

**Authorised Version No. 005**  
**Sentencing Regulations 2011**

**S.R. No. 159/2011**

Authorised Version incorporating amendments as at  
1 July 2014

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are to—

- (a) provide for orders made under the **Sentencing Act 1991**;
- (b) provide for the obligations of offenders in relation to orders under that Act;
- (c) prescribe any matter, form, procedure, person or class of person necessary for the administration of or to give effect to orders made under that Act.

**2 Authorising provision**

These Regulations are made under section 116 of the **Sentencing Act 1991**.

**3 Commencement**

These Regulations come into operation on 16 January 2012.

**4 Revocation**

The Regulations set out in Schedule 2 are **revoked**.

## 5 Definitions

In these Regulations—

Reg. 5 def. of  
*affidavit of  
justification*  
revoked by  
S.R. No.  
74/2012  
reg. 5(a).

\* \* \* \* \*

Reg. 5 def. of  
*declaration of  
justification*  
revoked by  
S.R. No.  
74/2012  
reg. 5(b).

\* \* \* \* \*

*holiday* means, in relation to a community corrections centre, a day appointed as a public holiday or declared as a bank holiday under the **Public Holidays Act 1993** in the place in which the community corrections centre is located;

*location* means, in relation to a community correction order, drug treatment order, fine conversion order or fine default unpaid community work order, any of the following places—

- (a) a community corrections centre; or
- (b) a place which an offender is directed to attend for unpaid community work, treatment and rehabilitation or for any other purpose in accordance with the direction by the Secretary, Regional Manager, community corrections officer or other person authorised under the Act, these Regulations or the **Corrections Act 1986** or the regulations made under that Act (as the case requires);

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*prohibited poison* means any Schedule 8 Poison or Schedule 9 Poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**;

*the Act* means the **Sentencing Act 1991**;

*unauthorised area* means an area designated by the Regional Manager or a community corrections officer to be an unauthorised area.

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**PART 2—GENERAL MATTERS**

**6 Copies of community correction orders, drug treatment orders or orders in relation to fines**

- (1) If a court makes a community correction order, drug treatment order, fine conversion order or fine default unpaid community work order, it must as soon as practicable serve a copy of the order on—
  - (a) the offender; and
  - (b) the Regional Manager.
- (2) A copy of the order under this regulation may be served by—
  - (a) personal service in accordance with section 391 of the **Criminal Procedure Act 2009**; or
  - (b) ordinary service in accordance with section 394 of the **Criminal Procedure Act 2009**.
- (3) Service of a document under this regulation must be proved in accordance with section 399 of the **Criminal Procedure Act 2009**.

**7 Nature of unpaid community work**

- (1) The unpaid community work that an offender may be required to perform under a drug treatment order, community correction order, fine conversion order or fine default unpaid community work order is any of the following—
  - (a) work at a hospital, educational or charitable institution or for any other non-profit body;  
or

- 
- (b) work at the home of any socially disadvantaged or disabled person or any institution for such persons; or
  - (c) work on any Crown land or land occupied by the Crown; or
  - (d) work on any land owned, leased or occupied for a public purpose by any person or body under any Act.
- (2) Offenders must not be required to perform work of a nature that would normally be performed by paid labour.

### **8 Regional Manager to keep records**

The Regional Manager for the region in which a community corrections centre is located must keep accurate records of—

- (a) the dates and hours on which each offender—
  - (i) has satisfactorily performed unpaid community work; or
  - (ii) has not satisfactorily performed unpaid community work; and
- (b) the times at which the offender attends at the community corrections centre or at other places that he or she is required by the Secretary, Regional Manager or community corrections officer (as the case applies) to attend.

### **9 Declaration about time held in custody**

A declaration made by a court under section 18(4) or 35(4) of the Act may be in Form 1 in Schedule 1.



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## 10 Transitional regulation

Despite the commencement of these Regulations, the Sentencing Regulations 2002<sup>1</sup> as in force before that commencement, continue to apply to any—

- (a) old combined custody and treatment order;
- (b) old community-based order;
- (c) old intensive correction order;
- (d) pre-existing home detention order;
- (e) pre-existing suspended sentence order;

that was in force immediately before that commencement and continues to be in force on and from the commencement of these Regulations.

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**PART 3—DRUG TREATMENT ORDERS**

**11 Drug treatment order—prescribed person or class of person**

For the purposes of sections 18ZH(2)(c), 18ZL(5)(b), 18ZN(2)(b) and 18ZP(3)(c) of the Act, community corrections officers is a prescribed class of persons.

**12 Offender's obligations—unpaid community work order made under a drug treatment order**

- (1) An offender who is required to attend at a community corrections centre or a location under an order made under section 18ZL(1)(d) of the Act—
- (a) must obey all lawful instructions and directions of the Regional Manager or a community corrections officer; and
  - (b) must not consume any alcohol—
    - (i) at least 8 hours before attending at the centre or a location; or
    - (ii) when attending at the centre or a location; or
    - (iii) during the performance of unpaid community work; and
  - (c) must not use a drug of addiction or a prohibited poison—
    - (i) when attending at the centre or a location; or
    - (ii) during the performance of unpaid community work; and
  - (d) must not be under the influence of alcohol, a drug of addiction or a prohibited poison when attending at or while being at the

- centre or a location, or during the performance of unpaid community work; and
- (e) must not be in possession of any alcohol, a drug of addiction or a prohibited poison at the centre or a location or during the performance of unpaid community work; and
  - (f) must not leave a location where he or she is performing unpaid community work without the permission of the Regional Manager or the community corrections officer to whom he or she is required to report; and
  - (g) must as soon as practicable notify the Regional Manager or a community corrections officer at the relevant community corrections centre or location if he or she is unable to attend on any occasion as directed or required under the order; and
  - (h) must if he or she has not attended on any occasion as directed or required at the relevant community corrections centre or at a location as a result of an illness, give as soon as practicable a medical certificate signed by a registered medical practitioner to the Regional Manager or a community corrections officer at the centre or at a location; and
  - (i) must as soon as practicable notify the Regional Manager or a community corrections officer at the relevant community corrections centre of any delay in his or her attendance on any occasion as directed or required under the order; and
  - (j) must not enter an unauthorised area of a community corrections centre without first obtaining permission from the Regional Manager or a community corrections officer.

Reg. 12(1)(h)  
amended by  
S.R. No.  
74/2012 reg. 6.

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- (2) An offender must attend at a community corrections centre or at a location as directed by the Regional Manager or a community corrections officer, and do all things necessary, to have his or her photograph taken to be included in the records of the community corrections centre.

**13 Offender's obligations—drug treatment order under section 18ZF or 18ZG**

An offender undergoing any assessment or treatment specified or required under a drug treatment order must—

- (a) answer all reasonable questions put to him or her; and
- (b) undergo all reasonable tests required; and
- (c) undergo all reasonable treatment required—

by the person who is authorised to carry out that assessment or treatment.

**14 Transitional regulation—drug treatment order**

This Part applies to any drug treatment order made by a court which is in force before the commencement of these Regulations and continues to be in force on and from the commencement of these Regulations.

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**PART 4—COMMUNITY CORRECTION ORDERS**

Reg. 15  
substituted by  
S.R. No.  
74/2012 reg. 7.

**15 Community correction order—prescribed class of persons**

For the purposes of Part 3A of the Act, a prescribed class of person under section 115B(1)(a)(iii) of the Act is a person employed in the Department of Justice under Part 3 of the **Public Administration Act 2004** at a level of Grade 6 or higher.

**16 Matters to be contained in a community correction order**

Reg. 16(1)  
amended by  
S.R. No.  
74/2012  
reg. 8(1).

- (1) A community correction order must specify the following matters—
- (a) the name, address, and date of birth (if known or as stated) of the offender and any other information personally identifying the offender; and
  - (b) the offence and the date of the offence for which the offender was found guilty or convicted; and

Reg. 16(1)(c)  
revoked by  
S.R. No.  
74/2012  
reg. 8(2).

\* \* \* \* \*

- (d) the address and telephone number of the community corrections centre that the offender must report at; and
- (e) the terms under section 45 of the Act attached to the order; and

Reg. 16(1)(ea)  
inserted by  
S.R. No.  
74/2012  
reg. 8(3).

- (ea) that regulation 17 prescribes the obligations that the offender must comply with under the order; and

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- (f) the condition or conditions attached to the order in accordance with section 47 of the Act; and
- (g) the period of the order; and **Reg. 16(1)(g) amended by S.R. No. 74/2012 reg. 8(4).**
- (h) the period of any conditions (if specified by the court); and **Reg. 16(1)(h) amended by S.R. No. 74/2012 reg. 8(5).**
- (i) in relation to an intensive compliance period (if fixed by the court under section 39 of the Act), the period that is fixed and the condition or conditions that must be completed by the offender within that period; and
- (j) the date the order was made by the court; and
- (k) the date the order commences; and
- (l) the signature of the judicial officer constituting the court who made the order; and
- (m) the name and signature of the offender (or if the offender is unable to sign the order, the signature of the offender's legal practitioner) confirming his or her consent to the order; and
- (n) any other information the court thinks appropriate to include in the order.
- (2) A community correction order must be in writing and be expressed in language likely to be readily understood by the offender.

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**17 Offender's obligations under community correction order**

- (1) An offender who is required to attend at a community corrections centre or a location, or to perform unpaid community work, under a community correction order—
- (a) must not consume alcohol—
    - (i) at least 8 hours before attending at the centre or a location; or
    - (ii) when attending at the centre or a location; or
    - (iii) during the performance of unpaid community work; and
  - (b) must not use a drug of addiction or a prohibited poison—
    - (i) when attending at the centre or a location; or
    - (ii) during the performance of unpaid community work; and
  - (c) must not be under the influence of alcohol, a drug of addiction or a prohibited poison when attending at or while being at the centre or a location or during the performance of unpaid community work; and
  - (d) must not be in possession of alcohol, a drug of addiction or a prohibited poison at the centre or a location or during the performance of unpaid community work.

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Part 4—Community Correction Orders

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- (2) An offender must attend at a community corrections centre or at a location as directed by the Regional Manager or a community corrections officer, and do all things necessary, to have his or her photograph taken and for it to be included in the records of the community corrections centre.
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**Reg. 17(2)**  
**amended by**  
**S.R. No.**  
**74/2012 reg. 9.**



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**PART 5—FINES**

Reg. 18AA  
inserted by  
S.R. No.  
74/2012  
reg. 10.

**18AA Fines—prescribed class of person**

For the purposes of Part 3B of the Act, a prescribed class of person under section 115B(1)(a)(iii) of the Act is a person employed in the Department of Justice under Part 3 of the **Public Administration Act 2004** at a level of Grade 6 or higher.

**18 Part payment of fine to reduce unpaid community work**

Reg. 18(1)  
amended by  
S.R. No.  
16/2014 reg. 5.

- (1) For the purposes of section 69U(3) of the Act, payment of a fine may be made—
  - (a) in person at a community corrections centre between 10.00 a.m. and 4.00 p.m. on any Monday to Friday that is not a holiday; or
  - (b) by post to a community corrections centre; or
  - (c) by electronic funds transfer, or by a credit card, to an ADI; or
  - (d) in cash, or by bank cheque (marked "not negotiable") or money order made payable to the Department of Justice.
- (2) A payment by bank cheque is not made until the cheque is honoured on presentation to the relevant bank.
- (3) Part payment of a fine made on any occasion must be for a minimum sum of \$100.00.
- (4) In this regulation—

*electronic funds transfer* does not include—

  - (a) a transfer of money over the Internet; or
  - (b) a withdrawal or transfer of money carried out by telephone banking.

Sentencing Regulations 2011  
S.R. No. 159/2011  
Part 5—Fines

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Reg. 19  
revoked by  
S.R. No.  
74/2012  
reg. 11.

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Reg. 20  
revoked by  
S.R. No.  
74/2012  
reg. 12.

**21 Matters to be contained in a fines work order**

Reg. 21  
(Heading)  
amended by  
S.R. No.  
16/2014  
reg. 6(1).

(1) A fine conversion order must specify the following matters—

Reg. 21(1)  
amended by  
S.R. No.  
74/2012  
reg. 13(1).

(a) the name, address, and date of birth (if known or as stated) of the offender and any other information personally identifying the offender; and

(b) the offence and the date of the offence for which the offender was found guilty or convicted; and

(c) the total amount of the fine, and costs (if any); and

(d) the number of hours of unpaid community work that the offender must perform as fixed under the Act; and

Reg. 21(1)(d)  
substituted by  
S.R. No.  
74/2012  
reg. 13(2).

(e) the terms attached to the order under section 69V of the Act; and

Reg. 21(1)(e)  
substituted by  
S.R. No.  
74/2012  
reg. 13(3),  
amended by  
S.R. No.  
16/2014  
reg. 6(2).

Sentencing Regulations 2011  
S.R. No. 159/2011  
Part 5—Fines

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- (f) the address and telephone number of the community corrections centre that the offender must report at; and
- Reg. 21(1)(g) revoked by S.R. No. 74/2012 reg. 13(4). \* \* \* \* \*
- Reg. 21(1)(h) substituted by S.R. No. 74/2012 reg. 13(5). (h) that regulation 23 prescribes the obligations that the offender must comply with under the order; and
- (i) the date the order was made by the court; and
- (j) the date the order commences; and
- Reg. 21(1)(ja) inserted by S.R. No. 74/2012 reg. 13(6). (ja) the period of the order; and
- (k) the signature of the proper officer constituting the court who made the order; and
- (l) the name and signature of the offender (or if the offender is unable to sign the order, the signature of his or her legal practitioner) confirming the offender's consent to the order; and
- (m) any other information the court thinks appropriate to include in the order.
- Reg. 21(2) amended by S.R. No. 16/2014 reg. 6(3). (2) A fines work order must be in writing and be expressed in language likely to be readily understood by the offender.

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Reg. 22  
amended by  
S.R. No.  
74/2012  
reg. 14,  
revoked by  
S.R. No.  
16/2014 reg. 7.

### 23 Offender's obligations under a fines work order

Reg. 23  
(Heading)  
amended by  
S.R. No.  
16/2014  
reg. 8(1).

Reg. 23  
substituted by  
S.R. No.  
74/2012  
reg. 15.

- (1) If an offender is required to perform unpaid community work under a fines work order, for the purpose of ensuring the offender's attendance and satisfactory performance of unpaid community work, the offender—
- (a) must not consume or be under the influence of alcohol—
    - (i) when attending at the centre or a location; or
    - (ii) during the performance of unpaid community work; and
  - (b) must not use or be under the influence of a drug of addiction or a prohibited poison—
    - (i) when attending at the centre or a location; or
    - (ii) during the performance of unpaid community work; and

Reg. 23(1)  
amended by  
S.R. No.  
16/2014  
reg. 8(2).

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- (c) must not be in possession of alcohol, a drug of addiction or a prohibited poison at the centre or a location or during the performance of unpaid community work; and
  - (d) must not leave a location where he or she is performing unpaid community work without the permission of the Regional Manager or a community corrections officer; and
  - (e) must as soon as practicable notify the Regional Manager or a community corrections officer if he or she is unable to attend at the centre or location on any occasion required under the order; and
  - (f) must as soon as practicable notify the Regional Manager or a community corrections officer of any delay in his or her attendance on any occasion as directed or required; and
  - (g) must if he or she has not attended on any occasion as directed or required at the relevant community corrections centre or at a location as a result of an illness, give as soon as practicable a medical certificate signed by a registered medical practitioner to the Regional Manager or a community corrections officer; and
  - (h) must not enter an authorised area of a community corrections centre without first obtaining permission from the Regional Manager or a community corrections officer.
- (2) An offender must attend at a community corrections centre or at a location as directed by the Regional Manager or a community corrections officer, and do all things necessary, to have his or her photograph taken and for it to be included in the records of the community corrections centre.

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**23A Transitional regulation—fines**

Despite the commencement of the Sentencing Amendment Regulations 2012, Part 5 of the Sentencing Regulations 2011 as in force before that commencement continues to apply to any—

- (a) fine conversion order;
- (b) fine default unpaid community work order—

that was in force immediately before that commencement.

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Reg. 23A  
inserted by  
S.R. No.  
74/2012  
reg. 16.

**PART 6—VARIATION OF A SENTENCE**

**24 Application for variation etc. of community correction order**

An application under section 48N(1) of the Act must be—

(a) made in writing; and

(b) include the following particulars—

- (i) the name and signature of the applicant; and
- (ii) the name of the respondent; and
- (iii) the date of the application; and
- (iv) the grounds for the application; and
- (v) the court which made the order and the date of the order; and
- (vi) the date the order commenced and ceases; and
- (vii) the date, location and venue of the court for the hearing of the application recorded by the proper officer of the court; and
- (viii) any other relevant information about the order.

Reg. 24  
(Heading)  
amended by  
S.R. No.  
74/2012  
reg. 17(1).

Reg. 24  
amended by  
S.R. No.  
74/2012  
reg. 17(2).

Reg. 24(b)  
amended by  
S.R. No.  
74/2012  
reg. 17(3).

**24A Application for variation etc. of fines work order**

An application under section 68(1) or 69J(1) of the Act must be—

- (a) made in writing; and
- (b) include the following particulars—
  - (i) the name and signature of the applicant; and
  - (ii) the name of the respondent; and
  - (iii) the date of the application; and
  - (iv) the grounds for the application; and
  - (v) the court which made the order and the date of the order; and
  - (vi) the date the order commenced and ceases; and
  - (vii) the date, location and venue of the court for the hearing of the application recorded by the proper officer of the court; and
  - (viii) any other relevant information about the order.

Reg. 24A  
(Heading)  
amended by  
S.R. No.  
16/2014  
reg. 9(1).

Reg. 24A  
inserted by  
S.R. No.  
74/2012  
reg. 18,  
amended by  
S.R. No.  
16/2014  
reg. 9(2).

**25 Variation of community corrections order—  
prescribed persons**

For the purposes of section 48N(1)(a) of the Act, a prescribed person or a prescribed class of person is—

- (a) the Chief Commissioner of Police;
- (b) a member of the police force;
- (c) a Regional Manager;
- (d) a community corrections officer;
- (e) a person employed in the Office of Public Prosecutions who is a lawyer.



Reg. 26  
amended by  
S.R. No.  
16/2014  
reg. 10.

**26 Variation of an instalment order or a time to pay order—prescribed persons**

For the purposes of section 61(1)(b) of the Act, a prescribed person or a member of a prescribed class of person is—

- (a) an informant;
- (b) a member of the police force;
- (c) a person employed in the Office of Public Prosecutions who is a lawyer.

Reg. 26A  
(Heading)  
amended by  
S.R. No.  
16/2014  
reg. 11(1).

**26A Variation etc. of fines work order—prescribed persons**

For the purposes of sections 68(1)(a) and 69J(1)(a) of the Act, a prescribed person or a prescribed class of person is—

Reg. 26A  
inserted by  
S.R. No.  
74/2012  
reg. 19,  
amended by  
S.R. No.  
16/2014  
reg. 11(2).

- (a) the Chief Commissioner of Police; or
- (b) a member of the police force; or
- (c) a Regional Manager; or
- (d) a community corrections officer; or
- (e) a member of staff of the Office of Public Prosecutions who is a lawyer.

**27 Variation of an order for release on adjournment—prescribed persons**

For the purposes of section 78(3)(b) of the Act, a prescribed person or a member of a prescribed class of person is—

- (a) an informant;
- (b) a member of the police force;
- (c) a person employed in the Office of Public Prosecutions who is a lawyer.

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**28 Review of justice plan—prescribed persons**

For the purposes of section 81(2)(c) of the Act, a prescribed person or a member of a prescribed class of person is—

- (a) an informant;
- (b) a member of the police force;
- (c) a person employed in the Office of Public Prosecutions who is a lawyer.

**29 Review of justice plan condition—prescribed persons**

For the purposes of section 82(2)(c) of the Act, a prescribed person or a member of a prescribed class of person is—

- (a) an informant;
  - (b) a member of the police force;
  - (c) a person employed in the Office of Public Prosecutions who is a lawyer.
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**PART 7—CONTRAVENTION OF A SENTENCE**

**Division 1—General**

**30 Contravention of an order—section 63A or Schedule 3 of the Act**

- (1) For the avoidance of doubt, this Part applies to a fine conversion order or fine default unpaid community work order in the same manner as it applies to a community correction order.
- (2) For the avoidance of doubt, this Part applies to a suspended sentence order and a pre-existing suspended sentence order within the meaning of clause 6 of Schedule 3 to the Act.
- (3) For the avoidance of doubt, a reference to an offence under section 83AD in this Part includes a reference to an offence under clauses 7, 8, 9 and 10 of Schedule 3 to the Act.

Reg. 30A  
inserted by  
S.R. No.  
74/2012  
reg. 20.

**30A Transitional regulation—contravention of sentence**

Despite the commencement of the Sentencing Amendment Regulations 2012, Part 7 of the Sentencing Regulations 2011 as in force before that commencement continues to apply to a proceeding commenced under Division 2 of Part 3C of the Act and extant immediately before that commencement.

**Division 2—Prescribed person or class of person**

**31 Commencement of a proceeding—prescribed persons**

- (1) For the purposes of section 83AG(2)(e) of the Act, the Chief Commissioner of Police is a prescribed person.

Reg. 31  
substituted by  
S.R. No.  
74/2012  
reg. 21.

- (2) For the purposes of section 83AG(2)(f) of the Act a prescribed class of persons is—
- (a) a Regional Manager; or
  - (b) a community corrections officer.

Reg. 31(2)(b)  
amended by  
S.R. No.  
73/2013  
reg. 5(a).

\* \* \* \* \*

Reg. 31(2)(c)  
revoked by  
S.R. No.  
73/2013  
reg. 5(b).

**31A Contravention of an order—process where offender before higher court, orders of that court—prescribed persons**

Reg. 31A  
inserted by  
S.R. No.  
74/2012  
reg. 21.

- (1) For the purposes of section 83AL(2)(e) of the Act, the Chief Commissioner of Police is a prescribed person.
- (2) For the purposes of section 83AL(2)(f) of the Act a prescribed class of persons is—
  - (a) a Regional Manager; or
  - (b) a community corrections officer.

Reg. 31A(2)(b)  
amended by  
S.R. No.  
73/2013  
reg. 6(a).

\* \* \* \* \*

Reg. 31A(2)(c)  
revoked by  
S.R. No.  
73/2013  
reg. 6(b).

\* \* \* \* \*

Pt 7 Div. 3  
(Heading and  
regs 32–35)  
revoked by  
S.R. No.  
74/2012  
reg. 22.

r. 36

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**Division 4—Transfer of proceedings for contravention of a sentence**

Reg. 36  
substituted by  
S.R. No.  
74/2012  
reg. 23.

**36 Proper officer of sentencing court to fix date for transferred proceeding**

If a proceeding is transferred under section 83AJ(1) of the Act, the proper officer of the sentencing court must fix a date for the proceeding to be heard.

Reg. 37  
substituted by  
S.R. No.  
74/2012  
reg. 23.

**37 Transfer of a proceeding**

For the purposes of section 83AJ(1), the form of an order made by the Magistrates' Court that a proceeding be transferred is Form 1A in Schedule 1.

Reg. 38  
revoked by  
S.R. No.  
74/2012  
reg. 23.

\* \* \* \* \*

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**PART 8—ORDERS IN RELATION TO INTELLECTUALLY DISABLED OFFENDERS AND MENTALLY ILL OFFENDERS**

**39 Review of a justice plan condition**

For the purposes of section 82 of the Act, the form of the application is Form 2 in Schedule 1.

**40 Court Assessment Orders**

For the purposes of section 92(1)(b) of the Act, prescribed information in relation to a Court Assessment Order is advice about the duration of the Court Assessment Order in accordance with section 93(2).

Reg. 40 substituted by S.R. No. 57/2014 reg. 5.

\* \* \* \* \*

Regs 41–43 revoked by S.R. No. 57/2014 reg. 6.

Sch. 1

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**SCHEDULE 1**

**FORMS**

**FORM 1**

Regulation 9

**DECLARATION ABOUT TIME HELD IN CUSTODY**

Ref. No.

On / / the Court at  
sentenced of Date of Birth / /  
to weeks months years detention imprisonment

---

Declaration

---

The offender has been held in custody in relation to proceedings connected with the offence to which this sentence applies and for no other reason for—

Days

Weeks

Months

This period is to be reckoned as already served under the sentence.

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This declaration was made by

Signature

Day

Month

Judge/Magistrate

Year

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FORM 1A

Regulation 37

Form 1A  
inserted by  
S.R. No.  
74/2012  
reg. 24.

**TRANSFER OF PROCEEDING FROM THE MAGISTRATES'  
COURT TO THE COUNTY COURT\*/SUPREME COURT\* UNDER  
SECTION 83AJ OF THE SENTENCING ACT 1991**

The Magistrates' Court of Victoria at

Informant:

Accused:

D.O.B:

Proceeding commenced by: Charge and Summons\*/Charge and Warrant\*

Nature of Charge: That the Accused did contravene a sentencing order under section \_\_\_\_\_ of Part 3C\*/clause of \_\_\_\_\_ Schedule 3\* of the **Sentencing Act 1991**.

I, [name], registrar of the Magistrates' Court of Victoria at [venue] order that the proceeding under the **Sentencing Act 1991** be transferred to the

COUNTY COURT at \_\_\_\_\_ \*/SUPREME COURT at \_\_\_\_\_ \*

This order is made under section 83AJ(1) of the **Sentencing Act 1991** and takes effect; on the filing of the evidence of service of the summons in the above mentioned court\*/on the execution of the warrant against the offender\*.

Dated at:

On:

**Registrar of the Magistrates' Court of Victoria**

\* Strike out whichever is inapplicable.



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**FORM 2**

Regulation 39

**APPLICATION FOR REVIEW OF JUSTICE PLAN CONDITION**

Ref. No.

This application is being made by  
of

TO:  
of

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SENTENCE

- On / /  the court made a community correction order in respect of
- you were/I was released on an adjournment following conviction/without conviction

for the following offence:

The Court made an order attaching a justice plan condition that you/I participate in the services specified in a justice plan for a period of

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APPLICATION

I intend to apply to the Court under section 82(1) of the **Sentencing Act 1991** to review the justice plan condition.

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GROUNDS OF THIS APPLICATION

- that the offender is no longer willing to comply with the justice plan condition.
  - that the needs of the offender are not being met by the justice plan condition.
  - that the offender has failed without reasonable excuse to comply with the justice plan condition.
  - that the justice plan condition is no longer appropriate.
-

Sentencing Regulations 2011  
S.R. No. 159/2011

Sch. 1

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NOTICE OF APPLICATION

The above application is being made to the \_\_\_\_\_ Court  
at \_\_\_\_\_

The application will be heard on \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year  
at \_\_\_\_\_ a.m./p.m.

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Signature of applicant

WARNING TO THE OFFENDER: If you do not attend Court at the above  
time and place, a warrant to arrest may be issued against you.

Tick whichever applies

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Sentencing Regulations 2011  
S.R. No. 159/2011

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Sch. 1  
Forms 3–12  
revoked by  
S.R. No.  
57/2014 reg. 7.

\* \* \* \* \*

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**SCHEDULE 2**

Regulation 4

**REVOKED REGULATIONS**

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<i>S.R. No.</i>	<i>Title</i>
21/2002	Sentencing Regulations 2002
125/2006	Sentencing (Mental Health) (Amendment) Regulations 2006
144/2006	Sentencing (Amendment) Regulations 2006
66/2009	Sentencing Amendment Regulations 2009
160/2009	Sentencing Amendment Regulations 2009
2/2011	Sentencing Amendment Regulations 2011

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## ENDNOTES

### 1. General Information

The Sentencing Regulations 2011, S.R. No. 159/2011 were made on 21 December 2011 by the Governor in Council under section 116 of the Sentencing Act 1991, No. 49/1991 and came into operation on 16 January 2012: regulation 3.

The Sentencing Regulations 2011 will sunset 10 years after the day of making on 21 December 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

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## 2. Table of Amendments

This Version incorporates amendments made to the Sentencing Regulations 2011 by statutory rules, subordinate instruments and Acts.

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Sentencing Amendment Regulations 2012, S.R. No. 74/2012

*Date of Making:* 3.7.12

*Date of Commencement:* 16.7.12: reg. 3

Sentencing Amendment Regulations 2013, S.R. No. 73/2013

*Date of Making:* 25.6.13

*Date of Commencement:* 30.6.13: reg. 3

Sentencing Amendment Regulations 2014, S.R. No. 16/2014

*Date of Making:* 15.4.14

*Date of Commencement:* 19.4.14: reg. 3

Sentencing Further Amendment Regulations 2014, S.R. No. 57/2014

*Date of Making:* 17.6.14

*Date of Commencement:* Regs 5–7 on 1.7.14: reg. 3

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**Endnotes**

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**3. Explanatory Details**

- <sup>1</sup> Reg. 10: S.R. No. 21/2002. Reprint No. 1 as at 18 September 2007.  
Reprinted to S.R. No. 144/2006 and subsequently amended by  
S.R. Nos 66/2009, 160/2006 and 2/2011.