

**2008**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**EXPLANATORY STATEMENT**

**CRIMES (SENTENCE ADMINISTRATION) AMENDMENT REGULATION  
2008 (No 1)**

**SL2008-1**

Circulated by the authority of  
Simon Corbell MLA  
Attorney General

## EXPLANATORY STATEMENT

### Outline

The Regulation will declare jurisdictions that are participating jurisdictions for purposes of formally transferring and enforcing community based sentences between the ACT and NSW.

### Clauses

#### Clause 1, 2 and 3

Clause 1, 2 and 3 are technical clauses. Clause 1 names the regulation. Clause 2 stipulates the commencement day. Clause 3 stipulates the legislation this regulation would amend.

#### Clause 4 — participating jurisdiction — Act, section 265(3)

Section 261 of the authorising legislation states that community based sentences may only be transferred to and from jurisdictions that are participating jurisdictions. In accordance with section 265 of the authorising legislation, a participating jurisdiction must be declared by regulation.

Participating jurisdictions are those jurisdictions that have passed legislation that permits the transfer of community based sentences from the ACT to the other jurisdiction, and from the other jurisdiction to the ACT, in the manner and form prescribed by the authorising legislation.

The community-based sentence law of the NSW *Crimes (Interstate Transfer of Community Based Sentences) Act 2004* is corresponding law to the ACT's community based sentence law under the ACT *Crimes (Sentence Administration) Act 2005*. The NSW legislation permits the transfer of community-based sentences to and from NSW, in the manner and form prescribed by the authorising legislation. New section 5 stipulates that NSW is a participating jurisdiction.