Commencement of the *Criminal Legislation Amendment Act 2009*

The *Criminal Legislation Amendment Act 2009* commenced on 19 May 2009. The object of the Act is to make miscellaneous amendments to legislation relating to crimes, criminal procedure and other matters. The Act amends the following Acts:

1. *Child Protection (Offenders Registration) Act 2000* to make changes to the reporting period in the case of a person who has previously been required to report under the Act but whose reporting period has expired.

2. *Confiscation of Proceeds of Crime Act 1989* to amend the definition of ‘drug trafficking offence’ to include offences under section 23A of the *Drug Misuse and Trafficking Act 1985* (offences with respect to enhanced indoor cultivation of prohibited plants in presence of children) involving more than the small quantity of a prohibited plant or prohibited drug within the meaning of that Act.

3. *Crimes Act 1900* to add breaking and entering as a circumstance of aggravation to the offences of sexual intercourse with a child under 10 and sexual intercourse with a child between 10 and 16.

4. *Crimes (Domestic and Personal Violence) Act 2007* to make two offences: attempt to commit the offence of contravening an apprehended violence order, and attempt to stalk or intimidate another person with the intention of causing the other person to fear physical or mental harm.

5. *Crimes (Sentencing Procedure) Act 1999* to:
   (a) clarify that the standard non-parole period for aggravated indecent assaults committed against children between the ages of 10 and 16 years is eight years; and
   (b) increase the membership of the NSW Sentencing Council from 13 to 15 members.

6. *Criminal Procedure Act 1986* to extend the time that the Ombudsman has to report to the Attorney General and Minister for Police on his further review of the operation of the Criminal Infringement Notice
scheme on Aboriginal and Torres Strait Islander communities by three months.

7. **Inclosed Lands Protection Act 1901** to:
   (a) extend the time limit for commencement of proceedings to six months; and
   (b) provide for particulars to be furnished to a defendant who is charged with an offence under that Act.

8. **Law Enforcement (Powers and Responsibilities) Act 2002** to:
   (a) update a cross-reference to a renumbered provision;
   (b) make consequential amendments as a result of the repeal of the *Liquor Act 1982* and its replacement by the *Liquor Act 2007*; and
   (c) amend the definition of ‘intoxicated person’ in section 198(4) in relation to the power to disperse intoxicated groups to make it consistent with the definition of ‘intoxicated’ in the *Liquor Act 2007*.

9. **Mental Health (Forensic Provisions) Act 1990** to make a consequential amendment following amendments made by the *Mental Health Act 2007* which enable the Mental Health Review Tribunal to make an order as to a person’s release following a not guilty finding on the basis of mental illness.