

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Sentencing) Amendment Bill 2013

A Bill for

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

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 2013*.

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 Sentencing—relevant considerations**
10 **New section 33 (1) (ka)**

11 *insert*

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

14 **5 New section 35A**

15 *insert*

16 **35A Reduction of sentence—assistance in administration of**
17 **justice**

18 (1) This section applies if—

- 19 (a) an offender is convicted or found guilty of an offence; and
20 (b) before or after the conviction or finding of guilt, the defence
21 assisted in the administration of justice for the offence.

22 **Example—par (b)**

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

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

- 1 (2) A court may impose a lesser penalty (including a shorter nonparole
2 period) on the offender than it would otherwise have imposed
3 having regard to the degree of assistance provided in the
4 administration of justice.
- 5 (3) A lesser penalty imposed under this section must not be
6 unreasonably disproportionate to the nature and circumstances of
7 the offence.
- 8 (4) For this section, *assistance in the administration of justice* does not
9 include assistance—
- 10 (a) consisting only of a plea of guilty under section 35; or
11 (b) given to law enforcement authorities under section 36.
- 12 (5) In this section:
- 13 *defence* means—
- 14 (a) the offender; or
15 (b) any lawyer representing the offender.
- 16 **6 Reduction of sentence—statement by court about penalty**
17 **Section 37 (1)**
- 18 *after*
19 section 35 (Reduction of sentence—guilty plea)
- 20 *insert*
21 , section 35A (Reduction of sentence—assistance in administration
22 of justice)

1 **7 Section 37 (2) (b)**

2 *before*

3 section 36

4 *insert*

5 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 2013.

3 Republications of amended laws

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