

TASMANIA

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**SENTENCING AMENDMENT (DRUG  
TREATMENT ORDERS) BILL 2016**

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**SENTENCING AMENDMENT (DRUG  
TREATMENT ORDERS) BILL 2016**

*(Brought in by the Minister for State Growth, the Honourable  
Matthew Guy Groom)*

**A BILL FOR**

**An Act to amend the *Sentencing Act 1997***

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Sentencing Amendment (Drug Treatment Orders) Act 2016*.

**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

**3. Principal Act**

In this Act, the *Sentencing Act 1997*\* is referred to as the Principal Act.

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\*No. 59 of 1997

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**4. Section 4 amended (Interpretation)**

Section 4 of the Principal Act is amended by inserting after the definition of *driving disqualification order* the following definition:

*drug treatment order* means a drug treatment order made under section 27B;

**5. Section 27Y repealed**

Section 27Y of the Principal Act is repealed.

**6. Section 104A inserted**

After section 104 of the Principal Act, the following section is inserted in Part 12:

**104A. Validation and saving of certain orders**

(1) In this section –

*expiration period* means the period beginning on 30 June 2014 and ending on the day on which this section commences;

*relevant action or decision* means an action, decision, direction or requirement of a court or a person;

*relevant order or warrant* means –

- (a) a drug treatment order;
- and

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- (b) any other order; and
- (c) a sentence of imprisonment; and
- (d) a warrant –

that, during or after the expiration period, was or is made, imposed, or issued, under this Act or was or is purportedly made, imposed, or issued, under this Act;

***validated order or warrant*** means –

- (a) a relevant order or warrant; and
- (b) a condition of a relevant order or warrant; and
- (c) a variation, cancellation or suspension of a relevant order or warrant; and
- (d) a confirmation, variation or cancellation of one or more conditions of a relevant order or warrant or the addition of a condition to the conditions of a relevant order or warrant; and
- (e) the fixing of a non-parole period.

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- (2) A validated order or warrant is not to be taken to be invalid or of no effect, or to have been invalid or of no effect, by reason only that during the expiration period section 27Y(3) of this Act was in force.
- (3) A relevant action or decision that was taken or made in anticipation of, in relation to, or subsequent to, the making, imposition or issuing, or the purported making, imposition or issuing, of a validated order or warrant is not to be taken –
- (a) to be invalid or of no effect or to have been invalid or of no effect; or
  - (b) to contravene, or to have contravened, this or any other Act –
- by reason only that during the expiration period section 27Y(3) of this Act was in force.

## **7. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.