

Crimes Legislation Amendment (Property Identification) Bill 2003

Explanatory note

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

Overview of Bill

This Bill amends the *Crimes Act 1900* and other Acts in connection with the unique identifier of property. The unique identifier is any numbers, letters or symbols that are marked on or attached to the property as a permanent record so as to enable the property to be distinguished from similar property (and thereby enable the person to whom the property belongs to be traced).

The objects of this Bill are as follows:

- (a) to ensure that persons who remove, obliterate, deface or alter the unique identifier of property can be prosecuted for relevant property damage offences, namely, an offence against section 195 of the *Crimes Act 1900* of maliciously damaging property belonging to another (maximum penalty: 5 years' imprisonment) or an offence against section 197 of that Act of dishonestly damaging property with a view to making a gain (maximum penalty: 7 years' imprisonment),
- (b) to ensure that, in the application of rules relating to the summary disposal of those property damage offences, the seriousness of the offence is judged by reference to the total value of the property concerned rather than merely by reference to the amount of damage caused to the property,
- (c) to provide that the duty of a pawnbroker or second-hand dealer to report to law enforcement officers any goods suspected of being stolen extends to any goods whose unique identifier has been removed, obliterated, defaced or altered.

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 to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Crimes Act 1900*, the *Criminal Procedure Act 1986* and the *Pawnbrokers and Secondhand Dealers Act 1996*.

Schedule 1 amends the *Crimes Act 1900* to give effect to the effect to the object mentioned in paragraph (a) of the Overview.

Schedule 2 amends the *Criminal Procedure Act 1986* to give effect to the object mentioned in paragraph (b) of the Overview.

Schedule 3 amends the *Pawnbrokers and Second-hand Dealers Act 1996* to give effect to the object mentioned in paragraph (c) of the Overview.