

JU301\*

Sentencing Act 1995

## **Sentencing Amendment Regulations (No. 2) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Sentencing Amendment Regulations (No. 2) 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Sentencing Regulations 1996\**.

[\* Reprinted as at 3 September 2002.

For amendments to 14 November 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 370, and Gazette 28 April 2005.*]

### 3. Regulation 13 amended

The Table to regulation 13 is amended by inserting the following item at the end of the Table —

“

79, 129	Notice alleging commission of offence while subject to sentence	5
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### 4. Schedule 1 amended

Schedule 1 is amended by inserting the following form after Form 4 —

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### 5. Notice alleging commission of offence while subject to sentence

WESTERN AUSTRALIA <i>Sentencing Act 1995, s. 79, 129</i>  <b>NOTICE ALLEGING          COMMISSION OF OFFENCE          WHILE SUBJECT TO [SENTENCE]<sup>1</sup></b>	No. <input type="checkbox"/> Supreme Court <input type="checkbox"/> District Court <input type="checkbox"/> Magistrates Court <input type="checkbox"/> Children's Court At:						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><b>Offender</b></td> <td>Name:</td> </tr> <tr> <td></td> <td>Address:</td> </tr> <tr> <td></td> <td>Date of birth: <span style="float: right;">Male/Female:</span></td> </tr> </table>	<b>Offender</b>	Name:		Address:		Date of birth: <span style="float: right;">Male/Female:</span>	
<b>Offender</b>	Name:						
	Address:						
	Date of birth: <span style="float: right;">Male/Female:</span>						
<b>Notice to offender</b>	<b>It is alleged that while you were serving the sentence for the first offence described below you committed another offence.</b> <b>You must attend a hearing at the court which sentenced you for the first offence to deal with this allegation.</b>						
<b>First offence<sup>2</sup></b>	Offence: [Prosecution notice/Indictment] No.: Dates: offence committed: ___/___/___ convicted:               ___/___/___ sentenced:             ___/___/___ Sentence:						
<b>Offence<sup>2</sup> committed while subject to [sentence]<sup>1</sup></b>	Offence: Court: <span style="float: right;">at:</span> [Prosecution notice/Indictment] No.: Dates: offence committed: ___/___/___ convicted:               ___/___/___ sentenced:             ___/___/___ Sentence:						
<b>Notice of application for order to pay<sup>3</sup></b>	<b>When released on the CRO you agreed to [pay/forfeit] \$_____ if you committed an offence during the term of the CRO.</b> <b>An application will be made to the court for an order that this amount must now be [paid/forfeited].</b>						

<b>Notice issued by</b>	Name:
	Official title:
	Address:
	Phone No.: _____ Date: ___/___/_____
	Signature:
	Witness: _____ JP/Prescribed court officer

## Notes to Form 5

1. Insert type of sentence eg. CRO, CBO, ISO, suspended imprisonment
2. If more than one offence, modify notice as required and give details of all offences.
3. Delete if not applicable.  
Modify notice as required if a surety gave an undertaking, or deposited an amount, and the order is to be sought in respect of the surety as well as, or instead of, the offender.

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By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.