

# EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

## Crimes (Sentencing Legislation) Consequential Amendments Bill 2004

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# EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

## Crimes (Sentencing Legislation) Consequential Amendments Bill 2004

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### A Bill for

An Act to amend various legislation because of the enactment of the *Crimes (Sentence Administration) Act 2004* and *Crimes (Sentencing) Act 2004*, and for other purposes

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

**1 Name of Act**

This Act is the *Crimes (Sentencing Legislation) Consequential Amendments Act 2004*.

**2 Commencement**

This Act commences on the commencement of the *Crimes (Sentence Administration) Act 2004*.

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

**3 Legislation amended—sch 1**

This Act amends the legislation mentioned in schedule 1.

**4 Legislation repealed**

(1) The following Acts are repealed:

- *Community Based Sentences (Transfer) Act 2003* A2003-5
- *Parole Orders (Transfer) Act 1983* A1983-10
- *Periodic Detention Act 1995* A1995-3
- *Prisoners (International Transfer) Act 1999* A1999-9
- *Prisoners Interstate Leave Act 1997* A1997-99
- *Prisoners (Interstate Transfer) Act 1993* A1993-70
- *Rehabilitation of Offenders (Interim) Act 2001* A2001-82
- *Remand Centres Act 1976* A1976-48
- *Removal of Prisoners Act 1968* A1968-82
- *Supervision of Offenders (Community Service Orders) Act 1985* A1985-10.

- (2) The following regulations are repealed:
- *Periodic Detention Regulations 1995* SL1995-34
  - *Rehabilitation of Offenders (Interim) Regulations 2001* SL2001-39
  - *Remand Centres Regulations 1976* SL1976-17.
- (3) The following instruments are repealed:
- *Periodic Detention (Authority to test 2001)* NI2001-39
  - *Periodic Detention (Authority to test 2001 No 2)* NI2001-40
  - *Periodic Detention (Authority to test 2002)* NI2002-42
  - *Periodic Detention (Authority to test 2002 No 2)* NI2002-43
  - *Periodic Detention (Authority to test 2002)* NI2002-77
  - *Periodic Detention (Authority to test 2002 No 2)* NI2002-78
  - *Periodic Detention-Authority To Test 2003 (No 1)* NI2003-105
  - *Periodic Detention-Authority To Test 2003 (No 2)* NI2003-112
  - *Periodic Detention-Declaration of Detention Centre 2002* NI2002-129
  - *Periodic Detention (Detention Centre) 2002 (No 2)* NI2002-205
  - *Rehabilitation of Offenders Appointment of Member to the Sentence Administration Board* DI2002-27
  - *Rehabilitation of Offenders (Interim) (Sentence Administration Board Acting Chairperson) Appointment 2004 (No 1)* DI2004-42
  - *Rehabilitation of Offenders (Sentence Administration Board) Appointment 2001* DI2001-305
  - *Remand Centres Declaration 2003 (No 1)* NI2003-424
  - *Remand Centres Instrument of appointment of official visitor 2002* DI2002-31.

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## Schedule 1                      Consequential amendments

(see s 3)

### Part 1.1                      Bail Act 1992

#### [1.1]                      Section 8A

*substitute*

#### **8A                      Entitlement to bail—breaches of good behaviour bonds etc**

- (1) This section applies if a person is arrested, or brought before the court in another way, for a breach of a good behaviour bond, periodic detention order or home detention order.
- (2) The person has the same entitlement to be granted bail for the breach as the person has under this part for the offence to which the bond or order relates.

#### **Examples**

- 1 Martin has been found guilty of armed robbery and sentenced to periodic detention. He has breached the periodic detention order and is before the court on an application to cancel the order. There is no presumption in relation to bail because the offence of armed robbery is an offence to which division 2.2 (Presumption for bail) does not apply.

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- 2 Joe has been found guilty of threatening to kill. Joe had, 3 years before, been found guilty of an offence involving violence. A suspended sentence order is made as part of the sentence for the offence of threatening to kill and Joe is released under the order on entering into a good behaviour bond. However, Joe breaches the bond and is before the court on an application to cancel the bond. There is no presumption in relation to bail because section 9B (b) applies to make the offence of threatening to kill an offence to which division 2.2 (Presumption for bail) does not apply.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**[1.2] Section 9D (6), definition of *outstanding*, note**

*substitute*

*Note* ***Found guilty***, of an offence, includes—

- having a non-conviction order made for the offence under the *Crimes (Sentencing) Act 2004*, s 16
- having the offence taken into account under the *Crimes (Sentencing) Act 2004*, s 63
- having an order made for the offence under the *Children and Young People Act 1999*, s 98

(see Legislation Act, dict, pt 1).

**[1.3] Section 25 (4) (e)**

*substitute*

(e) a requirement that the person—

- (i) accept supervision by the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*; and
- (ii) comply with any reasonable direction of that chief executive; and

**[1.4]        Section 31 (1) (d)**

*substitute*

- (d) for an accused person who is in a correctional centre or NSW correctional centre—the person in charge of the centre.

**[1.5]        Section 48 (2) and (3)**

*substitute*

- (2) Within 7 days after the day the person is received into custody, the person in charge of the correctional centre or police station where the detained person is being detained must give the court written notice that the detained person is still in custody because of a failure to comply with a bail condition.

*Note*        If a form is approved under s 58 for a notice, the form must be used.

- (3) The court may, on its own initiative, conduct a review under section 46 of the bail condition.

**[1.6]        Dictionary, note 2**

*omit*

- director of corrective services

**[1.7]        Dictionary, note 2, new dot point**

*insert*

- found guilty

**[1.8]        Dictionary, definition of *accused person*, paragraph (d)**

*omit*

**[1.9]        Dictionary, definition of *accused person***

*renumber paragraphs when Act next republished under Legislation Act*

**[1.10] Dictionary, definition of *offence*, paragraph (b) (ii)**

*substitute*

- (ii) a breach of a home detention order, periodic detention order or good behaviour bond.

**Part 1.2 Children and Young People Act 1999**

**[1.11] Section 85 (2) and (4) (a)**

*omit*

remand centre

*substitute*

correctional centre

**[1.12] Section 95 (4)**

*substitute*

- (4) If the Childrens Court makes an order under subsection (2), the court must not make any of the following orders under the *Crimes (Sentencing) Act 2004* for the offence:
- (a) a non-conviction order (under that Act, section 16);
  - (b) a good behaviour order (under that Act, section 13);
  - (c) a reparation order (under that Act, division 3.9).

**[1.13] Section 99 (2)**

*substitute*

- (2) Subsection (1) (b) does not affect the power of the Childrens Court under the *Crimes (Sentencing) Act 2004*, division 3.4 (Non-custodial alternatives).

**[1.14]      Section 122**

*substitute*

**122          Temporary custody before transfer between institutions**

- (1) In this section:
- place of detention* means a shelter or correctional centre.
- (2) If the chief executive gives a transfer direction under section 120 for a person, the person may be placed in a place of detention until the person is transferred.
- (3) However, a person must not be placed in a correctional centre under subsection (2) without the written approval of—
- (a) the chief executive; and
  - (b) the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.
- (4) A person must not be kept in a place of detention under subsection (2) for longer than 14 days without the written approval of the chief executive.
- (5) Also, a person must not be kept in a correctional centre under subsection (2) for longer than 14 days without the written approval of the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.
- (6) A transfer direction given for a person is sufficient authority for an officer, custodial escort or police officer—
- (a) to take the person to a place of detention or from a place of detention to another place of detention; and
  - (b) subsequently to take the person to the institution to which the person is to be transferred.
- (7) The authority under subsection (6) (a) is subject to the direction.

**[1.15] Section 124 (2) (b) and (3)**

*omit*

remand centre

*substitute*

correctional centre

**[1.16] Sections 125 and 126**

*substitute*

**125 Placing in shelter or correctional centre**

- (1) In this section:

***place of detention*** means a shelter or correctional centre.

- (2) If the Childrens Court commits a young person to an institution or State institution, the young person must be placed in a place of detention until the young person is removed to the institution.
- (3) The young person must not be kept in a place of detention for longer than 14 days without an order of the Childrens Court or the written approval of the chief executive.
- (4) An order committing a young person to an institution or State institution is sufficient authority for an officer, custodial escort or police officer to do 1 or more of the following:
- (a) take the young person to a place of detention or from a place of detention to another place of detention;
  - (b) take the young person to the institution or State institution;
  - (c) for a young person committed to a State institution—take the young person to the State or Territory stated in the order for detention in the State institution.

- (5) The authority under subsection (4) (a) is subject to the order.

**126        Young people in correctional centres**

If a young person is in a correctional centre under this Act, the *Crimes (Sentence Administration) Act 2004* applies in relation to the young person as if the young person were a full-time detainee under that Act.

**[1.17]      Section 131**

*omit*

**[1.18]      Section 140**

*substitute*

**140        Temporary custody pending interstate transfer**

- (1) In this section:
- place of detention* means a shelter or correctional centre.
- (2) If the chief executive makes an arrangement under this Act for the transfer of a young offender from the ACT to a State in the temporary control of an escort mentioned in section 139 (2), the offender may be placed in a place of detention until the offender is delivered to the escort.
- (3) A young offender must not be placed in a correctional centre under subsection (2) without the written approval of—
- (a) the chief executive; and
  - (b) the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.
- (4) A young offender must not be kept in a place of detention under subsection (2) for longer than 14 days without the written approval of the chief executive.

- (5) Also, a young offender must not be kept in a correctional centre under subsection (2) for longer than 14 days without the written approval of the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.
- (6) An arrangement under subsection (2) is sufficient authority for an officer, custodial escort or police officer to take the young offender to a place of detention or from a place of detention to another place of detention.
- (7) The authority under subsection (6) is subject to the arrangement.

**[1.19] Section 399 (3)**

*substitute*

- (3) This section does not apply to a child or young person to whom the *Crimes (Sentence Administration) Act 2004* applies.

**[1.20] Dictionary, definition of *remand centre***

*omit*

## **Part 1.3 Clinical Waste Act 1990**

**[1.21] Section 36**

*substitute*

### **36 Disposal of seized things**

- (1) The controller must take reasonable steps to return a thing seized under section 34 (e) to the person from whom it was seized, or to someone else who appears to the controller to be entitled to it, if—
  - (a) a prosecution for an offence against this Act in relation to the thing is not begun within 90 days after the day of the seizure;or

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- (b) a person is charged with an offence against this Act in relation to the thing within the 90-day period but the person is not convicted or found guilty of the offence.
- (2) If a person is convicted or found guilty of an offence against this Act in relation to a thing seized under section 34 (e), the court may order—
- (a) that the thing be given to the person who appears to the court to be entitled to it; or
- (b) that the thing be forfeited to the Territory.

## Part 1.4                      **Confiscation of Criminal Assets Act 2003**

### **[1.22]      Section 15 (1) (c), note 1**

*substitute*

*Note 1*    **Found guilty**, of an offence, includes—

- having a non-conviction order made for the offence under the *Crimes (Sentencing) Act 2004*, s 16
- having the offence taken into account under the *Crimes (Sentencing) Act 2004*, s 63
- having an order made for the offence under the *Children and Young People Act 1999*, s 98

(see Legislation Act, dict, pt 1).

### **[1.23]      Section 86 (3) (d)**

*omit*

*Crimes Act 1900*, section 350

*substitute*

*Crimes (Sentencing) Act 2004*, division 3.9



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## Part 1.5 Coroners Act 1997

### [1.24] Section 3 (1)

*omit*

(1) In this Act:

*substitute*

In this Act:

### [1.25] Section 3 (1), definition of *custodial officer*

*substitute*

***custodial officer*** means—

- (a) a police officer; or
- (b) a custodial escort; or
- (c) a corrections officer; or
- (d) the chief psychiatrist appointed under the *Mental Health (Treatment and Care) Act 1994*, section 112 or a mental health officer appointed under that Act, section 119; or
- (e) the chief executive of the administrative unit responsible for the *Children and Young People Act 1999*, chapter 2 (General objects, principles and parental responsibility) or an officer under that Act; or
- (f) the sheriff, a deputy sheriff, or a person appointed to assist the sheriff, under the *Supreme Court Act 1933*; or
- (g) a carer under the *Intoxicated Persons (Care and Protection) Act 1994*.

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**[1.26]      Section 3 (2)**

*substitute*

**3A            Meaning of *death in custody***

- (1) For this Act, ***death in custody*** means the death of a person—
- (a) in a correctional centre or lockup; or
  - (b) while performing community service work under a good behaviour bond under the *Crimes (Sentencing) Act 2004*; or
  - (c) while performing work under a community service order under the *Children and Young People Act 1999*; or
  - (d) while serving a detention period for a sentence of periodic detention under the *Crimes (Sentencing) Act 2004*; or
  - (e) while being taken into or detained in custody, or subject to an order, under the *Mental Health (Treatment and Care) Act 1994*; or
  - (f) while subject to an order under the *Children and Young People Act 1999*, section 96 (1) (i) to (m) (Disposition of young offenders); or
  - (g) while subject to an arrangement under the *Children and Young People Act 1999*, section 134 (Arrangements for transfer—general) or section 145 (Lawful custody for transit through ACT); or
  - (h) while at a licensed place under the *Intoxicated Persons (Care and Protection) Act 1994*; or
  - (i) while in, being taken into, or after being taken into, the custody of a custodial officer; or

- (j) while escaping, or attempting to escape, from the custody of a custodial officer, other than a carer under the *Intoxicated Persons (Care and Protection) Act 1994*.
- (2) Also, ***death in custody*** includes death because of a fatal injury sustained in a place, or in circumstances, mentioned in subsection (1).
- (3) For subsection (1) (f) and (g), a person is ***subject to*** an order or arrangement—
  - (a) while being taken into, or detained in, custody under the order or arrangement, or
  - (b) while being restrained, or otherwise being provided with care, under the order or arrangement; or
  - (c) while otherwise subject to the order or arrangement.

**[1.27] Section 45 (4) (b)**

*substitute*

- (b) may release the person subject to a bond, with or without sureties and in an amount decided by the coroner that requires the person to attend at a stated time and place.

**[1.28] Section 45 (5)**

*substitute*

- (5) If a person released under subsection (4) (b) fails to attend at the time and place required by the bond—
  - (a) the coroner may issue a warrant for the arrest of the person; and
  - (b) the coroner may cancel the bond and declare the sureties (if any) forfeited.

- (6) The *Magistrates Court Act 1930*, section 254 (Enforcement of bond) applies to a declaration under subsection (5) (b) as if—
- (a) it were a declaration under that section; and
  - (b) all necessary changes, and any changes prescribed under the regulations, were made.

## Part 1.6 Court Procedures Act 2004

### Explanatory note

The amendment in this part takes account of amendments of the *Crown Proceedings Act 1992* proposed to be made by the *Court Procedures (Consequential Amendments) Bill 2004*.

#### [1.29] Section 36 (a)

*substitute*

- (a) any proceeding for the recovery or enforcement of a fine, penalty or forfeiture (including cancellation of a bond) imposed in a criminal proceeding; or

## Part 1.7 Crimes Act 1900

#### [1.30] Section 157

*substitute*

### 157 Meaning of *lawful custody*—periodic detention

For this part, an offender serving a sentence of imprisonment under a periodic detention order is only taken to be in *lawful custody* while the person is serving a detention period under the order.

---

**[1.31] Section 159 (d)**

*substitute*

- (d) takes anything into a correctional centre, lockup or another place of lawful detention with intent to facilitate the escape from there of someone else who is detained or in custody in relation to an offence against a law of the Territory, a State or another Territory;

**[1.32] Section 161 (c)**

*substitute*

- (c) rescues by force a person who is in lawful custody in a correctional centre, lockup or another place of lawful detention in relation to an offence against a law of the Territory, a State or another Territory from that centre, lockup or place; or

**[1.33] Section 162 (a)**

*substitute*

- (a) in accordance with a permission given under a law of the Territory, a State or another Territory, leaves a correctional centre, lockup or another place of lawful detention where the person is detained, in custody or detained during pleasure in relation to an offence against a law of the Territory, a State or another Territory; and

**[1.34] Sections 162 (b) and 163 (1) (a)**

*omit*

prison

*substitute*

correctional centre

**[1.35]      Section 248 (1)**

*substitute*

- (1) A knife that has been seized under section 193 (Power to conduct search of person for knife) is forfeited to the Territory if the person from whom the knife was seized is convicted or found guilty of an offence against section 382 (Possession of knife in public place or school) in relation to the knife.

**[1.36]      Section 263 (2)**

*omit*

recognisances

*substitute*

bonds

**[1.37]      Section 288 (2)**

*substitute*

- (2) On a trial on indictment the defendant must not, without the court's leave, present evidence in support of an alibi unless, within 14 days after the day the defendant is committed for trial, the defendant gives notice of particulars of the alibi.

**[1.38]      Section 315 (3)**

*omit*

a prison or remand centre

*substitute*

a correctional centre

---

**[1.39] Section 334 (6)**

*substitute*

(6) If the Magistrates Court makes an order under subsection (2), it must not make any of the following orders under the *Crimes (Sentencing) Act 2004* for the offence:

- (a) a non-conviction order (under that Act, section 16);
- (b) a good behaviour order (under that Act, section 13);
- (c) a reparation order (under that Act, division 3.9).

**[1.40] Part 15**

*omit*

**[1.41] Section 370**

*omit*

, and of section 350,

**[1.42] Section 397 heading**

*substitute*

**397 Apprehended violence or injury—bond to keep the peace etc**

**[1.43] Section 397 (1)**

*omit*

recognisance

*substitute*

bond

**[1.44]      Section 397 (2)**

*substitute*

- (2) If the defendant has said anything offensive or defamatory to or about the complainant that might induce a breach of the peace, the magistrate may require the defendant to enter into a bond, with or without sureties, to be of good behaviour for not longer than 6 months.
- (2A) If the defendant does not immediately enter into a bond under subsection (2), the magistrate may order that the defendant be imprisoned for not longer than 3 months.

**[1.45]      Section 397**

*renumber subsections when Act next republished under Legislation Act*

**[1.46]      Section 400**

*omit*

**[1.47]      Parts 18 and 19**

*omit*

**[1.48]      Section 430 (2) (b)**

*substitute*

- (b) confirm the conviction and recommend that the Executive pardon the convicted person or remit the convicted person's sentence under the *Crimes (Sentence Administration) Act 2004*; or



---

**[1.49] Part 21**

*omit*

**[1.50] Section 436**

*omit*

**[1.51] Section 437**

*substitute*

**437 Power of courts to bring detainees before them**

For any trial or prosecution, the court may give a written order to a person in charge of a correctional centre or lockup to—

- (a) bring a detainee before the court to be tried, examined or to give evidence before the court, another court or a magistrate; and
- (b) return the detainee to the centre or lockup.

**[1.52] Sections 438 and 441 (6) (b) (ii)**

*omit*

recognisance

*substitute*

bond

## Part 1.8                      Crimes (Forensic Procedures) Act 2000

### **[1.53]       Sections 71 (a) and 72 (1) (f) (i)**

*omit*

prison

*substitute*

correctional centre

### **[1.54]       Section 78 (1)**

*omit*

in prison

*substitute*

in a correctional centre

### **[1.55]       Section 78 (1)**

*omit*

the prison

*substitute*

the correctional centre

### **[1.56]       Section 78 (2)**

*omit*

prison

*substitute*

correctional centre

**[1.57] Dictionary, new definitions**

*insert*

***correctional centre*** includes a NSW correctional centre and any other place outside the ACT where a person may be detained under the *Crimes (Sentence Administration) Act 2004*.

*Note* ***Correctional centre*** is defined in the Legislation Act, dict, pt 1.

***correctional centre medical officer*** means—

- (a) for a correctional centre under the *Crimes (Sentence Administration) Act 2004*—a medical officer for the correctional centre under that Act; or
- (b) for a NSW correctional centre or any other place of detention—a medical officer for the centre or other place of detention.

**[1.58] Dictionary, definitions of *prison*, *prison medical officer* and *remand centre***

*omit*

## **Part 1.9 Custodial Escorts Act 1998**

### **Explanatory note**

The amendments in this part take account of amendments of the *Custodial Escorts Act 1998* to be made by the *Statute Law Amendment Act 2004*.

**[1.59] Sections 4 and 7 (1)**

*omit*

administrator

*substitute*

chief executive

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**[1.60]      Section 8 (2)**

*omit*

custodial

*substitute*

corrections

**[1.61]      Dictionary, note 2**

*insert*

- correctional centre
- corrections officer

**[1.62]      Dictionary, definitions of *administrator* and *custodial officer***

*omit*

## **Part 1.10                      Custodial Escorts Regulations 2002**

**[1.63]      Regulation 3, notes**

*substitute*

*Note 1*      The dictionary at the end of these regulations defines certain terms used in these regulations.

*Note 2*      A definition in the dictionary applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

---

**[1.64] Regulation 4**

*omit*

custodial

*substitute*

corrections

**[1.65] Regulations 7 (1) (b) and (2) and 9**

*omit*

administrator

*substitute*

chief executive

**[1.66] Dictionary, definition of *superintendent***

*omit*

## **Part 1.11 Director of Public Prosecutions Act 1990**

**[1.67] Section 6 (1) (e)**

*omit*

recognisance

*substitute*

bond

**[1.68] Section 6 (1) (k)**

*substitute*

(k) attending a meeting of the sentence administration board;

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## Part 1.12 Domestic Violence and Protection Orders Act 2001

### Explanatory note

The amendments in this part take account of amendments of the *Protection Orders Act 2001* proposed to be made by the *Domestic Violence and Protection Orders Amendment Bill 2004*.

#### [1.69] Section 34 (2), note

*substitute*

*Note* In deciding the sentence to be imposed on a person under this section, the Magistrates Court must consider the matters under the *Crimes (Sentencing) Act 2004*, s 41 (Sentencing—relevant considerations).

#### [1.70] Section 101 (2) (c)

*substitute*

- (c) information from being given to the director of public prosecutions, the chief executive or a police officer in relation to the exercise of the director's, executive's or officer's functions;

## Part 1.13 Drugs of Dependence Act 1989

#### [1.71] Section 121, definition of *responsible officer*, paragraph (b)

*substitute*

- (b) in any other case—the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.

#### [1.72] Section 123 (6)

*omit*

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**[1.73] Section 123**

*renumber subsections when Act next republished under Legislation Act*

**[1.74] Section 124 (7) (c)**

*omit*

recognisance

*substitute*

bond

**[1.75] Section 125 (4)**

*omit*

may admit him or her to bail on the recognisance it considers appropriate

*substitute*

may grant bail to the offender

**[1.76] Section 128**

*substitute*

**128 Power of court if offender apprehended under div 9.2**

- (1) If an offender is apprehended and brought before a court under this division (other than under section 126 (Apprehension of offender about to leave ACT)), the court has the same power to remand the offender in custody, grant bail, or order the release of the offender on a bond, as it has in relation to a defendant.
- (2) If an offender breaches a condition of a bond entered into for this division, the court has the same powers as it would have if, when the offender entered into the bond, the offender had been a defendant.

## Part 1.14                      Electoral Act 1992

### **[1.77]                      Section 131 (1) (b)**

*omit*

remand centre

*substitute*

correctional centre

### **[1.78]                      Section 149, definition of *remand centre***

*omit*

### **[1.79]                      Section 150 (3) and (4)**

*substitute*

- (3) The commissioner must arrange for an officer to visit people detained in a correctional centre or lockup to take their votes.
- (4) A visit mentioned in subsection (3) must be made at a time, and in accordance with any conditions, arranged by the commissioner and the person in charge of the correctional centre or lockup.

### **[1.80]                      Section 151 (2)**

*substitute*

- (2) The number of scrutineers for a particular candidate who are present at a hospital, special hospital, correctional centre or lockup with the visiting officer must not be more than the number of officers at the hospital, special hospital, centre or lockup.



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**[1.81] Section 151 (5)**

*substitute*

- (5) A visit under section 150 to a person detained in a correctional centre or lockup must not be made if the visiting officer is told by the person in charge of the centre or lockup that the visit is prohibited on security grounds.

**[1.82] Dictionary, definition of *remand centre***

*omit*

## **Part 1.15 Environment Protection Act 1997**

**[1.83] Section 122 (1)**

*omit*

For the *Crimes Act 1900*, section 342, in

*substitute*

In

## **Part 1.16 Evidence (Miscellaneous Provisions) Act 1991**

**[1.84] Section 16, definition of *Territory court*, paragraph (f)**

*substitute*

- (f) the sentence administration board.

## Part 1.17                      Firearms Act 1996

### [1.85]                      Section 6

*omit*

This Act

*substitute*

- (1) This Act

### [1.86]                      Section 6 (b)

*substitute*

- (b) a corrections officer in relation to a firearm in the officer's possession for use in the exercise of the officer's functions; or

### [1.87]                      New section 6 (2)

*insert*

- (2) In this section:

***corrections officer*** includes a person employed by an entity responsible under a State law for providing correctional services for offenders.

*Note*                      ***Corrections officer*** is defined in the Legislation Act, dict, pt 1.

### [1.88]                      Section 46 (3) (c)

*substitute*

- (c) is subject to a bond, entered into in the ACT or elsewhere, to keep the peace; or

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## **Part 1.18                      Firearms Regulations 1997**

### **[1.89]      Regulation 29 (2) (b) (xi) (C)**

*omit*

recognisance

*substitute*

bond

## **Part 1.19                      Food Act 2001**

### **[1.90]      Section 9 (1) (o) (i)**

*substitute*

- (i) a correctional centre or lockup, or an institution or shelter under the *Children and Young People Act 1999*; or

## **Part 1.20                      Gambling and Racing Control Act 1999**

### **[1.91]      Schedule 1, section 2 (3) (d) and (e)**

*substitute*

- (d) the person has been convicted or found guilty of an offence against a gaming law or corresponding law; or
- (e) the person has, in the previous 5 years, been convicted or found guilty of an offence punishable by imprisonment for 1 year or longer.

**[1.92]      Schedule 1, section 2 (4) and (5)**

*substitute*

(4) An ordinary member must be appointed on a part-time basis.

(5) In this section:

*corresponding law* means a law of another jurisdiction, whether in or outside Australia, that regulates gaming or racing.

## **Part 1.21                      Juries Act 1967**

**[1.93]      Schedule 2, part 2.1, items 22 and 23**

*substitute*

22                      a corrections officer

**[1.94]      Schedule 2, part 2.1, items 26, 27, 28 and 29**

*omit*

**[1.95]      Schedule 2, part 2.1**

*renumber items when Act next republished under Legislation Act*

## **Part 1.22                      Land (Planning and Environment) Act 1991**

**[1.96]      Section 272**

*substitute*

**272                      Disposal of seized things**

(1) The planning and land authority must take reasonable steps to return a thing seized under section 269 (1) (d) to the person from whom it

was seized, or to someone else who appears to the authority to be entitled to it, if—

- (a) a prosecution for an offence against this part in relation to the thing is not begun within 90 days after the day of the seizure; or
  - (b) a person is charged with an offence against this part in relation to the thing with the 90-day period but the person is not convicted or found guilty of the offence.
- (2) If a person is convicted or found guilty of an offence against this part in relation to a thing seized under section 269 (1) (d), the court may order—
- (a) that the thing be given to the person who appears to the court to be entitled to it; or
  - (b) that the thing be forfeited to the Territory.

## **Part 1.23                      Legislation Act 2001**

### **[1.97]      Section 140, example 3**

*omit*

‘an order under the *Crimes Act 1900*, section 402’

*substitute*

‘a reparation order under the *Crimes (Sentencing) Act 2004*’

### **[1.98]      Dictionary, part 1, definition of *committed for trial***

*substitute*

***committed for trial***, in relation to a person, means committed in custody to be tried before the Supreme Court, or granted bail to appear and be tried before the Supreme Court.

**[1.99]      Dictionary, part 1, new definitions**

*insert*

***correctional centre*** means a correctional centre under the *Crimes (Sentence Administration) Act 2004*.

***corrections officer*** means a corrections officer under the *Crimes (Sentence Administration) Act 2004*.

**[1.100]      Dictionary, part 1, definition of *director of corrective services***

*omit*

**[1.101]      Dictionary, part 1, definition of *found guilty***

*substitute*

***found guilty***, of an offence, includes—

- (a) having a non-conviction order made for the offence under the *Crimes (Sentencing) Act 2004*, section 16; and
- (b) having the offence taken into account under the *Crimes (Sentencing) Act 2004*, section 63 (Outstanding additional offences taken into account in sentencing); and
- (c) having an order made for the offence under the *Children and Young People Act 1999*, section 98 (Disposition without proceeding to conviction).

*Note*      A non-conviction order is an order made by a court for a person if the court finds the person guilty of an offence but does not convict the person of the offence.

**[1.102] Dictionary, part 1, new definition of *NSW correctional centre***

*insert*

*NSW correctional centre* means a correctional centre under the *Crimes (Administration of Sentences) Act 1999* (NSW).

**[1.103] Dictionary, part 1, definitions of *remand centre* and *remand centre administrator***

*omit*

**[1.104] Dictionary, part 1, definition of *sentence administration board***

*substitute*

*sentence administration board* means the Sentence Administration Board under the *Crimes (Sentence Administration) Act 2004*.

## **Part 1.24 Magistrates Court Act 1930**

### **Explanatory note**

The amendments in this part take account of amendments of the *Magistrates Court Act 1930* proposed to be made by the *Court Procedures (Consequential Amendments) Bill 2004*.

**[1.105] Section 18A, definitions of *administrator* and *superintendent***

*omit*

**[1.106] Section 43 (2) (a)**

*omit*

confined in prison for any other offence than that charged in the indictment—on proof on oath that the person so confined in prison

is the person charged and named in the indictment, issue his or her warrant directed to the gaoler of the prison

*substitute*

confined in a correctional centre (including a NSW correctional centre) for any other offence—on proof on oath that the person is the person charged in the indictment, issue a warrant directed to the person in charge of the correctional centre

**[1.107] Section 70 (2) (b) and (4)**

*omit*

administrator

*substitute*

chief executive

**[1.108] Section 70 (7), new definition of *chief executive***

*insert*

***chief executive*** means the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.

**[1.109] Section 70 (7), definition of *transfer direction***

*omit*

administrator

*substitute*

chief executive



---

**[1.110] Division 3.4.4**

*substitute*

**Division 3.4.4 Committal and bonds**

**74 Extended application of div 3.4.4**

- (1) This division applies in relation to a person for whom a warrant prescribed under the rules has been issued under the rules as if all necessary changes, and any changes prescribed under the rules, were made.
- (2) This section does not limit any other application of this division.

**75 Remand of defendant before decision**

If the court commits a defendant by way of remand or on adjournment, or at any time before the decision, it may remand the defendant in custody.

**76 Remand of witness or defendant after decision**

- (1) If the court commits a witness or a person sought to be made a witness, it must remand the person in custody.
- (2) If the court commits a defendant after the decision, it must remand the defendant in custody.

**77 Release of witness etc**

- (1) A witness, or person sought to be made a witness, may be released on a bond.
- (2) This section does not apply to a witness committed under section 312 (Failure to give evidence—committal).

**78                      Bonds for witnesses etc**

If the court may release a witness, or a person sought to be made a witness, on a bond, it may order the person's release on a bond, with or without a surety or sureties, on condition that the person appear at the time and place to which the hearing is adjourned or that is stated in the bond.

**79                      Issue of warrant for non-appearance**

If the witness, or person sought to be made a witness, does not appear at the time and place mentioned in the bond, the court may adjourn the hearing, and may issue a warrant for the person's apprehension under division 3.3.4 (Warrants of arrest).

**80                      Bonds taken out of court**

- (1) A bond under this Act need not be entered into before the court, but may be entered into by the parties before—
  - (a) a magistrate; or
  - (b) the registrar; or
  - (c) a police officer in charge of a police station; or
  - (d) if a party is in a correctional centre—the person in charge of the centre.
- (2) The provisions of this Act in relation to bonds taken before the court apply in relation to the bond as if the bond had been entered into before the court.

**81                      Forfeited bonds—how enforced**

- (1) If a condition of a bond entered into by a witness, or a person sought to be made a witness, is not complied with, any magistrate may certify the noncompliance on the back of the bond, and send it to the proper officer to be enforced.

- (2) The certificate is evidence that the bond has been forfeited.

**82 Authority given by warrant**

A warrant of remand or commitment is sufficient authority for the person to whom it is directed to take the person named in the warrant to a correctional centre.

**[1.111] Section 84**

*substitute*

**84 Particular cases may be adjourned**

- (1) Before or during the hearing or further hearing of an information, the magistrate may adjourn the hearing or further hearing.
- (2) The magistrate may release the defendant (whether or not on bail) or commit the defendant in custody.

**[1.112] Section 94 (b)**

*substitute*

- (b) if the court is not of the opinion mentioned in paragraph (a)—it must commit the defendant for trial for the offence before the Supreme Court and, by warrant, commit the defendant in custody until the trial or until the defendant is released on bail.

**[1.113]      Division 3.5.5**

*substitute*

**Division 3.5.5                      Indictable offences—witness bonds**

**103              Witnesses—imposition of bond**

The court may, by bond, bind a person whose written statement was admitted in evidence under section 90AA, or who was examined before it, to appear and give evidence at the defendant's trial.

**104              Form of witness bond etc**

- (1) A bond must be signed by—
  - (a) the person entering into it; and
  - (b) the magistrate before whom it is signed.
- (2) The magistrate must give written notice of the bond, signed by the magistrate, to each person bound by the bond.

**105              Court may commit noncompliant witness**

- (1) If a witness fails to enter into a bond, the court may, by warrant, commit the witness to a correctional centre until after the defendant's trial, unless the witness enters into the bond before a magistrate.
- (2) If the witness is committed to a correctional centre, a magistrate may, by order, direct the person in charge of the correctional centre to release the witness from custody on the warrant if—
  - (a) the defendant is not committed for trial for the offence with which the defendant is charged; or
  - (b) the relevant officer declines to file an information against the defendant for the offence; or

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- (c) the witness enters into the bond before a magistrate.

**[1.114] Section 146**

*omit*

In

*substitute*

- (1) In

**[1.115] Section 146, definition of *fine*, paragraph (a)**

*substitute*

- (a) a financial penalty that is a fine payable under a financial penalty order, or a bonded financial penalty order, under the *Crimes (Sentencing) Act 2004*; or

**[1.116] Section 146, definition of *fine*, paragraph (e)**

*substitute*

- (e) an amount payable to the Territory under a reparation order under the *Crimes (Sentencing) Act 2004*; or
- (f) a financial penalty imposed, otherwise than under the *Crimes (Sentencing) Act 2004*, in relation to an offence; or
- (g) an amount payable to the Territory under an order under the *Crimes Act 1900*, section 350 (Reparation orders).

**[1.117] New section 146 (2) and (3)**

*insert*

- (2) Subsection (1), definition of *fine*, paragraph (g) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (3) Subsection (1), definition of ***fine***, paragraph (g), subsection (2) and this subsection expire 3 years after the day this subsection commences.

**[1.118] Section 152 (5)**

*substitute*

- (5) A person committed to a correctional centre under section 154D is not entitled to make an application.

**[1.119] Section 154D**

*substitute*

**154D Committal of fine defaulters**

- (1) The registrar must, by warrant, commit a fine defaulter to a correctional centre if—
- (a) the registrar is satisfied that all reasonable action has been taken under this division to secure payment and there is no reasonable likelihood of the outstanding fine being paid; and
  - (b) the outstanding fine has not been remitted under section 159.
- (2) The period for which the fine defaulter must be committed is the lesser of—
- (a) a period worked out at the rate of 1 day for each \$100, or part of \$100, of the outstanding fine; or
  - (b) 6 months.
- (3) This section does not apply to a person if the person's liability to pay the fine is derived from a reparation order.

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**[1.120] Section 157**

*substitute*

**157 Payment of amount to person in charge of correctional centre**

- (1) If a person is detained in a correctional centre for an outstanding fine, an amount may be paid to the person in charge of the correctional centre in complete or partial discharge of the outstanding fine.
- (2) If the amount paid completely discharges the outstanding fine, the person must immediately be released from detention unless the person is being detained (or is to be detained) for another reason.
- (3) If the amount paid partly discharges the outstanding fine, the period for which the person is committed is reduced by the number of days having as nearly as possible the same proportion to the total number of days for which the person was committed that the amount paid bears to the outstanding fine.

**[1.121] Section 158**

*substitute*

**158 Fine satisfied by detention**

A person who is committed to a correctional centre under a warrant under section 154D discharges the person's liability to pay the outstanding fine—

- (a) at the rate of \$100 for each day or part of a day for which the person is detained under the warrant; or
- (b) if the person is committed for 6 months—at the end of the 6-month period.

**[1.122]      Sections 185 to 188**

*substitute*

**185              Committal to correctional centre—orders not involving  
payment of amount**

- (1) This section applies—
  - (a) if a defendant is sentenced to full-time detention in a correctional centre for an offence; or
  - (b) if—
    - (i) a defendant is ordered by a court to do something other than pay an amount; and
    - (ii) the order directs that the defendant be detained in a correctional centre if the defendant does not do the thing; and
    - (iii) the defendant fails to comply with the order.
- (2) The court or a magistrate may, by warrant, commit the defendant to a correctional centre to be detained in accordance with the sentence or order.
- (3) This section does not authorise committal for noncompliance with a reparation order under the *Crimes (Sentencing) Act 2004*.

**186              Warrant of commitment to correctional centre**

- (1) A warrant of commitment—
  - (a) requires the police officer or custodial escort to whom it is directed to take the person named in the warrant to a correctional centre mentioned in the warrant; and



- (b) requires the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004* to detain the person in accordance with the warrant.
- (2) If a warrant is directed to all police officers, it may be executed by any police officer.
- (3) If a warrant is directed to all custodial escorts, it may be executed by any custodial escort.

**187      Warrant of commitment if already in correctional centre**

If the person named in a warrant of commitment is already being detained in a correctional centre, the warrant must be given to the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004*.

**[1.123]      Section 191**

*omit*

**[1.124]      Section 195**

*omit*

recognisances

*substitute*

bonds

**[1.125]      Section 208 (1) (d) and (e)**

*substitute*

- (d) an appeal, by the person charged, from a decision of the Magistrates Court under any of the following provisions of the *Crimes (Sentencing) Act 2004*:
  - (i) section 13 (Good behaviour orders—generally);

- (ii) section 14 (Good behaviour orders—community service conditions);
- (iii) section 15 (Good behaviour orders—rehabilitation program conditions);
- (iv) section 16 (Non-conviction orders);
- (v) section 17 (Suspended sentences);
- (vi) section 23 (Bonded financial penalty orders);
- (vii) section 24 (Bonded donation orders);
- (viii) section 28 (Non-association and place restriction—conditions);
- (ix) section 115 (Good behaviour—bond conditions);
- (e) an appeal, by the person given the good behaviour bond or by the person's surety, from a decision of the Magistrates Court under any of the following provisions of the *Crimes (Sentence Administration) Act 2004*:
  - (i) section 182 (Good behaviour—amendment of bond);
  - (ii) section 185 (Good behaviour—discharge of bond);
  - (iii) section 205 (Good behaviour—consequences of cancellation of bond with non-conviction order).

**[1.126] Section 216 (2)**

*omit*

remand centre

*substitute*

correctional centre

---

**[1.127] Section 219B (2)**

*substitute*

(2) In subsection (1) (f):

***sentence or penalty*** includes a decision of the Magistrates Court—

- (a) under any of the following provisions of the *Crimes (Sentencing) Act 2004*, whether or not the person is convicted of the offence:
  - (i) section 13 (Good behaviour orders—generally);
  - (ii) section 14 (Good behaviour orders—community service conditions);
  - (iii) section 15 (Good behaviour orders—rehabilitation program conditions);
  - (iv) section 16 (Non-conviction orders);
  - (v) section 17 (Suspended sentences);
  - (vi) section 23 (Bonded financial penalty orders);
  - (vii) section 24 (Bonded donation orders);
  - (viii) section 28 (Non-association and place restriction—conditions);
  - (ix) section 115 (Good behaviour—bond conditions); and
- (b) under any of the following provisions of the *Crimes (Sentence Administration) Act 2004*, whether or not the person is convicted of the offence:
  - (i) section 182 (Good behaviour—amendment of bond);
  - (ii) section 185 (Good behaviour—discharge of bond);

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(iii) section 205 (Good behaviour—consequences of cancellation of bond with non-conviction order).

**[1.128] Section 250**

*omit*

**[1.129] Section 252**

*omit*

or the *Bail Act 1992*

**[1.130] Section 253**

*omit*

**[1.131] Section 254 heading**

*substitute*

**254 Enforcement of bond**

**[1.132] Section 254 (1) and (2)**

*omit*

recognisance

*substitute*

bond

**[1.133] Section 254 (4)**

*omit*

or under the *Bail Act 1992*, section 36 (1)

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**[1.134] Section 254 (4) (b)**

*omit*

recognisance

*substitute*

bond

**[1.135] Section 312 (1) (d)**

*omit*

gaol, lockup or remand centre

*substitute*

correctional centre or lockup

**[1.136] Section 313**

*omit*

**[1.137] Dictionary, note 2**

*omit*

- lawyer
- remand centre
- remand centre administrator.

*substitute*

- lawyer.

**[1.138] Dictionary, definitions of *administrator* and *superintendent***

*omit*

## Part 1.25                      Mental Health (Treatment and Care) Act 1994

### [1.139]      Section 4, definition of *referring officer*, note

*substitute*

*Note*      Under the *Bail Act 1992*, s 25 (4) and s 26 (2), an adult may be supervised by the chief executive of the administrative unit responsible for the *Crimes (Sentence Administration) Act 2004* and a child may be supervised by the chief executive under the *Children and Young People Act 1999*, ch 6 (Young Offenders).

## Part 1.26                      Nature Conservation Act 1980

### [1.140]      Section 124 (1)

*omit*

For the purposes of the *Crimes Act 1900*, section 342, in

*substitute*

In

## Part 1.27                      Road Transport (Alcohol and Drugs) Act 1977

### [1.141]      Section 41A (1) (f)

*omit*

the person; or

*substitute*

the person;

**[1.142] Section 41A (1) (g) and (h)**

*omit*

**[1.143] Section 45**

*omit*

Notwithstanding the *Crimes Act 1900*, section 352 (2) a

*substitute*

A

**Part 1.28 Sale of Motor Vehicles Act 1977**

**[1.144] Section 70F (1)**

*omit*

For the *Crimes Act 1900*, section 342, in

*substitute*

In

**Part 1.29 Security Industry Regulations  
2003**

**[1.145] Regulation 6 (3), definition of *custodial officer***

*substitute*

***custodial officer*** means—

(a) a corrections officer; or

*Note* ***Corrections officer*** is defined in the Legislation Act, dict, pt 1.

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- (b) a custodial escort (other than a police officer); or

*Note* **Custodial escort** is defined in the Legislation Act, dict, pt 1.

- (c) an escort under the *Children and Young People Act 1999*, part 6.3 (Interstate transfer); or
- (d) an officer (other than a police officer or custodial escort) mentioned in the *Children and Young People Act 1999*, section 120 (6) (Transfer directions), section 122 (5) (Temporary custody before transfer between institutions) or section 125 (4) (Placing in shelter or correctional centre); or
- (e) a prison officer under the *Crimes (Sentence Administration) Act 2004*, section 291 (Interstate transfer—definitions) or a person appointed as an escort under that Act, section 314 (3) (Interstate transfer—transfer in custody of escort), definition of **escort**, paragraph (c); or
- (f) a prison officer or another officer (other than a police officer) mentioned in the *Crimes (Sentence Administration) Act 2004*, section 331 (International transfer—functions of prison officers, police officers etc).

## **Part 1.30 Spent Convictions Act 2000**

### **[1.146] Section 6 (b)**

*substitute*

- (b) the person is charged with the offence and a court finds the person guilty of the offence.

### **[1.147] Section 6, new example 5**

*insert*

- 5 The court makes a non-conviction order under the *Crimes (Sentencing) Act 2004*, section 16 (2).



---

**[1.148] Section 12 (1)**

*omit*

subsections (2) to (8)

*substitute*

this section

**[1.149] Section 12 (2), (3) and (4)**

*substitute*

- (2) If a charge for an offence is dismissed under any of the following provisions, the finding of guilt for the offence (however described) is spent on the dismissal of the charge:
- the *Crimes (Sentencing) Act 2004*, section 16 (2) (a) (Non-conviction orders)
  - the *Crimes Act 1900*, section 402 (1) (Conditional release of offenders without proceeding to conviction)
  - the *Children and Young People Act 1999*, section 98 (2) (a) (Disposition without proceeding to conviction)
  - the *Children's Services Act 1986*, section 48 (j) (Disposition without proceeding to conviction).
- (3) If an order is made for an offence under either of the following provisions that requires a person to enter into a recognisance or bond to be of good behaviour for a stated period, the order is spent at the end of the period, or when the person has complied with the conditions (if any) to which the order or bond is subject, whichever is later:
- the *Crimes (Sentencing) Act 2004*, section 16 (2) (b)
  - the *Crimes Act 1900*, section 402 (1).

**[1.150]    Section 12**

*renumber subsections when Act next republished under Legislation Act*

## **Part 1.31                      Supreme Court Act 1933**

**[1.151]    Section 70A (1) and (2)**

*omit*

recognisance

*substitute*

bond

**[1.152]    Section 70A (2) (b) and (c)**

*substitute*

- (b) commit the person to detention in a correctional centre for not longer than 6 months; or
- (c) both impose a fine under paragraph (a) and commit the person to detention under paragraph (b).

## Part 1.32 Taxation Administration Act 1999

### [1.153] New section 5A

*in part 1, insert*

#### 5A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to an offence against s 71 (6) (Orders to comply with requirements). The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences) and defines terms used for offences to which the Code applies (eg **conduct**, **intention**, **recklessness**, and **strict liability**).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### [1.154] Section 70 (1) (d) and (e)

*after*

convicted

*insert*

or found guilty

### [1.155] Section 70 (4)

*substitute*

- (4) For subsection (1) (d) and (e), a reference to a person being **found guilty** includes a reference to an order being made in relation to the person under the *Crimes Act 1914* (Cwlth), section 19B (1).

**[1.156]      Section 71**

*substitute*

**71              Orders to comply with requirements**

- (1) This section applies if a person is convicted or found guilty of an offence against a tax law for a failure of the person to comply with a requirement (the *relevant requirement*)—
  - (a) to provide to or lodge with the commissioner any information or document; or
  - (b) to attend before the commissioner or anyone else; or
  - (c) to have an instrument properly stamped.
- (2) The court may, by order, require the person, within a stated time or at a stated place and time, to do either or both of the following:
  - (a) to comply with the relevant requirement;
  - (b) to comply with any other requirements that have or could have been made in relation to the person under a tax law that the court considers necessary to ensure that the relevant requirement is complied with.
- (3) The order may be made whether or not the time to comply with the relevant requirement or any other requirement has ended.
- (4) If the order is not given orally to the person, the court's proper officer must serve a copy of the order on the person.
- (5) The making of an order under this section does not limit the court's power to impose a sentence on the person for the offence or make any other order in relation to the offence.

- (6) The person must comply with an order under this section to the extent that the person is capable of doing so.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

## **Part 1.33**

### **Victims of Crime (Financial Assistance) Act 1983**

#### **[1.157] Section 35 (2) (c)**

*substitute*

- (c) an amount in relation to the injury or damage payable under a reparation order under the *Crimes (Sentencing) Act 2004*, division 3.9 in the applicant's favour;

#### **[1.158] Section 35 (2) (e)**

*omit*

injury

*substitute*

injury;

#### **[1.159] New section 35 (2) (f), (3) and (4)**

*insert*

- (f) an amount of reparation in relation to the injury or damage payable under an order under the *Crimes Act 1900*, section 350 in the applicant's favour.
- (3) Subsection (2) (f) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsection (2) (f), subsection (3) and this subsection expire 2 years after the day this subsection commences.

**[1.160]      Section 40 (2) (c)**

*substitute*

- (c) an amount in relation to the injury payable under a reparation order under the *Crimes (Sentencing) Act 2004*, division 3.9;

**[1.161]      Section 40 (2) (e)**

*omit*

injury

*substitute*

injury;

**[1.162]      New section 40 (2) (f), (3) and (4)**

*insert*

- (f) an amount of reparation in relation to the injury or damage payable under an order under the *Crimes Act 1900*, section 350 in the applicant's favour.
- (3) Subsection (2) (f) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsection (2) (f), subsection (3) and this subsection expire 2 years after the day this subsection commences.

**[1.163]      Section 52, definition of *related crime*, paragraph (b)**

*substitute*

- (b) any other offence if an offence mentioned in paragraph (a) was taken into account (under the *Crimes (Sentencing) Act 2004*,

division 4.4) when sentence was passed on the offender for that other offence.

**[1.164] Section 66 (2) (a) (i)**

*substitute*

- (i) the *Crimes (Sentencing) Act 2004*, division 3.9; or

**[1.165] Section 67**

*substitute*

**67 Extended meaning of *conviction* for pt 5**

- (1) If a person is found guilty of an offence, the person is taken, for this part, to have been convicted of the offence.

*Note* ***Found guilty*** is defined in the Legislation Act, dict, pt 1.

- (2) For this section, a person is taken to have been found guilty of an offence if an order is made in relation to the offence under the *Crimes Act 1914* (Cwlth), section 19B (1).

**[1.166] Section 69 (2) (b)**

*omit*

*Crimes Act 1900*, section 357

*substitute*

*Crimes (Sentencing) Act 2004*, division 4.4

**Part 1.34 Victims of Crime (Financial Assistance) Regulations 1998**

**[1.167] Regulation 3, definition of *director***

*omit*

**[1.168]      Regulation 4**

*omit*

director

*substitute*

chief executive

**Part 1.35                      Workers Compensation Act 1951**

**[1.169]      Section 205 (1)**

*omit*

For the *Crimes Act 1900*, section 342, in

*substitute*

In

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**Endnotes**

**1              Presentation speech**

Presentation speech made in the Legislative Assembly on              2004.

**2              Notification**

Notified under the Legislation Act on    2004.

**3              Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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