of the *Crimes Act 1900* as inserted by the *Crimes Legislation Amendment Act 2008*, to insert an explanation of when a hearing has commenced for the purposes of determining whether the new provisions apply to the proceeding, or whether the previous provisions apply to the proceeding. This is intended to provide clarity in cases where the charges have been laid prior to the commencement of the provisions of the *Crimes Legislation Amendment Act 2008*. If evidence has been given, whether orally or by tendering written statements, other than in an interlocutory or bail matter, a hearing has commenced and the new provisions will not apply to the proceeding.