

Criminal Procedure (Amendment) Bill 2012

EXPLANATORY MEMORANDUM

OBJECTIVES

The *Criminal Procedure (Amendment) Bill 2012* proposes to expand the range of offences in relation to which police may institute proceedings without requiring the involvement of a Magistrate and the Court. This is achieved by removing the limitations contained in section 53 of the *Criminal Procedure Act 1972*.

EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal provisions.

The Schedule contains the substantive amendments.

Item 1 contains 4 amendments to section 53 that collectively remove the parts of section 53 that restrict the operation of that section to certain offences and to a certain time period.

Amendment 1.1 clarifies and removes any doubt that personal service is required in every case and that service of a summons to attend court under the section may be served in accordance with the service provisions of Part IV of the Act. For example, those provisions provide for service by leaving the notice with a person's employer if personal service cannot be effected.

Amendment 1.2 lifts the restriction on the operation of section 53(1) from "any offence to which this section applies" to "an offence".

Amendment 1.3 extends the minimum period of time allowed between the date of service of a notice to attend court and the date of attendance at Court. This is extended from 2 days to 7 days.

Amendment 1.4 removes the requirement that a notice under the section must be served not later than 14 days after the alleged offence.

Amendment 1.5 requires a copy of a notice issued under this section to be lodged with the Clerk of the District Court within seven days of service of the notice. Currently such a notice is required to be lodged before the date and time stated in the notice for attendance.

Amendment 1.6 is consequential to amendment 1.2 in repealing subsection 53(5) which provides the description of the range of offences to which section 53 currently applies.