



AUSTRALIAN CAPITAL TERRITORY

## Periodic Detention Amendment Act 2000

No 18 of 2000

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### **An Act to amend the *Periodic Detention Act 1995***

*[Notified in ACT Gazette No. 22: 1 June 2000]*

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

**1 Name of Act**

This Act is the *Periodic Detention Amendment Act 2000*.

**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**

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.

“(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.

“(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Section 29 is repealed and the following section substituted: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**

“(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.

“(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.”.

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## **Endnote**

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

*[Presentation speech made in Assembly on 25 November 1999]*

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