

2009

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

CRIMES (SENTENCING) AMENDMENT REGULATION 2009 (NO 1)

SL2009-48

EXPLANATORY STATEMENT

Presented by
Simon Corbell MLA
Attorney General

Crimes (Sentencing) Amendment Regulation 2009 (No 1)

Outline

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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 concerns 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* (Cwlth), 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 Canberra Rape Crisis Centre and the Domestic Violence Crisis Service Incorporated as criminal justice entities pursuant to section 136(4) (h) of the *Crimes (Sentencing) Act 2005*.

The Canberra Rape Crisis Centre is an incorporated association under the *Associations Incorporation Act 1991*. Its certificate of incorporation number is A02865.

The Canberra Rape Crisis Centre is a non-government organisation that provides crisis support, counselling, information, and advocacy services to victims of sexual assault, as well as a 24 hour crisis phone support and crisis call out in Canberra and the surrounding region.

The Domestic Violence Crisis Service Incorporated is an incorporated association under the *Associations Incorporation Act 1991*. Its certificate of incorporation number is A01467.

The Domestic Violence Crisis Service Incorporated is a non-government organisation with key objectives of addressing violence and abuse in personal relationships and promoting respect and fairness in personal relationships in the Canberra region. Domestic Violence Crisis Service Incorporated does this by providing 24 hour crisis intervention, advocacy, referral, information, support and practical assistance for people subjected to, or using, violence and abuse in relationships, giving priority to those subjected to violence.

The Government has decided to prescribe both the Domestic Violence Crisis Service Incorporated and the Canberra Rape Crisis Centre as these organisations play a vital role in the ACT criminal justice system as they support victims considering whether to

give evidence against their alleged attackers, and supporting and assisting victims through the criminal justice system.

By prescribing both the Domestic Violence Crisis Service Incorporated and the Canberra Rape Crisis Centre, the Government intends to strengthen the criminal justice system in the Territory through improved relationships and exchange of relevant information between all criminal justice entities.

Summary of Clauses:

1. Name of regulation

This clause establishes the name of the regulation as *Crimes (Sentencing) Amendment Regulation 2009 (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 (aa) and (ab)

This clause provides that the Canberra Rape Crisis Centre Inc incorporated under the *Associations Incorporation Act 1991*, certificate of incorporation number A02865; and the Domestic Violence Crisis Service Inc., incorporated under the *Associations Incorporation Act 1991*, certificate of incorporation number A01467; are criminal justice entities pursuant to section 136(4)(h) of the *Crimes (Sentencing) Act 2005*.