

CLAUSE NOTES

JUSTICE AND RELATED LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) AMENDMENT BILL 2010

Clause 1: **Short Title**

Clause 2: **Commencement**

Clause 3: **Principal Act**

The Principal Act is the *Justice and Related Legislation (Further Miscellaneous Amendments) Act 2009*

Clause 4: **Section 30A inserted**

The definition of “authorised person” is being substituted in the *Sentencing Act*. This is to extend the people who may make applications in respect of breaches of suspended sentences and particularly to allow additional persons to make verbal applications in relation to breaches. The old definition required the Director of Public Prosecutions to personally make such applications which is appropriate for written application but not where a verbal application is to be made by the practitioner actually conducting the prosecution in the court. Also, the old definition assumed that “police officers” undertook prosecutions and the term did not cover legal practitioners who undertake prosecutorial functions for Tasmania Police.

Clause 5: **Section 31 amended (Section 24 substituted)**

Subsection (a) provides a substitute provision which does not contain the three mandatory

reporting conditions to which all suspended sentences would be made subject.

Subsections (b) and (c) take account of the removal of the three mandatory reporting conditions from section 24(1) and makes them mandatory only if the suspended sentence also includes a community service or probation obligation.

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