

# Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Act 2016 No 44

[2016-44]



New South Wales

## Status Information

### Currency of version

Repealed version for 28 September 2016 to 11 November 2016 (accessed 14 October 2024 at 23:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 12.11.2016.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Act 2016 No 44



New South Wales

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

## 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.