

2011

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Shane Rattenbury)

Crimes (Sentencing) Amendment Bill 2011

A Bill for

An Act to amend the *Crimes (Sentencing) Act 2005*

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

J2011-737

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

1 **1 Name of Act**

2 This Act is the *Crimes (Sentencing) Amendment Act 2011*.

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 **4 New sections 138A and 138B**

10 *insert*

11 **138A Reporting on purposes of sentencing**

12 Each report prepared by the director-general under the *Annual*
13 *Reports (Government Agencies) Act 2004* must include information
14 on how the purposes of sentencing mentioned in section 7 are being
15 achieved including information on recidivism rates of people who
16 have been sentenced in the ACT.

17 **138B Review of Act**

- 18 (1) The Minister must review the operation of this Act.
19 (2) The review must begin before the end of this Act's 6th year of
20 operation.

21 *Note* The Act commenced on 2 June 2006. The review must begin not later
22 than 1 June 2012.

- 23 (3) The Minister must present a report of the review to the Legislative
24 Assembly within 12 months after the day the review is started.

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- 1 (4) In reviewing this Act, the Minister must have regard to—
- 2 (a) how effective sentences imposed in the ACT are in meeting the
- 3 purposes mentioned in section 7; and
- 4 (b) a comparison of custodial and non-custodial sentencing options
- 5 available in the ACT with options in other jurisdictions, with
- 6 an evaluation of the effectiveness of sentencing options that are
- 7 not available in the ACT; and
- 8 (c) community attitudes to current sentencing outcomes; and
- 9 (d) options to improve the level of understanding within the
- 10 community of sentencing purposes, processes and outcomes.
- 11 (5) In conducting the review, the Minister must consult with the
- 12 following:
- 13 (a) the director of public prosecutions;
- 14 (b) civil liberties groups;
- 15 (c) entities that represent—
- 16 (i) police officers; and
- 17 (ii) victims of crime; and
- 18 (iii) the legal profession; and
- 19 (iv) offenders;
- 20 (d) any other entity that, in the Minister's opinion, has an interest
- 21 in sentencing.
- 22 (6) In conducting the review, the Minister may have regard to anything
- 23 else that the Minister considers relevant.
- 24 (7) The report must include recommendations about ways to improve
- 25 the effectiveness of sentences imposed in the ACT in meeting the
- 26 purposes of sentencing mentioned in section 7.
- 27 (8) This section expires 2 years after the day it commences.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2011.

2 Notification

Notified under the Legislation Act on 2011.

3 Republications of amended laws

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

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