

## CLAUSE NOTES

### *Justice Legislation Miscellaneous Amendments Bill 2019*

- PART 1**      **Preliminary**
- Clause 1**      **Short Title**  
Clause 1 cites the Act as the *Justice Legislation Miscellaneous Amendments Act 2019*.
- Clause 2**      **Commencement**  
Clause 2 is a formal provision specifying that the Bill will commence on proclamation.
- PART 2**      ***Criminal Code Act 1924* amended**
- Clause 3**      **Principal Act**  
Clause 3 cites the *Criminal Code Act 1924* as the Principal Act in this Part.
- Clause 4**      **Section 40I amended (Right of appeal)**  
Clause 4 broadens the appeal rights of the Crown by amending the definition of “sentence” within section 40I(3) to include an order deferring the sentencing of a person or altering the date to which the sentencing of the person is deferred.
- PART 3**      ***Criminal Law (Detention and Interrogation) Act 1995* amended**
- Clause 5**      **Principal Act**  
Clause 5 cites the *Criminal Law (Detention and Interrogation) Act 1995* as the Principal Act in this Part.
- Clause 6**      **Section 4 amended (Detention of person in custody)**  
Clause 6 clarifies that a person taken into custody under a warrant issued by a judge of the Supreme Court is not to be taken before a magistrate or a justice.
- PART 4**      ***Sentencing Act 1997* amended**
- Clause 7**      **Principal Act**  
Clause 7 cites the *Sentencing Act 1997* as the Principal Act in this Part.
- Clause 8**      **Section 42AL amended (Power of arrest)**  
Clause 8 inserts a new subsection (3A).  
  
Subsection 42AL(3A) provides the power to a justice or a magistrate to remand in custody or admit to bail, an offender subject to a home detention order made by a court of petty sessions who is arrested by a police officer under a warrant issued under section 42AL(1) or (3).

In addition, clause 8 amends subsection (5) to clarify the process if an offender subject to a home detention order is arrested by a police officer for a breach or potential breach of a condition of their home detention order.

**Clause 9**                    **Section 44 amended (Period for payment of fine)**

Clause 9 inserts a new subsection (2A) to provide a default period of 28 days for the payment of fines in the event that a court does not order that the fine be paid within a set period.

**PART 5**                    **Concluding Provision**

**Clause 10**                **Repeal of Act**

Clause 10 provides for the repeal of the Bill a year after it commences.