



New South Wales

Courts and Crimes Legislation Amendment Act 2010 No 88

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New South Wales

Courts and Crimes Legislation Amendment Act 2010 No 88

Act No 88, 2010

An Act to make miscellaneous amendments to legislation relating to crimes, court proceedings and other matters. [Assented to 1 November 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Courts and Crimes Legislation Amendment Act 2010*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Child Protection (Offenders Registration) Act 2000 No 42

[1] Section 3 Definitions

Omit paragraph (d) from the definition of *Class 1 offence* in section 3 (1).

Insert instead:

- (d) an offence against section 272.8, 272.10 (if it relates to an underlying offence against section 272.8) or 272.11 of the *Criminal Code* of the Commonwealth, or an offence against section 272.18, 272.19 or 272.20 of the *Criminal Code* of the Commonwealth if it relates to another Class 1 offence as elsewhere defined in this section, or

[2] Section 3 (1), definition of “Class 2 offence”

Omit paragraph (g). Insert instead:

- (g) an offence against section 272.9, 272.10 (if it relates to an underlying offence against section 272.9), 272.14 or 272.15 of the *Criminal Code* of the Commonwealth, or an offence against section 272.18, 272.19 or 272.20 of the *Criminal Code* of the Commonwealth if it relates to another Class 2 offence as elsewhere defined in this section, or

[3] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Courts and Crimes Legislation Amendment Act 2010

[4] Schedule 2

Insert after Part 7:

Part 8 Provisions consequent on enactment of Courts and Crimes Legislation Amendment Act 2010

20 Application of amendments

- (1) The amendments made to the definitions of *Class 1 offence* and *Class 2 offence* in section 3 (1) by the amending Act extend to any offence referred to in those amendments (a *new registrable offence*) in respect of which a sentence was imposed before the commencement of the amendments.

- (2) Sections 4 and 5 do not apply in respect of a sentence imposed, or a supervised sentence commenced, before the commencement of the amending Act in respect of a new registrable offence.
- (3) A person who becomes a registrable person on the commencement of the amending Act merely because of having committed a new registrable offence, and who is not in government custody, must, within the appropriate period, report the person's relevant personal information to the Commissioner of Police.
- (4) The *appropriate period* is:
 - (a) in relation to a person who is in New South Wales on the commencement of the amending Act—21 days after that commencement or before the person leaves New South Wales, whichever period ends first, or
 - (b) in relation to a person who is not in New South Wales on that commencement—within 7 days after entering and remaining in New South Wales for 14 or more consecutive days.
- (5) The report must be made in the manner in which an initial report must be made under this Act.
- (6) For the purposes of calculating the period for which a person must continue to comply with the person's reporting obligations in respect of a new registrable offence, the reporting period for the new registrable offence is taken to have commenced:
 - (a) when the person was sentenced for the new registrable offence, or
 - (b) when the person ceases to be in government custody in relation to the offence,whichever is the later.
- (7) A reference in this Act to the reporting obligations of a registrable person includes a reference to the reporting obligations imposed under this Part.
- (8) In this clause, the *amending Act* means the *Courts and Crimes Legislation Amendment Act 2010*.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

[1] Section 94 Meaning of “offence involving violence”

Insert after section 94 (1) (f):

- (f1) an offence the elements of which include the commission of, or an intention to commit, an offence referred to in any of the above paragraphs,

[2] Schedule 2 Savings, transitional and other provisions

Insert after Part 20:

Part 21 Provision consequent on enactment of Courts and Crimes Legislation Amendment Act 2010

67 Changes to the definition of “offence involving violence”

The amendment made by the *Courts and Crimes Legislation Amendment Act 2010* to the definition of ***offence involving violence*** in section 94 applies in respect of committal proceedings that a Magistrate first starts to hear after the commencement of the amendment.

Schedule 3 Amendment of District Court Act 1973 No 9

Section 18 Acting Judges

Insert after section 18 (4A):

- (4B) A person who is or has been an associate Judge of the Supreme Court of New South Wales may be so appointed even though that person has reached the age of 72 years (or will have reached that age before the appointment expires), but may not be so appointed for any period that extends beyond the day on which he or she reaches the age of 75 years.

Schedule 4 Amendment of Solicitor General Act 1969 No 80

Section 4 Delegation of powers

Insert after section 4 (1):

- (1A) This section extends to any power, authority, duty or function of the Attorney General to intervene in any proceedings before a court or tribunal, whether personally or by agent, including a power, authority, duty or function conferred on the Attorney General as the Minister administering an Act.

Schedule 5 Amendment of Trustee Act 1925 No 14

[1] Section 18 Ratio of loan to value

Insert after section 18 (6):

- (7) In this section, a *prescribed insurer* means an insurer or an insurer of a class prescribed by the regulations.

[2] Schedule 2 Savings and transitional provisions

Insert after Part 2:

Part 3 Provision consequent on enactment of Courts and Crimes Legislation Amendment Act 2010

6 Saving of existing regulation

A regulation made for the purposes of section 18 (3) of the Act that is in force on the commencement of this clause is taken to be a regulation made for the purposes of section 18 (7) of the Act.

[Second reading speech made in Legislative Council on 20 October 2010

Agreement in principle speech made in Legislative Assembly on 28 October 2010]

BY AUTHORITY