



New South Wales

Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Criminal Procedure Act 1986* (the *principal Act*):

- (a) to provide for certain indictable breaking and entering offences under the *Crimes Act 1900* to be dealt with summarily unless the prosecutor or person charged elects otherwise, and
- (b) to make other amendments in the nature of statute law revision.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Criminal Procedure Act 1986 No 209

Schedule 1 [1] and [2] update outdated references to maliciously.

Schedule 1 [3] amends Table 1 of Schedule 1 to the principal Act to include offences under sections 109 (2), 111 (2), 112 (2) and 113 (2) of the *Crimes Act 1900*. These offences involve breaking and entering into dwelling-houses and other buildings and committing serious indictable offences in circumstances of aggravation. The offences may be tried summarily if:

- (a) the serious indictable offence alleged is stealing or intentionally or recklessly destroying or damaging property, and

- (b) the value of the property stolen or destroyed, or the value of the damage to the property, does not exceed \$60,000, and
- (c) the only circumstance of aggravation is that the alleged offender is in the company of another person or persons.

Schedule 1 [4] provides for certain matters of a savings and transitional nature.