

## 18/765 Crimes Legislation Amendment Bill 2019

Summary of impacts	
<ul style="list-style-type: none"> <li>The Crimes Legislation Amendment Bill 2019 is an omnibus Bill that will strengthen law enforcement outcomes, make procedural improvements to enhance court processes and ensure consistency with Commonwealth legislation, including to: <ul style="list-style-type: none"> <li>amend the <i>Confiscation of Criminal Assets Act 2003</i> to give effect to the equitable sharing arrangements in the Intergovernmental Agreement (IGA) on the National Cooperative Scheme on Unexplained Wealth and ensure that proceeds of unexplained wealth are paid out in accordance with the processes in the IGA;</li> <li>create a new offence of assaulting a police officer and emergency services personnel;</li> <li>extend the pool of authorised officers able to witness an oath to be taken or an affidavit to be made by allowing police officers of, or above, the rank of sergeant to witness affidavits of service in family and personal violence proceedings;</li> <li>provide more consistent powers to the Magistrates Court and Supreme Court to issue witness warrants; and</li> <li>exempt suppliers and consumers of low tetrahydrocannabinol (THC) hemp seeds as food from the application of criminal offence provisions applying to cannabis and cannabis products in the ACT to ensure they are not vulnerable to prosecution.</li> </ul> </li> </ul>	

Key to impacts: Red – negative, Blue – neutral, Green – Positive.

### Social

Justice and rights	<ul style="list-style-type: none"> <li>The amendments aim to improve the operation of the justice system and provide better outcomes for the community and both people subject to criminal laws and those regulating compliance with criminal laws.</li> <li>The amendments to allow senior police officers to witness affidavits of service support the right to the protection of the family (s 11) by promoting the prompt finalisation of applications and will support the personal safety of applicants. It may also support rights in criminal proceedings (s 22) of people potentially subject to orders by ensuring that applications can be resolved promptly.</li> <li>Changes to provisions dealing with witness warrants will engage human rights and amendments will need to be scrutinised for compatibility with <i>Human Rights Act 2004</i>. Human rights concerns about the potential use, and impact, of witness warrants on vulnerable community sectors such as Aboriginal and Torres Strait Islander people and victims of domestic violence will be considered in the drafting of the Bill and fully addressed in the explanatory statement for the Bill. Amendments will aim to ensure that victims' right to liberty (s 18) are not unreasonably limited, and guard against potential interferences with victims' rights to protection from degrading treatment (s 10).</li> </ul>
--------------------	--

### Economic

ACT Government Budget	<ul style="list-style-type: none"> <li>The national unexplained wealth scheme will have financial implications, including pecuniary benefits for the Territory when it assists with an investigation or the Commonwealth relies on a Territory offence. It is difficult to quantify what the implications will be as it will depend on how many matters the Commonwealth pursues under a Territory offence and the amount of any orders. Any budget implications will be addressed through an annual budget process.</li> </ul>
Productivity	<ul style="list-style-type: none"> <li>The Bill is anticipated to result in strengthened law enforcement outcomes and makes a range of procedural and efficiency reforms to improve the way the ACT's justice system operates. In particular, the amendment to extend the pool of authorised officers able to witness affidavits of service in family and personal violence proceedings will reduce the requirement to re-serve a respondent to an order, which is a procedural inefficiency for both the courts and police, and should support the timely proof of service allowing matters to proceed on their allocated</li> </ul>

	<p>court date. This reduces the need to re-list matters, which can be resource intensive for police and the courts.</p> <ul style="list-style-type: none"> <li>• The amendments to permit the sale, supply and use/consumption of low THC hemp seeds as food will ensure businesses currently selling these products are not vulnerable to prosecution. The legal sale of low THC hemp seed foods may promote community interest in consuming these products which contain protein, vitamins, minerals and polyunsaturated fatty acids.</li> </ul>
--	--

#### **Environmental**

Nil impact.