

# House of Representatives

# Supplementary Order Paper

**Tuesday, 15 October 2019**

## **Statutes Amendment Bill**

### *Proposed amendment*

Hon Aupito William Sio, in Committee, to move the following amendment:

#### *Clause 133B*

After *clause 133B(5)* (page 35, after line 30) insert:

(5A) Replace section 21(8)(d)(iv) with:

- (iv) a notice of the defendant filed in the court under paragraph (c) is to be treated as if it were a notice of the defendant pleading guilty to the offence under section 38(1) of the Criminal Procedure Act 2011, but—
  - (A) section 38(2) of the Criminal Procedure Act 2011 does not apply; and
  - (B) despite sections 117 and 118 of the Criminal Procedure Act 2011, the defendant is not required or entitled to appear before the court hearing the proceedings.

### **Explanatory note**

This Supplementary Order Paper amends *clause 133B* to add a further amendment to section 21 of the Summary Proceedings Act 1957, which relates to the procedure for infringement offences. Section 21(6) to (8) provides for the procedure where a person issued with an infringement notice requests a hearing in relation to the offence. One option for a person requesting a hearing is to admit liability and, under section 21(7), make any submissions as to penalty or otherwise that they wish to be considered by a court. Section 21(8)(d) provides that the admission of liability in the request for a hearing is treated as if it were a notice filed in court pleading guilty to the offence.

The revised section 21(8)(d) makes it clear that the person may make only written submissions to the court and is not required or entitled to appear in person.