



Australian Capital Territory

Corrections Reform Amendment Act 2004

A2004-61

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Corrections Reform Amendment Act 2004

A2004-61

An Act for the sentencing and rehabilitation of offenders, and for related purposes

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

2003 034B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Corrections Reform Amendment Act 2004*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act, or a provision of this Act, has not commenced within 12 months beginning on the notification day of this Act, the Act or provision automatically commences on the first day after that period.

Part 2 Crimes Act 1900

3 Act amended—pt 2

This part amends the *Crimes Act 1900*.

4 New division 15.1A

before division 15.1, insert

Division 15.1A Objects of corrections legislation

337 Objects

- (1) The corrections legislation includes the following objects:
 - (a) providing for the secure and safe imprisonment, care, treatment, health management and rehabilitation of offenders;
 - (b) reducing the repetition of criminal and other antisocial behaviour by offenders.

Note **Corrections legislation** is defined in s 339.

- (2) Subsection (1) does not limit the objects of the corrections legislation.

338 Achieving the objects

- (1) The objects of the corrections legislation are to be achieved by—
 - (a) enabling courts to formulate sentences for offenders using a range of stated penalty options in each sentence that—
 - (i) provide incentives and opportunities for offenders to progress through a number of custodial and other arrangements stated in the sentence; and
 - (ii) if ordered by a court—may be reviewed by the sentence administration board; and

- (b) enabling the use of a case management approach to rehabilitation that—
- (i) has regard to the needs of the offenders and the community; and
 - (ii) involves other government agencies and the community; and

Note Case managers for offenders are appointed under the *Rehabilitation of Offenders (Interim) Act 2001*.

- (c) enabling the provision of rehabilitation programs that—
- (i) combine with broader based community programs; and
 - (ii) recognise the distinct needs of men and women, offenders of different ages, and cultural, ethnic and other disadvantaged groups; and
 - (iii) involve, as appropriate, family and other support mechanisms; and

Examples of rehabilitation programs

health and life skills, therapeutic, education and training, sport and recreation, and spiritual programs

Note An example is part of the Act, 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).

- (d) establishing the framework for the delivery of custodial and other correctional programs; and
- (e) ensuring the application of the highest standards of competency, professionalism and ethical behaviour in corrections management in the ACT; and
- (f) establishing a set of institutional, management and operational arrangements to achieve the objects in accordance with the principles of transparency and accountability.

- (2) Subsection (1) does not limit how the objects of this Act or the related corrections legislation may be achieved.

339 What is *corrections legislation*?

In this division:

corrections legislation means the following:

- (a) this part, part 18 (Conditional release of offenders) and part 19 (Community service orders);
- (b) the *Community Based Sentences (Transfer) Act 2003*;
- (c) the *Parole Orders (Transfer) Act 1983*;
- (d) the *Periodic Detention Act 1995*;
- (e) the *Prisoners (International Travel) Act 1999*;
- (f) the *Prisoners Interstate Leave Act 1997*;
- (g) the *Rehabilitation of Offenders (Interim) Act 2001*;
- (h) the *Removal of Prisoners Act 1968*;
- (i) the *Supervision of Offenders (Community Service Orders) Act 1985*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 June 2003.

2 Notification

Notified under the Legislation Act on 6 September 2004.

3 Republications of amended laws

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

I certify that the above is a true copy of the Corrections Reform Amendment Bill 2004, which originated in the Legislative Assembly as the Corrections Reform Amendment Bill 2003 and was passed by the Assembly on 18 August 2004.

Acting Clerk of the Legislative Assembly

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