

CRIMINAL CODE AMENDMENT BILL 2001

EXPLANATORY MEMORANDUM

Clause 1 – Short Title

This clause provides for this Act to be cited as the Criminal Code Amendment Act 2001.

Clause 2 – Commencement

This clause provides for this Act to come into operation on the day on which it receives the Royal Assent.

Clause 3 – Section 338C replaced

Currently, section 338 C of the *Criminal Code* creates the crime of making false statements that a threat, for example, to kill or injure persons or destroy property, has been made or that there has been or is an intention, proposal, plan or conspiracy to do such things. The penalty is 3 years imprisonment or a summary conviction penalty of 18 months imprisonment or a \$6,000 fine.

This clause will repeal section 338C from the *Criminal Code* and insert a new section 338C.

The offences in new section 338C (1) are similar to the offences in the current section 338C. However, the penalty will be increased to 10 years imprisonment or on summary conviction to 3 years imprisonment of \$12,000 fine, for the offence of making false statements relating, for example, to threats, plans or conspiracies involving killing, injuring, endangering or harming persons or destroying, damaging, endangering or harming property or taking or exercising control of a building, structure or vehicle by violence or force,

A new offence is also created in section 338C when a person, knowing that the relevant circumstances do not exist, does an act intending to create a belief, suspicion or fear that:

- Persons may be killed, injured, endangered or harmed;

- Property will be destroyed, damaged, endangered or harmed;
- Buildings, structures or conveyances will be taken over or controlled.

The penalty for this offence is 10 years imprisonment or on summary conviction 3 years imprisonment or \$12,000 fine.

Courts may order that a person convicted of an offence under section 338C must pay the wages or expenses incurred during an investigation, inquiry or search undertaken as a result of that person's act or statement. Such an order must specify to whom and in what manner the money is to be paid. For enforcement purposes, that money is to be treated as if it were a penalty.