



# House of Representatives

## Supplementary Order Paper

Wednesday, 14 March 2001

### Crimes (Criminal Appeals) Amendment Bill

#### *Proposed amendments*

Hon Phil Goff, in Committee, to move the following amendments:

*Clause 5(1)*

To insert in *new subsection (1A)(b)*, after the word “if” (page 4, line 1), the words “the Registrar considers it”.

*Clause 6: new section 392A*

To insert in *subsection (5)*, after the words “having regard to any” (page 6, line 23), the word “written”.

To insert, after *subsection (5)* (page 6, line 24), the following subsection:

“(5A) The Court or Judge making a decision on the mode of hearing must apply **subsections (2) to (5) of section 392B** (with all necessary modifications) in the same way as the Court would apply them in determining an appeal or application for leave to appeal.

*Clause 9*

To insert, after *subclause (1)* (page 9, line 7), the following subclause:

(1A) The Schedule of the Court of Appeal (Criminal) Rules 1997 is amended by omitting question 1 from form 1.

To insert, after *subclause (4)* (page 9, line 36), the following subclause:

(4A) The Schedule of the Court of Appeal (Criminal) Rules 1997 is amended by omitting question 2 from form 3.

*Clause 12(1)*

To insert in *paragraph (b)*, after the word “any” (page 13, line 9), the word “written”.

To insert in *paragraph (c)*, immediately before the word “submissions” in both places where it occurs (page 13, lines 10 and 11), the word “written”.

To insert, after *subsection (1)* (page 13, line 14), the following subsection:

- (1A) Neither the parties nor their representative may appear before a Judge on an application for leave for a rehearing.

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### **Explanatory note**

This Supplementary Order Paper amends the Crimes (Criminal Appeals) Amendment Bill. It clarifies the following points:

- it is the Registrar of the Court of Appeal who determines, for the purpose of preparing the case on appeal, whether the trial Judge's summing up to the jury is relevant to the grounds of appeal (*clause 5(1)*);
- a decision on the mode of hearing is made on the basis of the written material before the Court or Judge making the decision, and is dealt with in the manner of a hearing on the papers (*clause 6*);
- it is only written submissions that are considered by the Judge making a decision on an application for leave for a rehearing, and neither the parties nor their representatives are entitled to appear before the Judge making the decision (*clause 12*).

In addition, the amendments to *clause 9* provide for the omission of questions relating to legal aid from 2 forms in the Court of Appeal (Criminal) Rules 1997. This is because the Court of Appeal is no longer involved in granting legal aid.

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House of Representatives

# Supplementary Order Paper

Tuesday, 20 March 2001

**Taxation (Beneficiary Income of Minors, Services-Related Payments and Remedial Matters) Bill**

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*Proposed amendments*

Rod Donald, in Committee, to move the following amendments:

*Clause 13B*

To insert (after line 22, page 12) the following:

“(ca) made by a relative, a legal guardian, or an associated person, against whom a protection order has been made under section 14 of the Domestic Violence Act 1995; or”.

To insert (after line 29, page 12) the following:

“(2) **Subsection (1)(ca)** applies if—

“(a) the minor is a protected person, as defined in section 2 of the Domestic Violence Act 1995, in relation to the protection order; and

“(b) the settlement on the trust is made before the protection order is made or during the time the protection order is in force.

“(3) For the purpose of **subsection (1)(ca)**, a settlement on the trust may be made jointly with another person.”

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**Explanatory note**

This Supplementary Order Paper amends the Taxation (Beneficiary Income of Minors, Services-Related Payments and Remedial Matters) Bill.

*Clause 13B* is amended to provide an exception from the minor beneficiary rule for settlements made by a settlor against whom a protection order has been

made under the Domestic Violence Act 1995 if the order is for the benefit of the minor beneficiary. The exception applies to all settlements made by the settlor before or during the time the protection order is in force.

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