

**Criminal Procedure (Amendment) (No 2) Bill 2012**

**EXPLANATORY MEMORANDUM**

**OBJECTIVES**

The *Criminal Procedure (Amendment) (No 2) Bill 2012* proposes to repeal section 53(4) of the *Criminal Procedure Act 1972* which currently applies the provisions of section 61 to the issuing of a notice to attend court by police under section 53. Section 61 provides for a Magistrate to allow a person who receives a charge and summons to elect to not attend court in the case of certain offences and on entering a plea of guilty or attending by barrister and solicitor or pleader.

The Bill proposes to amend the *Criminal Law Procedure Act 1972* so that each person who is issued a notice to attend court by a police officer under section 53 is required to attend court on the specified date and time without exception.

**EXPLANATION OF CLAUSES**

**Clause 1** provides the short title of the Bill.

**Clause 2** provides that the Act will commence on certification.

**Clause 3** provides that the Schedule amends the *Criminal Procedure Act 1972*.

**Schedule:**

**Amending item 1** repeals section 53(4) which currently applies section 61 to the issuing of a notice to attend court by police under section 53. Section 61 provides for a Magistrate to allow a person who receives a charge and summons to elect to not attend court in the case of certain offences and on entering a plea of guilty or attending by barrister and solicitor or pleader. The repeal of section 53(4) will require each person issued with a notice to attend court by a police officer under section 53 to attend court on the specified date and time, without exception.

**Amending item 2** makes consequential amendments to section 61 deleting all references to section 53 contained in section 61.