

**2006**

**THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY**

**CRIMES (SENTENCE ADMINISTRATION)  
AMENDMENT REGULATION 2006 (No 1)**

**SL2006-26**

**EXPLANATORY STATEMENT**

Circulated by authority of the  
Attorney General  
Simon Corbell MLA

## **Crimes (Sentence Administration) Amendment Regulation 2006 (No 1)**

### **Outline**

The *Sentencing Legislation Amendment Act 2006* provided consequential amendments for the *Crimes (Sentencing) Act 2005*, the *Crimes (Sentence Administration) Act 2005*, and the foreshadowed Corrections Management Act. The *Sentencing Legislation Amendment Act 2006* repealed old sentencing and sentence administration laws and updated references in the ACT's statute book to be consistent with the new laws.

The *Sentencing Legislation Amendment Act 2006* also provided transitional arrangements to enable the existing custodial laws to apply until the Corrections Management Act has commenced.

Section 1.163 of the *Sentencing Legislation Amendment Act 2006* introduced a new transitional chapter 17 to the *Crimes (Sentence Administration) Act 2005*.

Chapter 17 now provides transitional arrangements to enable the existing custodial laws to apply until the Corrections Management Act has commenced. The *Crimes (Sentencing) Act 2005*, the *Crimes (Sentence Administration) Act 2005* and the Corrections Management Bill 2006 have been drafted using common terms, methods and connections. The three are designed to work together and make sense of a sentence from sentencing to the completion of a prison term.

To ensure the ACT's custodial laws continue to operate in harmony with the new Sentencing Acts until the Corrections Management Bill 2006 is enacted, the new chapter 17 provides transitional methods and powers to resolve any legal conflicts should they arise.

Chapter 17 also authorises the Executive to make regulations to reconcile any short-term contradictions or resolve any uncertainty.

These regulations are intended to provide certainty on two matters. Firstly, that a grammatical expression in section 36(2) of the *Crimes (Sentence Administration) Act 2005* is intended to be read consistently with other similar consequential amendments. Secondly, that any consequential amendments to the ACT's statute book that refer to the foreshadowed Corrections Management Act are to be read in a transitional manner, consistent with the transitional arrangements in chapter 17 of the *Crimes (Sentence Administration) Act 2005*.

## **Crimes (Sentence Administration) Amendment Regulation 2006 (No 1)**

### **Detail**

#### **Clause 1 — Name of regulation**

This is a technical clause which names the regulation. The name of the regulation would be the *Crimes (Sentence Administration) Amendment Regulation 2006 (No 1)*.

#### **Clause 2 — Commencement**

The regulation commences when the *Crimes (Sentencing) Act 2005* commences, being 2 June 2006.

#### **Clause 3— Legislation amended**

This clause identifies the regulation to be amended, namely the *Crimes (Sentence Administration) Regulation 2006*.

#### **Clause 4 — New section 5**

Clause 4 inserts new section 5 into the *Crimes (Sentence Administration) Regulation 2006*.

New section 5 relies upon the regulation making power in section 611 of the *Crimes (Sentence Administration) Act 2005* to modify the transitional arrangements in the *Crimes (Sentence Administration) Act 2005*. The modifications are set out in schedule 1 of clause 5.

The regulation expires upon commencement of the foreshadowed Corrections Management Act.

#### **Clause 5 — Schedule 1**

This clause makes a schedule to amend the *Crimes (Sentence Administration) Act 2005*. Schedule 1 inserts a new section 607A and 607B into the *Crimes (Sentence Administration) Act 2005*.

New section 607A corrects a grammatical error that was not amended by the *Sentencing Legislation Amendment Act 2006*. The new section refers to section 36(2) of the *Crimes (Sentence Administration) Act 2005*. In 36(2) the phrase “is taken, while in full-time detention in a NSW correctional centre” should now be read as “is taken, while in full-time detention at a NSW correctional centre”. The word “in” is replaced with the word “at”.

New section 607B contemplates any references to the foreshadowed Corrections Management Act in the ACT's statute books.

As noted in the outline, the *Sentencing Legislation Amendment Act 2006* provided consequential amendments for the *Crimes (Sentencing) Act 2005*, *Crimes (Sentence Administration) Act 2005*, and the foreshadowed Corrections Management Act. The *Sentencing Legislation Amendment Act 2006* also updated references in the ACT's statute book to be consistent with the new laws.

To enable the ACT's custodial laws continue to operate in harmony with the new Sentencing Acts until the Corrections Management Bill 2006 is enacted, chapter 17 of the *Crimes (Sentence Administration) Act 2005* provides transitional methods and powers to resolve any legal conflicts should they arise.

To remove any doubt, new section 607B ensures that any reference to the new laws in the ACT's statute book are read consistently with the transitional method used in chapter 17. Any references to custodial law rely on the existing laws as listed section 605 of the *Crimes (Sentence Administration) Act 2005*. The method used to work out references is set out in section 604. Once the Corrections Management Bill is enacted, any references will rely upon the new Act.

In summary, the purpose of new section 607B is to ensure that all Territory law that refers to custody matters is read transitionally, as would the *Crimes (Sentencing) Act 2005* and the *Crimes (Sentence Administration) Act 2005*.