

FACT SHEET

Crimes (Miscellaneous Amendments) Bill 2016

The Crimes (Miscellaneous Amendments) Bill makes a number of minor amendments to the *Criminal Code Act 1924*, *Criminal Justice (Mental Impairment) Act 1999* and *Sentencing Act 1997*.

The Bill amends the *Criminal Code Act 1924* by:

- removing the requirement that preliminary proceedings in relation to the charge of rape be conducted by a magistrate;
- clarifying the circumstances in which a person may be charged with the crime of being found prepared for the commission of a crime;
- providing for the Crown to give a closing address in circumstances where an accused is unrepresented and has called no witnesses;
- removing the requirement for an accused to be asked by a court official whether he or she has anything to say as to why sentence should not be passed upon him or her; and
- adding the crimes of carjacking and aggravated carjacking to the list of crimes where an arrest can be made without a warrant if a police officer has reasonable grounds for believing that a person has committed the crime.

The Bill amends the *Criminal Justice (Mental Impairment) Act 1999* by:

- inserting a definition of “controlling authority” to incorporate the definition of the term in the *Mental Health Act 2013*;
- allowing the Court to make an interim order;
- clarifying the findings available after special hearing relating to the circumstances where a person is unfit to stand trial;
- enabling the Court to have reference to one report from either the Chief Forensic Psychiatrist or a medical practitioner nominated by the Chief Forensic Psychiatrist and one report from another expert who need not be a medical practitioner;
- clarifying the circumstances in which the Magistrates Court is to refer a matter to the Supreme Court for determination where it considers that a forensic order should be made;
- providing that a defendant may be taken to an approved hospital and need not be transferred to a secure mental health unit unless such transfer is deemed

necessary for adequate treatment or protection of the defendant or another person;

- providing that the transport and escort provisions of the *Mental Health Act 2013* apply to persons apprehended under a supervision order;
- confirming that treatment orders made under the *Criminal Justice (Mental Impairment) Act 1999* are deemed to be orders under the *Mental Health Act 2013*; and
- inserting enforcement provisions in relation to conditional release orders.

The Bill also amends section 81A of the *Sentencing Act 1997* to provide that summary courts may receive victim impact statements in relation to matters involving family violence, death and serious injury.