

2004

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**GOVERNMENT AMENDMENT
to the
CRIMINAL CODE (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES)
AMENDMENT BILL 2003**

**SUPPLEMENTARY
EXPLANATORY STATEMENT**

Circulated by authority of the
Attorney General
Mr Jon Stanhope MLA

CRIMINAL CODE (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES) AMENDMENT BILL 2003

Amendments to be moved by the Attorney General

Amendment 1:

Clause 2

This is a minor technical amendment to ensure that the amendments to the *Bail Act 1992*, (“the Bail Act”), which are in amendment 3 below, will commence when the Bail Amendment Bill 2003 (“the Bail Amendment Bill”) is enacted and comes into force. This amendment will not affect the commencement of other provisions of the Bill.

Amendment 2:

Clause 5

Proposed new section 377(4)

Clause 377 sets out the rules for dealing with goods that have been forfeited in connection with an offence of unlawfully possessing stolen property under clause 324 of the Bill. Primarily the goods must be sold and the proceeds paid into the confiscated assets trust fund under the *Confiscation of Criminal Assets Act 2003*. However, subclause 377(4) provides that the Minister may direct that the goods be dealt with otherwise.

This amendment provides that the Minister’s direction is a disallowable instrument.

Amendment 3:

Schedule 1

Proposed new section 286 of the Land (Planning and Environment) Act 1991

Schedule 1 of the Bill amends a number of Acts with corporate criminal responsibility provisions that will be made redundant by the full commencement of part 2.5 of the Criminal Code (see clause 4 of the Bill). Most of the sections being amended deal with both corporate criminal responsibility and the criminal responsibility of natural persons for their agents. Therefore, in most cases the schedule substitutes revised sections that remove the corporate criminal responsibility components but leave the principle/agent components to continue to operate. This amendment will make a similar change to section 286 of the *Land (Planning and Environment) Act 1991*.

Amendment 4:

Schedule 3,

Proposed New Part 3.1A concerning the Bail Act 1992

The Bail Amendment Bill will amend the Bail Act. Proposed new sections 9D and 9G of the Bail Amendment Bill contain examples that refer to offences in the *Crimes Act 1900* (“the Crimes Act”) that are being replaced by offences in this Bill. These amendments will substitute the references (in the Bail Amendment Bill) to the Crimes Act provisions with references to the corresponding Criminal Code provisions.

These amendments will also remove the Crimes Act references in Schedule 1 of the Bail Amendment Bill to armed robbery (section 92) and aggravated burglary (section 94) and

substitute references to the corresponding Criminal Code provisions of aggravated robbery (clause 310) and aggravated burglary (clause 312).

Amendment 5:

Schedule 3

Proposed New Part 3.4 concerning the Victims of Crime (Financial Assistance) Act 1983

Section 3 of the *Victims of Crime (Financial Assistance) Act 1983* specifies the violent crimes for which financial assistance is available under that Act.

This amendment will remove references to the Crimes Act offences of robbery (section 91) and armed robbery (section 92) and substitute references to the corresponding Criminal Code provisions of robbery (clause 309) and aggravated robbery (clause 310), which will be replacing the Crimes Act robbery offences.