

TASMANIA

SENTENCING REGULATIONS 2018
STATUTORY RULES 2018, No. 36

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SENTENCING REGULATIONS 2018

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Sentencing Act 1997*.

Dated 18 June 2018.

C. WARNER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

1. Short title

These regulations may be cited as the *Sentencing Regulations 2018*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Sentencing Act 1997*.

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4. Costs of warrant

For the purposes of sections 46 and 52 of the Act, the cost of a warrant of commitment is \$60.

5. Amount of prescribed unit

For the purposes of sections 48(1) and 51(1) of the Act, the prescribed unit for a financial year is the value of a penalty unit for that financial year as calculated under section 4A(2) of the *Penalty Units and Other Penalties Act 1987*.

6. Prescribed form

For the purposes of section 89(1)(a) of the Act, the prescribed form is the form set out in Schedule 1.

7. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

SCHEDULE 1 – PRESCRIBED FORM

Regulation 6

Form 1

Section 89(1)(a)

Sentencing Act 1997

PART A

To

Charged with (1)

(2)

(3)

(4)

Before the

Court at

**MEMORANDUM FOR THE ACCUSED'S/DEFENDANT'S
INFORMATION**

- (1) The list on the back of this form gives particulars of other offences with which you are charged.
- (2) If you are convicted on the charge(s) set out above, you may, before sentence is passed, ask to be allowed to admit all or any of the other offences listed on the back of this form and to have them taken into account by the court in passing sentence on you.
- (3) If at your request any of the other offences listed on the back are taken into account by the court, then –
 - (a) this does not amount to a conviction in respect of the other offences taken into account; and

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- (b) the sentence that may be imposed on you by the court for each offence of which you have in fact been convicted cannot exceed the maximum that might have been imposed for it if there had been no taking into account of other offences listed on the back.
- (4) No further proceedings may be taken against you in respect of any other offences taken into account at your request unless your conviction for the offence(s) above is quashed or set aside.
- (5) If any proceedings are taken against you in respect of any offence that you have asked to have taken into account, your admission of that offence cannot be used as evidence against you in those proceedings.
- (6) The filing and giving to you of this form does not bind the prosecutor to consent to the offence being taken into account.

Signature of (*Director of Public Prosecutions*) or (*Prosecuting Counsel on behalf of the Director of Public Prosecutions*)

Date

Signature of accused acknowledging receipt of a copy of this document

Date

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PART B
CERTIFICATE

In sentencing

for the offence(s) of

- 1
- 2
- 3

this day the court has taken into account the following offences alleged against and admitted by the accused/defendant, that is to say the offences numbered on the back of this form.

Dated

Signature of (*Judge*)

or

(*Magistrate*)

PART C
BACK OF FORM

<i>Number</i>	<i>Place where offence committed</i>	<i>Date of offence</i>	<i>Description of offence (with particulars)</i>
1			
2			
3			
4			
etc.			

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 7

Sentencing Regulations 2008 (No. 80 of 2008)

Sentencing Amendment Regulations 2009 (No. 27 of 2009)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 June 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe a form for the purposes of section 89(1)(a) of the *Sentencing Act 1997*; and
- (b) prescribe the cost of a warrant of commitment and the amount of a prescribed unit for the purposes of that Act; and
- (c) rescind the *Sentencing Regulations 2008* and the *Sentencing Amendment Regulations 2009*.