

Australian Capital Territory

Corrections Management (Fine Defaulters) Policy 2009

Notifiable instrument NI2009-127

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Fine Defaulters) Policy 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

FINE DEFAULTERS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



Alexander Maconochie Centre (AMC)



FINE DEFAULTERS POLICY

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Purpose

To outline the policy regarding the detention of a prisoner who is subject to a Warrant of Commitment.

Authority

Legislation

Corrections Management Act 2007, section 14.

Crimes (Sentencing) Act 2005, section 73.

Magistrates Court Act 1930, section 154D(3) and 157.

Policy

Principles

Fines may be discharged by imprisonment by any Court who has the Authority to issue a Warrant of Commitment.

Fine defaulters are prisoners serving a Warrant of Commitment. Fines may be discharged by imprisonment where an ACT Magistrates or Supreme Court has issued a Warrant of Commitment.

Calculation

The period of the commitment is calculated in accordance with the rate stated on the Warrant.

The example below refers to a period calculated, where the Warrant states a fine at the rate of 1 day for each \$100.00, or part of \$100.00 of the outstanding fine calculation by Sentence Administration Section (SAS) in accordance with the *Sentence Administration Service procedure 2.1.2*:

A fine of \$650 is equivalent to 7 days in custody.

A fine of \$700 is equivalent to 7 days in custody.

A fine of \$750 is equivalent to 8 days in custody.

The calculation of a commitment period in lieu of payment will include any costs involved in processing the fine. This information will be included on the Warrant of Commitment.

The CO3 will ensure that all warrants for sentences of fine defaulters are calculated correctly. If the admission occurs during business hours, the warrant is to be forwarded to the SAS for verification. When the admission occurs outside of business hours, the CO3's calculation is to be checked by a CO2. On the next working day, the warrant will then be forwarded to SAS for verification.

Warrant of Commitments, which are equivalent to 6 months or more in custody, are deemed discharged at the end of 6 months.

Cumulative or concurrent

Warrants of Commitment are to be served concurrently (at the same time) with Warrants of remand or imprisonment.

Warrants of Commitment are to be served cumulatively (in addition to) with other Warrants of Commitment.

For example: Where a prisoner is in custody serving a Warrant of Commitment and another Warrant of Commitment is issued, the total time in custody is the sum of the two Warrants.

Warrant 1 = 7 days custody;
Warrant 2 = 9 days custody;
Total custody = 16 days

After hours, all sentences calculated for fine defaulters are to be checked by the Deputy Superintendent or, in his absence, the CO3. During business hours, verification of calculations will be sought from SAS.

Days to serve are stated on Warrants and are served one after the other (Cumulative). The number of days to serve is calculated at 1 day per \$100 or part thereof of the fine plus Court costs (not including the criminal injury compensation (CIC) and administration fee). With multiple Warrants the highest fine is served first. Part of a day is not a day served e.g. serving 3 days and 8 hours counts only as 3 days served.

Fines may be discharged by imprisonment where an ACT Magistrates or Supreme Court has issued a Warrant of Commitment.

The period of the Commitment is calculated in accordance with the day/s stated on the Warrant.

Fines which are equivalent to 6 months or more in custody are deemed discharged at the end of 6 months.

Discharging a Warrant of Commitment

A fine defaulter will be discharged from the AMC when the prisoner:

- has served the period of imprisonment; or
- paid the fine; and
- is not liable to serve a further period of remand or imprisonment.

Payment of outstanding balances

Cash is the only accepted method of payment. A receipt will be issued for all payments.

Payment on outstanding fine balances may be received by the CO3, who will determine the balance owed by deducting the number of days already served by the fine defaulter, (\$100 per day- or as stated on the Warrant), from the total amount owed. Verification by SAS is required.

Once full payment has been received, the prisoner will be discharged from custody. The full payment amount for the Warrant of Commitment will be forwarded to the ACT Magistrate's Court as soon as possible. It is not necessary for the prisoner to wait until monies are received by the ACT Magistrates Court.

Payments on Weekends

Fine payments made on weekends or public holidays are to be delivered to the ACT Magistrates Court on the next working day.

Forms/templates

Receipt Book

Related policies and procedures

Fine Defaulters Procedure

Sentence Administration Section 2.1.2