



Australian Capital Territory

Rehabilitation of Offenders (Interim) Regulation 2001

SL2001-39

made under the

Rehabilitation of Offenders (Interim) Act 2001

Republication No 4

Effective: 2 November 2004 – 1 June 2006

Republication date: 2 November 2004

Last amendment made by A2002-49
(republishing includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Rehabilitation of Offenders (Interim) Regulation 2001*, made under the *Rehabilitation of Offenders (Interim) Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 2 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Contents

	Page
1 Name of regulation	2
3 Dictionary	2
4 Notes	2
5 Dealing with young offenders under regulation	2
6 Giving consent to home detention order on behalf of child or person with disability—Act, s 11 (6)	3
7 Standard conditions of home detention—Act, s 18 (1) (a)	3
8 Standard conditions of parole—Act, s 38 (1) (a)	5

R4
02/11/04

Rehabilitation of Offenders (Interim) Regulation 2001
Effective: 02/11/04-01/06/06

contents 1

Contents

		Page
Dictionary		7
Endnotes		
1	About the endnotes	9
2	Abbreviation key	9
3	Legislation history	10
4	Amendment history	10
5	Earlier republications	11



Australian Capital Territory

Rehabilitation of Offenders (Interim) Regulation 2001

made under the

Rehabilitation of Offenders (Interim) Act 2001

1 Name of regulation

This regulation is the *Rehabilitation of Offenders (Interim) Regulation 2001*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation or in other legislation.

For example, the signpost definition '*prohibited weapon*—see the *Prohibited Weapons Act 1996*, section 3 (1).' means that the term 'prohibited weapon' is defined in that subsection and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Dealing with young offenders under regulation

To remove any doubt, in making a decision or taking action under this regulation in relation to a young person, the principles applying in relation to a young person under the *Children and Young People Act 1999*, part 2.2 (Principles applying to the Act) are to be applied, with any necessary changes, as if the decision were being made, or the action were being taken, under that Act.

6 Giving consent to home detention order on behalf of child or person with disability—Act, s 11 (6)

- (1) Consent may be given on behalf of a child by a person with parental responsibility for the child.
- (2) Consent may be given on behalf of a person with a mental disability by the person's guardian under the *Guardianship and Management of Property Act 1991*.

7 Standard conditions of home detention—Act, s 18 (1) (a)

The standard conditions to which a home detention order for a person is subject are as follows:

- (a) the person must be of good behaviour and must not commit any new offence;
- (b) if the person is arrested or detained by a police officer—the person must tell a corrections officer as soon as practicable after being arrested or detained;
- (c) the person must live only at premises in the ACT (the ***approved home***) approved by a corrections officer;
- (d) the person must remain at the approved home at all times otherwise than—
 - (i) when engaged in an approved activity or program; or
 - (ii) when faced with immediate danger, for example, a fire or medical emergency;

Note An example is part of the regulation, 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).

- (e) if the person leaves the approved home because of immediate danger—the person must tell a corrections officer as soon as practicable after leaving the approved home;

- (f) the person must comply with any plan of activities and programs prepared for the person by a corrections officer;
- (g) the person must allow a corrections officer to visit the approved home at any time;
- (h) the person must submit to electronic monitoring of the person's compliance with the home detention order;
- (i) the person must not tamper with, damage or disable monitoring equipment;
- (j) for a person other than a young person—the person must maintain a telephone service to the approved home for the monitoring equipment;
- (k) the person must not consume alcohol;
- (l) the person must not use a prohibited substance, or abuse a prescribed substance that is lawfully obtained;
- (m) the person must, if directed to do so by a corrections officer, submit to blood testing, breath testing, urinalysis and other test procedures for detecting alcohol or drug use by the person;
- (n) the person must authorise the person's doctor, therapist or counsellor to give relevant information about the person to a corrections officer;
- (o) the person must, if directed to do so by a corrections officer, tell the person's employer about the home detention order, the nature of the offence that resulted in the making of the order, or both;
- (p) the person must allow contact between—
 - (i) the person's employer and a corrections officer; and
 - (ii) a person conducting an approved activity or program attended by the person;

- (q) the person must not have possession or control of a firearm, prohibited weapon, prohibited article or offensive weapon;
- (r) the person must comply with all reasonable directions of a corrections officer, including, for example, directions about any of the following:
 - (i) associating with particular people;
 - (ii) obtaining, being available for or keeping employment;
 - (iii) attending or taking part in an approved activity or program;
 - (iv) operating the electronic-monitoring system for the person;
 - (v) carrying out not more than 20 hours per week of community service work when not otherwise employed.

8 Standard conditions of parole—Act, s 38 (1) (a)

The standard conditions to which a parole order for a person is subject are as follows:

- (a) the person must be of good behaviour and must not commit any new offence;
- (b) the person must live only at premises approved by a corrections officer;
- (c) the person must report to a corrections officer at the times and places nominated by the officer;

Example

The places a corrections officer could nominate could include where the person's ordinarily lives or works.

- (d) the person must not use a prohibited substance, or abuse a prescribed substance that is lawfully obtained;

- (e) the person must, if directed to do so by a corrections officer, submit to blood testing, breath testing, urinalysis and other test procedures for detecting alcohol or drug use by the person;
- (f) the person must authorise the person's doctor, therapist or counsellor to give information about the person to a corrections officer;
- (g) the person must not leave the ACT for longer than 1 day without the prior written permission of a corrections officer;
- (h) the person must comply with all conditions to which a permission to leave the ACT is subject;
- (i) the person must not leave Australia without the board's prior written permission;
- (j) the person must not have possession or control of a firearm, prohibited weapon, prohibited article or offensive weapon;
- (k) the person must comply with all reasonable directions of a corrections officer, including, for example, directions about any of the following:
 - (i) associating with particular people;
 - (ii) visiting any place, including a particular suburb;
 - (iii) obtaining, being available for or keeping employment;
 - (iv) attending or taking part in an approved activity or program.

Note An example is part of the regulation, 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).

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- child
- doctor
- police officer.

Note 3 Terms used in this regulation have the same meaning that they have in the *Rehabilitation of Offenders (Interim) Act 2001* (see Legislation Act, s 148). For example, the following terms are defined in the *Rehabilitation of Offenders (Interim) Act 2001*, dict:

- board
- corrections officer
- home detention order
- young person (see *Children and Young People Act 1999*, s 64).

approved activity or program, for a person, means a personal development activity, or a treatment, counselling, rehabilitative, educational or vocational program, approved for the person by a corrections officer.

drug of dependence—see the *Drugs of Dependence Act 1989*, section 3 (1).

drugs and poisons standard—see the *Poisons and Drugs Act 1978*, dictionary.

firearm—see the *Firearms Act 1996*, section 4.

offensive weapon—see the *Crimes Act 1900*, dictionary.

parental responsibility—see the *Children and Young People Act 1999*, section 17.

prescribed substance means—

- (a) a drug of dependence; or
- (b) a substance mentioned in the drugs and poisons standard, schedule 2, schedule 3 or schedule 4.

prohibited article—see the *Prohibited Weapons Act 1996*, section 3 (1).

prohibited substance—see the *Drugs of Dependence Act 1989*, section 3 (1).

prohibited weapon—see the *Prohibited Weapons Act 1996*, section 3 (1).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Rehabilitation of Offenders (Interim) Regulations 2001*. It was renamed under the *Legislation Act 2001*.

Rehabilitation of Offenders (Interim) Regulation 2001 No 39

notified LR 24 September 2001

s 1, s 2 commenced 24 September 2001 (LA s 75)

remainder commenced 24 September 2001 (s 2)

as amended by

Statute Law Amendment Act 2002 No 30 pt 3.60

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.60 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.18

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.18 commenced 17 January 2003 (s 2 (1))

4 Amendment history

Name of regulation

s 1 am R4 LA

Commencement

s 2 om R1 (LA s 89 (4))

Dictionary

dict am Act 2002 No 30 amdt 3.661

def **board** om R4 LA

def **drugs and poisons standard** sub Act 2002 No 49
amdt 3.221

def **young person** om R4 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	24 September 2001
2	Act 2002 No 30	17 September 2002
3	A2002-49	17 January 2003

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