

1999

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

CRIMES (AMENDMENT) BILL 1999

Government Amendments

Explanatory Statement

Circulated by the authority of

**Gary Humphries MLA
Attorney General**

Crimes (Amendment) Bill 1999

Government Amendments

Amendment 1

Proposed ***new subsection 428W(8)*** was included in the Crimes (Amendment) Bill 1999, having regard to the draft recommendation of the Law Reform Commission, in its draft Bail Reform report, that provisions along the lines of those in Part 3 of the NSW *Mental Health (Criminal Procedure) Act 1990* be included in ACT legislation.

However, notwithstanding that a similar provision is in that NSW legislation, it is unnecessary to include it in the Act, as the court may already do the things listed in proposed ***new paragraphs 428W(8) (a) to (d)***, without the inclusion of this provision. As the provision doesn't confer any powers on the Magistrates Court it does not already have this amendment omits it.

Amendment 2

This amendment is required to ensure that where the Magistrates Court is satisfied, under ***new subsection 428WA(2)***, that "it is more appropriate to order that [an accused found to have committed the acts constituting a serious offence] submit to the jurisdiction of the tribunal ..." the Magistrates Court shall make such an order accordingly.