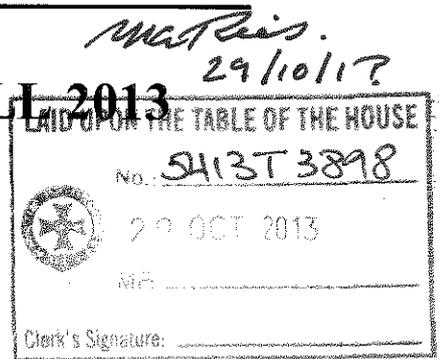

G20 (SAFETY AND SECURITY) BILL 2013



Explanatory Notes

FOR

**Amendments To Be Moved During
Consideration In Detail By The Honourable
Jack Dempsey MP**

Title of the Bill

G20 (Safety and Security) Bill 2013

Objectives of the Amendments

The objective of the amendments is to clarify the intention of amendments made to section 320 (grievous bodily harm) and section 340 (serious assaults) of the Criminal Code by the *Criminal Code (Criminal Organisations Disruption) Amendment Act 2013*.

Achievement of the Objectives

The objective is achieved by way of amendments to the Bill as described below.

Alternative Ways of Achieving Policy Objectives

There is no alternative way to achieve the policy objective.

Estimated Cost for Government Implementation

There are no costs associated with the amendments.

Consistency with Fundamental Legislative Principles

The amendments are clarifying in nature.

Consultation

Consultation was undertaken with the Director of Public Prosecutions.

NOTES ON PROVISIONS

Clause 1 inserts a new Division 1A into the Bill which includes new clauses 102A to 102C.

New clause 102A provides that the new Division 1A amends the Criminal Code.

New clause 102B amends section 320 (grievous bodily harm) of the Criminal Code. The amendment inserts the words ‘a minimum of’ into the section to clarify that for an offender who is a participant in a criminal organisation and who harms a police officer acting in execution of their duty, the mandatory *minimum* penalty is one year imprisonment served wholly in a corrective services facility.

The amendment puts beyond doubt that the mandatory sentence is a minimum sentence, and that the court may sentence above one year imprisonment. The amendment avoids the possible interpretation that the mandatory sentence is the only sentence the court may impose. The amendment is consistent with the Government’s intention when amending section 320 by the *Criminal Code (Criminal Organisations Disruption) Amendment Act 2013*, as expressed in the Explanatory Notes to that Act.

New clause 102C amends section 340 (serious assaults) of the Criminal Code. The amendment inserts the words ‘a minimum of’ into the section to clarify that for an offender who is a participant in a criminal organisation and who assaults a police officer acting in execution of their duty in any of the circumstances attracting the maximum penalty of 14 years imprisonment, the mandatory *minimum* penalty is one year imprisonment served wholly in a corrective services facility.

The amendment puts beyond doubt that the mandatory sentence is a minimum sentence, and that the court may sentence above one year imprisonment. The amendment avoids the possible interpretation that the mandatory sentence is the only sentence the court may impose. The amendment is consistent with the Government’s intention when amending section 340 by the *Criminal Code (Criminal Organisations Disruption) Amendment Act 2013*, as expressed in the Explanatory Notes to that Act.

Clause 2 amends the long title of the Bill to reflect that the Bill now amends the Criminal Code.