



New South Wales

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 Second-hand 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.



New South Wales

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New South Wales

Crimes Legislation Amendment (Property Identification) Bill 2003

No. , 2003

A Bill for

An Act to amend the *Crimes Act 1900* and other Acts with respect to damage to property that consists of removing, obliterating, defacing or altering the unique identifier of the property.

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Crimes Legislation Amendment (Property Identification) Act 2003*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Acts

- (1) The *Crimes Act 1900* is amended as set out in Schedule 1.
- (2) The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.
- (3) The *Pawnbrokers and Second-hand Dealers Act 1996* is amended as set out in Schedule 3.

Schedule 1 Amendment of Crimes Act 1900 No 40 1
(Section 3 (1)) 2

Section 194 Interpretation 3

Insert after section 194 (3): 4

- (4) For the purposes of this Division, damaging property includes 5
removing, obliterating, defacing or altering the unique 6
identifier of the property. The unique identifier is any 7
numbers, letters or symbols that are marked on or attached to 8
the property as a permanent record so as to enable the 9
property to be distinguished from similar property. 10

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209	1
	2
(Section 3 (2))	3
Schedule 1 Indictable offences triable summarily	4
Insert before the heading to Table 1:	5
Table 1A General provisions	6
1A Interpretation: value of property	7
For the purposes of this Schedule, a reference to the amount of damage to property in connection with a charge for an offence against section 195 or 197 of the <i>Crimes Act 1900</i> is a reference to the total value of the property where the damage consists of removing, obliterating, defacing or altering the unique identifier of the property.	8
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Schedule 3 Amendment of Pawnbrokers and Second-hand Dealers Act 1996 No 13

(Section 3 (3))

Section 19 Duty to report suspicious goods

Insert at the end of section 19:

- (2) If the licensee or employee is aware that the unique identifier of the goods has been removed, obliterated, defaced or altered, the licensee or employee is presumed (for the purposes of this section) to suspect that the goods may have been stolen.
- (3) In this section, *unique identifier* of goods means any numbers, letters or symbols that are marked on or attached to the goods as a permanent record so as to enable the goods to be distinguished from similar goods.

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