

2004

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**CRIMES (SENTENCING LEGISLATION) CONSEQUENTIAL
AMENDMENTS BILL 2004
EXPOSURE DRAFT**

EXPLANATORY STATEMENT

Circulated by authority of the
Attorney General
Jon Stanhope MLA

Outline

This Bill provides for the amendment and repeal of current legislation relating to sentencing and sentencing administration as a result of the enactment of the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

The provisions of the Bill are explained in detail below.

Part 1 to Part 4— Preliminary

This part contains the formal clauses for the Bill, setting out the name of the Act, arrangements for commencement, and the legislation amended and repealed by the Act.

The Bill repeals the following Acts and regulations:

- *Community Based Sentences (Transfer) Act 2003*;
- *Parole Orders (Transfer) Act 1983*;
- *Periodic Detention Act 1995*;
- Periodic Detention Regulations 1995;
- *Prisoners (International Transfer) Act 1999*;
- *Prisoners Interstate Leave Act 1997*;
- *Prisoners (Interstate Transfer) Act 1993*;
- *Rehabilitation of Offenders (Interim) Act 2001*;
- Rehabilitation of Offenders (Interim) Regulations 2001;
- *Remand Centres Act 1976*;
- Remand Centres Regulations 1976;
- *Removal of Prisoners Act 1968*; and
- *Supervision of Offenders (Community Service Orders) Act 1985*.

The Bill also repeals a number of related instruments.

Schedule 1 – Consequential amendments

Part 1.1 – Bail Act 1992

Clauses 1.1 – 1.10

This part alters the terminology and definitions in the *Bail Act 1992* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.2 – *Children and Young People Act 1999*

Clauses 1.11 – 1.20

This part alters the terminology and definitions in the *Children and Young People Act 1999* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.3 – *Clinical Waste Act 1990*

This part alters the terminology in the *Clinical Waste Act 1990* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.21

This clause substitutes a reference to section 402 of the *Crimes Act 1900* in the *Clinical Waste Act 1990* with the terminology used in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.4 – *Confiscation of Criminal Assets Act 2003*

Clauses 1.22– 1.23

This part alters the terminology in the *Confiscation of Criminal Assets Act 2003* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.5 – *Coroners Act 1997*

Clauses 1.24 – 1.28

This part alters the terminology and definitions in the *Coroners Act 1997* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.6 – *Court Procedures Act 2004*

Clause 1.29

This part alters the terminology in the *Court Procedures Act 2004* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

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*.

Part 1.7 – *Crimes Act 1900*

Clauses 1.30 – 1.52

This part alters the terminology and definitions in the *Crimes Act 1900* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.8 – *Crimes (Forensic Procedures) Act 2000*

Clauses 1.53 – 1.58

This part alters the terminology and definitions in the *Crimes (Forensic Procedures) Act 2000* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.9 – *Custodial Escorts Act 1998*

Clauses 1.59 – 1.62

This part alters the terminology and definitions in the *Custodial Escorts Act 1998* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.10 – *Custodial Escorts Regulations 2002*

Clauses 1.63 – 1.66

This part alters the terminology in the *Custodial Escorts Regulations 2002* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.11 – *Director of Public Prosecutions Act 1990*

Clauses 1.67 – 1.68

This part alters the terminology in the *Director of Public Prosecutions Act 1990* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.12 – *Domestic Violence and Protection Orders Act 2001*

Clauses 1.69 – 1.70

This part alters the terminology in the *Domestic Violence and Protection Orders Act 2001* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

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*.

Part 1.13 – *Drugs of Dependence Act 1989*

Clauses 1.71 – 1.76

This part alters the terminology in the *Drugs of Dependence Act 1989* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.14 – *Electoral Act 1992*

Clauses 1.77 – 1.82

This part alters the terminology and definitions in the *Electoral Act 1992* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part.1.15 – *Environment Protection Act 1997*

This part alters the terminology in the *Environment Protection Act 1997* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.83

This clause removes a reference to the *Crimes Act 1900*.

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

This part alters the terminology in the *Evidence (Miscellaneous Provisions) Act 1991* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.84

Subsection (f) of the definition of *territory court* is substituted with *Sentence Administration Board*.

Part 1.17 – *Firearms Act 1996*

Clause 1.85 – 1.88

This part alters the terminology and definitions in the *Firearms Act 1996* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.18 – *Firearms Regulations*

This part alters the terminology in the *Firearms Regulations* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.89

This clause substitutes the word “recognisance” with “bond.”

Part 1.19 – *Food Act 2001*

This part alters the terminology in the *Food Act 2001* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.90

This clause substitutes terminology in the *Food Act 2001* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.20 – *Gambling and Racing Control Act 1999***Clause 1.91 – 1.92**

This part alters the terminology and definitions in the *Gambling and Racing Control Act 1999* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.21 – *Juries Act 1967***Clauses 1.93 - 1.95**

This part alters the terminology in the *Juries Act 1967* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.22 – *Land (Planning and Environment) Act 1991***Clause 1.96**

This part alters the terminology in the *Land (Planning and Environment) Act 1991* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.23 – *Legislation Act 2001***Clauses 1.97 – 1.104**

This part alters the terminology and definitions in the *Legislation Act 2001* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.24 – *Magistrates Court Act 1930***Clauses 1.105 – 1.138**

This part alters the terminology and definitions in the *Magistrates Court Act 1930* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.25 – *Mental Health (Treatment and Care) Act 1994*

This part alters the definition of *referring officer* in the *Mental Health (Treatment and Care) Act 1994* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.139

This clause inserts a reference to the *Crimes (Sentence Administration) Act 2004* into the definition of referring officer in the *Mental Health (Treatment and Care) Act 1994*.

Part 1.26 – Nature Conservation Act 1980

This part alters the terminology in the *Nature Conservation Act 1980* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

The amendment in this part does not take into account the proposed renumbering required by the *Environment Legislation Amendment Act 2—4*, section 13.

Clause 1.140

This clause removes a reference to the *Crimes Act 1900*.

Part 1.27 - Road Transport (Alcohol and Drugs) Act 1977**Clauses 1.141 – 1.143**

This part alters the terminology in the *Road Transport (Alcohol and Drugs) Act 1977* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.28 – Sale of Motor Vehicles Act 1977

This part alters the terminology in the *Sale of Motor Vehicles Act 1977* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.144

This clause removes a reference to the *Crimes Act 1900*.

Part 1.29 – Security Industry Regulations 2003

This part alters the definition of *custodial officer* in the Security Industry Regulations 2003 in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.145

This clause substitutes the definition of *custodial officer* in the Security Industry Regulations 2003 in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.30 – *Spent Convictions Act 2000*

Clauses 1.146 – 1.150

This part alters the terminology in the *Spent Convictions Act 2000* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.31 – *Supreme Court Act 1933*

Clauses 1.151 – 1.152

This part alters the terminology in the *Supreme Court Act 1933* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.32 – *Taxation Administration Act 1999*

Clause 1.153 – 1.156

This part alters the terminology in the *Taxation Administration Act 1999* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.33 – *Victims of Crime (Financial Assistance) Act 1983*

Clauses 1.157 – 1.166

This part alters the terminology in the *Victims of Crime (Financial Assistance) Act 1983* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

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

Clauses 1.167 – 1.169

This part alters the terminology and definitions in the *Victims of Crime (Financial Assistance) Regulations 1998* in accordance with the terminology and definitions in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Part 1.35 – *Workers Compensation Act 1951*

This part alters the terminology in the *Workers Compensation Act 1951* in accordance with the terminology in the *Crimes (Sentence Administration) Act 2004* and the *Crimes (Sentencing) Act 2004*.

Clause 1.169

This clause removes a reference to the *Crimes Act 1900*.