

2013

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

**JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2013
(No 3)**

EXPLANATORY STATEMENT

**Presented by
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Attorney-General**

JUSTICE & COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2013 (NO 3)

Overview of the Bill

The Justice and Community Safety Legislation Amendment Bill 2013 (No 3) (the Bill) amends a number of laws administered by the Justice and Community Safety Directorate.

Human Rights Implications

There are no human rights implications associated with this Bill.

Coroners Act 1997

This Bill amends a section of the *Coroners Act 1997* which provides that the Chief Coroner must provide annual reports to the Attorney-General for presentation to the Legislative Assembly.

Section 102 will be amended to remove superfluous requirements regarding annual reports, as these requirements are contained in the *Annual Reports (Government Agencies) Act 2004*. This will simplify the provision so that it provides only for the particulars necessary in the Chief Coroner's annual report.

Crimes (Forensic Procedures) Act 2000

This Bill amends a section of the *Crimes (Forensic Procedures) Act 2000* relating to the hearing of applications by a magistrate. The use of the words 'the magistrate' in section 37(1)(b) means that the legislation requires the person to be brought back before the magistrate who issued the warrant. This is impractical as the issuing magistrate may be unavailable when the warrant is executed. Section 37(1)(b) will be clarified to ensure that the suspect may be brought before the court, rather than a specific magistrate, to have the application heard.

Road Transport (Alcohol and Drugs) Act 1977

Sections 8-10 of the *Road Transport (Alcohol and Drugs) Act 1977* will be amended to authorise a police officer to undertake one or more alcohol screening tests. This will allow for cases where the first test is inconclusive or gives a result 'on the margin', so that the police officer may conduct a second test without needing to take the person into custody first.

Clause Notes

Clause 1 Name of Act

This clause provides that the name of the Act is the *Justice and Community Safety Legislation Amendment Act 2013 (No 3)*.

Clause 2 Commencement

This clause provides for the commencement of the Act. The Act will commence on the day after its notification day.

Clause 3 Legislation Amended—sch 1

This clause provides that the legislation mentioned in schedule 1 is amended by the Act.

Schedule 1 Legislation amended

Part 1.1 Coroners Act 1997

Clause 1.1 Section 102

This clause substitutes the previous section 102 with a provision that clarifies the details required in an annual report provided by the Chief Coroner to the Attorney-General for inclusion in the JACS annual reports. The substituted clause omits reference to provisions that are already made under the *Annual Reports (Government Agencies) Act 2004*.

Part 1.2 Crimes (Forensic Procedures) Act 2000

Clause 1.2 Section 37 (1) (b)

This clause omits the words ‘the magistrate’ from section 37(1)(b) and substitutes them with ‘the court’. This ensures that where a warrant for arrest is issued by a magistrate, the person concerned may be brought before a court to hear their application, rather than having to be brought before the magistrate that originally issued the warrant for arrest.

Part 1.3 Road Transport (Alcohol and Drugs) Act 1977

Clause 1.3 Sections 8 to 10

This clause substitutes references to ‘an alcohol screening test’ with ‘1 or more alcohol screening tests’ to allow a police officer to undertake more than one test without taking the person into custody.