



Australian Capital Territory

Corrections and Sentencing Legislation Amendment Act 2011

A2011-57

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Corrections and Sentencing Legislation Amendment Act 2011

A2011-57

An Act to amend legislation in relation to corrections management and sentencing, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Corrections and Sentencing Legislation Amendment Act 2011*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- *Corrections Management Act 2007*
- *Crimes (Sentence Administration) Act 2005*
- *Crimes (Sentencing) Act 2005*.

Part 2 Corrections Management Act 2007

4 Segregation—safety and security Section 90 (5) (b)

substitute

- (b) if the detainee is to be transferred to another correctional centre for longer than 1 day—must review the direction before the transfer; and

5 Segregation—protective custody Section 91 (5) (b)

substitute

- (b) if the detainee is to be transferred to another correctional centre for longer than 1 day—must review the direction before the transfer; and

6 Segregation—health Section 92 (4) (c)

substitute

- (c) if the detainee is to be transferred to another correctional centre for longer than 1 day—must review the direction before the transfer; and

7 Duration of investigative segregation Section 163 (2) (b)

substitute

- (b) if the detainee is to be transferred to another correctional centre for longer than 1 day—must review the direction before the transfer; and

Part 3 Crimes (Sentence Administration) Act 2005

8 New section 41A

in part 5.1, insert

41A Periodic detention—effect on sentence of imprisonment

An offender who performs periodic detention for a detention period is taken to serve 7 days of the offender's sentence of imprisonment.

9 Periodic detention—application for approval not to perform etc Section 56 (2)

after

doctor's certificate

insert

, or a certified copy of the certificate

10 Board powers—management of periodic detention Section 75 (5) (a)

substitute

(a) the offender's health; or

11 Suspension or cancellation of periodic detention— recommittal to full-time detention Section 82 (4) (a)

substitute

(a) be in writing signed by the chair, or a deputy chair, of the board; and

**12 Confidentiality of board documents
New section 192 (5)**

insert

- (5) For this section, a document is *given* to a person if the contents of the document are made known to the person.

Examples—making known the contents of a document to a person

- reading the document to the person
- showing the document to the person

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

13 New section 303A

in division 13.1.4, insert

303A Corrections officers to report breach of release on licence obligations

- (1) This section applies if a corrections officer believes on reasonable grounds that an offender has breached any of the offender's release on licence obligations.
- (2) The corrections officer must report the belief to the board in writing.
- (3) The report must be accompanied by a copy of a written record in support of the corrections officer's belief.

Part 4 Crimes (Sentencing) Act 2005

14 Pre-sentence reports—order Section 41 (6), definition of *assessor*

substitute

assessor means—

- (a) a public servant whose functions include preparing pre-sentence reports; or
- (b) a person with similar functions under the law of a State.

15 Pre-sentence reports—availability of written reports Section 45 (1)

substitute

- (1) This section applies if the court has received a written pre-sentence report for an offender at least 2 working days before the offender is to be sentenced.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 November 2011.

2 Notification

Notified under the Legislation Act on 14 December 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Corrections and Sentencing Legislation Amendment Bill 2011, which was passed by the Legislative Assembly on 8 December 2011.

Clerk of the Legislative Assembly

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