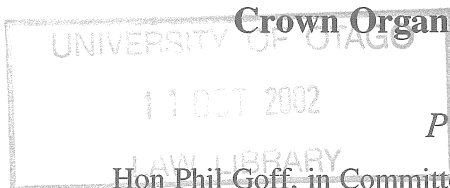


House of Representatives

Supplementary Order Paper

Thursday, 3 October 2002

Crown Organisations (Criminal Liability) Bill



Proposed amendments

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

Clause 8

To omit *subclauses 3A and 3B* (lines 17 to 31 on page 4), and substitute the following subclause:

- (3A) Despite **subsection (3)**, a court may not sentence an offender to pay a fine in respect of an offence referred to in **section 6**.

Heading above clause 23 and clause 23

To omit the heading above *clause 23* and *clause 23* (line 28 on page 10 to line 5 on page 11).

New heading and new clause 27B

To insert, after line 5 on page 13, the following heading and clause:

Amendments to Sentencing Act 2002

27B Interpretation

- (1) Section 4(1) of the Sentencing Act 2002 is amended by inserting, after the definition of **court**, the following definition:
- “**Crown organisation** has the same meaning as in **section 4 of the Crown Organisations (Criminal Liability) Act 2001**”.
- (2) Section 4 of the Sentencing Act 2002 is amended by adding the following subsection:
- “(4) For the purposes of this Act, the offender, in the case of a Crown organisation that is charged with, or convicted of, an offence against the Building Act 1991 or the Health and Safety in Employment Act 1992, is that Crown organisation and not the Crown.”

Explanatory note

This Supplementary Order Paper amends the Crown Organisations (Criminal Liability) Bill to make changes that are required as a consequence of the enactment of the Sentencing Act 2002.

Under *clause 8* of the Bill, as reported back from the Select Committee, a court could not sentence a Crown organisation to pay a fine unless the whole of the fine was awarded to the victim under section 28 of the Criminal Justice Act 1985.

As there is no corresponding provision in the Sentencing Act 2002 that enables the court to award part of a fine to a victim, *clause 8* of the Bill is amended to simply prohibit the imposition of a fine on a Crown organisation as a penalty for an offence.

The other changes made by the Supplementary Order Paper delete provisions that amend the Criminal Justice Act 1985 (which are no longer required) and insert comparable provisions into the Sentencing Act 2002.
