

Crimes (Amendment) Bill (No. 2)

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 states the purposes of the Act.

Clause 2 provides that the Act comes into operation on a day or days to be proclaimed.

Clause 3 refers to the *Crimes Act 1958* as the Principal Act.

PART 2—UNSWORN STATEMENTS IN CRIMINAL TRIALS

Clause 4 replaces section 25 of the *Evidence Act 1958* with a provision which confers a right upon an accused person—

- (a) If not represented, to give an unsworn statement of fact; or
- (b) If represented, to give unsworn evidence in answer to the charge (in which case there will be no cross-examination permitted).

Clause 5 inserts a new section into the *Evidence Act 1958* which deals with the procedure when a person chooses to give unsworn evidence. It requires that notice of the intention to do so must be given at the close of the case for the prosecution and that where the jury is involved, the judge must inform the jury of the accused's options for giving evidence and the consequences of each.

Clause 6 inserts a new provision into the *Magistrates' (Summary Proceedings) Act 1975* requiring that unsworn evidence be put in writing or recorded and transcribed.

Clause 7 applies the amendments in Part 2 only to proceedings committed or alleged to have been committed or on after the commencement of this provision.

PART 3—ABOLITION OF MANDATORY SENTENCES OF LIFE IMPRISONMENT

Clause 8 allows the Court to sentence a person convicted of murder to life imprisonment or any other term as may be fixed.

Clause 9 allows the Court to sentence a person convicted of treason to life imprisonment or any other term as may be fixed.

Clause 10 allows the Court to sentence a person convicted of piracy with violence to life imprisonment or any other term as may be fixed.

Clause 11 allows the Court to sentence a person convicted of piratical acts to life imprisonment or any other term as may be fixed.

Clause 12 amends the *Penalties and Sentences Act 1985* to allow the Court to fix a minimum term when imposing a life sentence.

Clause 13 amends the *Community Welfare Services Act 1970* to require that any parole order in relation to a life prisoner must include a condition requiring supervision of a parole officer for not less than five years.

Clause 14 inserts a new section into the *Penalties and Sentences Act 1985* allowing application by either a life prisoner or the Director-General of Corrections to apply to the Supreme Court to fix a minimum term in accordance with the Act.

Clause 15 provides that a person convicted of murder must serve the whole of the minimum sentence set under the *Penalties and Sentences Act 1985* before being eligible to be released from custody.