

LEGISLATIVE COUNCIL

STANDING COMMITTEE ON
LEGISLATION

REPORT

ON

*CRIMINAL LAW AMENDMENT BILL
(NO 2) 1992*

Presented by -

THE HONOURABLE GARRY KELLY, MLC

September 1992

MEMBERS

Hon Garry Kelly MLC (Chairman)
Hon John Caldwell MLC
Hon Cheryl Davenport MLC
Hon Peter Foss MLC
Hon Derrick Tomlinson MLC

STAFF

Mrs Jennie Westaway, Advisory Research Officer
Ms Ian Paniperis, Committee Clerk

REPORT

STANDING COMMITTEE ON LEGISLATION

CRIMINAL LAW AMENDMENT BILL (NO.2) 1992

1. The Committee received the *Criminal Law Amendment Bill (No.2) 1992* on referral from the House on 24 August, 1992.
2. The Committee met on two occasions to deal with the Bill and at its second meeting, took evidence from Mr Greg Calcutt, Parliament Counsel and Mr Graeme Scott, Crown Counsel on the proposed changes to the Code in relation to the transmission of infectious diseases.
3. The Committee has concluded that the changes to the definitions embodied in Clause 3 of the Bill do not criminalise behaviour which is not now criminal under the Criminal Code.
4. The transmission of a disease which "*interferes with the health and comfort of a person*" is only unlawful if the means by which the disease is transmitted is unlawful. For example, going to work with the 'flu is not caught by the amendments - going to work with the 'flu is not unlawful.
5. The Committee is satisfied that the amendments do not create new offences; they merely extend the ambit of the relevant offences already in the Criminal Code.
6. Accordingly, the Committee remits the Bill to the House and recommends its passage.