

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

CRIMES AMENDMENT BILL 1994

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government

(Circulated by authority of  
the Minister for Justice, the Hon Duncan Kerr MP)





## CRIMES AMENDMENT BILL 1994

### GOVERNMENT AMENDMENTS

#### General Outline

These amendments have been prepared to obviate the need for consequential amendments to other Commonwealth legislation which refer to the conspiracy sections of the *Crimes Act 1914*, (sections 86 and s.86A).

The Bill proposed the deletion of the old conspiracy sections and placed the new conspiracy sections near the beginning of the *Crimes Act* at proposed section 7B. This placed the provision alongside similar provisions such as those concerning attempt and incitement.

On reflection the proposed move of the provision had the potential of confusing practitioners and created the need for a large number of consequential amendments to other Acts which have many cross-references to the *Crimes Act* conspiracy provisions.

The amendment addresses this by proposing the new conspiracy provision should be located at section 86 and ensuring that references elsewhere to sections 86 and 86A will mean that they are references to new section 86. The change will make the Bill easier to use.

### FINANCIAL IMPACT

The amendments are not expected to have any financial impact on Government expenditure.

## NOTES ON CLAUSES

### Amendment (1)

This amendment to Clause 6 omits the new conspiracy provision proposed section 7B. This enables it to be moved.

### Amendment (2)

This amendment to Clause 9 provides for the movement of the new conspiracy provision to section 86. The new section 86 is identical to what was proposed for section 7B (therefore it also mirrors the Model Criminal Code conspiracy provision) except it has an additional subsection to obviate the need for consequential amendments.

The additional subsection, proposed subsection 86(10) provides that in any law of the Commonwealth references to sections 86 and 86A of the *Crimes Act* should be taken to be references to proposed new section 86. This will be readily apparent to those using the provision because the other Acts already refer them to section 86.