

JU302*

Sentencing Act 1995

Sentencing Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations 2006*.

2. Commencement

These regulations come into operation on the day on which the *Sentencing Legislation Amendment Act 2004* Part 2 comes into operation.

3. The regulations amended

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

[* Reprinted as at 3 September 2002.
For amendments to 27 January 2006 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 370, and Gazette 28 April 2005 and 24 January 2006*.]

4. Regulation 3 amended

Regulation 3(1) is amended in the definition of “court officer” by deleting paragraphs (b) and (c) and inserting the following paragraph instead —

“

- (b) in the Magistrates Court or the Children’s Court — a registrar of the court.

”.

5. Regulation 4A amended

Regulation 4A(a) is amended by deleting “court of petty sessions” and inserting instead —

“ Magistrates Court ”.

6. Regulation 4E amended

Regulation 4E(1) is amended by deleting “a court of petty sessions” and inserting instead —

“ the Magistrates Court ”.

7. Regulation 6 amended

Regulation 6(1) is amended as follows:

- (a) by deleting “a court of summary jurisdiction” and inserting instead —
“ the Magistrates Court ”;
- (b) by deleting “the clerk of the court” and inserting instead —
“ a registrar ”;
- (c) in paragraph (a)(i) by deleting “complaint” and inserting instead —
“ prosecution notice ”.

8. Regulation 6AA amended

Regulation 6AA is amended by deleting “section 44(a)(ii)” and inserting instead —

“ section 44(1)(a)(ii) ”.

9. Regulation 6B inserted

After regulation 6A the following regulation is inserted —

“

6B. Conditional suspended imprisonment — prescribed courts (s. 81)

For the purposes of section 81 of the Act the following courts are prescribed —

- (a) the Supreme Court;
- (b) the District Court;
- (c) the Children’s Court;
- (d) a speciality court.

”.

10. Part 6 heading amended

The heading to Part 6 is amended by deleting “and community orders” and inserting instead —

“

**, community orders and conditional
suspended imprisonment**

”.

11. Regulation 10 amended

- (1) Regulation 10(1) is amended by inserting after “section” —
“ 84H or ”.
- (2) Regulation 10(6) is amended by inserting after “community order” —
“ or a CSI requirement ”.

- (3) Regulation 10(7) is amended by deleting “under section 126 of the Act”.

12. Regulation 11 replaced

Regulation 11 is repealed and the following regulation is inserted instead —

“

11. CEO to be notified when offender dealt with

If a court acts under section 84F, 84I, 84K, 84L, 127, 130, 132 or 133 of the Act, a court officer is to notify the CEO of any orders made by the court.

”

13. Regulation 13 amended

- (1) Regulation 13(2) is amended by deleting “sections 14, 33J, 33P, 50, 79, 84E and 129 of” .
- (2) Regulation 13(3) is amended by deleting “section 17 of” .
- (3) Regulation 13(4) is amended by deleting “sections 78, 128 and 132 of” .
- (4) After regulation 13(4) the following subregulation is inserted —

“

- (4a) The prescribed form for a complaint for the purposes of section 84E of the Act is Form 5 in Schedule 1 with such modifications as are necessary.

”

14. Schedule 2 amended

- (1) Schedule 2 is amended under the heading “Acts” by deleting “*Justices Act 1902* s. 57(3)” and “*Local Courts Act 1904* s. 44(2)”.
- (2) Schedule 2 is amended under the heading “Acts” by inserting the following item in the appropriate alphabetical position —
- “ *Criminal Procedure Act 2004* Sch. 2 cl. 5 ”.
- (3) Schedule 2 is amended by deleting all of the items under the heading “Subsidiary legislation” and inserting the following items instead —

“

Aboriginal Communities Act 1979 — all offences in by-laws in force under s. 7 of that Act
Aerial spraying Control Regulations 1971 r. 15
Navigable Waters Regulations r. 40, 53(1)

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.