



Australian Capital Territory

Crimes (Sentencing) Amendment Regulation 2006 (No 1)

Subordinate Law SL2006-25

The Australian Capital Territory Executive makes the following regulation under the *Crimes (Sentencing) Act 2005*.

Dated 1 June 2006.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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made under the

Crimes (Sentencing) Act 2005

1 Name of regulation

This regulation is the *Crimes (Sentencing) Amendment Regulation 2006 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Crimes (Sentencing) Act 2005*.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

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

J2006-261

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 Section 2

omit

For the Act

substitute

- (1) For the Act

5 Section 2 (e)

substitute

(e) an alcohol or drug rehabilitation program provided by an entity—

- (i) under an agreement with the Territory under the *Crimes (Sentence Administration) Act 2005*, section 101; or
- (ii) with the consent of the chief executive.

6 New section 2 (2)

insert

- (2) Before giving a consent under subsection (1) (e) (ii), the chief executive must consult with the chief executive of the administrative unit responsible for the *Health Act 1993*.

7 New section 3

insert

3 Modification of Act, ch 10 (Transitional)

- (1) The Act, chapter 10 (Transitional) is modified by schedule 1.
- (2) This section, and schedule 1, expire on the day the *Corrections Management Act 2006* commences.

- (3) In this section:

Corrections Management Act 2006—see the *Crimes (Sentence Administration) Act 2005*, section 603 (Definitions—ch 17).

8 New schedule 1

insert

Schedule 1 Modification of Act, ch 10 (Transitional)

(see s 3)

[1.1] New section 140A

insert

140A References to *charge*—s 140

- (1) A reference in section 140 to an offender being charged with an offence includes a reference to—
 - (a) an information or indictment (including an amended or substituted information or indictment) being filed in a court against the offender for the offence; and
 - (b) if the offender is committed under the *Magistrates Court Act 1930*, section 90A (Plea of guilty in committal proceeding)—the Supreme court deciding to deal with the offender under section 90A (11) of that Act.
- (2) For subsection (1), it does not matter whether a charge is filed in relation to an offence for which an earlier charge has been laid.
- (3) If section 140 (1) applies to an offender because of subsection (2), and the charge was filed before the commencement of section 140, the charge must be disregarded for section 140 (2).

Endnotes

1 Notification

Notified under the Legislation Act on 1 June 2006.

2 Republications of amended laws

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

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