



INFORMATION, ANALYSIS
AND ADVICE FOR THE PARLIAMENT

INFORMATION AND RESEARCH SERVICES

Bills Digest
No. 171 2002–03

Acts Interpretation Amendment (Court Procedures) Bill 2003

ISSN 1328-8091

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Published by the Department of the Parliamentary Library, 2003

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2003

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12 June 2003

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Acts Interpretation Amendment (Court Procedures) Bill 2003

Date Introduced: 5 June 2003

House: House of Representatives

Portfolio: Attorney-General

Commencement: 7 July 2003

Purpose

The Bill amends the *Acts Interpretation Act 1901 (Cwlth)* to make it clear that a reference in Commonwealth legislation to a summons, information or complaint (or other current forms of initiating proceedings) includes all relevant methods of initiating proceedings. The purpose of the amendment is to ensure that changes to procedures for initiating proceedings in State and Territory law do not create any unintended problems for the prosecution of criminal offences under Commonwealth law.

Background

The Commonwealth does not have its own criminal courts. Commonwealth offences are prosecuted in State and Territory Courts.

Changes to New South Wales criminal procedure commence on 7 July 2003. The changes include the introduction of new 'court attendance notices' to take the place of the old system of summons laid upon information or complaint made before a Justice.

As a result of these changes, certain Commonwealth provisions that rely on existing terminology may no longer be effective. It is also possible that other States and Territories will introduce similar changes in the future.

The *Acts Interpretation Act 1901 (Cwlth)* provides statutory authority for methods of interpretation of all Commonwealth legislation. It avoids repetition of common provisions thereby reducing the size of Commonwealth statutes.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Main Provisions

Item 1 of Schedule 1 inserts **new section 27A** into the *Acts Interpretation Act 1901*. As noted above, the new section will ensure that references in Commonwealth legislation to the commencement of proceedings (by State or Territory procedures) are taken to include all documents through which proceedings may be instituted in a court.

Item 2 ensures that the amendment applies to proceedings on or after 7 July 2003. If the Bill does not come into effect by that date the amendment will have a retrospective operation. However, as the nature of the amendment is to allow existing procedures to continue to operate and has no effect on the rights or obligations of the individual, no issue concerning the presumption against the retrospective operation of statutes arises.

Concluding Comments

The Bill is purely technical in nature. Its passage will ensure that no unintended technical problems arise in the initiation of criminal proceedings under Commonwealth criminal law in State and Territory courts.

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