

CRIMES LEGISLATION AMENDMENT (SENTENCING) BILL 1999

Amendments agreed to in the Committee of the Whole
on 30 November 1999

GRNS No 1 Page 26, Schedule 2, lines 10 and 11. Omit all words on those lines.

GRNS No 2 Page 47, Schedule 2, lines 12-16. Omit all words on those lines. Insert instead:

120 No court fees to be taken from accused persons

- (1) This section applies to criminal proceedings in any court in respect of any offence.
- (2) Despite subsection (1), this section does not apply to:
 - (a) proceedings for a summary offence for which a penalty notice has been issued as referred to in section 20 of the Fines Act 1996, but in respect of which the accused person has elected to have the matter dealt with by a court under section 36 of that Act, or
 - (b) proceedings that are brought in a court for the purpose of appealing against, or obtaining a review of, some other court's order or decision in proceedings for a summary offence.
- (3) No court fees are payable:
 - (a) for the issuing of any process on behalf of the accused person, or
 - (b) for the recording of any appearance or plea made by the accused person,
in connection with criminal proceedings to which this section applies.

GRNS No 3 Page 115, Schedule 4, lines 18 and 19. Omit "if the court is of the opinion that it is in the interests of justice to do so".

GRNS No 4 Page 115, Schedule 4. Insert after line 19:

- (4C) A court is not to make an order referred to in subsection (4B) unless it is satisfied:
 - (a) that the making of such an order is in the interests of justice, and
 - (b) that the prejudice to the child arising from the publication or broadcasting of the child's name in accordance with such an order does not outweigh those interests.
- (4D) The burden of establishing the matters referred to in subsection (4C) (a) and (b) lies on the prosecuting authority.

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No 5 Page 115, Schedule 4. Insert after line 19:

- (4C) A court that makes an order referred to in subsection (4B) must indicate to the child, and make a record of, its reasons for doing so.

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No 6 Page 116, Schedule 4, lines 18 and 19. Omit all words on those lines. Insert instead:

[1] Section 25 Definitions

Omit the definition of *guideline judgment*. Insert instead:

guideline judgment means a judgment containing guidelines to be taken into account by courts sentencing offenders, being:

- (a) guidelines that apply generally, or
- (b) guidelines that apply to particular courts or classes of courts, to particular offences or classes of offences, to particular penalties or classes of penalties or to particular classes of offenders (but not to particular offenders).

[2] Section 26 Guideline judgments on application of Attorney General

Omit section 26 (2). Insert instead:

- (2) An application for a guideline judgment may include submissions with respect to the framing of the proposed guidelines.