

Passed by both Houses



New South Wales

Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2016



New South Wales

Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016

Act No , 2016

An Act to amend the *Criminal Procedure Act 1986* to provide for certain additional indictable offences to be tried summarily.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Act 2016*.

2 Commencement

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

Schedule 1 Amendment of Criminal Procedure Act 1986 No 209

[1] Section 348 Offences in respect of which an intervention program may be conducted

Omit section 348 (2) (a). Insert instead:

- (a) an offence under section 35 (Reckless grievous bodily harm or wounding) or 35A (1) (Cause dog to inflict grievous bodily harm) of the *Crimes Act 1900*,

[2] Schedule 1 Indictable offences triable summarily

Omit “maliciously” wherever occurring in clauses 6, 7 and 8 of Table 1.

Insert instead “intentionally or recklessly”.

[3] Schedule 1, Table 1

Insert after clause 8:

8A Breaking and entering in company

An offence under section 109 (2), 111 (2), 112 (2) or 113 (2) of the *Crimes Act 1900* where:

- (a) the serious indictable offence alleged is stealing or intentionally or recklessly destroying or damaging property, and
- (b) the value of the property stolen or destroyed, or the value of the damage to the property, does not exceed \$60,000, and
- (c) the only circumstance of aggravation is that the alleged offender is in the company of another person or persons.

[4] Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions consequent on enactment of Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Act 2016

Definitions

In this Part:

amending Act means the *Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Act 2016*.

former provisions means clauses 6, 7 and 8 of Table 1 of Schedule 1 to this Act as in force before the commencement of Schedule 1 [2] to the amending Act.

Application of amendments

- (1) Each of the former provisions continues to apply in relation to proceedings for offences alleged to have been committed before the repeal of section 5 of the *Crimes Act 1900*.

Note. Section 5 of the *Crimes Act 1900* defined the term **maliciously** for the purposes of that Act and was repealed by the *Crimes Amendment Act 2007*.

- (2) A reference in any of the former provisions to maliciously is taken to have always included a reference to intentionally or recklessly for offences alleged

to have been committed on or after the repeal of section 5 of the *Crimes Act 1900*.

- (3) Clause 8A of Table 1 of Schedule 1 to this Act does not apply to proceedings for offences for which alleged offenders were charged before the commencement of that clause.