

## FACT SHEET

### **Crimes (Miscellaneous Amendments) Bill 2013**

The Bill makes a number of amendments to the *Criminal Code Act 1924* and the *Justices Act 1959*. The Bill:

Amends the *Criminal Code Act 1924* to

- (a) Insert definition of “motor vehicle” in section 1. The definition is required because of the use of the term in the new carjacking offence;
- (b) Omit section 92 (Maintenance);
- (c) Amend section 150 to clarify that the duty extends to an animal that may endanger human life ;
- (d) Insert a new section creating crimes of carjacking and aggravated carjacking;
- (e) Insert a new section creating a general crime of fraud;
- (f) Delete paragraph 297(1)(d) consequential on the creation of the new general fraud crime;
- (g) Insert a new section 331B(2A) to restrict an application under section 331B(2)(a) as of right to the first appearance of the defendant. At all other times the application can only be made with the leave of the Court;
- (h) Insert a new section 334C to provide for alternative convictions on a charge of causing death by dangerous driving;
- (i) Insert a new paragraph (d) in section 337B(1) to add another possible alternative conviction to a charge of maintaining a sexual relationship with a young person;

- (j) Insert a new paragraph (ba) to include the new crime of fraud as a possible alternative conviction to other crimes of dishonesty;
- (k) Amend section 350(1) to allow a person appearing for the Crown, other than a Crown Law Officer to inform the court that the Crown will not proceed further;
- (l) Insert a new section 368B to provide that a defendant who intends to adduce the evidence of an “expert” (admissible opinion evidence within the meaning of the *Evidence Act 2001*) must give notice of evidence containing certain specified information and provide that the Court must warn the defendant of the requirements of this new section;

Amends the *Justices Act 1959* to insert a new provision that mirrors section 402(4A) of the Criminal Code which states that on hearing an appeal which may result in the imposition of a new sentence a Court must not take into account the fact that the Court's decision may mean that the person is sentenced for the crime a second time.