

Western Australia

Sentencing Amendment Act 2012

As at 22 Nov 2012

No. 42 of 2012

Extract from www.slp.wa.gov.au, see that website for further information

Sentencing Amendment Act 2012

CONTENTS

1.	Short title	2
2.	Act amended	2
3.	Section 8 amended	2
4.	Section 9AA inserted	2
	9AA. Reduction in sentence for plea of guilty	2
5.	Part 21 heading inserted	3
	Part 21 — Transitional and review provisions	
6.	Sections 150A and 150B inserted	3
	150A. <i>Sentencing Amendment Act 2012</i> amendments, application of	3
	150B. Review of s. 9AA	4



Western Australia

Sentencing Amendment Act 2012

No. 42 of 2012

An Act to amend the *Sentencing Act 1995*.

[Assented to 22 November 2012]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Sentencing Amendment Act 2012*.

Note: Under the *Interpretation Act 1984* section 20(2), this Act comes into operation on the 28th day after the day on which it receives the Royal Assent.

2. Act amended

This Act amends the *Sentencing Act 1995*.

3. Section 8 amended

Delete section 8(2).

4. Section 9AA inserted

At the end of Part 2 Division 1 insert:

9AA. Reduction in sentence for plea of guilty

(1) In this section —

fixed term has the meaning given in section 85(1);

head sentence, for an offence, means the sentence that a court would have imposed for the offence if —

(a) the offender had been found guilty after a plea of not guilty; and

(b) there were no mitigating factors;

victim has the meaning given in section 13.

(2) If a person pleads guilty to a charge for an offence, the court may reduce the head sentence for the offence in order to recognise the benefits to the State, and to any victim of or witness to the offence, resulting from the plea.

(3) The earlier in the proceedings the plea is made, the greater the reduction in the sentence may be.

- (4) If the head sentence for an offence is or includes a fixed term, the court must not reduce the fixed term under subsection (2) —
 - (a) by more than 25%; or
 - (b) by 25%, unless the offender pleaded guilty, or indicated that he or she would plead guilty, at the first reasonable opportunity.
- (5) If a court reduces the head sentence for an offence under subsection (2), the court must state that fact and the extent of the reduction in open court.
- (6) This section does not prevent the court from reducing the head sentence for an offence because of any mitigating factor other than a plea of guilty.

5. Part 21 heading inserted

After section 149 insert:

Part 21 — Transitional and review provisions

6. Sections 150A and 150B inserted

Before section 150 insert:

150A. *Sentencing Amendment Act 2012* amendments, application of

- (1) In this section —

commencement means the coming into operation of the *Sentencing Amendment Act 2012* section 4;

sentencing includes the variation or substitution of a sentence.

- (2) This Act, as amended by the *Sentencing Amendment Act 2012*, applies to the sentencing after commencement of an offender for an offence —
- (a) even if the offence was committed before commencement; and
 - (b) even if the offender was convicted before commencement; and
 - (c) even if the sentencing is as a result of an appeal against a sentence imposed before commencement.

150B. Review of s. 9AA

- (1) The Minister must review the operation and effectiveness of section 9AA as soon as practicable after the third anniversary of the day on which the *Sentencing Amendment Act 2012* section 4 comes into operation.
- (2) The Minister must cause a report of the review to be laid before each House of Parliament as soon as practicable after it is done.

