Sentencing Act 1995

Sentencing Amendment Regulations (No. 2) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations (No. 2) 2017*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day on which the *Sentencing Legislation Amendment Act 2016* section 48 comes into operation.

3. Regulations amended

These regulations amend the *Sentencing Regulations 1996*.

4. Regulation 6B amended

After regulation 6B(c) insert:

(ca)   the Magistrates Court;

5. Part 6 heading replaced

Delete the heading to Part 6 and insert:

Part 6 — Reviewing, amending and enforcing certain conditional and community orders

6. Regulation 9A inserted

At the beginning of Part 6 insert:

9A. Application for review of conditional order (s. 136H)

(1) An application under section 136H of the Act must be made in an approved form.

(2)   On receiving an application a court officer must issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(3)   The hearing date fixed by the court officer must be at least 7 days after the date of the application.

(4)   The summons must be served —

    (a)   in the case where the application relates to a CRO — by a court officer on the CEO, the prosecutor and the offender; or

    (b)   in the case where the application relates to a CSI, ISO or PSO —

        (i)   by a court officer on the CEO and the prosecutor; and

        (ii)   by a CCO on the offender.

(5)   If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, deal with the application under section 136I of the Act.

7.   Regulation 13 amended

In regulation 13 in the Table before "79," insert:

60D,

8.   Schedule 1 Form 5 amended

(1)   In Schedule 1 Form 5 delete "s. 79," and insert:

s. 60D(4), 79,

(2)   In Schedule 1 Form 5 delete the row beginning "**Notice of application for order to pay**" and insert:

Notice of application for order to pay[3]	A term of your sentence was that you would *[pay/forfeit]* $_____ if you committed an offence during the term of the sentence. An application will be made to the court for an order that this amount must now be *[paid/forfeited]*.

(3)   In Schedule 1 Form 5 in the Notes to Form 5 Note 1 delete "eg. CRO, CBO, ISO, suspended imprisonment" and insert:

e.g. CRO, suspended fine, CBO, ISO, suspended imprisonment.

Note: The heading to the regulations listed in the Table are to read as set out in the Table.

Table

Regulation	Regulation heading
r. 10	**Application to amend or cancel conditional suspended imprisonment, conditional release order or community order (s. 84H or 126)**
r. 11	**CEO to be notified when offender dealt with for breach of conditional suspended imprisonment, conditional release order or community order**

N. HAGLEY, Clerk of the Executive Council.