

2011

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Corrections and Sentencing Legislation Amendment Bill 2011

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
Part 2	Corrections Management Act 2007
4	Segregation—safety and security Section 90 (5) (b) 3
5	Segregation—protective custody Section 91 (5) (b) 3
6	Segregation—health Section 92 (4) (c) 3

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Contents

		Page
7	Duration of investigative segregation Section 163 (2) (b)	3
Part 3	Crimes (Sentence Administration) Act 2005	
8	New section 41A	4
9	Periodic detention—application for approval not to perform etc Section 56 (2)	4
10	Board powers—management of periodic detention Section 75 (5) (a)	4
11	Suspension or cancellation of periodic detention—recommittal to full- time detention Section 82 (4) (a)	4
12	Confidentiality of board documents New section 192 (5)	5
13	New section 303A	5
Part 4	Crimes (Sentencing) Act 2005	
14	Pre-sentence reports—order Section 41 (6), definition of <i>assessor</i>	6
15	Pre-sentence reports—availability of written reports Section 45 (1)	6

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Corrections and Sentencing Legislation Amendment Bill 2011

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • *Corrections Management Act 2007*
12 • *Crimes (Sentence Administration) Act 2005*
13 • *Crimes (Sentencing) Act 2005*.

1 **Part 2** **Corrections Management Act**
2 **2007**

3 **4 Segregation—safety and security**
4 **Section 90 (5) (b)**

5 *substitute*

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

9 **5 Segregation—protective custody**
10 **Section 91 (5) (b)**

11 *substitute*

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

15 **6 Segregation—health**
16 **Section 92 (4) (c)**

17 *substitute*

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

21 **7 Duration of investigative segregation**
22 **Section 163 (2) (b)**

23 *substitute*

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

1 **Part 3** **Crimes (Sentence**
2 **Administration) Act 2005**

3 **8** **New section 41A**

4 *in part 5.1, insert*

5 **41A** **Periodic detention—effect on sentence of imprisonment**

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

8 **9** **Periodic detention—application for approval not to**
9 **perform etc**
10 **Section 56 (2)**

11 *after*

12 doctor's certificate

13 *insert*

14 , or a certified copy of the certificate

15 **10** **Board powers—management of periodic detention**
16 **Section 75 (5) (a)**

17 *substitute*

18 (a) the offender's health; or

19 **11** **Suspension or cancellation of periodic detention—**
20 **recommittal to full-time detention**
21 **Section 82 (4) (a)**

22 *substitute*

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

1 **12 Confidentiality of board documents**
2 **New section 192 (5)**

3 *insert*

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

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

- 7 • reading the document to the person
8 • showing the document to the person

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

12 **13 New section 303A**

13 *in division 13.1.4, insert*

14 **303A Corrections officers to report breach of release on**
15 **licence obligations**

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

1 **Part 4 Crimes (Sentencing) Act 2005**

2 **14 Pre-sentence reports—order**
3 **Section 41 (6), definition of assessor**

4 *substitute*

5 *assessor* means—

6 (a) a public servant whose functions include preparing
7 pre-sentence reports; or

8 (b) a person with similar functions under the law of a State.

9 **15 Pre-sentence reports—availability of written reports**
10 **Section 45 (1)**

11 *substitute*

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2011.

2 Notification

Notified under the Legislation Act on 2011.

3 Republications of amended laws

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

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