

# Crimes (Conspiracy and Incitement) Bill

## NOTES ON CLAUSES

*Clause 1* recites the short title.

*Clause 2* provides for commencement by proclamation.

*Clause 3* cites the *Crimes Act* 1958 as the principal Act.

*Clause 4* contains transitional provisions relating to the abolition of the offence of conspiracy at common law.

*Clause 5* contains transitional provisions relating to the abolition of the offence of incitement at common law.

*Clause 6* provides that the Act shall apply to any conduct constituting a conspiracy or an incitement not referred to in *Clause 4* or *Clause 5* including (but not limited to) an agreement constituting a conspiracy concluded over a period of time spanning the date of commencement of the Act and conduct constituting an incitement likewise occurring over a period of time spanning the date of commencement of the Act.

*Clause 7* inserts into the principal Act new Divisions “10—Conspiracy” and “11—Incitement” and makes consequential amendments to the Table of Contents.

*Section 321* defines the offence of conspiracy.

*Section 321A* applies to agreements to commit an offence outside Victoria, and agreements made outside Victoria, to commit an offence in Victoria.

*Section 321B* enacts the High Court decision in *R. v. Darby* on acquittal of alleged co-conspirators.

*Section 321C* imposes penalties for the offence.

*Section 321D* applies this Act to determination of guilt in prosecutions under other enactments.

*Section 321E* stipulates limitations on prosecution.

*Section 321F* abolishes the offence of conspiracy at common law.

*Sub-clause (2)* retains the offence of conspiring to cheat and defraud.

*Sub-clause (3)* abolishes the common law offences of inciting and attempting to commit the offence of conspiracy.

*Section 321G* defines the offence of incitement.

*Section 321H* applies to incitement to commit an offence outside Victoria.

*Section 321I* imposes penalties for the offence.

*Section 321J* applies this Act to determination of guilt in proceedings under other enactments.

*Section 321K* stipulates limitations on prosecution.

*Section 321L* abolishes the offence of incitement at common law.

*Clause 8—*

*Sub-clause (a)* inserts a definition of “incite” into the Act.

*Sub-clauses (b) to (d)* make consequential amendments.

*Sub-clause (e)* provides that where a presentment joins a count of conspiracy with a count of commission of the offence, the court shall determine whether the charges should be heard separately or together.

