

Legislative Council

Crimes and Courts Legislation Amendment Bill 2006

Schedule of **Government** amendments agreed to in Committee of the Whole
on Tuesday 21 November 2006.

No. 1 Page 8, Schedule 1.7. Insert after line 1:

[1] Section 4A State Coroners and Deputy State Coroners

Omit “3” from section 4A (1). Insert instead “4”.

No. 2 Page 11, Schedule 1.7. Insert after line 24:

Section 4A (1) of the *Coroners Act 1980* enables the Governor to appoint up to 3 Deputy State Coroners. Item [1] will enable the Governor to appoint up to 4 Deputy State Coroners.

No. 3 Page 12, Schedule 1.8. Insert after line 24:

[4] Schedule 1, Part 5

Insert after Part 4:

**Part 5 Provisions consequent on enactment of Crimes and Courts
Legislation Amendment Act 2006**

10 Application of amendment to definition of “sentence”

The amendment to the definition of *sentence* in section 3 (1) made by the *Crimes and Courts Legislation Amendment Act 2006* extends to orders referred to in paragraph (ba) of that definition that were made before the commencement of that amendment, but does not affect any appeal proceedings or application under this Act that was finally determined before the commencement of that amendment.

No. 4 Page 12, Schedule 1.8, line 29. Insert “Item [4] ensures that the amendment extends to orders made before the commencement of that amendment.” after “that Act.”.

No. 5 Page 18, Schedule 1.10 [5]. Insert after line 21:

(2) The amendment to the definition of *Sentence* in section 2 (1) made by the *Crimes and Courts Legislation Amendment Act 2006* extends to orders referred to in paragraph (ca) of that definition that were made before the commencement of that amendment, but does not affect any appeal proceedings that were finally determined before the commencement of that amendment.

No. 6 Page 19, Schedule 1.10, line 28. Insert “Item [5] includes a savings and transitional provision that ensures that the amendment extends to orders made before the commencement of that amendment.” after “Act.”

No. 7 Page 23, Schedule 1.11 [23]. Insert after line 5:

Changes to limitation period

Section 179 (3), as inserted by the *Crimes and Courts Legislation Amendment Act 2006*, extends to a summary offence that relates to the death of a person before the commencement of that subsection, but only if the period for commencement of proceedings in relation to the offence under section 179 (1) has not expired on the commencement of section 179 (3).

No. 8 Page 23, Schedule 1.11. Insert after line 9:

Commencement

Items [20] and [21] of the amendments to the *Criminal Procedure Act 1986* commence on a day or days to be appointed by proclamation.

No. 9 Page 24, Schedule 1.11, line 4. Insert “Item [23] includes a savings and transitional provision that extends the amendment to summary offences committed before the commencement of that amendment if the existing limitation period has not expired.” after “first.”

No. 10 Page 44, Schedule 1.19, lines 7–13. Omit all words on those lines. Insert instead:

[1] Section 34 Preliminary conferences

Omit “(other than proceedings in Class 1 that are brought under section 97 of the *Environmental Planning and Assessment Act 1979*)” from section 34 (1).

[2] Section 34 (1A)

Omit section 34 (1A). Insert instead:

(1A) If proceedings are pending in Class 3 of the Court’s jurisdiction, the registrar may, at any time on the application of the parties or on the registrar’s own motion, arrange a conference between the parties to the proceedings or their representatives, to be presided over by a single Commissioner.

[3] Section 34 (3) (a)

Insert “and is to set out in writing the terms of the decision” after

“decision” where lastly occurring.

[4] Section 34 (3A)

Insert after section 34 (3):

(3A) The Commissioner is to give written reasons for his or her decision under subsection (3) (b) (ii).

[5] Section 34A Proceedings to which on-site hearing procedures apply

Omit section 34A (1). Insert instead:

(1) This section applies to the following proceedings, if the proceedings have not been disposed of under section 34:

- (a) proceedings in Class 1 of the Court’s jurisdiction that are brought under section 96 of the *Environmental Planning and Assessment Act 1979*,
- (b) proceedings in Class 1 of the Court’s jurisdiction that are brought under section 96AA of the *Environmental Planning and Assessment Act 1979*,
- (c) proceedings in Class 1 of the Court’s jurisdiction that are brought under section 97 of the *Environmental Planning and Assessment Act 1979*,
- (d) proceedings in Class 1 of the Court’s jurisdiction that are brought under section 121ZK of the *Environmental Planning and Assessment Act 1979*,
- (e) proceedings in Class 1 of the Court’s jurisdiction that are brought under section 149F of the *Environmental Planning and Assessment Act 1979*.

[6] Section 34A (2)

Omit “to which this section applies”. Insert instead “under section 97 of the *Environmental Planning and Assessment Act 1979*”.

[7] Section 34A (2A)

Insert after section 34 (2):

(2A) Proceedings to which this section applies (other than proceedings under section 97 of the *Environmental Planning and Assessment Act 1979*) are to be dealt with under section 34B, subject to subsection (6), if the Registrar at the first or a subsequent callover determines that the proceedings:

- (a) have little or no impact beyond neighbouring properties, and

- (b) do not involve any significant issue of public interest beyond any impact on neighbouring properties.

[8] Section 34A (4)

Insert “or (2A)” after “(2)”.

[9] Section 34A (4)

Insert “, subject to subsection (6)” after “34C”.

[10] Section 36 Delegation to Commissioners

Omit “(other than proceedings in Class 1 that are brought under section 97 of the *Environmental Planning and Assessment Act 1979*)” from section 36 (1). Insert instead “(other than proceedings that are being dealt with under section 34A)”.

[11] Section 37 Commissioners sitting with a Judge

Omit “(other than proceedings in Class 1 that are brought under section 97 of the *Environmental Planning and Assessment Act 1979*)” from section 37 (1). Insert instead “(other than proceedings that are being dealt with under section 34A)”.

Explanatory note

The proposed amendments to the *Land and Environment Court Act 1979*:

- (a) will enable preliminary conferences to be held for all Class 3 matters in the Court rather than only compulsory acquisition matters, and
 - (b) will enable an extended range of matters to be dealt with by Commissioners at on-site hearings, namely proceedings under sections 96, 96AA, 97, 121ZK and 149F of the *Environmental Planning and Assessment Act 1979*, and
 - (c) make other minor changes.
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Examined

Chairman of Committees
