



New South Wales

Crimes and Courts Legislation Amendment Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Coroners Act 2009* with respect to the membership and functions of the Domestic Violence Death Review Team constituted under that Act,
- (b) to amend the *Crimes (Appeal and Review) Act 2001* to clarify the time within which a prosecutor may appeal against a costs order and when a defendant may apply for the annulment of a conviction or sentence made or imposed by the Local Court,
- (c) to amend the *Crimes (Forensic Procedures) Act 2000* to include the taking of certain measurements of a person as a non-intimate forensic procedure,
- (d) to amend the *Crimes (Sentencing Procedure) Act 1999* to provide that an order varying a licence or privilege is a penalty in respect of which proceedings may be reopened and a conviction or order corrected,
- (e) to amend the *Criminal Procedure Act 1986* with respect to the giving of evidence by victims of certain offences under the *Crimes (Domestic and Personal Violence) Act 2007*,
- (f) to amend the *Drug Misuse and Trafficking Act 1985* and *Drug Misuse and Trafficking Regulation 2011* to prohibit the possession of drug encapsulators or unique parts of drug encapsulators or tablet presses,
- (g) to amend the *Evidence Act 1995* with respect to the compellability of a spouse or de facto partner to give evidence in respect of proceedings for domestic violence or child assault offences,

- (h) to amend the *Justices of the Peace Act 2002* to allow justices of the peace to certify true and accurate copies of documents,
- (i) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* and *Minors (Property and Contracts) Act 1970* to increase the jurisdictional limits of the Local Court and District Court under those Acts,
- (j) to amend the *Local Court Act 2007* to remove a limitation on the jurisdiction of the Local Court in relation to goods that are subject of a hire-purchase agreement and certain other goods,
- (k) to amend the *Oaths Act 1900* to make provision with respect to the taking of statutory declarations by persons who are unable to understand written English, the taking of oaths or statutory declarations for the purposes of laws and courts in jurisdictions other than New South Wales and the taking of affidavits made by more than one person,
- (l) to amend the *Telecommunications (Interception and Access) (New South Wales) Act 1987* with respect to keeping records under that Act,
- (m) to amend the *Young Offenders Act 1997* and *Young Offenders Regulation 2010* to allow for the disclosure of certain records to the Australian Bureau of Statistics and the Australian Institute of Criminology.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedules 1–16 make the amendments described in the Overview above. The amendments are explained in detail in the explanatory notes set out in the Schedules that relate to the Act or Regulation concerned.