



New South Wales

# Crimes Legislation Amendment Act 2013 No 90

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New South Wales

# **Crimes Legislation Amendment Act 2013 No 90**

Act No 90, 2013

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An Act to make miscellaneous amendments to various Acts with respect to criminal offences and procedure; and for other purposes. [Assented to 20 November 2013]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crimes Legislation Amendment Act 2013*.

**2 Commencement**

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

## **Schedule 1 Amendment of legislation**

### **1.1 Bail Act 1978 No 161**

#### **Section 44 Power of authorised justices, magistrates and certain courts to review**

Omit section 44 (2). Insert instead:

- (2) Except as prescribed by the regulations and subject to this Division, a magistrate may review any decision made in relation to bail by:
  - (a) any authorised officer, magistrate (including the reviewing magistrate) or authorised justice, or
  - (b) the President of the Children’s Court, exercising the jurisdiction of the Children’s Court.

### **1.2 Crimes Act 1900 No 40**

#### **Schedule 11 Savings and transitional provisions**

Omit “2 years” from clause 71 (1). Insert instead “3 years”.

### **1.3 Crimes (Forensic Procedures) Act 2000 No 59**

#### **[1] Section 21 Making and recording senior police officer’s order**

Insert “senior” after “speak to the” in section 21 (2).

#### **[2] Section 26 Application for order**

Omit “out, and” from section 26 (2) (c). Insert instead “out.”.

#### **[3] Section 26 (2) (d)**

Omit the paragraph.

#### **[4] Section 30 Procedure at hearing of application for order**

Omit section 30 (1). Insert instead:

- (1) An order may be made in the presence of the suspect concerned or, at the discretion of the Magistrate, ex parte.

#### **[5] Section 30 (2) (a)**

Insert “if the suspect is present” after “present”.

#### **[6] Section 30 (4)**

Insert “, if present at the hearing,” after “the suspect”.

### **1.4 Crimes (High Risk Offenders) Act 2006 No 7**

#### **[1] Section 25 Provision of certain information to Attorney General**

Insert after section 25 (2):

- (2A) The Attorney General may request a court to provide to the Attorney General any document, report or other information held by the court that relates to the behaviour, or physical or mental condition, of any offender.

**[2] Section 25 (3)**

Insert “or (2A)” after “subsection (1)”.

**1.5 Criminal Procedure Act 1986 No 209**

**Section 294D Protections of Division extend to tendency witnesses**

Omit section 294D (2A) and (3). Insert instead:

- (3) Accordingly, in this Division a reference to a complainant includes a reference to a sexual offence witness and a reference to a prescribed sexual offence, in relation to a sexual offence witness, includes a reference to an act referred to in subsection (2) (b).

**1.6 Interpretation Act 1987 No 15**

**[1] Section 21 Meanings of commonly used words and expressions**

Insert after section 21 (2):

- (3) In any Act or instrument:
- (a) a reference to an offence that is punishable by imprisonment for a specified term or more includes a reference to a common law offence, and
  - (b) a reference to an offence that is punishable by imprisonment for a specified term or more includes a reference to an offence punishable by imprisonment for life.

**[2] Schedule 3 Savings and transitional provisions**

Insert at the end of the Schedule:

**11 References to offences—section 21 (3)**

- (1) Section 21 (3), as inserted by the *Crimes Legislation Amendment Act 2013*, is taken to have applied to any Act in force before the commencement of that subsection (and to have applied on and from the enactment of any such Act).
- (2) Nothing in subclause (1) affects any judgment or other order of a court or tribunal given or made before the commencement of that subsection.

[Second reading speech made in—

Legislative Assembly on 30 October 2013

Legislative Council on 13 November 2013]