

Western Australia

Sentencing Legislation Amendment Act 2004

As at 14 Oct 2004

No. 27 of 2004

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Sentencing Legislation Amendment Act 2004

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Western Australia

Sentencing Legislation Amendment Act 2004

No. 27 of 2004

An Act to amend the *Sentencing Act 1995* and the *Sentence Administration Act 2003* and to make consequential amendments to other Acts.

[Assented to 14 October 2004]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Sentencing Legislation Amendment Act 2004*.

2. Commencement

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

Part 2 — Amendments about suspended imprisonment

Division 1 — *Sentencing Act 1995* amended

3. The Act amended by this Division

The amendments in this Division are to the *Sentencing Act 1995**.

[* *Reprint 3 as at 10 October 2003.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 349 and Acts Nos. 50 of 2003 and 4 of 2004.]

4. Section 80 amended

Section 80(1)(b) is amended by inserting after “suspended” —
“ (even if the period to be served is 6 months or less) ”.

5. Part 12 inserted

After section 80 the following Part is inserted —

“

Part 12 — Conditional suspended imprisonment

Division 1 — Imposition and effect of CSI

81. Certain courts may suspend imprisonment conditionally

- (1) A prescribed court that sentences an offender to a term of imprisonment, or to an aggregate of terms of imprisonment, of 60 months or less may order that the whole of the term or terms be suspended for a period set by the court, but not more than 24 months, subject to the following conditions —
- (a) the standard obligations in section 83; and

- (b) one or more of the primary requirements in section 84, as decided by the court.
- (2) CSI is not to be imposed unless imprisonment for a term or terms equal to that suspended would, if it were not possible to suspend imprisonment, be appropriate in all the circumstances.
- (3) CSI is not to be imposed if —
 - (a) the offence was committed when the offender was subject to an early release order; or
 - (b) the offender is serving or is yet to serve a term of imprisonment that is not suspended.
- (4) In subsection (3)(a) —
“early release order” means —
 - (a) a parole order, home detention order, or work release order, made under the *Sentence Administration Act 1995*; or
 - (b) a parole order, or re-entry release order, made under the *Sentence Administration Act 2003*.
- (5) Subsection (1) does not prevent a prescribed court from imposing suspended imprisonment under Part 11.

82. Effect of CSI

- (1) An offender sentenced to CSI is not to serve any part of the imprisonment that is suspended unless a court makes an order under section 84F or 84L.
- (2) The suspension period begins on the day on which the sentence is imposed.
- (3) If during the suspension period an offender is sentenced to imprisonment for another offence that was not committed during the suspension period, the

suspension period continues to elapse while the offender is serving that sentence.

- (4) An offender who is sentenced to CSI is to be taken to be discharged from the sentence at the end of the suspension period.
- (5) Subsection (4) does not affect the operation of subsection (1) or sections 84D to 84F.
- (6) For the purposes of a law other than this Part and Parts 11 and 13, a sentence of CSI is to be taken as being a sentence of imprisonment.

83. CSI: standard obligations

- (1) The standard obligations of CSI are that the offender —
 - (a) must report to a community corrections centre within 72 hours after being released by the court, or as otherwise ordered by the speciality court or a CCO;
 - (b) must notify a CCO of any change of address or place of employment within 2 clear working days after the change, or as otherwise ordered by the speciality court;
 - (c) must not leave Western Australia except with, and in accordance with, the permission of the speciality court or the CEO; and
 - (d) must comply with section 76 of the *Sentence Administration Act 2003*.
- (2) The references to the speciality court in this section and sections 84A and 84C only have effect if Division 4 applies and are references to the speciality court referred to in section 84N(1)(a) or (b).

84. CSI: primary requirements

CSI must contain at least one of these primary requirements —

- (a) a programme requirement under section 84A;
- (b) a supervision requirement under section 84B;
- (c) a curfew requirement under section 84C.

84A. Programme requirement

- (1) The purpose of a programme requirement is —
 - (a) to allow for any personal factors which contributed to the offender's criminal behaviour to be assessed; and
 - (b) to provide an opportunity for the offender to recognise, to take steps to control and, if necessary, to receive appropriate treatment for those factors.
- (2) The programme requirement is a requirement that the offender must obey the orders of the speciality court or a CCO as to —
 - (a) undergoing assessment by a medical practitioner, a psychiatrist, a psychologist or a social worker, or more than one of them and, if necessary, appropriate treatment;
 - (b) undergoing assessment and, if necessary, appropriate treatment in relation to the abuse of alcohol, drugs or other substances;
 - (c) attending educational, vocational, or personal development programmes or courses;
 - (d) residing at a specified place for the purposes of any of the matters in paragraphs (a), (b) or (c);
 - (e) more than one of the above.

- (3) The speciality court or a CCO must not order the offender to undergo treatment of any sort unless a person qualified to recommend or administer the treatment has recommended that the offender undergo such treatment.
- (4) A person is not to administer treatment of any sort mentioned in subsection (2) to the offender without the informed consent of the offender.
- (5) The requirements of a programme requirement imposed as a condition of CSI are additional to the requirements of any other programmed requirement applicable to the offender under a community order or a PSO.
- (6) A programme requirement ceases to be in force when the speciality court or a CCO gives the offender notice to that effect, or when the suspension period ends, whichever happens first.
- (7) A CCO must not give notice unless satisfied that the offender has complied with the programme requirement.

84B. Supervision requirement

- (1) The purpose of a supervision requirement is to allow for the offender to be regularly monitored in the community, and to receive regular counselling, in a way and to an extent decided by a CCO, for the purpose of either or both —
 - (a) rehabilitating the offender;
 - (b) ensuring the offender complies with any direction given by the court when imposing the requirement.

- (2) The supervision requirement is a requirement that the offender must contact a CCO, or receive visits from a CCO, as ordered by a CCO.
- (3) When imposing a supervision requirement, a court may give any directions it decides are necessary to secure the good behaviour of the offender but the court is not to make a direction —
 - (a) the effect of which could be achieved by imposing a programme requirement; or
 - (b) that requires the offender to pay compensation or make restitution to any person.
- (4) Unless a CCO orders otherwise, while the offender is subject to a supervision requirement the offender must contact a CCO at least once in any period of 28 days.
- (5) If the offender does not comply with subsection (4), the offender is to be taken to have breached the supervision requirement.
- (6) A supervision requirement ceases to be in force when the suspension period ends.
- (7) Subsection (3)(b) does not prevent a court from making a reparation order under Part 16

84C. Curfew requirement

- (1) The purposes of the curfew requirement are —
 - (a) to allow for the movements of the offender to be restricted during periods when there is a high risk of the offender offending; and
 - (b) to subject the offender to short periods of detention at the place where the offender lives or at some other specified place.

- (2) The curfew requirement is a requirement that the offender —
 - (a) must remain at a specified place (the “**specified place**”), for specified periods, subject to subsection (8); and
 - (b) must submit to surveillance or monitoring as ordered by a speciality court or a CCO.
- (3) The term of a curfew requirement must be set by the court when it imposes the requirement, but the requirement must not be imposed so as to result in a curfew requirement being in force, whether under a sentence of CSI or an ISO or a PSO, for a continuous period that exceeds 6 months.
- (4) The term of a curfew is concurrent with the term of any other curfew requirement applicable to the offender under another sentence of CSI or an ISO or a PSO, unless the court orders otherwise.
- (5) At any one time the aggregate of the unexpired terms of curfew requirements applicable to the offender under sentences of CSI or ISOs or PSOs must not exceed 6 months.
- (6) The court may give directions as to the periods when the offender ought to be subject to a curfew.
- (7) The offender is not to be ordered by a CCO to remain at a place for periods that amount to less than 2 or more than 12 hours in any one day.
- (8) The offender may only leave the specified place during a specified period —
 - (a) to do community corrections activities as required under this Act or the *Sentence Administration Act 2003*;

- (b) to obtain urgent medical or dental treatment for the offender;
 - (c) for the purpose of averting or minimising a serious risk of death or injury to the offender or to another person;
 - (d) to obey an order issued under a written law (such as a summons) requiring the offender's presence elsewhere;
 - (e) for a purpose approved of by a CCO; or
 - (f) on the order of a CCO.
- (9) The curfew requirement ceases to be in force when its term ends, or when the suspension period ends, whichever happens first.
- (10) Without limiting the means by which the offender may be kept under surveillance or monitored, the speciality court or a CCO may, for the purposes of subsection (2)(b), order the offender —
 - (a) to wear any device; or
 - (b) to permit the installation of any device or equipment at the place where the offender lives.
- (11) A CCO may give such reasonable directions to the offender as are necessary for the proper administration of the curfew requirement.
- (12) Without limiting subsection (11), if the offender is authorised under subsection (8) to leave the specified place, a CCO may give directions as to —
 - (a) when the offender may leave;
 - (b) the period of the authorised absence;
 - (c) when the offender must return;
 - (d) the method of travel to be used by the offender during the absence; and

- (e) the manner in which the offender must report the offender's whereabouts.
- (13) To ascertain whether or not the offender is complying with the curfew requirement, a CCO may, at any time —
 - (a) enter or telephone the specified place;
 - (b) enter or telephone the offender's place of employment or any other place where the offender is authorised or required to attend; or
 - (c) question any person at any place referred to in paragraph (a) or (b).
- (14) A person must not —
 - (a) hinder a person exercising powers under subsection (13); or
 - (b) fail to answer a question put pursuant to subsection (13)(c) or give an answer that the person knows is false or misleading in a material particular.

Penalty: \$2 000 and imprisonment for 12 months.

- (15) In this section —
“**specified**” means specified by the speciality court or the CEO from time to time.

Division 2 — Consequences of re-offending

84D. Re-offender may be dealt with or committed

- (1) Subject to section 84P(1), if a court convicts a person of an offence the statutory penalty for which is or includes imprisonment and that offence was committed during the suspension period of CSI imposed on the person in relation to another offence, the court —

- (a) if it is a court of petty sessions, must deal with the person under section 84F unless the CSI was imposed —
 - (i) by the Children's Court for an indictable offence; or
 - (ii) by a superior court,
in which case the court must commit the person to the court that imposed the CSI and that court must deal with the person under section 84F;
 - (b) if it is the District Court, must deal with the person under section 84F unless the CSI was imposed by the Children's Court or the Supreme Court for an offence which the District Court would not have jurisdiction to deal with if it were committed by an adult, in which case the Court must commit the person to the court that imposed the CSI and that court must deal with the person under section 84F; or
 - (c) if it is the Children's Court or the Supreme Court, must deal with the person under section 84F.
- (2) The powers in subsection (1) may be exercised by a court at any time, even if the suspension period has ended.
 - (3) Subsection (1) does not affect the powers of the court that convicts the person of the offence committed during the suspension period to deal with the person for that offence.
 - (4) A court that under subsection (1) commits a person to another court must certify that the person has been convicted of an offence committed during the suspension period.

- (5) A certificate by a court under subsection (4) is, in the absence of evidence to the contrary, evidence of its contents.

84E. Complaint alleging re-offending

- (1) If a person has been convicted and dealt with (in this State or elsewhere) for an offence the statutory penalty for which is or includes imprisonment and that offence was committed during the suspension period of CSI imposed on the person in relation to another offence, then a complaint may be made alleging those matters.
- (2) The complaint may be made at any time up until 2 years after the suspension period has ended.
- (3) The complaint may be made by any person.
- (4) The complaint must be made in writing before a justice who may issue a summons or, if the complaint is on oath, a warrant to have the person arrested.
- (5) Subject to section 84P(3), the complaint must be filed with, and the summons must direct the person to appear before, or the warrant must direct that the offender be brought before —
- (a) the court that imposed the CSI, if the Children's Court or a superior court imposed the CSI; or
 - (b) a court of petty sessions, if the CSI was imposed by such a court.
- (6) The summons must be served on the person personally or left at the place where the person was last known to be living.
- (7) If a person does not appear in answer to the summons the court concerned may issue a warrant to have the person arrested and brought before it.

- (8) A person who appears before a court as a result of the summons or warrant must be dealt with by the court under section 84F.

84F. How re-offender to be dealt with

- (1) If satisfied that a person has been convicted (in this State or elsewhere) of an offence the statutory penalty for which is or includes imprisonment and that the offence was committed during the suspension period of CSI, a court that must deal with the person under this section must deal with the person by one of the following methods —
- (a) unless an order under this paragraph, paragraph (b) or section 84L(1)(a) or (b) has already been made, it may order the person to serve the term or terms of imprisonment that were suspended;
 - (b) unless an order under this paragraph, paragraph (a) or section 84L(1)(a) or (b) has already been made, it may order the person to serve part of the term or terms of imprisonment that were suspended (even if the period ordered to be served is 6 months or less);
 - (c) unless the suspension period has ended, it may substitute another suspension period of not more than 24 months for the suspension period originally set; the new suspension period to begin on the day it is substituted;
 - (d) it may fine the person not more than \$6 000 and make no order in respect of the CSI.
- (2) The powers in subsection (1) may be exercised as often as is necessary.
- (3) A court must make an order under subsection (1)(a) unless it decides that it would be unjust to do so in

view of all the circumstances that have arisen, or have become known, since the CSI was imposed.

- (4) If a court does not make an order under subsection (1)(a) it must state its reasons for not doing so.
- (5) If under subsection (1)(a) or (b) a court orders a person to serve a term, or part of a term, of imprisonment that was suspended —
 - (a) section 88 applies in respect of the term to be served; and
 - (b) the court may make a parole eligibility order under section 89,as if the term to be served were a term of imprisonment being imposed by the court.
- (6) If an order is made under subsection (1)(d), then, unless the suspension period has ended, the sentence of CSI remains in effect and the suspension period continues to elapse.
- (7) An order by a superior court under subsection (1) in a case where the sentence of CSI was imposed for an offence for which the person had not been convicted on indictment is to be taken, for the purposes of an appeal against sentence, as being made following a conviction on indictment.

Division 3 — Amending, cancelling and enforcing CSI requirements

84G. Interpretation

In this Division —

“CSI requirement” means a primary requirement or standard obligation of a sentence of CSI or any direction of the court that imposed the sentence.

84H. Application to amend or cancel

- (1) An application to amend or cancel a CSI requirement may be made only by the offender or a CCO.
- (2) Subject to section 84Q, the application must be made to the court that imposed the CSI.
- (3) The application must be made in accordance with the regulations.

84I. Court may confirm, amend or cancel requirement

- (1) If on an application made under section 84H a court is satisfied —
 - (a) that the circumstances of the offender were wrongly or inaccurately presented to the court that imposed the CSI; or
 - (b) that the circumstances of the offender have so altered since the CSI was imposed that the offender will not be able to comply with the CSI requirement,

and that it is just to do so, the court may make an order amending or cancelling the CSI requirement but otherwise it must confirm the CSI requirement.

- (2) If all the CSI requirements have been cancelled under subsection (1) in relation to a sentence of CSI, the sentence is to be regarded as having been imposed as a sentence of suspended imprisonment under Part 11.

84J. Breach of CSI requirement: offence

- (1) A person who breaches a CSI requirement without reasonable excuse, proof of which is on the person, commits an offence.
- (2) A prosecution for an offence under subsection (1) may be commenced —
 - (a) by the CEO and only by the CEO; and
 - (b) at any time before the end of the suspension period.
- (3) Subject to section 84R, if at the time of an alleged offence under subsection (1) the alleged offender was under 18 years of age, the Children's Court is to hear and determine the prosecution.

84K. Breach of CSI requirement: procedure and penalty

- (1) Subject to subsection (2), if the Children's Court convicts a person of an offence under section 84J(1), the Court may fine the person not more than \$1 000 and must deal with the person under section 84L.
- (2) However, if a superior court imposed the CSI, the Children's Court must commit the person to that superior court and that court may fine the person not more than \$1 000 and must deal with the person under section 84L.
- (3) Subject to subsection (4), if some other court of summary jurisdiction convicts a person of an offence under section 84J(1), the court may fine the person not more than \$1 000 and must deal with the person under section 84L.
- (4) However, subject to section 84R, if the CSI was imposed —

- (a) by the Children's Court for an indictable offence; or
- (b) by a superior court,

the court of summary jurisdiction must commit the person to the court that imposed the CSI and that court may fine the person not more than \$1 000 and must deal with the person under section 84L.

- (5) Subsections (1) to (4) have effect even if the suspension period has ended.
- (6) A court that under subsection (2) or (4) commits a person to another court must certify that the person has been convicted of an offence under section 84J(1).

84L. Breach of requirement: court's powers to deal with

- (1) A court that is required by section 84K or 84R to deal with a person under this section must deal with the person by one of the following methods —
 - (a) unless an order under this paragraph, paragraph (b) or section 84F(1)(a) or (b) has already been made, it may order the person to serve the term or terms of imprisonment that were suspended;
 - (b) unless an order under this paragraph, paragraph (a) or section 84F(1)(a) or (b) has already been made, it may order the person to serve part of the term or terms of imprisonment that were suspended (even if the period ordered to be served is 6 months or less);
 - (c) unless the suspension period has ended, it may substitute another suspension period of not more than 24 months for the suspension period originally set; the new suspension period to begin on the day it is substituted;

- (d) it may make no order in respect of the CSI.
- (2) The powers in subsection (1) may be exercised as often as is necessary.
- (3) If under subsection (1)(a) or (b) a court orders a person to serve a term, or part of a term, of imprisonment that was suspended —
 - (a) section 88 applies in respect of the term to be served; and
 - (b) the court may make a parole eligibility order under section 89,as if the term to be served were a term of imprisonment being imposed by the court.
- (4) If a person is dealt with under subsection (1)(d), then, unless the suspension period has ended, the sentence of CSI remains in effect and the suspension period continues to elapse.
- (5) In dealing with a person under this section a court must take into account the extent to which the person has complied with the CSI and how long the person has been subject to the CSI.

84M. Facilitation of proof

- (1) This section applies only in relation to proceedings under this Division.
- (2) A copy of the order imposing CSI certified by the court that imposed it is, in the absence of evidence to the contrary, evidence of its contents.
- (3) A copy of an order amending a sentence of CSI certified by the court that made it is, in the absence of evidence to the contrary, evidence of its contents.

- (4) In proceedings for an offence under section 84J(1) in relation to an alleged breach of a CSI requirement, evidence of the alleged breach may be given by tendering a certificate signed by the CEO stating the particulars of the alleged breach.
- (5) Unless the contrary is proved, it is to be presumed that a certificate purporting to have been signed by the CEO was signed by a person who at the time was the CEO.

Division 4 — Functions of speciality courts as to CSI

84N. Application of this Division

- (1) This Division applies if —
 - (a) the court that imposes a sentence of CSI on an offender is a speciality court; or
 - (b) an offender is committed for trial or sentence for an offence to a superior court by a speciality court and a sentence of CSI is imposed on the offender by the superior court and the superior court orders that this Division is to apply.
- (2) In this Division —
“**the speciality court**” means the speciality court referred to in subsection (1)(a) or (b).

84O. Review of CSI by speciality court

- (1) The speciality court may order that the offender appear or reappear before the speciality court after the imposition of the sentence of CSI —
 - (a) at a time and place fixed by the court; or
 - (b) if and when summonsed by the court,so that the court can ascertain whether the offender is complying with the sentence.

- (2) An order may be made under subsection (1) on any reappearance of the offender pursuant to a previous order made under subsection (1).
- (3) If an offender does not reappear before the speciality court at the time and place fixed or in response to a summons issued by the court, the court may issue a warrant to have the offender arrested and brought before the court.
- (4) On a reappearance ordered under subsection (1), or compelled under subsection (1) or (3), the speciality court may amend a CSI requirement as defined in section 84G.

84P. Speciality court to deal with re-offender

- (1) If this Division applies and a court other than the speciality court convicts the offender of an offence as referred to in section 84D, that court must commit the offender to the speciality court and the speciality court must deal with the offender under section 84F.
- (2) Section 84D(2) to (5) apply for the purposes of subsection (1).
- (3) If this Division applies, a complaint under section 84E(1) must be filed with the speciality court and a summons or warrant under section 84E(4) must direct the offender to appear or be brought before the speciality court.

84Q. Speciality court to deal with application to amend or cancel CSI

If this Division applies, an application under section 84H is to be made to the speciality court.

84R. Speciality court to deal with proceedings for breaches

If this Division applies, a prosecution for an offence against section 84J(1) is to be commenced in, and heard and determined by, the speciality court and, if the offender is convicted, the speciality court must deal with the offender under section 84L.

”.

6. Consequential amendments

- (1) Section 4(1) is amended by inserting in the appropriate alphabetical position —

“

“conditional suspended imprisonment” (“CSI”) means conditional suspended imprisonment imposed under Part 12 Division 1;

”.

- (2) Section 4(2) is amended by inserting in the appropriate alphabetical position —

“

“CSI” for conditional suspended imprisonment;

”.

- (3) Section 39(2) is amended after paragraph (f) by deleting “or” and inserting —

“

- (g) under Part 12 impose CSI and order the release of the offender; or

”.

- (4) The Act is amended as set out in the Table to this section.

Table

s. 33G(5)	After “order” insert — “ or a sentence of CSI ”.
s. 33H(3) and (4)	After “ISO” insert — “ or a sentence of CSI ”.
s. 33H(5)	After “ISOs” insert — “ or sentences of CSI ”.
s. 33N(3)	Delete “and 73(3) and (5)” insert instead — “ , 73(3) and (5) and 84C(3) and (5) ”
s. 38(1)(a)	After “imprisonment” insert — “ or CSI ”.
s. 66(5)	After “PSO” insert — “ or a sentence of CSI ”.
s. 73(5)	After “PSO” insert — “ or a sentence of CSI ”.
s. 75(3) and (4)	After “ISO” insert — “ or a sentence of CSI ”.
s. 75(5)	After “ISOs” insert — “ or sentences of CSI ”.
s. 77(6)	Delete “Part 13” insert instead — “ Parts 12 and 13 ”.
s. 85(1)	In the definition of “prisoner”, after “imprisonment” insert — “ or CSI ”.

7. Section 84D amended

Section 84D(1)(a) as inserted by section 5 is amended by deleting “a court of petty sessions” and inserting instead —
“ the Magistrates Court ”.

8. Section 84E amended

Section 84E(5)(b) as inserted by section 5 is deleted and the following paragraph is inserted instead —

“

- (b) the Magistrates Court, if the CSI was imposed by that court.

”.

Division 2 — *Sentence Administration Act 2003* amended

9. The Act amended by this Division

The amendments in this Division are to the *Sentence Administration Act 2003**.

[* *Act No. 49 of 2003.*

For subsequent amendments see Act No. 4 of 2004.]

10. Section 4 amended

- (1) Section 4(2) is amended by inserting in the appropriate alphabetical position —

“

“**conditional suspended imprisonment**” means conditional suspended imprisonment imposed under Part 12 Division 1 of the *Sentencing Act 1995*;

”.

- (2) Section 4(3) is amended by inserting in the appropriate alphabetical position —

“

“**CSI**” for conditional suspended imprisonment;

”.

11. Section 77 amended

After section 77(b) the following paragraph is inserted —

“

- (ba) if the offender is subject to CSI, report the matter to the CEO and recommend that the

offender be charged with an offence under
section 84J(1) of the *Sentencing Act 1995*;

”.

12. Minor consequential amendments

The Act is amended as set out in the Table to this section.

Table

s. 75	In the definition of “community corrections order”, after “community order,” insert — “ a sentence of CSI, ”.
s. 77(b)	Delete “(other than a pre-sentence order)”.
s. 78(2)(a)	After “community order” insert — “ or a sentence of CSI ”.
s. 78(3)	After “community order” insert — “ , the suspension period of a sentence of CSI ”.
s. 80(1)	After “community order” insert — “ or a sentence of CSI ”.
s. 83	In the definition of “community corrections order”, after “community order,” insert — “ a sentence of CSI, ”.
s. 94(1)(a)	After “community orders,” insert — “ sentences of CSI, ”.

Part 3 — Amendments to other Acts

13. *Bail Act 1982* amended

- (1) The amendments in this section are to the *Bail Act 1982**.

[* *Reprinted as at 27 August 1999.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 28 and Acts Nos. 50 of 2003 and 4 of 2004.]

- (2) Section 3(4)(a) is amended as follows:

- (a) by inserting after “79” —
“ , 84E ”;
- (b) by inserting after “imprisonment” —
“ or conditional suspended imprisonment ”.

- (3) Schedule 1 Part C clause 6(a) is amended as follows:

- (a) by inserting after “79” —
“ , 84E ”;
- (b) by inserting after “imprisonment” —
“ or conditional suspended imprisonment ”.

14. *Children’s Court of Western Australia Act 1988* amended

- (1) The amendments in this section are to the *Children’s Court of Western Australia Act 1988**.

[* *Reprinted as at 25 August 2000.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 54, and Act No. 4 of 2004.]

- (2) Section 19(1) is amended by inserting after “78,” —

“ 84D, ”.

- (3) Section 19(1a)(b) is amended by inserting after “78,” —

“ 84D, ”.

15. *Criminal Investigation (Identifying People) Act 2002* amended

- (1) The amendment in this section is to the *Criminal Investigation (Identifying People) Act 2002**.

[* *Act No. 6 of 2002.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, p. 95.]

- (2) Schedule 1 clause 4(1)(d) is amended by inserting after “made” —

“

, or a sentence of conditional suspended imprisonment imposed,

”.

16. *Prisons Act 1981* amended

- (1) The amendment in this section is to the *Prisons Act 1981**.

[* *Reprinted as at 22 December 2000.*

For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 307, and Acts Nos. 24 and 50 of 2003.]

- (2) Section 87(6) is amended by inserting after “community order” —

“ or conditional suspended imprisonment ”.

17. *Young Offenders Act 1994* amended

- (1) The amendments in this section are to the *Young Offenders Act 1994**.

[* *Reprinted as at 8 December 2000.*

s. 17

*For subsequent amendments see Western Australian
Legislation Information Tables for 2003, Table 1, p. 441, and
Acts Nos. 50 of 2003 and 4 of 2004.]*

- (2) Section 118(1)(a) is amended by deleting “Act; or” and
inserting instead —

“

Act or conditional suspended imprisonment
under Part 12 of that Act; or

”.

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