

FACT SHEET

JUSTICE MISCELLANEOUS (COURT BACKLOG AND RELATED MATTERS) BILL 2020

The *Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020* amends the *Bail Act 1994*, *Criminal Code Act 1924*, *Criminal Justice (Mental Impairment) Act 1999*, *Justices Act 1959*, *Misuse of Drugs Act 2001*, *Police Offences Act 1935* and the *Sentencing Act 1997*

The Bill is aimed at reducing the court backlog in the Supreme Court, improving administrative efficiency in the courts and for related matters. The Bill looks to achieve this by the early introduction of some of the provisions of the *Magistrates Court (Criminal and General Division) Act 2020*.

The Bill includes the following reforms:

- Amendments to the *Justices Act 1959*, *Criminal Code* and *Criminal Justice (Mental Impairment) Act 1999* to implement reforms to preliminary proceedings processes by providing that Magistrates may make preliminary proceedings orders prior to the committal of indictable matters to the Supreme Court;
- Amendments to the *Bail Act 1994*, *Justices Act 1959* and the *Criminal Code* to consolidate a number of bail provisions in the *Bail Act 1994* and to introduce new limits on the ability of defendants to apply directly to the Supreme Court for bail (where bail could be applied for in the Magistrates Court);
- Amendments to the *Justices Act 1959* to enable a broader range of offences to be dealt with summarily, including amendments to:
 - duplicate the list of minor offences and electable offences in line with the provisions of the new *Magistrates Court (Criminal and General Division) Act 2019*; and
 - increase the property value thresholds for minor offences that will be dealt with summarily from \$5000 to \$20 000, and for electable offences that can be dealt with summarily from \$20 000 to \$100 000 in line with the provisions of the new *Magistrates Court (Criminal and General Division) Act 2019*;
- Amendments to section 13 of the *Sentencing Act 1997* to increase the maximum term of imprisonment that can be imposed on an offender convicted of a crime that is triable summarily from 12 months to three years for a first offence;
- Amendments relating to minor, electable and mirror offences to:
 - introduce in the *Misuse of Drugs Act 2001* a new mirror minor summary offence for trafficking in a controlled substance, including a reverse onus presumption provision similar to section 12 of the *Misuse of Drugs Act 2001*;
 - introduce in the *Misuse of Drugs Act 2001* a new mirror minor summary offence for cultivating a controlled plant for sale, including a reverse onus presumption similar to section 7 of the *Misuse of Drugs Act 2001*;

- introduce in the *Police Offences Act 1935*, a summary offence 'stealing with force' similar to robbery under section 240(1) of the *Criminal Code*;
- An amendment to make the offences of stalking and bullying under section 192 of the *Criminal Code* and making false statutory declarations and other false statements under section 113 of the *Criminal Code* electable if both the defence and prosecution consent to the matter being dealt with summarily;
- An amendment to section 7B (Possession of implement or instrument) and 15C (dangerous articles) of the *Police Offences Act 1935* to increase the penalty to a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years;
- An amendment to section 37AA (Unlawfully setting fire to property) of the *Police Offences Act 1935* to remove the dollar value from section 37AA; and
- An amendment to the *Police Offences Act 1935* to extend the time to lodge complaints from six months to two years for computer related offences under sections 43A to 43D of the *Police Offences Act 1935*.

The Bill was developed in consultation with a range of key legal stakeholders and a number of the reforms have already been endorsed by Parliament through the passage of the *Magistrates Court (Civil and General Division) Act 2019*.