CRIMINAL CODE AMENDMENT BILL (No. 2) 2013

EXPLANATORY MEMORANDUM AND CLAUSE NOTES

Clause 1.   Short title

The short title of the Act will be the *Criminal Code Amendment Act (No.2) 2013.*

Clause 2.   Commencement

Proposed sections 1 and 2 of the Act will come into operation on assent. The rest of the proposed Act will commence on the day after that day.

Clause 3.   The Criminal Code Amended

Clause 3 provides that this is an Act to amend the *Criminal Code*.

Clause 4.   Section 297 Amended

Clause 4 states that s.297 will be amended to insert a new subsection (iiia) after ss297(8)(a)(ii) that provides as follows:

>   *a person appointed under the Young Offenders Act 1994 section 11(1a)(a); or*

This amendment will mean that an act of grievous bodily harm committed upon a person appointed under s.11(1a)(a) of the *Young Offenders Act* (a Youth Custodial Officer) will fall within the definition of ***prescribed circumstances*** for the purposes of the application of the mandatory sentencing provisions of s.297.

The reference is limited to officers appointed under s.11(1a)(a) of the *Young Offenders Act* to capture only those officers engaged in custodial functions and not other employees appointed under that Act performing ancillary or administrative functions.

Clause 5.   Section 318 Amended

Clause 5 states that s.318 will be amended to insert a new subsection (iiia) after ss.318(5)(a)(ii) that provides as follows:

>   *a person appointed under the Young Offenders Act 1994 section 11(1a)(a); or*

This amendment will mean that a serious assault upon a person appointed under s.11(1a)(a) of the *Young Offenders Act* (a Youth Custodial Officer) will fall within the category of ***prescribed circumstances*** for the purposes of the application of the mandatory sentencing provisions of s.318.

The reference is limited to officers appointed under s.11(1a)(a) of the *Young Offenders Act* to capture only those officers engaged in custodial functions and not other employees appointed under that Act performing ancillary or administrative functions.