

Authorised Version
Sentencing Amendment Regulations 2018
S.R. No. 162/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 162/2018

Sentencing Act 1991

Sentencing Amendment Regulations 2018

The Governor in Council makes the following Regulations:

Dated: 16 October 2018

Responsible Minister:

MARTIN PAKULA
Attorney-General

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Sentencing Regulations 2011 to make changes consequential to the enactment of the **Justice Legislation Miscellaneous Amendment Act 2018** in relation to mandatory treatment and monitoring orders.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 28 October 2018.

4 Principal Regulations

In these Regulations, the Sentencing Regulations 2011¹ are called the Principal Regulations.

5 Matters to be contained in a community correction order

After regulation 16(1)(ea) of the Principal Regulations **insert**—

- "(eb) whether the order is a mandatory treatment and monitoring order; and
- (ec) the conditions attached to the order in accordance with section 44A(1) of the Act; and".

6 Application for variation etc. of community correction order

After regulation 24(b)(vii) of the Principal Regulations **insert**—

- "(viia) whether the order is a mandatory treatment and monitoring order; and
- (viib) the conditions attached to the order in accordance with section 44A(1) of the Act; and".

7 Review of a justice plan condition

In regulation 39 of the Principal Regulations, for "is Form 2 in Schedule 1." **substitute**—

"is—

- (a) in the case of a justice plan condition attached to a mandatory treatment and monitoring order—Form 1B in Schedule 1; and
- (b) in any other case—Form 2 in Schedule 1."

8 New Form 1B inserted

After Form 1A in Schedule 1 to the Principal
Regulations **insert**—

"FORM 1B

Regulation 39(a)

**APPLICATION FOR REVIEW OF JUSTICE PLAN
CONDITION ATTACHED TO A MANDATORY
TREATMENT AND MONITORING ORDER**

Ref. No.

This application is being made by
of

TO:
of

SENTENCE

On / / , the Court made a mandatory treatment and monitoring order
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

APPLICATION

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

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.
-

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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.

TAKE NOTE

The justice plan condition must not be cancelled. If the justice plan condition is varied, the condition as varied must be as onerous as, or more onerous than, the previous condition. See section 44A(3) of the **Sentencing Act 1991**.

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".

9 Form 2 amended

In Form 2 in Schedule 1 to the Principal Regulations, after "**Form 2**", for "Regulation 39" **substitute** "Regulation 39(b)".

Endnotes

- ¹ Reg. 4: S.R. No. 159/2011 as amended by S.R. Nos 74/2012, 73/2013, 16/2014, 57/2014 and 38/2016.