



Australian Capital Territory

Crimes (Sentencing) Amendment Act 2014

A2014-58

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Imprisonment	
Section 10 (3), examples for par (b), except notes	2
5 Periodic detention	
Section 11 (2) and (3)	2
6 Combination sentences—offences punishable by imprisonment	
Section 29 (1) (a), except note	3
7 Section 29 (1), example 2, 1st dot point	3
8 Section 29 (1), example 2, 2nd dot point	3

J2014-361

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
9	Application—pt 5.2 Section 64 (2), new note	3
10	Imprisonment—official notice of sentence Section 84 (2) (c)	4
11	New chapter 12	4
Schedule 1	Consequential amendments	5
Part 1.1	Crimes (Child Sex Offenders) Act 2005	5
Part 1.2	Crimes (Sentence Administration) Act 2005	5
Part 1.3	Electoral Act 1992	6
Part 1.4	Spent Convictions Act 2000	6



Australian Capital Territory

Crimes (Sentencing) Amendment Act 2014

A2014-58

An Act to amend the *Crimes (Sentencing) Act 2005*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Crimes (Sentencing) Amendment Act 2014*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Crimes (Sentencing) Act 2005*.

Note This Act also amends the following legislation (see sch 1):

- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Sentence Administration\) Act 2005](#)
- [Electoral Act 1992](#)
- [Spent Convictions Act 2000](#).

4 Imprisonment Section 10 (3), examples for par (b), except notes

substitute

Example—par (b)

release on parole under the *Crimes (Sentence Administration) Act 2005*

5 Periodic detention Section 11 (2) and (3)

substitute

- (2) The court may order that the sentence of imprisonment be served by periodic detention.

Note Periodic detention may be part of a combination sentence together with other sentencing options (see pt 3.6). However, periodic detention must not be combined with full-time detention (see s 29 (1) (a)).

- (3) The periodic detention must be for a period of at least 3 months and must end before 1 July 2016.

6 **Combination sentences—offences punishable by imprisonment**
Section 29 (1) (a), except note

substitute

- (a) an order sentencing the offender to imprisonment (as full-time detention or periodic detention, but not a combination of these kinds of imprisonment);

7 **Section 29 (1), example 2, 1st dot point**

omit

2 years

substitute

3 years

8 **Section 29 (1), example 2, 2nd dot point**

omit

9 **Application—pt 5.2**
Section 64 (2), new note

insert

Note Subsection (2) has application to sentences of imprisonment imposed before the *Crimes (Sentencing) Amendment Act 2014* commenced. Under amendments made by that Act, an order sentencing an offender to imprisonment cannot combine full-time detention and periodic detention.

10 **Imprisonment—official notice of sentence**
Section 84 (2) (c)

substitute

- (c) whether the sentence is to be served as full-time detention or periodic detention;

11 **New chapter 12**

insert

Chapter 12 **Transitional—Crimes**
(Sentencing) Amendment
Act 2014

204 **Application of amendments**

- (1) The amendments of this Act made by the *Crimes (Sentencing) Amendment Act 2014* apply to the sentencing of an offender for an offence if the offender is sentenced for the offence on or after the commencement day.

- (2) In this section:

commencement day means the day the *Crimes (Sentencing) Amendment Act 2014*, section 3 commences.

sentence includes re-sentence.

205 **Expiry—ch 12**

This chapter expires on 1 July 2016.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Crimes (Child Sex Offenders) Act 2005

[1.1] Section 83 (b), example and note

omit

Part 1.2 Crimes (Sentence Administration) Act 2005

[1.2] Section 39

omit

all or part of

[1.3] Section 116ZL (1)

omit

all or part of

[1.4] Section 116ZL (2) (b)

omit

all or part of

Part 1.3 Electoral Act 1992

[1.5] Section 71A (2), definition of *sentence of imprisonment*

omit

of the sentence

Part 1.4 Spent Convictions Act 2000

**[1.6] Section 11 (3), definition of *sentence of imprisonment*,
paragraph (a)**

omit

a period of

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 October 2014.

2 Notification

Notified under the [Legislation Act](#) on 4 December 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes (Sentencing) Amendment Bill 2014, which was passed by the Legislative Assembly on 27 November 2014.

Clerk of the Legislative Assembly

© Australian Capital Territory 2014