

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Periodic Detention Amendment Bill 1999

A BILL

FOR

An Act to amend the *Periodic Detention Act 1995*

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

1 Name of Act

This Act is the *Periodic Detention Amendment Act 1999*.

5 2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Periodic Detention Act 1995*.

4 Insertion

10 After section 28 the following section is inserted in Division 2 of Part 2:

“28A Service of periodic detention orders while in custody

“(1) A detainee who is held in lawful custody (whether in a remand centre or elsewhere) for a whole detention period is taken to have served the detention period in accordance with this Act.

5 “(2) This section applies to the lawful custody of a detainee only after the commencement of this section.

“(3) Subsection (2) is a law to which section 42 (Repeal does not end transitional or validating effect etc) of the *Interpretation Act 1967* applies.

10 “(4) Subsections (2) and (3) and this subsection cease to have effect on 1 January 2002.”.

5 Substitution

Section 29 is repealed and the following section substituted:

“29 Cancellation on subsequent conviction

15 “(1) This section applies to a detainee who is convicted of an offence and sentenced on the conviction to a term of imprisonment.

“(2) If the term of imprisonment is for more than 1 month, the order for the person’s periodic detention is cancelled on the day the sentence takes effect.

20 “(3) If the term of imprisonment is for 1 month or less, the sentencing court may cancel the order for the person’s periodic detention.”.

Endnote

1 Act 1995 No 3 (not republished). See also Act 1998 No 54.