



New South Wales

Justice Legislation Amendment Bill 2018

Explanatory note

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

Overview of Bill

The object of this Bill is to make various amendments to Acts relating to courts and crimes and related matters, including the following:

- (a) to amend the *Crimes Act 1900* to extend the provision that makes it an offence for a person to have sexual intercourse with a person aged between 16 and 18 years if the offender is the victim's school teacher. The offence will now extend to any member of the teaching staff at the school at which the victim is a student, including teachers, the principal or deputy principal or any other person employed at the school who has students at the school under his or her care or authority,
- (b) to amend the *Criminal Procedure Act 1986* to provide that certain indictable offences (including robbery, recklessly dealing with proceeds of crime over \$5,000, perverting the course of justice and supplying less than the commercial quantity of a prohibited drug) are to be dealt with summarily unless the prosecutor or person charged elects to have the offence dealt with on indictment,
- (c) to amend the *Anti-Discrimination Act 1977* to remove exemptions that apply in relation to employment discrimination against pregnant women,
- (d) to amend the *Crime Commission Act 2012* to facilitate the electronic lodgment and service of documents and to enable the Crime Commission to waive financial information disclosure requirements for staff working on secondment at the Crime Commission,
- (e) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to extend a court's power to order a person found guilty of a drink-driving offence to have his or her

photograph, finger-prints and palm-prints taken at a police station to a person found guilty of driving with illicit drugs in the person's oral fluid, blood or urine,

- (f) to make various minor amendments to the *Succession Act 2006* as a consequence of a statutory review of the Act.

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.

Clause 3 makes it clear that the explanatory notes contained in Schedule 1 do not form part of the proposed Act.

Schedule 1 Amendments

Schedule 1 amends the following Acts:

- (a) *Anti-Discrimination Act 1977*,
- (b) *Civil and Administrative Tribunal Act 2013*,
- (c) *Crime Commission Act 2012*,
- (d) *Crimes Act 1900*,
- (e) *Criminal Procedure Act 1986*,
- (f) *Criminal Records Act 1991*,
- (g) *Drug Misuse and Trafficking Act 1985*,
- (h) *Evidence Act 1995*,
- (i) *Land and Environment Court Act 1979*,
- (j) *Law Enforcement (Powers and Responsibilities) Act 2002*,
- (k) *Succession Act 2006*.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 1.