



Australian Capital Territory

Crimes Legislation Amendment Act 2021

A2021-6

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Australian Capital Territory

Crimes Legislation Amendment Act 2021

A2021-6

An Act to amend legislation about crimes, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2021*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Bail Act 1992](#)
- [Bail Regulation 1992](#)
- [Confiscation of Criminal Assets Act 2003](#)
- [Crimes \(Sentence Administration\) Act 2005](#)
- [Criminal Code 2002](#)
- [Magistrates Court Act 1930](#).

Part 2 Bail Act 1992

4 Written notice of conditions of bail Section 34 (4)

substitute

- (4) A court continuing bail on an adjournment or a postponement of a proceeding must give the accused person written notice stating—
- (a) that bail is continued until the proceeding resumes; and
 - (b) the place, day and time at which the proceeding will resume or, if that is not yet decided, that the proceeding will resume at a place, day and time stated in an additional written notice; and
 - (c) the conditions on which bail is allowed.
- (5) A notice under subsection (4) must be given—
- (a) as soon as practicable—
 - (i) after deciding to continue bail; or
 - (ii) for an additional notice—after deciding the place, day and time for resuming the proceeding; and
 - (b) in a way—
 - (i) prescribed by regulation (a *prescribed way of service*); or
 - (ii) if the accused person makes a nomination under subsection (6)—nominated by the person.
- (6) The accused person may nominate a prescribed way of service for being given a notice under subsection (4), other than a way that involves personal service on the person or any other person.
- (7) Failure to comply with subsection (4) or (5) does not invalidate the continuation of bail.

Part 3 Bail Regulation 1992

5 Section 4 heading

substitute

4 Service of notice—Act, section 34 (5) (b) (i)

Part 4 Confiscation of Criminal Assets Act 2003

6 Making of exclusion orders—ordinary offences Section 76 (1) (a)

after

applied for

insert

under section 26 (Restraining orders over other property—
application)

7 Section 76 (1) (b)

after

(but not forfeited)

insert

under an order under section 31 (Restraining orders over other
property—making)

8 Making of exclusion orders—serious offences Section 77 (1) (a)

after

applied for

insert

under section 26 (Restraining orders over other property—
application)

9 Section 77 (1) (b)

after

(but not forfeited)

insert

under an order under section 31 (Restraining orders over other property—making)

Part 5 Crimes (Sentence Administration) Act 2005

10 Corrections officers to report breach of intensive correction order obligations Section 59 (2)

substitute

- (2) The corrections officer must report the belief to—
- (a) the board; or
 - (b) if the belief is that the offender was convicted or found guilty of an offence mentioned in section 65 (1) by a court other than an ACT court—the sentencing court.

11 Arrest without warrant—breach of intensive correction order obligations Section 60 (3) and (4)

substitute

- (3) A police officer who arrests an offender under this section must, as soon as practicable, bring the offender before—
- (a) the board; or
 - (b) if section 65 would apply because of the breach—the sentencing court.
- (4) However, if the board or sentencing court is not sitting, the police officer must, as soon as practicable, bring the offender before a magistrate for a decision in relation to bail until the offender can be brought before the board or sentencing court.

Note For remanding or granting bail to the offender, see the [Bail Act 1992](#).

**12 Arrest warrant—breach of intensive correction order obligations
Section 61 (2) (d)**

after

the board

insert

or sentencing court

13 Section 61 (3) and note

substitute

- (3) A police officer who arrests the offender under the warrant must, as soon as practicable, bring the offender before—
- (a) the board; or
 - (b) if section 65 would apply because of the breach—the sentencing court.
- (4) However, if the board or sentencing court is not sitting, the police officer must, as soon as practicable, bring the offender before a magistrate for a decision in relation to bail until the offender can be brought before the board or sentencing court.

Note For remanding or granting bail to the offender, see the [Bail Act 1992](#).

**14 Board inquiry—breach of intensive correction order obligations
Section 62 (3), note**

substitute

Note Section 65 requires a court to cancel the offender's intensive correction order in certain circumstances.

15 Board powers—breach of intensive correction order obligations
Section 64 (2) (c), note

substitute

Note Section 65 requires a court to cancel the offender's intensive correction order in certain circumstances and s 66 requires the board to cancel the order if the offender withdraws consent.

16 Cancellation of intensive correction order on further conviction etc
New section 65 (2A) and (2B)

insert

- (2A) If the offender is convicted or found guilty of an offence mentioned in subsection (1) by the Supreme Court and the intensive correction order was made by the Magistrates Court, the Supreme Court is taken to be the sentencing court for this section.
- (2B) If the offender is convicted or found guilty of an offence mentioned in subsection (1) by the Magistrates Court and the intensive correction order was made or amended by the Supreme Court—
- (a) the Supreme Court is taken to be the sentencing court for this section; and
 - (b) the Magistrates Court—
 - (i) must, in addition to dealing with the offender for the offence mentioned in subsection (1), commit the offender to the Supreme Court to be dealt with in accordance with subsection (2); and
 - (ii) may remand the offender in custody until the offender can be brought before the Supreme Court.

Note For remanding or granting bail to the offender, see the [Bail Act 1992](#).

17 New section 65 (6)

insert

- (6) If the offender is convicted or found guilty of an offence mentioned in subsection (1) by a court other than an ACT court, the board must refer the offender to the sentencing court as soon practicable after becoming aware of the conviction or finding of guilt.

Part 6 Criminal Code 2002

18 Serious vilification Section 750 (2), definition of *threatening act*, paragraph (a)

omit

(vi)

substitute

(vii)

Part 7 Magistrates Court Act 1930

19 Institution of appeal Section 209 (1)

substitute

- (1) An appeal must be instituted by the appellant filing a notice of appeal in the office of the registrar of the Supreme Court—
 - (a) for an appeal mentioned in section 208 (1) (b)—within 28 days after the sentence or penalty is imposed in relation to the conviction, or within any further time the Supreme Court allows; and
 - (b) for any other appeal—within 28 days after the order or decision is made, or the sentence or penalty is imposed, or within any further time the Supreme Court allows.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 3 December 2020.

2 Notification

Notified under the [Legislation Act](#) on 8 April 2021.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2021, which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2020 and was passed by the Assembly on 31 March 2021.

Clerk of the Legislative Assembly

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