

Passed by both Houses



New South Wales

Crimes Legislation Amendment Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Crimes Legislation Amendment Bill 2013

Act No , 2013

An Act to make miscellaneous amendments to various Acts with respect to criminal offences and procedure; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of legislation

1.1 Bail Act 1978 No 161

Section 44 Power of authorised justices, magistrates and certain courts to review

Omit section 44 (2). Insert instead:

- (2) Except as prescribed by the regulations and subject to this Division, a magistrate may review any decision made in relation to bail by:
 - (a) any authorised officer, magistrate (including the reviewing magistrate) or authorised justice, or
 - (b) the President of the Children’s Court, exercising the jurisdiction of the Children’s Court.

1.2 Crimes Act 1900 No 40

Schedule 11 Savings and transitional provisions

Omit “2 years” from clause 71 (1). Insert instead “3 years”.

1.3 Crimes (Forensic Procedures) Act 2000 No 59

[1] Section 21 Making and recording senior police officer’s order

Insert “senior” after “speak to the” in section 21 (2).

[2] Section 26 Application for order

Omit “out, and” from section 26 (2) (c). Insert instead “out.”.

[3] Section 26 (2) (d)

Omit the paragraph.

[4] Section 30 Procedure at hearing of application for order

Omit section 30 (1). Insert instead:

- (1) An order may be made in the presence of the suspect concerned or, at the discretion of the Magistrate, ex parte.

[5] Section 30 (2) (a)

Insert “if the suspect is present” after “present”.

[6] Section 30 (4)

Insert “, if present at the hearing,” after “the suspect”.

1.4 Crimes (High Risk Offenders) Act 2006 No 7

[1] Section 25 Provision of certain information to Attorney General

Insert after section 25 (2):

- (2A) The Attorney General may request a court to provide to the Attorney General any document, report or other information held by the court that relates to the behaviour, or physical or mental condition, of any offender.

[2] Section 25 (3)

Insert “or (2A)” after “subsection (1)”.

1.5 Criminal Procedure Act 1986 No 209

Section 294D Protections of Division extend to tendency witnesses

Omit section 294D (2A) and (3). Insert instead:

- (3) Accordingly, in this Division a reference to a complainant includes a reference to a sexual offence witness and a reference to a prescribed sexual offence, in relation to a sexual offence witness, includes a reference to an act referred to in subsection (2) (b).

1.6 Interpretation Act 1987 No 15

[1] Section 21 Meanings of commonly used words and expressions

Insert after section 21 (2):

- (3) In any Act or instrument:
- (a) a reference to an offence that is punishable by imprisonment for a specified term or more includes a reference to a common law offence, and
 - (b) a reference to an offence that is punishable by imprisonment for a specified term or more includes a reference to an offence punishable by imprisonment for life.

[2] Schedule 3 Savings and transitional provisions

Insert at the end of the Schedule:

11 References to offences—section 21 (3)

- (1) Section 21 (3), as inserted by the *Crimes Legislation Amendment Act 2013*, is taken to have applied to any Act in force before the commencement of that subsection (and to have applied on and from the enactment of any such Act).
- (2) Nothing in subclause (1) affects any judgment or other order of a court or tribunal given or made before the commencement of that subsection.