

JU302*

Sentencing Act 1995

Sentencing Amendment Regulations (No. 2) 2004

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

1. Citation

These regulations may be cited as the *Sentencing Amendment Regulations (No. 2) 2004*.

2. Commencement

These regulations come into operation on the later of the day on which they are published in the *Gazette* and the day on which section 33 of the *Sentencing Legislation Amendment and Repeal Act 2003* 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 4 May 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 351.*]

4. Part heading replaced

The heading to Part 3A is deleted and the following heading is inserted instead —

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Part 3A — Sentencing options

”.

5. Regulation 6AA inserted

Before regulation 6A the following regulation is inserted in Part 3A —

“

6AA. Offences for which CBO may be imposed (s. 44(a)(ii))

For the purposes of section 44(a)(ii) of the Act the offences the penalties for which are specified in a

provision of an Act or Regulations listed in Schedule 2 are prescribed.

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6. Schedule 2 inserted

After Schedule 1 the following Schedule is inserted —

“

Schedule 2 — Offences for which CBO may be imposed under s. 44 of the Act

[r. 6AA]

Acts

- Aerial Spraying Control Act 1966* s. 6, 9(4)
Bail Act 1982 s. 20(4), 50D(2), 60
Biological Control Act 1986 s. 41, 43
Botanic Gardens and Parks Authority Act 1998 s. 30
Business Names Act 1962 s. 5A(2)
Cattle Industry Compensation Act 1965 s. 37(1)
Cemeteries Act 1986 s. 62
Conservation and Land Management Act 1984 s. 105(1), 106
Conspiracy and Protection of Property Act 1900 s. 6
Co-operative and Provident Societies Act 1903 s. 36, 55
Credit (Administration) Act 1984 s. 37, 38, 39(4), 39(6)
The Criminal Code s. 95, 97, 105, 106, 108, 110, 111, 151 (summary conviction), 208 (summary conviction), 426(4), 426A(3), 429, 430, 431, 434, 435
Criminal Investigation (Extra-Territorial Offences) Act 1987 s. 6
Curriculum Council Act 1997 Sch. 1, cl. 16(1)
Dangerous Goods (Transport) Act 1998 s. 19, 29(6)
Debt Collectors Licensing Act 1964 s. 5(2)
Electoral Act 1907 s. 77(4), 188(2), 190 (Fraudulently putting any ballot or other paper into the ballot box. Fraudulently taking any ballot paper out of any polling place. Supplying ballot papers without authority.), 191A(1), 191A(2), 199A(1)
Electricity Corporation Act 1994 Sch. 2 cl. 12(1)
Explosives and Dangerous Goods Act 1961 s. 54A(6)
Family Court Act 1997 s. 243(6)
Fire Brigades Act 1942 s. 33A(12), 59
Fish Resources Management Act 1994 s. 49, 171(1), 196(1)
Freedom of Information Act 1992 s. 82(2), 83, 109, 110
Fuel, Energy and Power Resources Act 1972 s. 49(3)
Gaming and Wagering Commission Act 1987 s. 20(3), 35, 42(4), 45(3), 45(4), 58(4)
Gender Reassignment Act 2000 s. 22(2), 23
Government Railways Act 1904 s. 34(1), 45, 51(2)
Growers Charge Act 1940 s. 6
Guardianship and Administration Act 1990 s. 49(4), 113(1), Sch. 1 Part B cl. 12(6)

Health Act 1911 s. 360(1)(e), 360(1)(f)
Housing Societies Act 1976 s. 29D(9), 79(a)
Juries Act 1957 s. 56B(1), 56C(1), 56D(1)
Justices Act 1902 s. 57(3)
Land Drainage Act 1925 s. 155
Local Courts Act 1904 s. 44(2)
Local Government (Miscellaneous Provisions) Act 1960
s. 474(7), 482(3)
Medical Act 1894 s. 16A(1), 19, 21A(1)
Mental Health Act 1996 s. 206(1), Sch. 2 cl. 13(5), Sch. 2 cl. 16
Nuclear Activities Regulation Act 1978 s. 9(7)
Optometrists Act 1940 s. 42
Plant Diseases Act 1914 s. 34(1)
Poisons Act 1964 s. 49(2)
Police Act 1892 s. 16A(1), 31, 54, 54A(3), 59, 65, 66, 76F(3)(a),
82B(1), 82B(3), 97, 107, 124, 125, 128
Prisons Act 1981 s. 49(2)
Prostitution Act 2000 s. 12 (first offence), 19(1)
Real Estate and Business Agents Act 1978 s. 64(1), 64(2)
Referendums Act 1983 s. 45(1), 48(2), 48(3)
Rights in Water and Irrigation Act 1914 s. 71
Road Traffic Act 1974 s. 90
Rottnest Island Authority Act 1987 s. 32
School Education Act 1999 s. 15, 35, 120(2), 240(3), 242(1)
Stock Diseases (Regulations) Act 1968 s. 16(3)
Street Collections (Regulation) Act 1940 s. 8
Sunday Entertainments Act 1979 s. 3(1)
Swan River Trust Act 1988 s. 64(6)
Transport Co-ordination Act 1966 s. 49(3)
Travel Agents Act 1985 s. 41(1)
Unclaimed Money Act 1990 s. 22(2)
Water and Rivers Commission Act 1995 Sch. 1 cl. 17(1)
Water Corporation Act 1995 Sch. 2 cl. 12(1)
Zoological Parks Authority Act 2001 s. 31

Subsidiary legislation

Aerial spraying Control Regulations 1971 r. 15
Navigable Waters Regulations r. 40, 53(1)
Aboriginal Movement for Outback Survival (Mt. Margaret Mission)
By-laws bl. 18
Bardi Aborigines Association Inc. By-laws bl. 16
Beagle Bay Aboriginal Council Inc. By-laws 1982 bl. 16
Bidyadanga Aboriginal Community La Grange Incorporated By-laws
bl. 16
Cosmo Newberry Aboriginal Corporation By-laws bl. 16
Jigalong Community Incorporated By-laws bl. 18
Junjuwa Community Incorporated By-laws bl. 19

Kalumburu Aboriginal Corporation By-laws bl. 20
Lombadina Community Incorporated By-laws 1982 bl. 16
Looma Community Inc. By-laws bl. 19
Mindibungu Aboriginal Corporation By-laws bl. 17
Mugarinya Community Association Incorporated By-laws bl. 19
Ngaanyatjarra Council (Aboriginal Corporation) By-laws bl. 14
Oombulgurri Association Incorporated By-laws bl. 18
The Balgo Hills Aboriginal Community Incorporated By-laws 1982
bl. 16
Upurl Upurlila Ngurratja Incorporated By-laws bl. 18
Warmun Community (Turkey Creek) Inc. By-laws bl. 24
Woolah Aboriginal Corporation By-laws bl. 21
Yungngora Association Inc (Nookunbah) By-laws bl. 18

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By Command of the Lieutenant-Governor and Administrator,

ROD SPENCER, Clerk of the Executive Council.
