



Australian Capital Territory

Crimes (Sentencing) Amendment Act 2013

A2013-36

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

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

1 Name of Act

This Act is the *Crimes (Sentencing) Amendment Act 2013*.

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*.

**4 Sentencing—relevant considerations
Section 33 (1) (k)**

substitute

(k) any assistance by the defence in the administration of justice (see section 35A);

5 New section 35A

insert

35A Reduction of sentence—assistance in administration of justice

- (1) This section applies if—
- (a) an offender is convicted or found guilty of an offence; and
 - (b) before or after the conviction or finding of guilt, the defence assisted in the administration of justice for the offence.

Example—par (b)

an admission made by the defence pre-trial or during a trial

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).

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- (2) A court may impose a lesser penalty (including a shorter nonparole period) on the offender than it would otherwise have imposed having regard to the degree of assistance provided in the administration of justice.
- (3) A lesser penalty imposed under this section must not be unreasonably disproportionate to the nature and circumstances of the offence.
- (4) For this section, *assistance in the administration of justice*—
- (a) includes a pre-trial disclosure by the defence; but
 - (b) does not include assistance—
 - (i) consisting only of a plea of guilty under section 35; or
 - (ii) given to law enforcement authorities under section 36.
- (5) In this section:
- defence* means—
- (a) the offender; or
 - (b) any lawyer representing the offender.

**6 Reduction of sentence—statement by court about penalty
Section 37 (1)**

after

section 35 (Reduction of sentence—guilty plea)

insert

, section 35A (Reduction of sentence—assistance in administration of justice)

7 Section 37 (2) (b)

before

section 36

insert

section 35A or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2013.

2 Notification

Notified under the [Legislation Act](#) on 24 September 2013.

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 2013, which was passed by the Legislative Assembly on 17 September 2013.

Clerk of the Legislative Assembly

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