

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Sentencing) Amendment Bill 2014

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J2014-361

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

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Crimes (Sentencing) Amendment Bill 2014

A Bill for

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 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

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

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

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

14 **4 Imprisonment**
15 **Section 10 (3), examples for par (b), except notes**

16 *substitute*

17 **Example—par (b)**

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

19 **5 Periodic detention**
20 **Section 11 (2) and (3)**

21 *substitute*

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

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

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

3 **6 Combination sentences—offences punishable by**
4 **imprisonment**
5 **Section 29 (1) (a), except note**

6 *substitute*

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

10 **7 Section 29 (1), example 2, 1st dot point**

11 *omit*

12 2 years

13 *substitute*

14 3 years

15 **8 Section 29 (1), example 2, 2nd dot point**

16 *omit*

17 **9 Application—pt 5.2**
18 **Section 64 (2), new note**

19 *insert*

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

1 **10 Imprisonment—official notice of sentence**
2 **Section 84 (2) (c)**

3 *substitute*

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

6 **11 New chapter 12**

7 *insert*

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

11 **204 Application of amendments**

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

16 (2) In this section:

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

19 *sentence* includes re-sentence.

20 **205 Expiry—ch 12**

21 This chapter expires on 1 July 2016.

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

1 **Schedule 1** **Consequential amendments**
2 (see s 3)

3 **Part 1.1** **Crimes (Child Sex Offenders)**
4 **Act 2005**

5 **[1.1] Section 83 (b), example and note**

6 *omit*

7 **Part 1.2** **Crimes (Sentence**
8 **Administration) Act 2005**

9 **[1.2] Section 39**

10 *omit*

11 all or part of

12 **[1.3] Section 116ZL (1)**

13 *omit*

14 all or part of

15 **[1.4] Section 116ZL (2) (b)**

16 *omit*

17 all or part of

Endnotes

1 Presentation speech

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

2 Notification

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

3 Republications of amended laws

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