

Information Notice

Act Title:	Sentencing Act 1991
Information Title:	Retrospective Commencement
Version:	030

The amendment made to section 113A(1) of the **Sentencing Act 1991** by section 17 of the **Sentencing (Amendment) Act 1997**, No. 69/1997 is deemed to have come into operation on 1 September 1997.

Section 17 reads as follows:

17. *Maximum term of imprisonment for summary offence*

In section 113A(1) of the Principal Act, after "summary offence" **insert** "punishable, but for this section, by a term of imprisonment of more than 2 years".

The amendments made to section 118 of the **Sentencing Act 1991** by section 19 of the **Sentencing (Amendment) Act 1997**, No. 69/1997 are deemed to have come into operation on 1 September 1997.

Section 19 reads as follows:

19. *Transitional provisions*

In section 118 of the Principal Act, after sub-section (3) **insert**—

- "(3A) The amendment of section 68 of the **Crimes Act 1958** made by item 45(a) of Schedule 1 to the **Sentencing and Other Acts (Amendment) Act 1997** effecting a change from summary to indictable in the nature of an offence against that section applies only to offences alleged to have been committed after the commencement of that Schedule.
- (3B) The amendment of section 70D(1) of the **Crimes Act 1958** made by item 51 of Schedule 1 to the **Sentencing and Other Acts (Amendment) Act 1997** effecting a change from indictable to indictable triable summarily in the nature of an offence against that section applies to a proceeding for an offence that is commenced after the commencement of that Schedule, irrespective of when the offence to which the proceeding relates is alleged to have been committed.
- (3C) The amendments of sections 91 and 343 of the **Crimes Act 1958** made by items 67(a) and 99 of Schedule 1 to the **Sentencing and Other Acts (Amendment) Act 1997** effecting a change from indictable to summary in the nature of an offence against those sections apply to a proceeding for an offence that is commenced after the commencement of that Schedule, irrespective of when the

offence to which the proceeding relates is alleged to have been committed.

- (3D) For the purposes of sub-section (3A), if an offence is alleged to have been committed between two dates and Schedule 1 to the **Sentencing and Other Acts (Amendment) Act 1997** commences on a date between those two dates, the offence is alleged to have been committed before the commencement of that Schedule."

The amendments made to Schedule 1 of the **Sentencing Act 1991** by section 21 of the **Sentencing (Amendment) Act 1997**, No. 69/1997 are deemed to have come into operation on 1 September 1997.

Section 21 reads as follows:

21. *Serious offender offences*

In clauses 1(a), (b), (c) and (d), 2(c) and (d) and 3(b) and (c) of Schedule 1 to the Principal Act, after "offence against" **insert** ", or for which the penalty or the maximum or minimum penalty is fixed by,".