



Queensland

Community Based Sentences (Interstate Transfer) Act 2020

Community Based Sentences (Interstate Transfer) Regulation 2021

Current as at 12 March 2021

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Community Based Sentences (Interstate Transfer) Regulation 2021

1 Short title

This regulation may be cited as the *Community Based Sentences (Interstate Transfer) Regulation 2021*.

2 Declared corresponding interstate community based sentences—Act, s 13

- (1) For section 13(2)(b) of the Act, this section prescribes the community based sentences declared to correspond to interstate sentences.
- (2) However, each of the community based sentences corresponds to an interstate sentence other than to the extent that the community based sentence—
 - (a) imposes a fine or financial penalty, however it is described; or
 - (b) requires making reparation to a particular person, however it is described.
- (3) A probation order made under the *Penalties and Sentences Act 1992*, part 5 is declared to correspond to each of the following interstate sentences—
 - (a) for the Australian Capital Territory—a good behaviour order under the *Crimes (Sentencing) Act 2005* (ACT);
 - (b) for New South Wales—
 - (i) a community correction order under the *Crimes (Sentencing Procedure) Act 1999* (NSW); or
 - (ii) a conditional discharge of the person under the *Crimes (Sentencing Procedure) Act 1999* (NSW), section 10(1)(c); or
 - (iii) a conditional release order under the *Crimes (Sentencing Procedure) Act 1999* (NSW);

- (c) for the Northern Territory—a community based order under the *Sentencing Act 1995* (NT);
 - (d) for South Australia—a bond entered into by a defendant under the *Sentencing Act 2017* (SA), section 96 or 97;
 - (e) for Tasmania—
 - (i) a community correction order under the *Sentencing Act 1997* (TAS); or
 - (ii) a probation order under the *Sentencing Act 1997* (TAS) if made before the commencement of part 5B of that Act;
 - (f) for Victoria—a community correction order under the *Sentencing Act 1991* (VIC);
 - (g) for Western Australia—a community based order under the *Sentencing Act 1995* (WA).
- (4) A community service order made under the *Penalties and Sentences Act 1992*, part 5 is declared to correspond to each of the following interstate sentences—
- (a) for the Australian Capital Territory—a good behaviour order under the *Crimes (Sentencing) Act 2005* (ACT);
 - (b) for New South Wales—a community correction order under the *Crimes (Sentencing Procedure) Act 1999* (NSW);
 - (c) for the Northern Territory—a community work order under the *Sentencing Act 1995* (NT);
 - (d) for South Australia—a community service order under the *Sentencing Act 2017* (SA), section 105;
 - (e) for Tasmania—
 - (i) a community correction order under the *Sentencing Act 1997* (TAS); or
 - (ii) a community service order under the *Sentencing Act 1997* (TAS) if made before the commencement of part 5B of that Act;
 - (f) for Victoria—a community correction order under the *Sentencing Act 1991* (VIC);

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- (g) for Western Australia—a community based order under the *Sentencing Act 1995* (WA).
- (5) An intensive correction order made under the *Penalties and Sentences Act 1992*, part 6 is declared to correspond to each of the following interstate sentences—
- (a) for the Australian Capital Territory—an intensive correction order under the *Crimes (Sentencing) Act 2005* (ACT);
- (b) for New South Wales—an intensive correction order under the *Crimes (Sentencing Procedure) Act 1999* (NSW);
- (c) for the Northern Territory—a community custody order under the *Sentencing Act 1995* (NT);
- (d) for South Australia—an intensive correction order under the *Sentencing Act 2017* (SA);
- (e) for Western Australia—an intensive supervision order under the *Sentencing Act 1995* (WA).

3 Prescribed matters for deciding to register an interstate sentence—Act, s 14

For section 14(2)(b)(i) of the Act, the local authority may have regard to the safety of the following persons—

- (a) the victim of the offence to which the interstate sentence relates;
- (b) a member of the family of the person mentioned in paragraph (a).

4 Required details—Act, s 16

For section 16(3) of the Act, definition *required details*, the following details are prescribed—

- (a) for the offender—
- (i) given names and surname; and
- (ii) date of birth; and

- (iii) any known aliases; and
- (iv) the proposed residential address for the offender in Queensland;
- (b) for the interstate sentence—
 - (i) the name and type of the sentence; and
 - (ii) the offence for which the sentence was imposed; and
 - (iii) the date the offence mentioned in subparagraph (ii) was committed; and
 - (iv) the name of the court that imposed the sentence; and
 - (v) the date the sentence was imposed; and
 - (vi) the date the sentence commences, if different from the date mentioned in subparagraph (v); and
 - (vii) the length of the sentence, including the length of each part of the sentence; and
 - (viii) the date the offender first reported for the sentence in the interstate jurisdiction; and
 - (ix) the period of the sentence that remains to be served in Queensland; and
 - (x) any conditions to which the sentence is subject; and
 - (xi) details of any previous registration of the sentence in an interstate jurisdiction other than the jurisdiction of the requesting authority.

5 Participating jurisdictions—Act, sch 1

For schedule 1 of the Act, definition *participating jurisdiction*, paragraph (b), the following States are prescribed—

- (a) the Australian Capital Territory;
- (b) New South Wales;

- (c) the Northern Territory;
- (d) South Australia;
- (e) Victoria;
- (f) Tasmania;
- (g) Western Australia.