

Australian Capital Territory

# Crimes (Sentencing) Amendment Regulation 2008 (No 1)

Subordinate Law SL2008-20

made under the

*Crimes (Sentencing) Act 2005*, section 136(4)(h) – Information exchange between criminal justice entities

## EXPLANATORY STATEMENT

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### Outline:

Section 136(4)(h) of the *Crimes (Sentencing) Act 2005* provides that an entity may be prescribed as a criminal justice entity by regulation.

Section 136 was enacted to overcome past problems with the reluctance of agencies to share information with each other on the basis that they might be in breach of their obligations under the National Privacy Principles contained in the *Privacy Act 1988* (Cwth), and that sharing information might otherwise prejudice the effective operation of their agency. Section 136 puts beyond doubt the ability of criminal justice agencies to share information, and conveys to agencies the strong intention of the ACT Legislature that they cooperate with each other in the exchange of information relating to the criminal justice system.

National Privacy Principle 2.1(h)(i) allows for the exchange of information by criminal justice agencies for the purposes of preventing, detecting, investigating, prosecuting or punishing criminal offences.

This regulation will prescribe both the Aboriginal Justice Centre and the Intensive Treatment and Support Service as criminal justice entities pursuant to section 136(4)(h) of the *Crimes (Sentencing) Act 2005*.

The Aboriginal Justice Centre is an incorporated association under the *Associations Incorporation Act 1991*. Its certificate of incorporation number is A04348.

The Intensive Treatment and Support Service is a specialist unit within the Department of Disability, Housing and Community Services. In order to prescribe the Service, the regulation will prescribe the Chief Executive responsible for administering the *Disability Services Act 1991*.

Both the Aboriginal Justice Centre and the Intensive Treatment and Support Service undertake a case management role of individuals involved in the criminal justice system. In order that these entities have access to information necessary to undertake their functions, this Regulation prescribes them as criminal justice entities under the *Crimes (Sentencing) Act 2005* so as to remove legal impediments to the exchange of information.

## **Summary of Clauses:**

### **1. Name of regulations**

This clause establishes the name of the regulation as *Crimes (Sentencing) Amendment Regulation 2008 (No 1)*.

### **2. Commencement**

This is a formal provision specifying when the regulation will commence. The Regulation will commence on the day after its notification.

### **3. Legislation Amended**

This regulation amends the *Crimes (Sentencing) Regulation 2006*.

### **4. New Section 3**

This clause provides that the Aboriginal Justice Centre Inc., incorporated under the *Associations Incorporation Act 1991*, certificate of incorporation number A04348, and the Chief Executive responsible for the *Disability Services Act 1991*, are criminal justice entities pursuant to section 136(4)(h) of the *Crimes (Sentencing) Act 2005*.