

# PENALTIES AND SENTENCES BILL 1992

## EXPLANATORY NOTES

A Bill for an Act to consolidate, reform and amend penalties and sentences which may be made by way of orders against persons convicted in Queensland courts, and for related purposes.

### PART 1—PRELIMINARY

*Clause 1* Short title

*Clause 2* Commencement

*Clause 3* Sets out the main purposes of the Act: To include all penalties and sentences in a single enactment, to enlarge the range of sentencing options available to courts, to provide for principles designed to promote a consistent approach to the sentencing of offenders and to make appropriate amendments and reforms to sentencing orders.

*Clause 4* Provides definitions for various terms used in the Act.

*Clause 5* Provides for penalty units, sets the value of a penalty unit at \$60, and makes provision for the calculation of penalties whether expressed in terms of penalty units or in terms of money.

*Clause 6* Exempts from the application of this Act Aboriginal Courts, Island Courts and persons dealt with under the *Juvenile Justice Act 1992*.

*Clause 7* Provides that, with regard to indictable offences, any sentence imposed under this Act may be heard by the Court of Appeal.

*Clause 8* Provides that, where under this Act a reference in a community based order, fine option order or original order is made to a particular court, the reference is to be regarded as extending to all courts of similar jurisdiction.

## **PART 2—GOVERNING PRINCIPLES**

*Clause 9* Sets out six guidelines in the form of purposes for which sentences may be imposed. Additionally, a further sixteen points are provided to which a court must have regard when sentencing an offender. Additional provisions require a court to ensure that the sentence imposed is no more severe than is necessary and that a court may pass a sentence of imprisonment on a young first offender only if the court is satisfied that no other sentence is appropriate.

*Clause 10* Compels a court, in every case in which imprisonment is ordered, to give reasons for the imposition of the sentence of imprisonment and provides that the absence of such reasons may be considered on any appeal against the sentence.

*Clause 11* Provides a number of particular features which a court may take into account in determining an offender's character.

*Clause 12* Subject to particular clauses throughout the Act, permits a court a discretion whether or not to record a conviction, sets out the issues to which a court must have regard in determining whether or not to record a conviction, and provides for circumstances in which convictions, ordered not to be recorded, must be entered on a criminal history in order that, if an offender appears before any court on any later charge, regard may be had by that court to previous convictions.

*Clause 13* Provides that a guilty plea must be taken into account by the sentencing court; permits the court to reduce the sentence that it would have otherwise imposed; requires the court to take into account the time at which the offender notified an intention to, or actually did, plead guilty; requires a court to state that it had taken into account a plea of guilty; and in cases where a court has not reduced the sentence because of a plea of guilty, requires the court to give reasons for that decision.

*Clause 14* Provides that, where a court is considering the imposition of a fine or other monetary payment as well as an order for compensation, preference must be given by the court to compensating the victim of the offence.

*Clause 15* Based on part of section 650 of *The Criminal Code*, provides a court may receive information as it thinks fit in order to arrive at the appropriate sentence.

## **PART 3—RELEASES, RESTITUTION AND COMPENSATION**

### ***Division 1—Orders to release certain offenders***

*Clause 16* Requires a court making an order under clause 19 to refrain from recording a conviction.

*Clause 17* Permits a court to make an order under clause 19 if no, or only a nominal, punishment should be imposed.

*Clause 18* Derived from part of section 657A of *The Criminal Code*, requires a court to consider certain matters prior to making an order under clause 19.

*Clause 19* Derived from part of section 657A of *The Criminal Code*, permits a court to release an offender absolutely or on conditions which may be applicable for up to three years, and provides that orders for payment of compensation or restitution may also be made in conjunction with an order under this clause.

*Clause 20* Provides for the means of dealing with an offender who has contravened an order made under clause 19, and in the event of such contravention makes provision for the recording of the original conviction.

*Clause 21* Provides for the circumstances under which a discharge of a recognisance under this Division can be effected.

### ***Division 2—Recognisances for property related offences***

*Clause 22* Requires a court, making an order under this Division, not to record a conviction.

*Clause 23* Permits a court to make an order under this Division in the event of the relevant offence relating to property.

*Clause 24* Derived from part of section 19(9A) of *The Criminal Code*, permits a court to adjourn for six months the sentencing of an offender and release the offender on a recognisance conditioned that the offender must return to the court if called upon for the purposes of clause 25.

*Clause 25* Also derived from part of section 19(9A) of *The Criminal Code*, provides that, under clause 24, an offender may be called on to make restoration or reinstatement of property the subject of the offence, or to compensate the person for damage caused to property by the offence.

*Clause 26* Also derived from part of section 19(9A) of *The Criminal Code*, provides that a court may call upon an offender to appear for sentence before the time specified in clause 24 has expired. In such event, before passing sentence, the court is required to take into account whether the offender has complied with any order made under clause 25.

*Clause 27* Provides for the steps which may be taken against the offender failing to appear at the time ordered under clause 24, or when called upon under clause 26.

*Clause 28* Provides for the means of discharging a recognisance entered into by an offender under this Division.

### ***Division 3—Release on entering into recognisances***

*Clause 29* Permits a court, acting under this Division, a discretion whether or not to record a conviction against the offender.

*Clause 30* Derived from section 19(7) of *The Criminal Code*, permits a court dealing with an offender convicted on indictment to release the offender on recognisance, with or without specific conditions, for a period fixed by the court. The court is empowered to imprison the offender, for a period not exceeding one year, until the recognisance is undertaken by the offender.

*Clause 31* Derived from section 19(8) of *The Criminal Code*, permits a court, exercising summary jurisdiction, to release an offender on a good behaviour recognisance for a period not exceeding one year.

*Clause 32* Derived from section 19(9) of *The Criminal Code*, permits a court—instead of imposing any other sentence—to release an offender upon the offender entering into a recognisance, on condition the offender return to court to be sentenced if called upon in the period set by the court.

*Clause 33* Provides the conditions under which a recognisance entered into under this Division may be discharged.

#### ***Division 4—Orders for restitution and compensation***

*Clause 34* Permits a court a discretion whether or not to record a conviction in imposing an order under this Division.

*Clause 35* Derived from section 685A(1) of *The Criminal Code*, permits a court, in addition to any other sentence to which the offender may be liable, to order the offender to make restitution of property or pay compensation for loss or destruction of property, or pay compensation for personal injury suffered by a person as a result of the commission of the offence.

*Clause 36* Derived from section 685A(2) of *The Criminal Code*, provides the details of specific orders which may be made under clause 35, and further permits a court to order the offender serve a period of imprisonment for failure to comply with the order; in which case a conviction for the offence must be recorded.

*Clause 37* Derived from section 685A(3) of *The Criminal Code*, provides limits on the imprisonment which may be imposed under clause 36.

*Clause 38* Derived from section 685A(4) of *The Criminal Code*, permits a court to extend the time within which an order made under clause 36 may be completed.

*Clause 39* Derived from section 685A(5) of *The Criminal Code*, permits a court to give such directions as necessary to enforce an order made under clause 36(2), including a requirement on the offender to show cause why the period of imprisonment ordered under clause 36(2) should not be enforced.

*Clause 40* Derived from section 685A(6) of *The Criminal Code*, provides that a court may issue a warrant for the arrest of the offender in the event of the offender failing to appear as required by a direction made under clause 39.

*Clause 41* Derived from section 685A(7) of *The Criminal Code*, permits a court to take proceedings against an offender who has failed to pay an instalment if an order for payment under this Division was to be made by instalments.

*Clause 42* Derived from section 685A(8) of *The Criminal Code*, provides for the payment of restitution or compensation under this Division to the proper officer of the court.

*Clause 43* Derived from section 685A(9) of *The Criminal Code*, provides that an order under this Division does not limit the operation of any other provision of this Act that provides for the making of restitution or the payment of compensation.

## **PART 4—FINES**

### ***Division 1—General***

*Clause 44* Permits a court a discretion whether or not to record a conviction when imposing a fine.

*Clause 45* Partly derived from section 19(3) of *The Criminal Code*, permits a court to impose a fine in addition to, or instead of, any other sentence to which the offender may be liable. In the event that an Act does not provide a maximum fine, the maximum fine which may be imposed on an offender is that provided under clause 46.

*Clause 46* Provides that, in any Act creating an offence which does not provide a sentence, the maximum fines which courts may impose are provided, expressed in penalty units applicable to the jurisdictions of the Magistrates, District and Supreme Courts. Significant differences are made for the maximum fines which may be imposed on individuals and corporations.

*Clause 47* Derived from section 19(4) of *The Criminal Code*, provides that in any Act setting a maximum fine, unless otherwise specified in the Act creating the offence, the court may impose a fine of a lesser amount.

*Clause 48* Requires a court, considering the imposition of a fine on an offender, to consider the financial circumstances of the offender, the nature of the burden imposed by the fine, and the effect of any order for the payment of confiscation of proceeds of crime, or restitution or compensation. Should the offender have inadequate means to pay both a fine and restitution or compensation, the court must give more importance

to restitution and compensation although it is not debarred from also imposing a fine. In determining the amount of a fine the court must take into account the loss, destruction, or damage to property or persons and the value of any benefit acquired by the offender from commission of the offence.

*Clause 49* Permits a court to impose one fine for two or more offences founded on the same circumstances; but the single fine imposed must not exceed the total of the maximum fines that could be imposed for each separate offence.

*Clause 50* Permits a court to order a fine may be paid by instalments.

*Clause 51* Permits a court to allow an offender time to pay a fine if an instalment order is not made.

### ***Division 2—Fine option orders***

*Clause 52* Derived from section 230 of the *Corrective Services Act*, provides for definitions for the purposes of this Division.

*Clause 53* Derived from part of section 231 of the *Corrective Services Act*, provides that a court must explain to an offender, before making an original order, that the offender may immediately apply to the court for a fine option order. If the offender makes application, the court is required to determine the application forthwith and may make a fine option order.

*Clause 54* Derived from part of section 231 of the *Corrective Services Act*, permits an offender, not before the court when the original order was made, to be informed of, and make application for, a fine option order.

*Clause 55* Derived from section 232 of the *Corrective Services Act*, permits an offender to make an application for a fine option order immediately, or within the time granted in which to pay the fine. An application must be in an approved form, contain such information as is required and be lodged with the relevant officer of the court, after which the original order is suspended.

*Clause 56* Partly derived from section 232A the *Corrective Services Act*, permits an application for a fine option order to be made to the Clerk of the Court even after the end of the time allowed for payment of the fine. Should the fine not be paid, before a warrant may be issued for the commitment of the offender, the Clerk of the Court must send to the offender an application

for a fine option order and permit a period of 10 business days to elapse before issuing any warrant. Application for a fine option order may be made even though a warrant of commitment has been issued; and provision is made for the matters to be contained in such an application.

*Clause 57* Partly derived from section 232B of the *Corrective Services Act*, permits a superior court to make a fine option order if an original order was made in that jurisdiction. Similar requirements to those relevant to an application made in the Magistrates Court are applicable.

*Clause 58* Derived from section 233 of the *Corrective Services Act*, permits a court to make a fine option order only if the court is satisfied the offender is unable to pay the fine, or if the fine was to be paid it would cause the offender's family economic hardship, and that the offender is a suitable person to perform community service. Provision is made to enable the court to obtain information from the Corrective Services Commission for the purposes of this clause.

*Clause 59* Derived from part of section 234 of the *Corrective Services Act*, provides for the issue to the applicant for a fine option order of notice of the time and place in which the application will be heard, that the applicant may appear in person, but if not present the application may be determined in the applicant's absence. The court must consider information contained in the application, relating to the applicant and to the offence for which the original order was made.

*Clause 60* Derived from part of section 234 of the *Corrective Services Act*, provides a court may make a fine option order, explain to the offender the purpose and effect of the order and the results of failing to comply. Provision is also made for a court to refuse an application, for written notice to be given to the applicant and for the suspension of the original order to cease.

*Clause 61* Derived from part of section 232A of the *Corrective Services Act*, provides that in the event of the Clerk of the Court making a fine option order, the offender must not be released if the original order required the payment of part of a fine to the complainant in default of which the offender was ordered to be imprisoned; unless the fine or penalty has been paid or the offender has served a period of imprisonment proportionate to that required by the original order. A Clerk of the Court may not make a fine option order if the offender had previously made an application in relation to the same original order.



*Clause 62* Derived from part of section 235 of the *Corrective Services Act*, provides for the suspension of an original order upon a court making a fine option order and for the suspension of part of an original order requiring payment of a fine when a penalty additional to the fine was part of the original order. The default period of imprisonment is taken to have been reduced proportionate to the amount of the fine paid relative to the total penalty required to be paid. If a warrant has been issued but not executed, it ceases to have effect on the making of the fine option order.

*Clause 63* Derived from part of section 235 of the *Corrective Services Act*, protects a police officer or a person in charge of a prison from liability at law if a warrant of commitment, having been executed, ceases to have effect as a result of a fine option order suspending the original order.

*Clause 64* Derived from section 236 of the *Corrective Services Act*, requires a fine option order to be written out and copies given to the offender, and that the Corrective Services Commission be given particular information.

*Clause 65* Derived from section 236A of the *Corrective Services Act*, provides that, when an offender is in custody as a result of having failed to comply with the original order and for no other reason, upon the making of the fine option order the offender must be released immediately.

*Clause 66* Derived from part of section 237 of the *Corrective Services Act*, provides the six core conditions which must be contained in any fine option order.

*Clause 67* Derived from part of section 237 of the *Corrective Services Act*, requires that any direction given by a Commission officer under a fine option order must, as far as possible, avoid conflicting with the offender's religious beliefs, employment, education, training or family responsibilities.

*Clause 68* Derived from part of section 237 of the *Corrective Services Act*, permits a court to extend the one year core requirement contained in section 66 in certain circumstances.

*Clause 69* Derived from part of section 238 of the *Corrective Services Act*, provides for the maximum number of hours of community service which may be performed under the terms of a fine option order. A fine option order must not require an offender to serve more than ten hours community service for each penalty unit of the fine originally imposed.

*Clause 70* Derived from part of section 238 of the *Corrective Services Act*, provides that, when a fine option order is made for an offender serving

a term of imprisonment because of non-payment of the fine, the amount of the fine outstanding is reduced in proportion to the imprisonment served.

*Clause 71* Derived from section 239 of the *Corrective Services Act*, provides that all community service to be performed under a fine option order is to be cumulative with any other uncompleted community service required to be performed by the offender. If two or more fine option orders are in force at the same time requiring community service to be performed, the community service is to be performed in the same sequence as the orders were made.

*Clause 72* Derived from section 240 of the *Corrective Services Act*, provides when an offender performs community service under a fine option order, the amount of the fine is to be reduced in proportion to the number of hours served relative to the total period of hours required to be served.

*Clause 73* Derived from section 241 of the *Corrective Services Act*, provides that despite any suspension of payment of a fine, the fine or any part of it may still be paid. Provisions designate as payee the proper officer of the court which made the original order. If payment is made in reduction of the original order after a fine option order has been made, any payment must be applied to reduction of the penalty and the fine. The number of hours of community service already performed by an offender will proportionately reduce the amount of the fine outstanding.

*Clause 74* Derived from part of section 242 of the *Corrective Services Act*, provides for the mechanisms applicable to a case in which an offender, under a fine option order, has failed to comply with a requirement of the order; and further provides that if a court found the offender failed to comply with the order, the court may further extend the order for one year or may revoke the order.

*Clause 75* Derived from part of section 242 of the *Corrective Services Act*, provides that an offender failing to appear before a court to answer a notice alleging failure to comply with a requirement of a fine option order, the court may proceed to hear and determine the matter in the offender's absence. A court may only proceed under this clause if satisfied the offender has been given proper notices, and if a court revokes a fine option order it must notify the offender accordingly.

*Clause 76* Derived from part of section 242 of the *Corrective Services Act*, requires a court proposing to revoke a fine option order to determine the number of hours of community service already performed by the offender.

*Clause 77* Derived from part of section 242 of the *Corrective Services Act*, provides that in any proceeding against an offender for failing to comply with a requirement of a fine option order, questions of fact are for determination by the court alone, not a jury.

*Clause 78* Derived from part of section 242 of the *Corrective Services Act*, sets out the effects of revoking a fine option order under clause 74; the original order is wholly reinstated and time allowed for payment of the original order or any instalment order must be disregarded.

*Clause 79* Sets out three conditions which, if a court is satisfied apply, may permit a court to revoke a fine option order other than by revocation under clause 74; on grounds that the offender is unable to comply because of change of circumstances, circumstances not properly known to the court or the offender no longer willing to comply.

*Clause 80* Provides that, upon revocation of a fine option order, a court may confirm or vary the original order, or revoke the original order and resentence the offender for the original offence as if the fine option order had not been made. In the latter case the court is required to take into account the extent to which the offender had complied with the order prior to revocation.

*Clause 81* Provides for the means by which an application for revocation under clause 79 may be made, the notices which must be given and to whom such notices must be sent.

*Clause 82* Provides two formulae to calculate periods of default imprisonment where an original order is wholly reinstated under clause 78(1)(a) and where an offender has paid part of a fine, or performed a portion of community service under a fine option order. Two examples are provided to assist in comprehending the formulae set out in this clause.

*Clause 83* If a court that revokes a fine option order and resents an offender is not the court that imposed the fine option order, it must notify the court that originally imposed the order.

*Clause 84* Derived from section 245 of the *Corrective Services Act*, provides that evidence of particular matters, stated in duly authorised certificates, shall be evidence of those matters. If a fine option order is discharged, the Commission is required to send a certificate stating reasons for the discharge to the court that made the original order or the fine option order.

*Clause 85* Derived from part of section 246 of the *Corrective Services Act*, provides that an offender, aggrieved by a decision of a Clerk of Court refusing an application for a fine option order under clause 60(3), may appeal to the Magistrates Court by filing a notice of appeal within 20 business days after the offender had received notice of refusal. The court is required to give a copy of the applicant's notice to the Commission and advise the applicant and the Commission of the date and time of the appeal.

*Clause 86* Derived from part of section 246 of the *Corrective Services Act*, provides for the manner and detail of hearing and determining in a Magistrates Court of an appeal against a refusal of a Clerk of Court to grant a fine option order.

*Clause 87* Derived from part of section 246 of the *Corrective Services Act*, provides a Magistrates Court power to make rules of court for the hearing of appeals pursuant to clause 86, and in the absence or inapplicability of any rules, a Magistrate may give directions concerning the hearing of the appeal as appropriate.

*Clause 88* Derived from part of section 244 of the *Corrective Services Act*, provides for the five conditions under which a fine option order is discharged. A formula is also provided to calculate notional performance of community service where part payment of the fine has been made.

*Clause 89* Derived from part of section 244 of the *Corrective Services Act*, provides for the original order to be discharged when the fine option order is itself discharged under clause 88.

## **PART 5—INTERMEDIATE ORDERS**

### ***Division 1—Probation orders***

*Clause 90* Permits a court to make a probation order whether or not the court records a conviction, subject to clause 91.

*Clause 91* Derived from part of section 197 of the *Corrective Services Act*, provides for the making of two types of probation order; the first where the court does not impose a period of up to 6 months imprisonment prior to

release on probation, the second where imprisonment up to 6 months has been ordered in which case a conviction must be recorded.

*Clause 92* Derived from part of section 197 of the *Corrective Services Act*, provides for the effects of a probation order made in cases where the court has a discretion to record a conviction and in cases where the court must record a conviction. In the latter case, an offender may be sentenced to a period of no longer than 6 months imprisonment prior to being released on probation. Provisions are also made for the commencement of a probation order, depending on whether or not a period of up to 6 months imprisonment has been ordered to be served prior to the offender being released on probation.

*Clause 93* Derived from part of section 199 of the *Corrective Services Act*, sets out seven core requirements which must be contained in every probation order.

*Clause 94* Derived from part of section 199 of the *Corrective Services Act*, provides five additional requirements which may be added to the core requirements of a probation order.

*Clause 95* Derived from part of section 197 of the *Corrective Services Act*, requires a court, prior to the making of a probation order, to explain to the offender the purpose and effect of the order, the consequences of contravening the order, and that the order may be amended or revoked on application.

*Clause 96* Derived from part of section 197 of the *Corrective Services Act*, requires the offender to agree to the making or amending of the probation order and to comply with the order as made or amended.

*Clause 97* Derived from section 213 of the *Corrective Services Act*, permits a court to make one or more probation orders for an offender convicted of two or more offences, but that such a probation order may be in a single form which specifies each offence to which the order applies.

*Clause 98* Derived from section 200 of the *Corrective Services Act*, prohibits a court from releasing an offender on a recognisance under clause 32 if the court is of the opinion it is more appropriate to release an offender on probation.

*Clause 99* Derived from section 201 of the *Corrective Services Act*, provides the conditions under which a probation order is discharged.

## ***Division 2—Community service orders***

*Clause 100* Provides that a community service order may be made whether or not a court records a conviction against the offender.

*Clause 101* Permits a court to make a community service order for any offence punishable by imprisonment or any regulatory offence.

*Clause 102* Provides the effect of a community service order is that the offender is required to perform certain hours of unpaid community service.

*Clause 103* Derived from part of section 216 of the *Corrective Services Act*, provides the seven core conditions of a community service order and provides that the offender must undertake a minimum of 40 but no more than 240 hours of community service.

*Clause 104* Derived from part of section 216 of the *Corrective Services Act*, provides three further requirements which may be added to the core conditions of a community service order; to make restitution of, or pay compensation for, property or pay compensation for injury to a person.

*Clause 105* Derived from part of section 218 of the *Corrective Services Act*, requires a court, upon making a community service order, to explain to the offender the purpose and effect of the order, the consequences of contravention of the order and the manner in which it may be amended or revoked.

*Clause 106* Derived from part of section 217 of the *Corrective Services Act*, requires the offender's agreement to the making or amending of, and complying with, a community service order before the court may impose such an order.

*Clause 107* Derived from parts of sections 215, 219, and 222 of the *Corrective Services Act*, provides that a court may make more than one community service order for an offender convicted of more than one offence and that a court may make further community service orders for an offender who is subject to an existing community service order. Where more than one community service order is imposed, unless the court otherwise orders, the community service orders must be performed concurrently.

*Clause 108* Derived from part of section 220 of the *Corrective Services Act*, provides for the conditions under which a community service order is discharged.

### ***Division 3—General***

*Clause 109* Derived from section 250 of the *Corrective Services Act*, permits a court to make both a probation order and a community service order for the one offender, conditioned that the two orders must be separate and one must not be imposed as a requirement of the other. If an offender contravenes a requirement of either the probation or the community service order and is dealt with for the original offence in relation to the contravention, the other order is discharged.

*Clause 110* Derived from section 253 of the *Corrective Services Act*, provides for appeals from an order of probation or community service in the way in which any appeal against sentence may be made pursuant to the *Justices Act* or Chapter 67 of *The Criminal Code*.

## **PART 6—INTENSIVE CORRECTION ORDERS**

*Clause 111* Provides that a court must record a conviction if imposing an intensive correction order.

*Clause 112* Provides that, if a court sentences an offender to imprisonment for no more than 1 year, a court may make an intensive correction order.

*Clause 113* Provides for the effect of an intensive correction order; the offender is required to serve the sentence of imprisonment of less than 1 year by way of intensive correction in the community rather than in a prison, and that provisions for remissions and other disabilities attendant on a sentence of imprisonment do not apply to an intensive correction order.

*Clause 114* Sets out nine core requirements which must form part of any intensive correction order.

*Clause 115* Provides for five further requirements which may be made applicable to an intensive correction order in addition to the core conditions provided under clause 114.

*Clause 116* Provides that prior to making an intensive correction order, a court must explain to the offender the purpose and effect of the order, the

effects of contravention of the order and the way in which the order may be amended or revoked.

*Clause 117* Requires the offender's agreement to the making or amending of, and complying with, the provisions of an intensive correction order before a court may impose such an order.

*Clause 118* Provides that a court must not make an intensive correction order for an offender convicted of two or more offences if the appropriate total sentence will exceed imprisonment for 1 year, but may make intensive correction orders for each of more than one offence if the combined sentences do not exceed 1 year.

*Clause 119* Provides the conditions under which an intensive correction order is discharged.

## **PART 7—OTHER PROVISIONS RELATING TO COMMUNITY BASED ORDERS**

### ***Division 1—Amendment and revocation of orders***

*Clause 120* Derived from parts of sections 201, 202, 220 and 225 of the *Corrective Services Act*, provides for three conditions under which a court, upon application made, may amend or revoke a community based order. If the court determining the application for amendment or revocation is not the court which made the original order, the court determining the application must notify the original court of the amendment or revocation.

*Clause 121* Derived from parts of sections 226 and 229 of the *Corrective Services Act*, provides that, in the event of revocation of any community based order, the offender may be resentenced for the offence for which the order was made in any way as if the offender had just been convicted of the offence by the court. If an offender is being resentenced, the court is required to take into account the extent to which the offender had complied with the community based order before revocation.

*Clause 122* Derived from part of section 201 of the *Corrective Services Act*, provides for the form of, and those who may make application for, amendments or revocations of any community based order; and the those



who are required to give and receive notices of application for amendment or revocation.

### ***Division 2—Contravention of orders***

*Clause 123* Derived from parts of sections 203 and 221 of the *Corrective Services Act*, provides an offence punishable by a maximum of ten penalty units for an offender who contravenes, without reasonable excuse, any requirement of a community based order.

*Clause 124* Permits proceedings for an offence mentioned clause 123 to be brought in any Magistrates Court, subject to the specific provisions of clauses 128 and 129.

*Clause 125* Derived from parts of sections 204, 207, 221 and 222 of the *Corrective Services Act*, provides that a Magistrates Court dealing with an offender who has been convicted before a Magistrates Court for an offence against clause 123 may in addition to, or instead of, dealing with the offender under clause 123; admonish and discharge the offender, enforce payment of any amount required to be paid under a community based order, increase the number of hours of community service to be performed by the offender or extend the period in which the offender is required to perform community service. The community based order continues whether an offender is dealt with pursuant to clause 123 or subsection (2) of this clause. Options are also provided to the court to deal with the offender for the original offence as if the offender had just been convicted of the offence, in which case the court must have regard to the making of the original community based order and anything done by the offender to comply with the order, or may grant bail to or remand the offender in custody to appear before a District or Supreme Court in the event that the community based order was made in those jurisdictions. If an offender is subject to two or more community based orders made by courts of different jurisdictions, a Magistrates Court may order that the offender appear in the court of highest jurisdiction.

*Clause 126* Derived from parts of sections 206, 207, 209 and 223 of the *Corrective Services Act*, provides a wide range of powers to the District and Supreme Courts dealing with an offender who has committed an offence in relation to a community based order made by a District or Supreme Court. Powers given to the courts include: Admonish and discharge the offender; requiring payment of, and enforcing, an order for the payment of amounts

required to be paid under the community based order; or deal with the offender for the offence for which the community based order was made as if the offender had just been convicted before the relevant court. If an offender is dealt with for a subsequent offence in the District Court which effectively breaches a community based order made by the Supreme Court, the District Court is empowered to either grant bail to or remand the offender until the offender appears before the Supreme Court.

*Clause 127* Provides that in the event of an offender committing an offence against clause 123, and the offender has been sentenced to intensive correction, the court dealing with the offender in relation to the offences committed under clause 123 may revoke the relevant community based order and commit the offender to prison for the portion of the term of imprisonment to which the offender was sentenced and which remains unexpired at the date of the offence which breached the community based order. Unless the court orders to the contrary, the offender must then immediately serve the imprisonment concurrently with any other term of imprisonment previously imposed, subject to provisions of the *Bail Act*.

*Clause 128* Derived from part of section 206 of the *Corrective Services Act*, provides that in a case of an alleged breach of a single community based order, a summons or warrant may be issued to compel the attendance of the offender to appear before the court that made the original order. Three particular issues are set out to which a Justice exercising a discretion to issue a summons or warrant must have regard.

*Clause 129* Provides that, in cases where it is alleged the offender has breached multiple community based orders, a Justice may issue a summons or warrant to compel the attendance of the offender before the court of highest jurisdiction which made the orders. Three particular issues are set out to which a Justice exercising a discretion to issue a summons or warrant must have regard.

*Clause 130* Provides that when any court deals with an offender under clauses 125 or 126 or, under clause 189 takes into account contraventions of the requirements of a community based order, all the relevant community based orders are discharged.

*Clause 131* Derived from section 224 of the *Corrective Services Act*, requires that, when an offender is being dealt with before a superior court for a matter arising under this Division, questions of fact are to be determined by the Judge.

*Clause 132* Derived from section 212 of the *Corrective Services Act*, permits proceedings for contravention of requirements of community based orders may be taken even though the community based orders have been discharged or revoked.

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*Clause 133* Derived from section 249 of the *Corrective Services Act*, provides that authorised Commission officers are subject to the directions of the court that made the relevant community based order.

*Clause 134* Provides that when an appeal has been lodged against any community based order, the requirements of the order will continue, and are to be complied with, until the appeal is finally determined. To the extent that this provision conflicts with section 670 of *The Criminal Code*, clause 134 prevails. Provision is also made for retention of any monies paid to the proper officer of the court by the offender for restitution or compensation, in the event of an appeal being made against the order.

*Clause 135* Derived from part of section 216 of the *Corrective Services Act*, provides that directions given by an authorised Commission officer to an offender pursuant to a community based order must not conflict with the offender's religion, education, work or family responsibilities.

*Clause 136* Derived from parts of sections 198 and 215 of the *Corrective Services Act*, provides for the service of notices of community based orders to be given to the offender, to the person in charge of any institution in which the offender is required to reside, the Corrective Services Commission, or in the event that the offender is permitted to reside outside Queensland, service of the relevant documents must be made to the proper authority in that other jurisdiction.

*Clause 137* Derived from section 257 of the *Corrective Services Act*, provides that, in any proceedings against an offender for a breach of a community based order, in specified circumstances, unless the contrary be proved, it will be presumed that the order was made as alleged, and that the offender contravened the requirements of the order as alleged.

*Clause 138* Derived from parts of sections 257 and 259 of the *Corrective Services Act*, provides for the application of the *Justices Act 1886* —with relevant modifications—to apply to a complaint, or summons, or

enforcement of a penalty imposed under clause 121. Provision is also made for the joining of two or more matters in a single complaint.

*Clause 139* Derived from part of section 227 of the *Corrective Services Act*, permits a court to issue a summons requiring an offender to appear upon application by an authorised Commission officer pursuant to clause 122. In the event that the offender fails to appear, either pursuant to this section or clauses 128 or 129, on proof of service of the summons the court may issue a warrant to arrest the offender.

*Clause 140* Provides that, if a warrant is issued requiring an offender to be brought before a Supreme or District Court, and neither court is sitting at the relevant time, the offender must be brought before a Magistrates Court which is empowered to commit the offender to custody, or grant bail to the offender, conditioned that the offender appear before the relevant superior court.

*Clause 141* Provides that any period of community service ordered to be performed by an offender pursuant to an intensive correction order must be cumulative with any other community service ordered to be performed by the offender.

*Clause 142* Derived from part of section 260 of the *Corrective Services Act*, provides that, if a court does not initiate proceedings against an offender for an offence against a community based order, such proceedings must be started by complaint made by an authorised Commission officer.

## **PART 8—ORDERS OF SUSPENDED IMPRISONMENT**

*Clause 143* A court must record a conviction before it can impose an order of suspended imprisonment.

*Clause 144* Empowers a court to impose a sentence of suspended imprisonment for up to five years, conditioned that the court be satisfied that the imprisonment for the full term is inappropriate in the circumstances. The court must state a period (less than five years) during which the offender is required to abstain from committing another offence punishable by imprisonment if the offender is to avoid being dealt with under clauses 146 and 147.

*Clause 145* Requires an offender to serve in prison the suspended imprisonment only if the offender is so ordered under clause 147.

*Clause 146* Provides that if a court convicts the offender of an offence for which imprisonment may be imposed, and the court is satisfied that such offence was committed during a period of suspended imprisonment, the court may deal with the offender under clause 147. A Magistrates Court may not deal with a breach of suspended imprisonment which was ordered by a superior court; the Magistrates Court is only empowered to commit the offender either to bail or custody to be brought before the superior court that made the order. In the event that the District Court deals with an offence which breached a suspended imprisonment order, but the order was made in the Supreme Court, the District Court is empowered to commit the offender in custody or grant bail to the offender to appear before the Supreme Court.

*Clause 147* Provides the powers of a court dealing with an offender who has committed an offence which breaches the suspended imprisonment. Powers include; if part of the imprisonment was suspended, order the suspended part of the imprisonment be served; if the imprisonment was completely suspended, extend the operational period by 1 year or order the whole or a nominated part of the imprisonment be served. However if a court is of the view that, in all the circumstances, it would be unjust to order the offender to serve in prison the period concerned, the court is required to give reasons.

*Clause 148* Provides that, if under clause 147 a court orders the offender to serve a period of imprisonment, unless the court orders to the contrary the imprisonment must commence immediately and must be concurrent with any other imprisonment previously imposed on the offender, subject to the provisions of the *Bail Act*.

*Clause 149* Provides that an order made under clause 147 is not invalid because of the failure of a court to state reasons, but the failure to state reasons may be considered by an appeal court.

*Clause 150* Permits the operation of the *Bail Act* in the event that a court does not find it possible to deal immediately with an offender under clause 147.

*Clause 151* Provides a series of general provisions for the purposes of this Part: For appeal purposes, an order of partly suspended imprisonment is taken to be an order of imprisonment for the whole term; Imprisonment wholly suspended is to be regarded as a sentence of imprisonment for all

purposes other than provision of remissions; If any part of a suspended imprisonment order is restored pursuant to clause 147(1) the offender is taken to be convicted on the day on which the order was made under clause 144; If an offender is ordered to serve the whole or part of a period of imprisonment wholly suspended, the offender is taken to have been sentenced to the imprisonment on the day upon which the order was made under clause 144; Any period of imprisonment partly suspended pursuant to clause 144 is taken to be a sentence of imprisonment for the whole term ordered by the court for all purposes other than provision of remissions unless service of suspended imprisonment is ordered under clause 147(1).

## **PART 9—IMPRISONMENT**

*Clause 152* A court must record a conviction before it can impose an order of imprisonment.

*Clause 153* Derived from parts of sections 19(1) and (3) of *The Criminal Code*, provides for the imposition of sentences of imprisonment less than the maximum provided by the offence; and provides that fines, not exceeding the maximums set out in clause 46, may be imposed instead of, or in addition to, imprisonment.

*Clause 154* Derived from part of section 20 of *The Criminal Code*, provides for the calculation of the length of sentences of imprisonment depending on whether the conviction was on indictment or before a court of summary jurisdiction.

*Clause 155* Provides that, unless otherwise provided or ordered, any sentence of imprisonment, imposed subsequent to a previously ordered or an existing sentence of imprisonment, must be served concurrently with that previous sentence.

*Clause 156* Derived from part of section 20 of *The Criminal Code*, provides that a court may direct the offender to serve a later sentence of imprisonment after an earlier sentence of imprisonment has been completed; that is, make sentences cumulative.

*Clause 157* Based partly on section 166(3) of the *Corrective Services Act*, provides special definitions for this clause of “period of imprisonment” and “non-parole period”. Provision is also made that a court may

recommend an offender be eligible for release on parole after having served a specified period of imprisonment. Also powers are given to courts to make further recommendations for parole in cases where a court imposes a later sentence of imprisonment on imprisonment already being served by an offender. Also included are further detailed provisions relating to preconditions for, and the effects which flow from, recommendations as to release on parole.

*Clause 158* Permits a court, in circumstances where an offender has been held in custody continuously since arrest only in regard to the particular offence before the court, to backdate the sentence to the date of arrest.

*Clause 159* Derived from former section 20(3) of *The Criminal Code* and reflecting section 145 of *The Criminal Code*, provides that in calculating a sentence of imprisonment, time spent absent from custody while on escape will not be calculated as part of the sentence of imprisonment served.

*Clause 160* Provides that, if a maximum sentence of imprisonment for an offence is not prescribed by the Act creating the offence, the maximum sentence of imprisonment which can be imposed will be five years for indictable offences and two years for summary offences.

*Clause 161* Provides that a court may deduct time, which a prisoner has spent in custody only waiting for the proceedings for the offence to commence, from a sentence of imprisonment. If a court exercises the powers under this clause, the court must declare the relevant period to have been duly served and note the records of the court accordingly. Additional provisions permit a court to vary the declaration of the relevant period in the event that an error in calculating the period has been made.

## **PART 10—INDEFINITE SENTENCES**

*Clause 162* Provides definitions relevant to this Part. The definition of “violent offence” is confined to offences which involve a factual element of violence against the person, and includes sexual offences of the most serious kind. In each case however, the definition is confined to such offences for which the maximum sentence provided is life imprisonment.

*Clause 163* Provides that a court may, either on its own initiative or on application by the prosecution, instead of imposing a fixed period of imprisonment on a violent offender, impose an indefinite sentence. In determining the period at which the reviews under clauses 171 or 172 of the indefinite sentence must commence, the court is also required to specify a “nominal sentence”, being a sentence of a fixed term of years which the court may have imposed had it not actually imposed an indefinite sentence. Stringent pre-conditions prior to the exercise of the power under this Part are provided. The essential criteria is that the offender is a serious danger to the community. In determining that issue, the court must take into account very particular matters relating both to the offender and the offence.

*Clause 164* Requires the prosecution to give notification to the court of any intention to apply for an order under this Part. Upon such request, the court must adjourn to permit the prosecution to obtain the Attorney-General’s consent.

*Clause 165* Prevents the prosecution from making an application for a sentence under this Part unless it has first obtained the Attorney-General’s consent, which cannot be given until the offender has been convicted of the violent offence.

*Clause 166* Provides that a court, after having advised the offender that a sentence under this Part may be considered, must adjourn any sentence proceeding under this Part for at least 20 business days to enable preparation of submissions and any evidence which may be called by the prosecution and on behalf of the offender, if the latter elects to give or call evidence or make submissions.

*Clause 167* Requires the court to consider evidence from both the prosecution and (if the offender so elects) the offender prior to imposing an indefinite sentence. The ordinary rules of evidence must apply, subject to the specific provision that certified copies of the trial transcript and submissions can be admitted to prove the severity of the violent offence.

*Clause 168* Requires a court to give full detailed reasons for, and at the time of, imposing an indefinite sentence.

*Clause 169* Provides that the prosecution has the onus of proving that the offender is a serious danger to the community.

*Clause 170* Establishes the standard of proof to be met by the prosecution at “a high degree of probability” that the evidence is of sufficient weight to justify the finding that the offender is a serious danger to the community.



*Clause 171* Provides that the sentencing court must review the indefinite sentence within six months of the offender having served 50% of the “nominal sentence” of imprisonment defined clause 163. If the indefinite sentence is ordered to continue, subsequent reviews must be at periods of no more than two years during continuity of the indefinite sentence. The Director of Prosecutions is charged with the duty of undertaking necessary steps to cause the reviews to be carried out by the sentencing court.

*Clause 172* Permits an offender, in exceptional circumstances, to seek leave of the sentencing court to abridge the two year period between reviews of the indefinite sentence should the indefinite sentence continue beyond 50% of the nominal sentence; provides for appropriate notification of the offender’s application; and provides power to the court to give directions to enable the application to be heard and to set specified times within which to take steps to hear the application.

*Clause 173* Requires a court, upon reviewing the indefinite sentence pursuant to clauses 171 or 172, to vacate the indefinite sentence and impose a sentence of a fixed period of imprisonment unless the court is satisfied that the offender is still a serious danger to the community. If the court is not so satisfied, the fixed sentence substituted for the indefinite sentence is taken to have commenced on the date the indefinite sentence was first imposed, but must not be less than the nominal sentence specified by the court under clause 163.

*Clause 174* Provides that an offender, sentenced to a fixed period of imprisonment after the indefinite sentence has been vacated, may apply for admission to a re-integration program under the authority of the Community Corrections Board. If the offender is admitted to such a program, the offender must remain under the authority of the Community Corrections Board for not less than five years in order that the offender is properly guided from custody to liberty. If the fixed term sentence ends within a period of less than five years, the fixed sentence is extended to permit lawful authority over the offender until the re-integration program has been completed. Provision is made for the offender to apply to the Community Corrections Board to be discharged from such re-integration programs within a period of less than five years.

*Clause 175* Provides that an offender, serving a sentence of a fixed term of imprisonment substituted for the indefinite sentence, is not entitled to any remission of the fixed term sentence.

*Clause 176* Permits the Registrar of the sentencing court to request a Regional Health Authority or the Director of Prosecutions to furnish reports on the offender to the sentencing court on the hearing of the first and subsequent reviews of an indefinite sentence. Such reports must be relevant to the period from the time of imposition of the indefinite sentence or from the time of the last review of the indefinite sentence. Provisions are made for the offender to cross-examine persons who made such reports and to call evidence in rebuttal of the reports.

*Clause 177* Provides rights of appeal to the offender, not only from the imposition of an indefinite sentence at first instance, but also from the confirmation of an indefinite sentence at each of the subsequent reviews and also from any fixed sentence of imprisonment imposed after an indefinite sentence has been vacated.

*Clause 178* Permits the Attorney-General to appeal to the Court of Appeal against discharge of an indefinite sentence or against a fixed sentence substituted for an indefinite sentence.

*Clause 179* Adapted from part of section 617 of *The Criminal Code*, provides that the offender must be present during the hearing of evidence prior to the imposition of an indefinite sentence at first instance, or at any subsequent review of continuity of an indefinite sentence. However, if the offender acts in such a way that the hearing of evidence in the offender's presence is impracticable, the offender may be removed from the court and the matter may continue to be heard in the offender's absence.

## **PART 11—GENERAL**

*Clause 180* Based on the principle underlying section 11 of *The Criminal Code*, provides that any change made by an Act to any sentence which may be imposed (including the maximum or minimum sentence), the resulting increase will apply only to an offence committed after commencement of this Bill. If an Act reduces a sentence, such reduction will not effect any sentence imposed prior to the commencement of this Act.

*Clause 181* Provides that any penalty or forfeiture payable to an aggrieved party may be payable to an aggrieved body corporate. If a body corporate is convicted of having committed a criminal offence that provides

for punishment by way of imprisonment only, a scale of fines expressed in penalty units applicable to particular periods of imprisonment is provided.

*Clause 182* Based on part of section 19(6) of *The Criminal Code*, provides for the enforcement of orders of payment of penalties. Detailed provisions are provided requiring adequate notification to be given to the offender, the means by which an offender may be brought before the court, powers to remand on bail or in custody, and the options which may be exercised by the court that ordered the original penalty, after having considered the failure by the offender to pay the penalty.

*Clause 183* An offender may be imprisoned for a period calculated under clause 196 if, under an Act which provides for a penalty but does not provide for any default period, an offender was ordered to pay a penalty, has failed to pay the penalty and has been made aware that an application may be made for a fine option order.

*Clause 184* Provides generally that a court may order an offender to serve a period of imprisonment for no more than two years for failing to do an act required by the sentencing court, unless the Act under which the offender was convicted otherwise provides.

*Clause 185* Derived from section 10 of the *Penalty Units Act*, provides that where an offender was ordered to pay a penalty, has failed to pay and has been informed of the right to apply for a fine option order, the offender may be ordered to serve up to 14 days imprisonment for each penalty unit which the offender was ordered to pay. Such imprisonment must be cumulative with any other period of imprisonment the offender is ordered to serve or is serving, unless the court otherwise orders.

*Clause 186* Derived from section 11 of the *Penalty Units Act*, provides for the reduction of a period of imprisonment ordered to be served by the offender who has reduced, but not paid in full, a penalty ordered by a court to be paid. The reduction of the period of imprisonment is to be in proportion to that part of the penalty actually paid relative to the total of the penalty which was originally imposed. Additional provisions deal with the tendering and acceptance of monies to be applied to the reduction of the penalty.

*Clause 187* Derived principally from section 328C of *The Criminal Code*, permits a court to disqualify an offender from holding or obtaining a driver's licence in particular circumstances.

*Clause 188* Permits a District or Supreme Court to re-open sentence proceedings to correct errors in particular circumstances. The court may

re-open a sentence either on its own initiative or on the application of a party to the proceedings within specified time limits, give the parties an opportunity to be heard, and impose or amend a sentence to ensure that the sentence is lawful. This clause does not effect any rights of appeal.

*Clause 189* Derived directly from part of section 651 of *The Criminal Code*, permits outstanding charges, which may not have been strictly proved, to be taken into account by a court before whom an offender has appeared for sentence with regard to another offence. Pre-conditions include the consent of the prosecution, legal representation of the offender, a plea of guilty to all the offences and a request by the offender that the offences be taken into account. The maximum sentence which can be imposed for the offences taken into account is to be no more than the maximum that could be imposed for the offence of which the offender has been convicted. Additional provisions are made for the effect of taking offences into account on any appeal, the conditional barring of further proceedings for offences taken into account, the effect of taking into account as a conviction and proving the taking into account of offences.

*Clause 190* Derived from part of section 657 of *The Criminal Code*, empowers a Magistrates Court, having convicted an offender of an offence relating to property, to release the offender without imposing any punishment, provided the offender pays to the person aggrieved by the offence an amount assessed by the court for damages and costs.

*Clause 191* Derived from part of section 657 of *The Criminal Code*, provides that if an offender pays the full amount ordered under clause 190, the person aggrieved by the offence is debarred from taking any civil proceedings against the offender for the same cause. Any order made pursuant to clause 190 is appealable as a sentence for all purposes.

*Clause 192* Derived from part of section 658 of *The Criminal Code*, requires a Magistrates Court imposing a penalty for an offence on the basis of property taken, killed, destroyed or damaged to make an assessment of value in terms of money.

*Clause 193* Derived from part of section 658 of *The Criminal Code*, provides for any amount ordered under clause 192 and recovered to be paid to the person aggrieved or, in an appropriate case, to the Consolidated Fund or relevant public authority. Provision is made for the imposition of a penalty on several offenders for a single offence relating to property.

*Clause 194* Derived from section 685 of *The Criminal Code*, permits a District or Supreme Court dealing with an offender for an offence of which

unlawful obtaining of property is an element, to order the property to be restored to the owner or person lawfully entitled to possession. Such an order may be enforced as a judgement against the offender but does not effect any right of property or right of action of others. Provision is also made for the delivery of property found in the offender's possession, which appears to have been obtained as a result of an offence of which unlawful obtaining of property is an element, to be delivered to a person who appears to be entitled to such property. This clause does not apply to a valuable security (as defined) in certain conditions.

*Clause 195* Permits a court to order that, during the period of any sentence, an offender must remain within Queensland or Australia, or not apply for or obtain an Australian passport, or surrender any passport held by the offender; or any combination of the three options. Should the offender breach the relevant order, the offender commits an offence. If the court makes an order under this clause, a copy of the order is required to be given to the department administering the Commonwealth *Passports Act 1938*. At the end of the term of the sentence the passport, if still held by the court, must be returned to the offender. The recording of a conviction is a pre-condition for use by a court of this clause.

*Clause 196* Permits the Governor in Council to make regulations for the purposes of the Act.

## **PART 12—TRANSITIONAL**

*Clause 197* Repeals Chapter 64A of *The Criminal Code* which deals with indeterminate sentences for habitual criminals, but provides that persons detained under that Chapter will continue to be lawfully detained for a period of up to six months until they are dealt with under this Part.

*Clause 198* Provides that a person detained under Chapter 64A of *The Criminal Code* must, within six months of the commencement of this Part, be brought before the Supreme Court and be sentenced in accord with the provisions of this Act. Such a sentence replaces detention previously ordered under Chapter 64A but is additional to any fixed sentence still being served by the offender.

*Clause 199* Requires that the court consider particular issues before a person, formerly detained under Chapter 64A of *The Criminal Code*, can be

sentenced under this Part. Provisions are made for the Supreme Court to make enquiry on the issue of whether the offender has reformed. The offender is provided with rights of cross-examination and calling evidence in regard to the question of whether the offender has reformed.

*Clause 200* Provides that, within two months of the commencement of clause 198, the Corrective Services Commission must advise the Supreme Court of the names and full particulars of all and any persons who are being detained during Her Majesty's pleasure under Chapter 64A of *The Criminal Code*.

*Clause 201* Permits the Supreme Court to sentence a person previously detained under Chapter 64A of *The Criminal Code* as if that court had just convicted the offender for the offence which led to the offender being declared an habitual criminal.

*Clause 202* Permits the Supreme Court to make necessary adaptations to Part 10 of this Act if it is considering the imposition of an indefinite sentence under Part 10 on a person previously detained during Her Majesty's pleasure under Chapter 64A of *The Criminal Code*.

*Clause 203* Provides the Supreme Court may issue directions to the Director of Prosecutions, the Legal Aid Commission and the Corrective Services Commission as are necessary to implement the purposes of clause 198.

## **PART 13—MISCELLANEOUS**

*Clause 204* Provides for a number of transitional mechanisms; that this Act applies to any sentence imposed after the commencement of this clause, that sentences imposed before commencement of this clause are not subject to this Act with the exception of an offender to whom clause 198 applies, that any variation to be made to sentences currently being served may be varied or cancelled in accord with this Act, and that any sentence before commencement of this Act—if varied on appeal after the commencement of this Act—is deemed to have been imposed at the time of the original order.

*Clause 205* Provides that, if this Act has not made sufficient provision to facilitate transition from the Acts repealed by this Act, the Governor in Council may make transitional regulations.

*Clause 206* Repeals the *Penalty Units Act 1985* and the *Penalty Units Amendment Act 1988*.

*Clause 207* Amends various Acts as set out in the Schedule; the Acts amended in accord with this Act are:

*Acts Interpretation Act 1954*

*Coroner's Act 1958*

*Corrective Services Act 1988*

*Corrective Services (Administration) Act 1988*

*The Criminal Code*

*Justices Act 1886*

*Juvenile Justice Act 1992*

*Vagrants, Gaming and Other Offences Act 1931*