

South Australia

Sentencing (Discounts) Variation Regulations 2020

under the *Sentencing Act 2017*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Sentencing (Discounts) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which the *Statutes Amendment (Sentencing) Act 2020* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Sentencing Regulations 2018*

4—Variation of regulation 6—Prescribed modifications relating to sentencing discounts when ex officio information laid (section 40)

- (1) Regulation 6(1), inserted subsection (3)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:
 - (i) the sentencing court may reduce the sentence that it would otherwise have imposed by—
 - (A) in the case of a serious indictable offence—up to 25%; or
 - (B) in any other case—up to 35%,

if the defendant pleads guilty to the relevant offence or offences during the period commencing immediately after the first date fixed for the arraignment of the defendant in the superior court in relation to the relevant offence or offences and ending not more than 4 weeks after that date; and

(ii) the sentencing court may reduce the sentence that it would otherwise have imposed by—

(A) in the case of a serious indictable offence—up to 15%; or

(B) in any other case—up to 25%,

if the defendant pleads guilty to the relevant offence or offences more than 4 weeks after the first date fixed for the arraignment of the defendant in the superior court in relation to the relevant offence or offences but on or before the day of the commencement of the defendant's trial for the relevant offence or offences; and

(2) Regulation 6(1), inserted subsection (3)(b)—delete "by up to 20%." and substitute:

by—

(i) in the case of a serious indictable offence—up to 10%; or

(ii) in any other case—up to 15%.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council

on 29 October 2020

No 289 of 2020