

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Sentencing and Restorative Justice) Amendment Bill 2015

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THE LEGISLATIVE ASSEMBLY
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(As presented)

(Attorney-General)

Crimes (Sentencing and Restorative Justice) Amendment Bill 2015

A Bill for

An Act to amend the *Crimes (Sentencing) Act 2005*, the *Crimes (Sentence Administration) Act 2005* and the *Crimes (Restorative Justice) Act 2004*, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes (Sentencing and Restorative Justice)*
4 *Amendment Act 2015*.

5 **2 Commencement**

6 (1) This Act (other than part 4) commences on 2 March 2016.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 (2) Part 4 commences on the day after this Act's notification day.

10 **3 Legislation amended**

11 This Act amends the following legislation:

- 12 • [Crimes \(Sentencing\) Act 2005](#)
- 13 • [Crimes \(Sentence Administration\) Act 2005](#)
- 14 • [Crimes \(Restorative Justice\) Act 2004](#).

15 *Note* This Act also amends other legislation (see sch 1).

Part 2 Crimes (Sentencing) Act 2005

4 Imposition of penalties Section 9 (2), note 1, 2nd dot point

substitute

- imprisonment served by intensive correction (see s 11)

5 Section 9 (2), note 2

after

in note 1

insert

(other than imprisonment served by intensive correction)

6 Imprisonment Section 10 (3), example—par (a)

substitute

Examples—par (a)

- 1 the court makes an intensive correction order
- 2 the court makes a suspended sentence order

7 Section 11

substitute

11 Intensive correction orders

- (1) This section applies if an adult offender is convicted of an offence and the court imposes a sentence of imprisonment.
- (2) If the sentence of imprisonment is for not more than 2 years the court may order that the sentence be served by intensive correction in the community (an *intensive correction order*).

- 1 (3) The court may make an intensive correction order if the sentence of
2 imprisonment is for more than 2 years but not more than 4 years, but
3 only if the court considers it is appropriate to do so, having regard
4 to—
- 5 (a) the level of harm to the victim and the community caused by
6 the offence; and
- 7 (b) whether the offender poses a risk to 1 or more people or the
8 community; and
- 9 (c) the offender’s culpability for the offence having regard to all
10 the circumstances.
- 11 *Note* An intensive correction order must not be combined with a sentence of
12 full-time imprisonment, a suspended sentence of imprisonment or a
13 good behaviour order (see s 29 (1) (aa)).
- 14 (4) An intensive correction order must include the core conditions
15 mentioned in the *Crimes (Sentence Administration) Act 2005*,
16 section 42.
- 17 (5) An intensive correction order may include 1 or more of the
18 following additional conditions that can reasonably be complied
19 with within the term of the order:
- 20 (a) a community service condition;
- 21 (b) a rehabilitation program condition;
- 22 (c) that the offender comply with a reparation order, a non-
23 association order or place restriction order;
- 24 (d) a condition prescribed by regulation;

1 (e) any other condition, not inconsistent with this Act or the
2 *Crimes (Sentence Administration) Act 2005*, that the court
3 considers appropriate.

4 **Examples—conditions for s (5) (e)**

- 5 1 that the offender undertake medical treatment and supervision (eg by taking
6 medication and cooperating with medical assessments)
7 2 that the offender supply samples of blood, breath, hair, saliva or urine for
8 alcohol or drug testing if required by a corrections officer
9 3 that the offender attend educational, vocational, psychological, psychiatric or
10 other programs or counselling
11 4 that the offender not drive a motor vehicle or consume alcohol or
12 non-prescription drugs or medications
13 5 that the offender regularly attend alcohol or drug management programs

14 *Note 1* For core conditions of an intensive correction order, see the *Crimes*
15 *(Sentence Administration) Act 2005*, s 42.

16 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
17 does not limit, the meaning of the provision in which it appears (see
18 *Legislation Act*, s 126 and s 132).

19 (6) An intensive correction order may also include a curfew condition if
20 the court is satisfied that each adult who is living at the curfew place
21 or has parental responsibility or guardianship for a person who is
22 living at the curfew place consents to the curfew.

23 (7) This section is subject to chapter 5 (Imprisonment).

24 **8 Definitions—pt 3.4**
25 **Section 21, definition of *non-association order*,**
26 **paragraph (b)**

27 *substitute*

28 (b) being with a named person or communicating in any way
29 (including electronically) with the person, or attempting to be
30 with the person or to communicate in any way (including
31 electronically) with the person.

- 1 **9 Application—pt 3.4**
2 **Section 22**
- 3 *omit*
4 or both
- 5 **10 Section 22 (a)**
- 6 *substitute*
7 (a) an intensive correction order;
- 8 **11 Non-association and place restriction orders—maximum**
9 **period**
10 **Section 24 (1) (a)**
- 11 *substitute*
12 (a) must be for a period not longer than—
13 (i) if the order is made with an intensive correction order—
14 24 months; or
15 (ii) in any other case—12 months; and
- 16 **12 Section 24 (2), example, except note**
- 17 *substitute*
18 **Example**
19 Sean is convicted of an offence. The court decides that the appropriate penalty is
20 6 months imprisonment served by intensive correction and a place restriction
21 order. The place restriction order may be for longer than 6 months (but not longer
22 than 24 months).

1 **13** **Combination sentences—offences punishable by**
2 **imprisonment**
3 **Section 29 (1) (a), except note**

4 *substitute*

5 (a) an order sentencing the offender to imprisonment as full-time
6 detention;

7 **14** **New section 29 (1) (aa)**

8 *after the note, insert*

9 (aa) an intensive correction order (but not in combination with a
10 sentence of full-time imprisonment, a suspended sentence of
11 imprisonment or a good behaviour order);

12 **15** **Section 29 (1), example 1**

13 *substitute*

14 1 a sentence of 18 months as follows:

- 15 • an order for imprisonment for 1 year with no parole period
16 • a fine order directing payment of \$500 by stated instalments
17 • a good behaviour order for 6 months (the remainder of the term of the
18 sentence)
19 • a driver licence disqualification order for all of the sentence

20 **16** **Section 29 (1), example 3**

21 *omit*

22 **17** **Pre-sentence reports—order**
23 **Section 41 (4) (a)**

24 *omit*

- 1 **18 Section 41 (6)**
- 2 *omit*
- 3 (Rehabilitation programs—suitability)
- 4 *substitute*
- 5 (Good behaviour orders—rehabilitation programs—suitability)
- 6 **19 Pre-sentence reports by assessors**
- 7 **Section 42 (3)**
- 8 *omit*
- 9 **20 Section 42 (4) (a)**
- 10 *omit*
- 11 (Community service—pre-sentence report matters)
- 12 *substitute*
- 13 (Good behaviour orders—community service—pre-sentence report
- 14 matters)
- 15 **21 Section 42 (5) (a)**
- 16 *omit*
- 17 (Rehabilitation programs—pre-sentence report matters)
- 18 *substitute*
- 19 (Good behaviour orders—rehabilitation programs—pre-sentence
- 20 report matters)

1 **22 Start and end of sentences—general rule**
2 **Section 62 (2) (a) (i)**

3 *omit*

4 **23 Application—pt 5.2**
5 **Section 64 (2) and note**

6 *omit*

7 **24 Section 64 (3), definition of *excluded sentence of***
8 ***imprisonment*, paragraph (b)**

9 *substitute*

10 (b) a sentence of imprisonment to be served by intensive
11 correction; or

12 **25 Nonparole periods—review of decision on nonparole**
13 **period**
14 **Section 68 (3) and note**

15 *omit*

16 **26 Concurrent and consecutive sentences—general rule**
17 **Section 71 (3) (d)**

18 *substitute*

19 (d) section 80 (Intensive correction orders—concurrent and
20 consecutive periods).

1 **27 Part 5.4**

2 *substitute*

3 **Part 5.4 Intensive correction orders**

4 **Division 5.4.1 Intensive correction orders—eligibility**
5 **and suitability**

6 **76 Application—pt 5.4**

7 This part applies if a court is considering whether to make an
8 intensive correction order for an offender for an offence.

9 **77 Intensive correction orders—eligibility**

10 (1) The court must not make an intensive correction order for the
11 offender unless satisfied that—

12 (a) an intensive correction order is suitable for the offender under
13 section 78; and

14 (b) it is appropriate for the offender to serve the sentence by
15 intensive correction; and

16 (c) the offender has given informed consent to serving the
17 sentence by intensive correction.

18 (2) An offender gives informed consent for subsection (1) (c) if the
19 offender consents after the offender is given—

20 (a) a clear explanation of the intensive correction order that
21 contains sufficient information to enable the offender to make
22 a balanced judgment about whether or not to consent to serve
23 the sentence by intensive correction; and

- 1 (b) an opportunity to ask any questions about the order, and those
2 questions have been answered and the offender appears to have
3 understood the answers.

4 *Note* An intensive correction order may not be made for a young offender
5 (see s 11).

6 **78 Intensive correction orders—suitability**

- 7 (1) The court must not make an intensive correction order for the
8 offender unless—

9 (a) the court has considered any pre-sentence report prepared for
10 the offender in the proceeding and is satisfied, having
11 considered possible alternatives, that only a term of
12 imprisonment of not more than 4 years is appropriate for the
13 offender; and

14 (b) after the court has considered any pre-sentence report
15 mentioned in paragraph (a)—an assessment by the director-
16 general about whether an intensive correction order is suitable
17 for the offender (an *intensive correction assessment*) is given
18 to the court.

19 *Note* The court cannot make an intensive correction order if the court
20 sentences the offender to a term of imprisonment of more than 4 years
21 (see s 11).

- 22 (2) The intensive correction assessment must address the matters
23 mentioned in section 79.

- 24 (3) In deciding whether to make an intensive correction order for the
25 offender, the court must consider the following:

26 (a) the intensive correction assessment;

27 (b) any medical report about the offender given to the court;

28 (c) any evidence given by the person who prepared the intensive
29 correction assessment;

- 1 (d) any evidence given by a corrections officer about the offender.
- 2 (4) Subsection (3) does not limit the matters that the court may
3 consider.
- 4 (5) In considering the intensive correction assessment, the court must
5 consider any indicators of unsuitability mentioned in table 79,
6 column 3 that are stated in the assessment to apply to the offender.
- 7 (6) The court may make, or decline to make, an intensive correction
8 order for the offender despite—
- 9 (a) any recommendation in the intensive correction assessment; or
- 10 (b) any evidence given by the person who prepared the intensive
11 correction assessment or a corrections officer.
- 12 (7) The court must record reasons for its decision to make, or decline to
13 make, an intensive correction order for the offender if the intensive
14 correction assessment recommends that the offender—
- 15 (a) is suitable but the court decides not to make an intensive
16 correction order for the offender; or
- 17 (b) is not suitable but the court decides to make an intensive
18 correction order for the offender.
- 19 (8) Failure to comply with subsection (7) does not invalidate the
20 intensive correction order.
- 21 (9) A regulation may make provision in relation to the preparation of an
22 intensive correction assessment.

23 **79 Intensive correction orders—intensive correction**
24 **assessment matters**

25 For section 78 (2), the matters for assessing the offender's suitability
26 to serve a sentence by intensive correction order are the matters
27 mentioned in table 79, column 2.

Table 79 Assessment of suitability—intensive correction order

column 1 item	column 2 matter	column 3 indication of unsuitability
1	degree of dependence on alcohol or a controlled drug	major problem with alcohol or a controlled drug
2	psychiatric or psychological condition	major psychiatric or psychological disorder
3	medical condition	potential unfitness to comply with an intensive correction order
4	criminal record and response to previous court orders	serious criminal record or substantial noncompliance with previous court orders
5	employment and personal circumstances	potential impracticability of compliance with intensive correction order
6	participation and degree of compliance with intensive correction assessment	substantial noncompliance with assessment
7	living circumstances of the offender	<p>member of offender's household does not consent to living with the offender while the offender is serving intensive correction</p> <p>someone with parental responsibility or guardianship for a person who is a member of the offender's household does not consent to the person living with the offender while the offender is serving intensive correction</p>

- 1 **80 Intensive correction orders—concurrent and consecutive**
2 **periods**
- 3 (1) A court must not make an intensive correction order with intensive
4 correction to be served concurrently or consecutively with a
5 sentence of full-time imprisonment, a suspended sentence of
6 imprisonment, a sentence of default imprisonment or a good
7 behaviour order.
- 8 (2) However, a court may make an intensive correction order with
9 intensive correction to be served concurrently with a good behaviour
10 order if—
- 11 (a) an offender is under a good behaviour order but not under a
12 suspended sentence order; and
- 13 (b) the offender is convicted of an offence that was committed
14 before the offence to which the order relates.
- 15 (3) If subsection (2) applies, the sentencing court may sentence the
16 offender to serve a term of imprisonment by intensive correction to
17 be served concurrently with the offender’s good behaviour order.
- 18 (4) A court may also make an intensive correction order if—
- 19 (a) an offender is under a suspended sentence order but not in full-
20 time detention; and
- 21 (b) the offender is convicted of an offence that was committed
22 before the offence to which the order relates.
- 23 (5) If the sentencing court makes an order under subsection (4), the
24 court must cancel the offender’s suspended sentence order and re-
25 sentence the offender to serve a term of imprisonment by intensive
26 correction.

1 **Division 5.4.2 Intensive correction orders—**
2 **community service conditions**

3 **80A Meaning of *community service condition*—div 5.4.2**

4 In this division:

5 *community service condition*, of an intensive correction order for an
6 offender, means a condition included in the order that the offender
7 perform community service work.

8 **80B Application—div 5.4.2**

9 This division applies if a court is considering whether to include a
10 community service condition in an intensive correction order for an
11 offender.

12 **80C Intensive correction orders—community service—**
13 **eligibility**

14 (1) The court must not include a community service condition in the
15 intensive correction order unless satisfied that—

16 (a) community service work is suitable for the offender under
17 section 80D; and

18 (b) it is appropriate that the offender be required to perform
19 community service work.

20 (2) The court may decline to include a community service condition in
21 the intensive correction order if—

22 (a) the court asks the offender to undergo a medical examination
23 by a doctor, as directed by the court; and

24 (b) the offender fails to comply with the direction.

- 1 **80D Intensive correction order—community service—**
2 **suitability**
- 3 (1) The court must not include a community service condition in the
4 intensive correction order unless an assessment by the director-
5 general about whether a community service condition is suitable for
6 the offender (an *intensive correction assessment*) is given to the
7 court.
- 8 (2) In deciding whether to include a community service condition in the
9 intensive correction order, the court must consider the following:
- 10 (a) the intensive correction assessment;
- 11 (b) any medical report about the offender given to the court;
- 12 (c) any evidence given by the person who prepared the intensive
13 correction assessment;
- 14 (d) any evidence given by a corrections officer about the offender.
- 15 (3) Subsection (2) does not limit the matters the court may consider.
- 16 (4) In considering the intensive correction assessment, the court must
17 consider any of the following indicators of unsuitability that are
18 stated in the assessment to apply to the offender:
- 19 (a) any major problem with alcohol or a controlled drug;
- 20 (b) any major psychiatric or psychological disorder;
- 21 (c) any serious criminal record;
- 22 (d) any potential impracticability of regular reporting for
23 community service work;
- 24 (e) any potential unfitness to perform community service work.

- 1 (5) The court may include, or decline to include, a community service
2 condition in an intensive correction order for the offender despite—
- 3 (a) any recommendation in the intensive correction assessment
4 about the offender's suitability to serve a sentence (or a part of
5 a sentence) by performing community service work; or
- 6 (b) any evidence given by the person who prepared the intensive
7 correction assessment or a corrections officer.
- 8 (6) The court must record reasons for its decision to include, or decline
9 to include, a community service condition in the intensive correction
10 order if the intensive correction assessment recommends that the
11 offender—
- 12 (a) is suitable but the court decides not to include a community
13 service condition; or
- 14 (b) is not suitable but the court decides to include a community
15 service condition.
- 16 (7) Failure to comply with subsection (6) does not invalidate the
17 intensive correction order.

18 **80E Intensive correction orders—community service—hours**
19 **to be performed**

- 20 (1) The number of hours of community service work required to be
21 performed for a community service condition in the intensive
22 correction order must be at least 20 hours and not more than
23 500 hours.
- 24 (2) The period during which the community service work is required to
25 be completed under the community service condition must be at
26 least—
- 27 (a) if less than 125 hours work is required—6 months; or
- 28 (b) if 125 or more hours work but less than 250 hours work is
29 required—12 months; or

1 (c) if 250 or more hours work is required—24 months.

2 **80F Intensive correction orders—community service—**
3 **concurrent and consecutive orders**

- 4 (1) This section applies if the offender is currently subject to a
5 community service condition under an intensive correction order or
6 a good behaviour order (an *existing order*).
- 7 (2) If the court makes a further intensive correction order that includes a
8 community service condition (a *new order*), the court may direct
9 that the hours of community service work to be performed by the
10 offender under the new order run concurrently or consecutively, or
11 partly concurrently and partly consecutively, with the hours of
12 community service work remaining to be performed under the
13 existing order.
- 14 (3) However, the total of the hours to be performed under the new order
15 and those remaining to be performed under the existing order must
16 not be more than 500.

17 **Division 5.4.3 Intensive correction orders—**
18 **rehabilitation program conditions**

19 **80G Definitions—div 5.4.3**

20 In this division:

21 *rehabilitation program*, for an intensive correction order, means a
22 program prescribed by regulation for the rehabilitation of offenders.

23 *rehabilitation program condition*, of an intensive correction order
24 for an offender, means a condition included in the order that the
25 offender undertake a rehabilitation program.

1 **80H Application—div 5.4.3**

2 This division applies if a court is considering whether to include a
3 rehabilitation program condition in an intensive correction order for
4 an offender.

5 **80I Intensive correction orders—rehabilitation programs—**
6 **eligibility**

7 (1) The court must not include a rehabilitation program condition in the
8 intensive correction order unless satisfied that—

9 (a) a rehabilitation program of a particular kind is suitable for the
10 offender; and

11 (b) it is appropriate that the offender undertake a rehabilitation
12 program of that kind; and

13 (c) a place for the offender in a program of that kind is available or
14 will become available within a reasonable time.

15 (2) The court may decline to include a rehabilitation program condition
16 in the intensive correction order if—

17 (a) the court directs the offender to undergo a medical examination
18 by a doctor; and

19 (b) the offender does not undergo the examination in accordance
20 with the direction.

21 **80J Intensive correction orders—rehabilitation programs—**
22 **suitability**

23 (1) The court must not include a rehabilitation program condition in the
24 intensive correction order unless—

25 (a) an assessment by the director-general about whether a
26 rehabilitation program condition is suitable for the offender (an
27 *intensive correction assessment*) is given to the court; or

- 1 (b) there is some other information (*relevant sentencing*
2 *information*) before the court about the nature of the program
3 and its suitability for the offender that justifies including the
4 condition in the intensive correction order.
- 5 *Note* For an example of relevant sentencing information, see
6 s 97 (1) (b) (Good behaviour orders—rehabilitation programs—
7 suitability).
- 8 (2) In deciding whether to include a rehabilitation program condition in
9 the intensive correction order, the court must consider the following:
- 10 (a) the intensive correction assessment;
- 11 (b) any medical report about the offender given to the court;
- 12 (c) any evidence given by the person who prepared the intensive
13 correction assessment;
- 14 (d) any evidence given by a corrections officer about the offender.
- 15 (3) Subsection (2) does not limit the matters that the court may
16 consider.
- 17 (4) The court may include, or decline to include, a rehabilitation
18 program condition in the intensive correction order despite—
- 19 (a) any recommendation in the intensive correction assessment
20 about the offender’s suitability to serve a sentence (or part of a
21 sentence) by taking part in a rehabilitation program; or
- 22 (b) any evidence given by the person who prepared the intensive
23 correction assessment for the offender or who gave relevant
24 sentencing information to the court; or
- 25 (c) any evidence given by a corrections officer.

- 1 (5) The court must record reasons for its decisions to include, or decline
2 to include, a rehabilitation program condition in the intensive
3 correction order if the intensive correction assessment recommends
4 that the offender—
- 5 (a) is suitable but the court decides not to include a rehabilitation
6 program condition; or
- 7 (b) is not suitable but the court decides to include a rehabilitation
8 program condition.
- 9 (6) Failure to comply with subsection (5) does not invalidate the
10 intensive correction order.

11 **80K Intensive correction orders—rehabilitation programs—**
12 **maximum period**

13 A rehabilitation program condition included in the intensive
14 correction order must not require the offender to take part in a
15 rehabilitation program for longer than 2 years.

16 **80L Intensive correction orders—rehabilitation programs—**
17 **concurrent and consecutive orders**

- 18 (1) This section applies if the offender is currently subject to a
19 rehabilitation condition under an intensive correction order or a
20 good behaviour order (an *existing order*).
- 21 (2) If the court makes a further intensive correction order that includes a
22 rehabilitation program condition (a *new order*), the court may direct
23 that the new order operate concurrently or consecutively, or partly
24 concurrently and partly consecutively, with the existing order.
- 25 (3) However, the new order must not be stated to end later than 2 years
26 after the day the new order is made, irrespective of when the order is
27 to take effect.

- 1 **28 Imprisonment—explanation to offender**
2 **Section 82 (1) (d)**
- 3 *substitute*
- 4 (d) if the court makes an intensive correction order—in general
5 terms, the offender’s obligations under the *Crimes (Sentence*
6 *Administration) Act 2005* and the consequences if the offender
7 breaches the obligations; and
- 8 **29 Imprisonment—official notice of sentence**
9 **Section 84 (1) (c)**
- 10 *omit*
- 11 periodic detention period or
- 12 **30 Section 84 (2) (c)**
- 13 *substitute*
- 14 (c) whether the sentence is to be served as full-time detention or
15 by intensive correction;
- 16 **31 Section 84 (2) (f)**
- 17 *substitute*
- 18 (f) if the court makes an intensive correction order—any
19 conditions made by the court for the intensive correction order;
- 20 **32 Section 84 (3)**
- 21 *substitute*
- 22 (3) If the court makes an intensive correction order for the offender, the
23 court may remand the offender in custody until the offender is given
24 the notice.

1	33	Section 85 heading
2		<i>substitute</i>
3	85	Good behaviour orders—meaning of <i>community service condition</i>
4		
5	34	Section 87 heading
6		<i>substitute</i>
7	87	Good behaviour orders—community service—convicted offenders only
8		
9	35	Section 88 heading
10		<i>substitute</i>
11	88	Good behaviour orders—community service—eligibility
12	36	Section 89 heading
13		<i>substitute</i>
14	89	Good behaviour orders—community service—suitability
15	37	Section 90 heading
16		<i>substitute</i>
17	90	Good behaviour orders—community service—pre-sentence report matters
18		
19	38	Section 91 heading
20		<i>substitute</i>
21	91	Good behaviour orders—community service—hours to be performed
22		

- 1 **39 Section 92 heading**
- 2 *substitute*
- 3 **92 Good behaviour orders—community service—concurrent**
4 **and consecutive orders**
- 5 **40 Section 95 heading**
- 6 *substitute*
- 7 **95 Good behaviour orders—rehabilitation programs—**
8 **probation condition required**
- 9 **41 Section 96 heading**
- 10 *substitute*
- 11 **96 Good behaviour orders—rehabilitation programs—**
12 **eligibility**
- 13 **42 Section 97 heading**
- 14 *substitute*
- 15 **97 Good behaviour orders—rehabilitation programs—**
16 **suitability**
- 17 **43 Section 98 heading**
- 18 *substitute*
- 19 **98 Good behaviour orders—rehabilitation programs—**
20 **pre-sentence report matters**

1	44	Section 99 heading
2		<i>substitute</i>
3	99	Good behaviour orders—rehabilitation programs—
4		maximum period
5	45	Section 100 heading
6		<i>substitute</i>
7	100	Good behaviour orders—rehabilitation programs—
8		concurrent and consecutive orders
9	46	Young offenders—community service—hours to be
10		performed
11		Section 133L (3)
12		<i>omit</i>
13		(Community service—concurrent and consecutive orders)
14		<i>substitute</i>
15		(Good behaviour orders—community service—concurrent and
16		consecutive orders)
17	47	Dictionary, definition of <i>community service condition</i>
18		<i>substitute</i>
19		<i>community service condition</i>—
20		(a) of a good behaviour order for an offender, for this Act
21		generally—see section 85; and
22		(b) of an intensive correction order for an offender, for
23		division 5.4.2 (Intensive correction orders—community service
24		conditions)—see section 80A.

1 **48 Dictionary, new definitions**

2 *insert*

3 *intensive correction* means intensive correction in the community
4 under an intensive correction order.

5 *intensive correction order*—see section 11.

6 **49 Dictionary, definitions of *periodic detention* and *periodic***
7 ***detention period***

8 *omit*

9 **50 Dictionary, definitions of *rehabilitation program* and**
10 ***rehabilitation program condition***

11 *substitute*

12 *rehabilitation program*—

13 (a) for a good behaviour order, for this Act generally—see
14 section 93; and

15 (b) for an intensive correction order, for division 5.4.3 (Intensive
16 correction orders—rehabilitation program conditions)—see
17 section 80G.

18 *rehabilitation program condition*—

19 (a) of a good behaviour order for an offender, for this Act
20 generally—see section 93; and

21 (b) of an intensive correction order for an offender, for
22 division 5.4.3 (Intensive correction orders—rehabilitation
23 program conditions)—see section 80G.

1 **Part 3** **Crimes (Sentence**
2 **Administration) Act 2005**

3 **51 Treatment of sentenced offenders**
4 **Section 7 (2)**

5 *omit*

6 (whether by full-time or periodic detention)

7 **52 Application—pt 3.1**
8 **Section 10 (1) (b) (i)**

9 *omit*

10 **53 Definitions—ch 4**
11 **Section 23 (1), definition of *recommitted*, paragraph (a)**

12 *omit*

13 **54 Chapter 5**

14 *substitute*

15 **Chapter 5 Intensive correction orders**

16 **Part 5.1 Preliminary**

17 **39 Application—ch 5**

18 This chapter applies to an offender sentenced to imprisonment if the
19 sentencing court makes an intensive correction order in relation to
20 the offender.

- 1 **40** **Definitions—ch 5**
- 2 In this chapter:
- 3 ***additional condition***, of an offender’s intensive correction order,
4 means—
- 5 (a) a condition of the order made by the sentencing court under the
6 ***Crimes (Sentencing) Act 2005***, section 11 after the court has
7 considered an intensive correction assessment for the order; or
- 8 (b) a condition of the order imposed under—
- 9 (i) part 5.6 (Supervising intensive correction orders); or
- 10 (ii) part 5.7 (Intensive correction orders—amendment and
11 discharge); or
- 12 (c) if a condition is amended under part 5.6 or part 5.7—the
13 condition as amended.
- 14 ***community service condition***, of an intensive correction order for an
15 offender—see the ***Crimes (Sentencing) Act 2005***, section 80A.
- 16 ***core condition***, of an offender’s intensive correction order, means a
17 core condition under section 42.
- 18 ***intensive correction***—see the ***Crimes (Sentencing) Act 2005***,
19 dictionary.
- 20 ***intensive correction assessment*** means an assessment by the
21 director-general about whether an intensive correction order is
22 suitable for the offender.
- 23 ***intensive correction order***—see the ***Crimes (Sentencing) Act 2005***,
24 section 11.
- 25 ***interested person***, for an offender’s intensive correction order,
26 means any of the following:
- 27 (a) the offender;

- 1 (b) the director-general;
- 2 (c) the director of public prosecutions.
- 3 *rehabilitation program condition*, of an intensive correction order
- 4 for an offender—see the *Crimes (Sentencing) Act 2005*,
- 5 section 80G.

6 **Part 5.2 Serving intensive correction**

7 **41 Intensive correction order obligations**

- 8 (1) An offender must serve intensive correction in the period of the
- 9 offender's sentence in accordance with this part.
- 10 (2) To serve intensive correction, the offender must, during the period
- 11 of the offender's sentence comply with—
- 12 (a) the core conditions of the offender's order; and
- 13 (b) any additional condition of the offender's order; and
- 14 (c) any non-association order or place restriction order made by
- 15 the sentencing court for the offender; and
- 16 (d) any requirement prescribed by regulation; and
- 17 (e) any other requirement under this Act or the *Corrections*
- 18 *Management Act 2007* that applies to the offender.
- 19 *Note* A reference to an Act includes a reference to the statutory instruments
- 20 made or in force under the Act, including any regulation (see
- 21 *Legislation Act*, s 104).
- 22 (3) A regulation may make provision in relation to electronic
- 23 monitoring to monitor the offender's compliance with a condition of
- 24 the offender's intensive correction order.

- 1 **42 Intensive correction order—core conditions**
- 2 (1) The core conditions of an offender’s intensive correction order are
- 3 as follows:
- 4 (a) the offender must not commit—
- 5 (i) an offence against a territory law, or a law of the
- 6 Commonwealth, a State or another Territory, that is
- 7 punishable by imprisonment; or
- 8 (ii) an offence outside Australia against a law of a place
- 9 outside Australia that, if it had been committed in
- 10 Australia, would be punishable by imprisonment;
- 11 (b) if the offender is charged with an offence against a law in force
- 12 in Australia or elsewhere—the offender must tell the director-
- 13 general about the charge as soon as possible, but within 2 days
- 14 after the day the offender becomes aware of the charge;
- 15 (c) if the offender’s contact details change—the offender must tell
- 16 the director-general about the change as soon as possible, but
- 17 not later than 1 day after the day the offender becomes aware
- 18 of the change of details;
- 19 (d) the offender must comply with any direction given to the
- 20 offender by the director-general under this Act or the
- 21 *Corrections Management Act 2007* in relation to the intensive
- 22 correction order;
- 23 (e) the offender must comply with the offender’s probation
- 24 condition;
- 25 (f) any test sample given by the offender under a direction under
- 26 section 43 (Intensive correction order—alcohol and drug tests)
- 27 must not be positive;
- 28 (g) the offender must not use or obtain a drug;
- 29 *Note Drug*—see the *Corrections Management Act 2007*, s 132.

- 1 (h) the offender must not—
- 2 (i) leave the ACT without the director-general's approval; or
- 3 (ii) leave Australia without the board's written approval;
- 4 (i) if leaving the ACT or Australia, the offender must comply with
- 5 any condition of the approval to leave;
- 6 (j) the offender must comply with any direction given to the
- 7 offender by the director-general to—
- 8 (i) live at any premises; or
- 9 (ii) undertake any program; or
- 10 (iii) report to a corrections officer; or
- 11 (iv) allow a corrections officer to visit the place where the
- 12 offender lives at any reasonable time;
- 13 (k) the offender must comply with any notice made under
- 14 section 63 to attend a hearing of the board;
- 15 (l) any condition prescribed by regulation that applies to the
- 16 offender.
- 17 (2) If an offender applies to the director-general for approval for a
- 18 change in the offender's contact details, the director-general must—
- 19 (a) approve, or refuse to approve, the change to which the
- 20 application relates; and
- 21 (b) give the offender notice of the decision, orally or in writing.
- 22 (3) An application for approval under subsection (2)—
- 23 (a) may be made orally or in writing; and
- 24 (b) must be made—
- 25 (i) before the change to which it applies; or

1 (ii) if it is not possible to apply before the change—as soon
2 as possible after, but not later than 1 day after, the day of
3 the change.

4 (4) In this section:

5 *contact details* means the offender's—

6 (a) home address or phone number; and

7 (b) work address or phone number; and

8 (c) mobile phone number.

9 *probation condition*, of an intensive correction order for an
10 offender, means a condition included in the order that, during the
11 period of the order, the offender is—

12 (a) to be on probation subject to the supervision of the
13 director-general; and

14 (b) to obey all reasonable directions of the director-general.

15 **43 Intensive correction order—alcohol and drug tests**

16 (1) The director-general may direct an offender, orally or in writing, to
17 give a test sample during the offender's sentence of imprisonment
18 by intensive correction.

19 (2) The provisions of the *Corrections Management Act 2007* relating to
20 alcohol and drug tests apply in relation to a direction under this
21 section and any sample given under the direction.

1 **Part 5.3** **Intensive correction order—**
2 **community service work**

3 **44 Application—pt 5.3**

4 This part applies if an offender's intensive correction order is
5 subject to a community service condition.

6 **45 Intensive correction orders—compliance with community**
7 **service condition**

8 To comply with a community service condition of an offender's
9 intensive correction order, the offender must comply with the
10 requirements of this part.

11 **46 Intensive correction orders—community service work—**
12 **director-general directions**

- 13 (1) The director-general may direct an offender, orally or in writing, to
14 do community service work that the director-general considers
15 suitable for the offender.
- 16 (2) The direction must include details of the following:
- 17 (a) the community service work the offender must do;
- 18 (b) the place to which the offender must report for the work (the
19 *reporting place*);
- 20 (c) the time when the offender must report;
- 21 (d) the person (if any) to whom the offender must report (the *work*
22 *supervisor*);
- 23 (e) the person the offender must tell if subsection (8) applies (the
24 *corrections supervisor*).

- 1 (3) The direction may also include a requirement that the offender must
2 comply with when reporting to do the community service work.
- 3 *Note* For examples of reporting requirements directed by the director-general,
4 see s 91 (3) (Good behaviour orders—community service work—
5 director-general directions).
- 6 (4) A direction under this section takes effect—
- 7 (a) when it is given to the offender; or
- 8 (b) if a later date of effect is stated in the direction—on the date
9 stated.
- 10 (5) The offender must comply with the direction.
- 11 (6) However—
- 12 (a) the offender is not required to do work the offender is not
13 capable of doing; and
- 14 (b) the direction must, as far as practicable, avoid any interference
15 with the offender’s normal attendance at another place for
16 work or at an educational institution.
- 17 (7) The offender must also comply with any reasonable direction given
18 to the offender, orally or in writing, by the work supervisor in
19 relation to the community service work.
- 20 (8) If the offender cannot comply with the director-general’s direction
21 under this section, the offender must—
- 22 (a) tell the corrections supervisor as soon as possible; and
- 23 (b) comply with the corrections supervisor’s directions.
- 24 *Note* For examples where the offender cannot comply, see s 91 (8) (Good
25 behaviour orders—community service work—director-general
26 directions).

- 1 **47** **Intensive correction orders—community service work—**
2 **failure to report etc**
- 3 (1) Subsection (2) applies if an offender fails to—
- 4 (a) report to do community service work in accordance with a
5 direction under section 46; or
- 6 (b) do community service work in accordance with a direction
7 under section 46; or
- 8 (c) comply with a reasonable direction given to the offender by the
9 work supervisor under section 46 in relation to the work.
- 10 (2) The director-general may direct the offender, orally or in writing,
11 not to do the community service work and to leave the place where
12 it was to be done.
- 13 (3) Subsection (4) applies if—
- 14 (a) an offender fails to report to do community service work for a
15 period (a *work period*) in accordance with a direction under
16 section 46; and
- 17 (b) the offender is at the time of the work period—
- 18 (i) remanded in custody under a territory law or a law of the
19 Commonwealth or a State; or
- 20 (ii) detained at a place under the *Mental Health Act 2015*.
- 21 (4) The offender is taken to have performed community service work in
22 accordance with the direction for the work period.
- 23 **48** **Intensive correction orders—community service work—**
24 **maximum daily hours**
- 25 (1) An offender must not do, or be credited with, more than 8 hours of
26 community service work on any day.

1 (2) To work out the time spent by the offender doing community
2 service work—

3 (a) only actual work time, and any breaks from work approved by
4 the work supervisor or corrections supervisor under section 46,
5 is counted; and

6 (b) if the total work time on any day includes part of an hour, that
7 part is counted as 1 hour.

8 *Note* For examples of maximum daily hours, see s 93 (2) (Good behaviour
9 orders—community service work—maximum daily hours).

10 **49 Intensive correction orders—community service work—**
11 **health disclosures**

12 An offender must tell the director-general as soon as possible about
13 any change of which the offender is aware in the offender's physical
14 or mental condition that affects the offender's ability to do
15 community service work safely.

16 **Example—unsuitability**

17 The indicators of unsuitability for community service set out in the *Crimes*
18 *(Sentencing) Act 2005*, s 80D.

19 *Note* An example is part of the Act, is not exhaustive and may extend, but
20 does not limit, the meaning of the provision in which it appears (see
21 *Legislation Act*, s 126 and s 132).

22 **50 Intensive correction orders—community service work—**
23 **alcohol and drug tests**

24 (1) The director-general may direct an offender, orally or in writing, to
25 give a test sample when reporting to do community service work.

26 (2) The provisions of the *Corrections Management Act 2007* relating to
27 alcohol and drug tests apply in relation to a direction under this
28 section and any sample given under the direction.

1 **51 Intensive correction orders—community service work—**
2 **reports by entities**

- 3 (1) This section applies if the Territory makes an agreement with an
4 entity under which the offender may participate in community
5 service work for the entity.
- 6 (2) The director-general must ensure that the agreement requires the
7 entity, on the director-general's request, to give the director-general
8 written reports about the offender's participation in the community
9 service work.

10 **Part 5.4 Intensive correction order—**
11 **rehabilitation programs**

12 **52 Application—pt 5.4**

13 This part applies if an offender's intensive correction order is
14 subject to a rehabilitation program condition.

15 **53 Intensive correction orders—rehabilitation program**
16 **condition—compliance**

17 To comply with a rehabilitation program condition of an offender's
18 intensive correction order, the offender must comply with the
19 requirements of this part.

20 **54 Intensive correction orders—rehabilitation programs—**
21 **director-general directions**

- 22 (1) The director-general may give an offender directions, orally or in
23 writing, in relation to a rehabilitation program condition to which
24 the offender's intensive correction order is subject.

- 1 (2) Without limiting subsection (1), a direction may include details of
2 the following:
- 3 (a) the program the offender must attend;
- 4 (b) the place to which the offender must report for the program;
- 5 (c) the time when the offender must report;
- 6 (d) the person (if any) to whom the offender must report.

7 **55 Intensive correction orders—rehabilitation program**
8 **providers—reports by providers**

- 9 (1) This section applies if the Territory makes an agreement with an
10 entity under which an offender may participate in a rehabilitation
11 program provided by the entity.
- 12 (2) The director-general must ensure that the agreement requires the
13 entity, on the director-general's request, to give the director-general
14 written reports about the offender's participation in the
15 rehabilitation program.

16 **Part 5.5 Intensive correction order—**
17 **curfew**

18 **56 Application—pt 5.5**

- 19 This part applies if an offender's intensive correction order is
20 subject to a curfew condition.

21 **57 Compliance with curfew**

- 22 To comply with a curfew condition of an offender's intensive
23 correction order, the offender must comply with the requirements of
24 this part.

1 **58 Curfew—directions**

- 2 (1) A curfew condition of an intensive correction order must include
3 details of the following:
- 4 (a) the place where the offender must remain for the curfew (the
5 *curfew place*);
- 6 (b) the period of time (not longer than the offender’s sentence) that
7 the curfew will be in place.
- 8 (2) The sentencing court may recommend an amount of time that the
9 offender should remain at the curfew place each day.
- 10 (3) The director-general may, after taking into account any
11 recommendation of the sentencing court, direct the offender, orally
12 or in writing, to remain at the curfew place for a period of time (not
13 more than 12 hours in a 24-hour period) each day.

14 **Example**

15 Max is directed to comply with a curfew. Max may be required to remain at the
16 curfew place between 10 pm and 7 am, and between 3 pm and 6 pm on Mondays,
17 Wednesdays and Fridays.

18 *Note* An example is part of the Act, is not exhaustive and may extend, but
19 does not limit, the meaning of the provision in which it appears (see
20 [Legislation Act](#), s 126 and s 132).

- 21 (4) A direction under this section takes effect—
- 22 (a) when it is given to the offender; or
- 23 (b) if a later date of effect is stated in the direction—on the date
24 stated.
- 25 (5) The offender must comply with a direction under this section.

1 **Part 5.6** **Supervising intensive correction**
2 **orders**

3 **Division 5.6.1** **Intensive correction orders—**
4 **supervision**

5 **59** **Corrections officers to report breach of intensive**
6 **correction order obligations**

- 7 (1) This section applies if a corrections officer believes on reasonable
8 grounds that an offender has breached any of the offender's
9 intensive correction order obligations.
- 10 (2) The corrections officer must report the belief to the board.
- 11 (3) A report under this section must be made in writing and set out the
12 grounds for the corrections officer's belief.

13 **60** **Arrest without warrant—breach of intensive correction**
14 **order obligations**

- 15 (1) This section applies if a police officer believes on reasonable
16 grounds that an offender has breached any of the offender's
17 intensive correction order obligations.
- 18 (2) The police officer may arrest the offender without a warrant.
- 19 (3) If the police officer arrests the offender, the police officer must, as
20 soon as practicable, bring the offender before—
- 21 (a) the board; or
- 22 (b) if the board is not sitting—a magistrate.

23 *Note* For remanding or granting bail to the offender, see the *Bail Act 1992*.

- 24 (4) If the offender is brought before a magistrate under
25 subsection (3) (b), the magistrate must adjourn the matter until the
26 offender can be brought before the board.

- 1 **61** **Arrest warrant—breach of intensive correction order**
2 **obligations**
- 3 (1) A judge or magistrate may issue a warrant for an offender’s arrest if
4 satisfied, by information on oath that there are reasonable grounds
5 for suspecting that the offender has breached, or will breach, any of
6 the offender’s intensive correction order obligations.
- 7 (2) The warrant must—
- 8 (a) be in writing signed by the judge or magistrate; and
9 (b) be directed to all police officers or a named police officer; and
10 (c) state briefly the matter on which the information is based; and
11 (d) order the arrest and bringing of the offender before the board.
- 12 (3) A police officer who arrests the offender under the warrant must, as
13 soon as practicable, bring the offender before—
- 14 (a) the board; or
15 (b) if the board is not sitting—a magistrate.
- 16 *Note* For remanding or granting bail to the offender, see the *Bail Act 1992*.

17 **Division 5.6.2** **Intensive correction orders—breach**

- 18 **62** **Board inquiry—breach of intensive correction order**
19 **obligations**
- 20 (1) The board may conduct an inquiry to decide whether an offender
21 has breached any of the offender’s intensive correction order
22 obligations.
- 23 (2) The board must hold a hearing for an inquiry—
- 24 (a) on application by the director-general; or

- 1 (b) after receiving a report from a corrections officer under
2 section 59 (Corrections officers to report breach of intensive
3 correction order obligations); or
- 4 (c) if the offender is arrested under section 60 (Arrest without
5 warrant—breach of intensive correction order obligations) or
6 section 61 (Arrest warrant—breach of intensive correction
7 order obligations).
- 8 (3) This section does not apply if the offender has been convicted of a
9 new offence punishable by imprisonment.
- 10 *Note* Section 65 requires the sentencing court to cancel the offender's
11 intensive correction order in certain circumstances.
- 12 (4) To remove any doubt, the board may conduct the inquiry in
13 conjunction with any other inquiry under this Act in relation to the
14 offender.
- 15 (5) The board must, as soon as practicable—
- 16 (a) tell the director-general of an inquiry conducted under
17 subsection (2) (c); and
- 18 (b) conduct the inquiry.
- 19 **63 Notice of inquiry—breach of intensive correction order**
20 **obligations**
- 21 (1) Before the board starts an inquiry under section 62 in relation to an
22 offender, the director-general must give written notice of the inquiry
23 to—
- 24 (a) the offender; and
- 25 (b) the director of public prosecutions.
- 26 (2) The notice must include—
- 27 (a) the reasons for the inquiry; and

- 1 (b) an invitation for the offender to make submissions to the board
2 by a stated date for the inquiry; and
- 3 (c) if a board hearing is to be held in relation to the inquiry—
4 (i) the date, time and location of the hearing; and
5 (ii) a statement about the effect of section 209 (Offender's
6 rights at board hearing).
- 7 (3) An offender who is given notice of a hearing under this section must
8 appear at the hearing.
- 9 (4) The director-general must, as soon as practicable, tell the board of
10 the offender being given written notice under subsection (1) (a).

11 **64 Board powers—breach of intensive correction order**
12 **obligations**

- 13 (1) This section applies if, after conducting an inquiry under section 62
14 (Board inquiry—breach of intensive correction order obligations) in
15 relation to an offender, the board is satisfied that the offender has
16 breached any of the offender's intensive correction order
17 obligations.
- 18 (2) The board may do 1 or more of the following:
- 19 (a) give the offender a warning about the need to comply with the
20 offender's intensive correction order obligations;
- 21 (b) suspend the offender's intensive correction order for—
22 (i) if the offender admits that the offender has breached an
23 obligation—3 days to be served by imprisonment by
24 full-time detention, but not past the end of the offender's
25 sentence; or
26 (ii) in any other case—7 days to be served by imprisonment
27 by full-time detention, but not past the end of the
28 offender's sentence;

- 1 (c) cancel the offender's intensive correction order;
- 2 *Note* Section 65 requires the sentencing court to cancel the offender's
3 intensive correction order in certain circumstances and s 66
4 requires the board to cancel the order if the offender withdraws
5 consent.
- 6 (d) refer the offender to a court for amendment or discharge of the
7 intensive correction order if the board decides that the offender
8 is unlikely to be able to serve the remainder of the order by
9 intensive correction, having regard to—
- 10 (i) the offender's health; or
- 11 (ii) any exceptional circumstances affecting the offender.
- 12 (3) The board must not give more than 3 warnings under
13 subsection (2) (a) in a 12-month period.
- 14 (4) To remove any doubt, if an inquiry under section 62 in relation to an
15 offender is conducted in conjunction with another inquiry under this
16 Act in relation to the offender, the board may exercise its powers
17 under this division with any other powers of the board in relation to
18 the other inquiry.

19 **65 Cancellation of intensive correction order on further**
20 **conviction etc**

- 21 (1) This section applies if, after an offender was sentenced to serve
22 intensive correction, the offender commits, and is convicted or
23 found guilty of—
- 24 (a) an offence against a territory law, or a law of the
25 Commonwealth, a State or another Territory, that is punishable
26 by imprisonment; or
- 27 (b) an offence outside Australia that, if it had been committed in
28 Australia, would be punishable by imprisonment.

1 (2) The sentencing court must, as soon as practicable, cancel the
2 offender's intensive correction order and order that the remainder of
3 the offender's sentence be served in full or in part by full-time
4 detention, unless it is not in the interests of justice to do so.

5 (3) If the court considers that it is not in the interests of justice to make
6 an order under subsection (2), the court must give reasons for its
7 decision not to make the order.

8 **66 Cancellation of intensive correction order if offender**
9 **withdraws consent**

10 (1) This section applies if the board is satisfied that the offender has
11 withdrawn the offender's consent to serve the offender's sentence
12 by intensive correction.

13 (2) The board must cancel the offender's intensive correction order.

14 **Division 5.6.3 Suspension and cancellation of**
15 **intensive correction order**

16 **67 Application—div 5.6.3**

17 This division applies to a decision made by the board under
18 section 64 or section 66.

19 **68 Notice of board decisions about intensive correction**
20 **order**

21 The board must give written notice of its decision to each interested
22 person.

23 **69 Intensive correction order—effect of suspension or**
24 **cancellation**

25 (1) This section applies to a decision of the board to suspend or cancel
26 the offender's intensive correction order.

- 1 (2) The decision takes effect—
- 2 (a) when written notice of the decision is given to the offender
- 3 under section 68; or
- 4 (b) if a later date of effect is stated in the notice—on the date
- 5 stated.
- 6 (3) If the decision is to suspend the offender’s intensive correction
- 7 order—
- 8 (a) during the suspension the offender must be imprisoned under
- 9 full-time detention; and
- 10 (b) while serving the full-time detention the offender is taken to
- 11 comply with the offender’s intensive correction obligations.
- 12 (4) If the decision is to cancel the offender’s intensive correction order,
- 13 the cancellation ends the intensive correction order and the offender
- 14 must serve the remainder of the sentence of imprisonment—
- 15 (a) by full-time detention until when the intensive correction order
- 16 would have ended apart from the cancellation; and
- 17 (b) otherwise in accordance with the sentence.

18 **70 Intensive correction orders—effect of suspension or**

19 **cancellation on other intensive correction order**

- 20 (1) This section applies if—
- 21 (a) the board decides to suspend or cancel an offender’s intensive
- 22 correction order; and
- 23 (b) when the suspension or cancellation takes effect the offender is
- 24 also subject to intensive correction under another sentence of
- 25 imprisonment.
- 26 (2) To remove any doubt, at the inquiry for the suspension or
- 27 cancellation under this part, the board may also exercise its powers
- 28 under this part in relation to the other intensive correction order.

-
- 1 **71** **Intensive correction orders—effect of suspension or**
2 **cancellation on parole**
- 3 (1) This section applies if—
- 4 (a) the board decides to suspend or cancel an offender’s intensive
5 correction order; and
- 6 (b) when the suspension or cancellation takes effect a parole order
7 applies to the offender, whether for the same or another
8 offence.
- 9 (2) To remove any doubt, at the inquiry for the suspension or
10 cancellation under this part, the board may also exercise its powers
11 under part 7.4 (Supervising parole) in relation to the offender’s
12 parole.
- 13 **72** **Suspension or cancellation of intensive correction**
14 **order—recommittal to full-time detention**
- 15 (1) This section applies if the board decides to suspend or cancel an
16 offender’s intensive correction order.
- 17 (2) The board must order that the offender be placed in the
18 director-general’s custody to serve the relevant part of the offender’s
19 sentence by imprisonment under full-time detention.
- 20 *Note* See s 69 (Intensive correction order—effect of suspension or
21 cancellation).
- 22 (3) If the offender is not in custody, the board may also issue a warrant
23 for the offender to be arrested and placed in the director-general’s
24 custody.
- 25 (4) The warrant must—
- 26 (a) be in writing signed by the chair, or deputy chair, of the board;
27 and
- 28 (b) be directed to all escort officers or a named escort officer.

- 1 (5) An escort officer who arrests the offender under this section must
2 place the offender in the director-general's custody as soon as
3 practicable.

4 **73 Cancellation of intensive correction order—offender may**
5 **apply for order to be reinstated**

- 6 (1) This section applies if the board decides to cancel an offender's
7 intensive correction order.
- 8 (2) On application by the offender, the board may order that the
9 offender's intensive correction order be reinstated if—
- 10 (a) following the cancellation of the order, the offender has served
11 at least 30 days of the offender's sentence by imprisonment
12 under full-time detention; and
- 13 (b) the board—
- 14 (i) is satisfied by information provided by the offender that
15 the offender will comply with the offender's intensive
16 correction order obligations; and
- 17 (ii) has considered an assessment by the director-general
18 about whether an intensive correction order is suitable for
19 the offender (an *intensive correction assessment*).
- 20 (3) If the board decides not to reinstate the offender's intensive
21 correction order, the offender must not make another application
22 under this section within 6 months after the day the board makes the
23 decision.
- 24 (4) However, if the offender believes there are exceptional
25 circumstances, the offender may apply to the board before the day
26 mentioned in subsection (3).
- 27 (5) The board may refuse an application under this section if—
- 28 (a) satisfied the application is frivolous, vexatious or
29 misconceived; or

1 (b) the board decided not to reinstate the offender's intensive
2 correction order within the 6-month period before the
3 application was made.

4 (6) To remove any doubt, if an offender's intensive correction order is
5 reinstated under this section, the period the offender served by
6 imprisonment under full-time detention is taken to be part of the
7 offender's sentence of imprisonment by intensive correction.

8 **Part 5.7 Intensive correction orders—** 9 **amendment or discharge**

10 **74 Court powers—amendment or discharge of intensive** 11 **correction order**

12 (1) A court may, by order—

13 (a) amend an offender's intensive correction order; or

14 (b) discharge an offender's intensive correction order.

15 **Example—par (a)**

- 16 • impose an additional condition
- 17 • amend a condition

18 *Note 1* **Amend** includes omit or substitute (see [Legislation Act](#), dict, pt 1).

19 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
20 does not limit, the meaning of the provision in which it appears (see
21 [Legislation Act](#), s 126 and s 132).

22 (2) The court may act under this part—

23 (a) on referral by the board under section 64 (2) (d) (Board
24 powers—breach of intensive correction order obligations); or

25 (b) on application by an interested person.

- 1 (3) However, if the court is acting on referral by the board under
2 section 64 (2) (d), the court must consider any report given to the
3 court by the board about the offender before making the order.
- 4 (4) The amendment of the intensive correction order takes effect as
5 stated in the court order.
- 6 (5) This section is subject to section 75.

7 **75 Intensive correction orders—limitations on amendment**
8 **or discharge**

- 9 (1) A court must not discharge an intensive correction order unless—
- 10 (a) the court is satisfied that the offender has complied with the
11 order; and
- 12 (b) the offender has served at least 12 months of the offender's
13 sentence by intensive correction; and
- 14 (c) the order is replaced with a—
- 15 (i) suspended sentence order; and
- 16 (ii) good behaviour order with core conditions.
- 17 (2) Despite subsection (1) a court may, on application by the
18 director-general or referral by the board under section 64 (2) (d),
19 discharge an intensive correction order if—
- 20 (a) the court is satisfied that the offender is unlikely to be able to
21 serve the remainder of the order by intensive correction, having
22 regard to—
- 23 (i) the offender's health; or
- 24 (ii) any exceptional circumstances affecting the offender; and
- 25 (b) the order is replaced with a—
- 26 (i) suspended sentence order; and

- 1 (ii) good behaviour order with core conditions.
- 2 (3) A court must not amend the length of an intensive correction order.

3 **Part 5.8 Intensive correction orders—**

4 **reporting and records**

5 **76 Record-keeping by director-general**

6 The director-general must keep data of—

- 7 (a) each intensive correction order made in relation to an offender;
- 8 and
- 9 (b) the offence for which an order is made; and
- 10 (c) each order that is cancelled, suspended or discharged including
- 11 the reasons for the cancellation, suspension or discharge.

12 **77 Authorised person may access data**

13 The director-general—

- 14 (a) may allow a person, authorised in writing by the
- 15 director-general, access to the data mentioned in section 76 for
- 16 research, analysis and evaluation of intensive correction orders;
- 17 but
- 18 (b) must not allow access to the data in any form that would allow
- 19 the identity of anyone taking part in an intensive correction
- 20 order to be worked out.

1 **Part 5.9** **Intensive correction orders—**
2 **miscellaneous**

3 **78** **Intensive correction order proceedings—rights of**
4 **interested person**

- 5 (1) An interested person for an intensive correction order may appear
6 before a court in a proceeding under this chapter.
- 7 (2) A court must—
- 8 (a) give each interested person for an intensive correction order
9 (whether or not the person appeared before the court)—
- 10 (i) written notice of the court’s decision; and
11 (ii) a copy of the order or direction by the court; and
- 12 (b) hear any relevant submissions put to the court by an interested
13 person.

14 **79** **Intensive correction order—court and board powers after**
15 **end of order**

16 A court or the board may act under this chapter in relation to
17 anything arising during the term of an intensive correction order,
18 even if the term of the order has ended.

19 **80** **Intensive correction orders—outstanding warrants**

- 20 (1) This section applies if a warrant is issued for an offender’s arrest
21 under this chapter.
- 22 (2) Any period of time that the warrant is outstanding does not count as
23 part of the offender’s term of imprisonment by intensive correction.

- 1 **81** **Review—ch 5**
- 2 (1) The Minister must—
- 3 (a) review the operation and effectiveness of this chapter at the
- 4 end of its 3rd year of operation (2 March 2019); and
- 5 (b) present a report of the review to the Legislative Assembly
- 6 before the end of the chapter’s 4th year of operation
- 7 (2 March 2020).
- 8 (2) This section expires 4 years after the day it commences.
- 9 **55** **Good-behaviour—core conditions**
- 10 **Section 86 (1) (e)**
- 11 *omit*
- 12 (Community service work—alcohol and drug tests)
- 13 *substitute*
- 14 (Good behaviour orders—community service work—alcohol and
- 15 drug tests)
- 16 **56** **Section 90 heading**
- 17 *substitute*
- 18 **90** **Good behaviour orders—compliance with community**
- 19 **service condition**
- 20 **57** **Section 91 heading**
- 21 *substitute*
- 22 **91** **Good behaviour orders—community service work—**
- 23 **director-general directions**

1	58	Section 92 heading
2		<i>substitute</i>
3	92	Good behaviour orders—community service work—
4		failure to report etc
5	59	Section 93 heading
6		<i>substitute</i>
7	93	Good behaviour orders—community service work—
8		maximum daily hours
9	60	Section 94 heading
10		<i>substitute</i>
11	94	Good behaviour orders—community service work—
12		health disclosures
13	61	Section 95 heading
14		<i>substitute</i>
15	95	Good behaviour orders—community service work—
16		alcohol and drug tests
17	62	Section 96 heading
18		<i>substitute</i>
19	96	Good behaviour orders—community service work—frisk
20		searches

1	63	Section 97 heading
2		<i>substitute</i>
3	97	Good behaviour orders—community service work—
4		reports by entities
5	64	Section 99 heading
6		<i>substitute</i>
7	99	Good behaviour orders—compliance with rehabilitation
8		program condition
9	65	Section 100 heading
10		<i>substitute</i>
11	100	Good behaviour orders—rehabilitation programs—
12		director-general directions
13	66	Section 101 heading
14		<i>substitute</i>
15	101	Good behaviour orders—rehabilitation program
16		providers—reports by providers
17	67	Cancellation of good behaviour order with suspended
18		sentence order
19		Section 110 (4), example
20		<i>omit</i>
21		periodic detention
22		<i>substitute</i>
23		intensive correction

1 **68** **Imprisonment—periodic detention**
2 **Section 116ZL**

3 *omit*

4 **69** **Imprisonment—rate of discharge of outstanding fine**
5 **Section 116ZM (3) and (4)**

6 *omit*

7 **70** **Functions of board**
8 **Section 172 (a) (i)**

9 *substitute*

10 (i) chapter 5 (Intensive correction orders);

11 **71** **Meaning of board's *supervisory functions***
12 **Section 180 (a) (i)**

13 *substitute*

14 (i) chapter 5 (Intensive correction orders);

15 **72** **Notice of board hearing**
16 **New section 204 (4)**

17 *insert*

18 (4) This section does not apply if the offender is given notice under
19 section 63 (Notice of inquiry—breach of intensive correction order
20 obligations).

1 **73 Arrest of offender for board hearing**
2 **Section 206 (1) (a)**

3 *substitute*

- 4 (a) an offender does not appear before the board at a hearing in
5 accordance with—
- 6 (i) a notice under section 63 (Notice of inquiry—breach of
7 intensive correction order obligations); or
 - 8 (ii) a notice under section 205 (1); or
 - 9 (iii) an agreement mentioned in section 205 (3); or

10 **74 Disclosures to registered victims—offenders other than**
11 **young offenders**
12 **Section 216 (1), example 2**

13 *substitute*

- 14 2 if the offender is under an intensive correction order—the place where the
15 offender may do community service work or attend a rehabilitation program

16 **75 Meaning of *community-based sentence***
17 **Section 264 (1) (a) (i)**

18 *substitute*

- 19 (i) an intensive correction order;

20 **76 Section 264 (2) (a)**

21 *substitute*

- 22 (a) an intensive correction order;

1 **77** **Meaning of *community service work***
2 **Section 316**

3 *after*
4 work
5 *insert*
6 or participation in a community service program

7 **78** **Evidentiary certificates**
8 **Section 321A (2) (a)**

9 *omit*
10 or periodic detention

11 **79** **Section 321A (2) (d)**

12 *substitute*
13 (d) that a stated offender subject to an intensive correction order
14 did not comply with a stated obligation of the order;

15 **80** **New chapter 20**

16 *insert*

17 **Chapter 20** **Transitional—Crimes**
18 **(Sentencing and Restorative**
19 **Justice) Amendment Act 2015**

20 **900** **Meaning of *commencement day*—ch 20**

21 In this chapter:

22 *commencement day* means the day the *Crimes (Sentencing and*
23 *Restorative Justice) Amendment Act 2015*, section 4 commences.

1 **901 Application of amendments—periodic detention**

- 2 (1) This section applies to an offender who, immediately before the
3 commencement day, is serving a sentence by periodic detention.
- 4 (2) Subject to subsection (3), this Act, the *Crimes (Sentencing)*
5 *Act 2005* and legislation mentioned in the *Crimes (Sentencing and*
6 *Restorative Justice) Amendment Act 2015*, schedule 1
7 (Consequential amendments), as in force immediately before the
8 commencement day, continue to apply to the offender as if the
9 amendments made by the *Crimes (Sentencing and Restorative*
10 *Justice) Amendment Act 2015* had not been made.
- 11 (3) The following sections of this Act, as in force immediately before
12 the commencement day, no longer apply to the offender:
- 13 (a) section 68 (Board powers—breach of periodic detention
14 obligations);
- 15 (b) section 69 (Board powers—repeated failures to perform
16 periodic detention);
- 17 (c) section 70 (Cancellation of periodic detention on further
18 conviction etc).

19 **902 Referral of periodic detention in certain circumstances**

- 20 (1) The board must refer an offender serving a sentence by periodic
21 detention for re-sentencing by the sentencing court if—
- 22 (a) the board decides that the offender has breached any of the
23 offender’s periodic detention obligations; or
- 24 (b) after the offender was sentenced to serve periodic detention,
25 the offender commits, and is convicted or found guilty of—
- 26 (i) an offence against a territory law, or a law of the
27 Commonwealth, a State or another Territory, that is
28 punishable by imprisonment; or

- 1 (ii) an offence outside Australia that, if it had been
2 committed in Australia, would be punishable by
3 imprisonment.
- 4 (2) If the board refers the offender for re-sentencing under
5 subsection (1), the sentencing court must re-sentence the offender
6 for the offence in relation to which the periodic detention order was
7 made.
- 8 (3) In re-sentencing the offender, the court—
- 9 (a) must take into account the following (in addition to any other
10 matters the court considers should be taken into account):
- 11 (i) the fact that the offender was sentenced to periodic
12 detention;
- 13 (ii) anything done under the periodic detention; and
- 14 (b) must not—
- 15 (i) impose a penalty that, when taken together with a penalty
16 previously imposed for the offence for which the periodic
17 detention was ordered, is greater than the maximum
18 penalty the court could have imposed for the offence; or
- 19 (ii) re-sentence the offender to periodic detention.

20 **903 Transitional regulations**

- 21 (1) A regulation may prescribe transitional matters necessary or
22 convenient to be prescribed because of the enactment of the *Crimes*
23 *(Sentencing and Restorative Justice) Amendment Act 2015*.
- 24 (2) A regulation may modify this chapter (including in relation to
25 another territory law) to make provision in relation to anything that,
26 in the Executive's opinion is not, or is not adequately or
27 appropriately, dealt with in this chapter.

1 (3) A regulation under subsection (2) has effect despite anything else in
2 this Act or another territory law.

3 **904 Expiry—ch 20**

4 This chapter expires 3 years after the commencement day.

5 *Note* Transitional provisions are kept in the Act for a limited time.
6 A transitional provision is repealed on its expiry but continues to have
7 effect after its repeal (see [Legislation Act](#), s 88).

8 **81 Dictionary, definition of *additional condition*,**
9 **paragraph (a)**

10 *substitute*

11 (a) of an offender's intensive correction order—see section 40; or

12 **82 Dictionary, definition of *core condition*, paragraph (a)**

13 *substitute*

14 (a) of an offender's intensive correction order—see section 40; or

15 **83 Dictionary, definitions of *detention period* and *finishing***
16 ***time***

17 *omit*

18 **84 Dictionary, new definition of *intensive correction order***

19 *insert*

20 *intensive correction order*—see the [Crimes \(Sentencing\) Act 2005](#),
21 section 11.

- 1 **85 Dictionary, definition of *interested person***
- 2 *substitute*
- 3 *interested person*—
- 4 (a) for an offender’s good behaviour order—see section 84; and
- 5 (b) for an offender’s intensive correction order—see section 40.
- 6 **86 Dictionary**
- 7 *omit the definitions of*
- 8 *periodic detention*
- 9 *periodic detention obligations*
- 10 *periodic detention period*
- 11 **87 Dictionary, definition of *rehabilitation program condition***
- 12 *substitute*
- 13 *rehabilitation program condition*—
- 14 (a) of a good behaviour order for an offender, for this Act
- 15 generally—see the [Crimes \(Sentencing\) Act 2005](#), section 93;
- 16 and
- 17 (b) of an intensive correction order for an offender, for chapter 5—
- 18 see the [Crimes \(Sentencing\) Act 2005](#), section 80G.
- 19 **88 Dictionary**
- 20 *omit the definitions*
- 21 *reporting day*
- 22 *reporting place*
- 23 *reporting time*

1 **Part 4** **Crimes (Restorative Justice)**
2 **Act 2004**

3 **89** **Definitions—offences and offenders**
4 **Section 12, definition of *domestic violence offence***

5 *substitute*

6 *domestic violence offence* means a less serious domestic violence
7 offence or a serious domestic violence offence.

8 **90** **Section 12, new definitions**

9 *insert*

10 *less serious domestic violence offence* means—

11 (a) an offence mentioned in the *Domestic Violence and Protection*
12 *Orders Act 2008*, schedule 1—

13 (i) committed by an offender against a relevant person; and

14 (ii) that is punishable by a term of imprisonment of—

15 (A) if the offence relates to money or other property—
16 14 years or less; or

17 (B) in any other case—10 years or less; and

18 (b) an animal violence offence mentioned in the *Domestic*
19 *Violence and Protection Orders Act 2008*, section 13 (3); and

20 (c) a contravention of a protection order under the *Domestic*
21 *Violence and Protection Orders Act 2008*, section 90.

22 *less serious sexual offence* means an offence under the *Crimes*
23 *Act 1900*, part 3 that is punishable by a term of imprisonment of
24 10 years or less.

25 *relevant person*—see the *Domestic Violence and Protection Orders*
26 *Act 2008*, section 15 (1).

1 *relevant relationship*—see the *Domestic Violence and Protection*
2 *Orders Act 2008*, section 15 (2).

3 *serious domestic violence offence* means an offence mentioned in
4 the *Domestic Violence and Protection Orders Act 2008*,
5 schedule 1—

6 (a) committed by an offender against a relevant person; and

7 (b) that is punishable by a term of imprisonment of—

8 (i) if the offence relates to money or other property—more
9 than 14 years; or;

10 (ii) in any other case—more than 10 years.

11 *serious sexual offence* means an offence under the *Crimes*
12 *Act 1900*, part 3 that is punishable by a term of imprisonment of
13 more than 10 years.

14 *sexual offence* means a less serious sexual offence or a serious
15 sexual offence.

16 **91 Sections 14 to 16**

17 *substitute*

18 **14 Application of Act—less serious offences**

19 (1) This Act applies to a less serious offence committed by a young
20 offender or an adult offender.

21 (2) This Act applies to a less serious offence committed by a young
22 offender or an adult offender even if the offence was committed
23 before the day this section commenced.

24 (3) This section does not apply to a domestic violence offence or a
25 sexual offence.

26 *Note* For the application of this Act to domestic violence offences and sexual
27 offences, see s 16.

1 **15 Application of Act—serious offences**

2 (1) This Act applies to a serious offence committed by a young offender
3 or an adult offender if the offender—

4 (a) is charged with the offence; and

5 (b) either—

6 (i) pleads guilty to the offence; or

7 (ii) is found guilty of the offence (whether or not the offender
8 is convicted or sentenced for the offence).

9 (2) This Act applies to a serious offence committed by a young offender
10 or an adult offender even if the offence was committed before the
11 day this section commenced.

12 (3) This section does not apply to a domestic violence offence or a
13 sexual offence.

14 *Note* For the application of this Act to domestic violence offences and sexual
15 offences, see s 16.

16 **16 Application of Act—domestic violence offences and**
17 **sexual offences**

18 (1) This Act applies to a less serious domestic violence offence or a less
19 serious sexual offence committed by a young offender or an adult
20 offender.

- 1 (2) Subsection (1) applies whether or not the young offender or adult
2 offender is charged with the offence.
- 3 *Note 1* An offence may have been **committed** if it is alleged that the offence
4 was committed (see s 12, def **commission**).
- 5 *Note 2* For the director-general to decide that a less serious domestic violence
6 offence or a less serious sexual offence committed by a young offender
7 or an adult offender is suitable for restorative justice under pt 7 before
8 the offender pleads guilty to the offence or is found guilty of the
9 offence, the director-general must be satisfied that exceptional
10 circumstances exist for the calling of a restorative justice conference
11 (see s 33 (2)).
- 12 (3) This Act applies to a serious domestic violence offence or a serious
13 sexual offence committed by a young offender or an adult offender
14 if—
- 15 (a) the offender is charged with the offence; and
- 16 (b) either—
- 17 (i) the offender pleads guilty to the offence; or
- 18 (ii) the offender is found guilty of the offence (whether or not
19 the offender is convicted or sentenced for the offence).
- 20 (4) However, subsections (1) to (3) may apply to a domestic violence
21 offence or a sexual offence even if the offence was committed
22 before the phase 3 application day.
- 23 (5) Subsections (1) to (4) do not apply before a day declared by the
24 Minister (the **phase 3 application day**).

1 (6) To remove any doubt, the [Legislation Act](#), section 79 (Automatic
2 commencement of postponed law) does not apply to subsections (1)
3 to (4).

4 *Note* If the [Legislation Act](#), s 79 applied to ss (1) to (4), the subsections
5 would automatically commence 6 months after the day this Act
6 commences (apart from s 1 and s 2) if it had not already been
7 effectively commenced by the declaration of the phase 3 application
8 day.

9 (7) Subsections (5) and (6) are laws to which the [Legislation Act](#),
10 section 88 (Repeal does not end effect of transitional laws etc)
11 applies.

12 (8) Subsections (5) to (7) and this subsection expire on the phase 3
13 application day.

14 *Note* A provision of an Act expires at the end of the day fixed for its expiry
15 (see [Legislation Act](#), s 85 (3); *repeal* in s 85 includes expiry—see s 82).

16 **92 Referring entities**
17 **Section 22 (2), new definition of *victims of crime***
18 ***commissioner***

19 *insert*

20 *victims of crime commissioner* means the victims of crime
21 commissioner appointed under the [Victims of Crime Act 1994](#).

22 **93 Table 22, item 1, column 2**

23 *after police officer, insert*

24 victims of crime
25 commissioner

26 **94 Table 22, item 5, column 2**

27 *after sentence administration board, insert*

28 victims of crime
29 commissioner

- 1 **95 Section 24 (3) (a)**
- 2 *omit*
- 3 (Referral by DPP—Domestic violence offences by young offenders)
- 4 *substitute*
- 5 (Referral by DPP—less serious domestic violence offences and less
- 6 serious sexual offences)
- 7 **96 Section 26 heading**
- 8 *substitute*
- 9 **26 Referral by DPP—less serious domestic violence**
- 10 **offences and less serious sexual offences**
- 11 **97 Section 26 (1)**
- 12 *substitute*
- 13 (1) This section applies if the director of public prosecutions is the
- 14 referring entity for a less serious domestic violence offence or a less
- 15 serious sexual offence allegedly committed by a young offender or
- 16 an adult offender.
- 17 **98 Section 26 (2), note**
- 18 *omit*
- 19 **99 Section 26 (3) to (6)**
- 20 *omit*
- 21 phase 2
- 22 *substitute*
- 23 phase 3

1 **100 Section 26 (8), definition of *phase 2 application day***

2 *substitute*

3 *phase 3 application day*—see section 16 (5).

4 **101 Referral during court proceeding**
5 **Section 27 (2)**

6 *omit*

7 of the director of public prosecutions.

8 *insert*

9 of—

10 (a) the director of public prosecutions; or

11 (b) the offender's legal representative.

12 **102 Section 27 (4), including note**

13 *substitute*

14 (4) For the referral of a less serious domestic violence offence or a less
15 serious sexual offence alleged to have been committed by a young
16 offender or an adult offender, the court may make a court referral
17 order, before the offender pleads guilty to the offence or is found
18 guilty of the offence, only if it considers that exceptional
19 circumstances exist to justify the referral.

20 *Note* This Act does not apply to a serious domestic violence offence or a
21 serious sexual offence unless the offender pleads guilty to the offence,
22 or is found guilty of the offence (see s 16).

1 **103 Section 27 (5) to (8)**

2 *omit*

3 phase 2

4 *substitute*

5 phase 3

6 **104 Section 27 (10), definition of *phase 2 application day***

7 *substitute*

8 *phase 3 application day*—see section 16 (5).

9 **105 Suitability—general considerations**
10 **Section 33 (2)**

11 *substitute*

12 (2) The director-general may decide that restorative justice is suitable
13 for a less serious domestic violence offence or a less serious sexual
14 offence committed by a young offender or an adult offender before
15 the offender pleads guilty to the offence or is found guilty of the
16 offence only if satisfied that exceptional circumstances exist to
17 justify the calling of a restorative justice conference for the offence.

18 **106 Section 33 (3) to (6)**

19 *omit*

20 phase 2

21 *substitute*

22 phase 3

- 1 **107 Section 33 (8), definition of *phase 2 application day***
- 2 *substitute*
- 3 *phase 3 application day*—see section 16 (5).
- 4 **108 Dictionary, definition of *domestic violence offence***
- 5 *omit*
- 6 **109 Dictionary, new definitions**
- 7 *insert*
- 8 *less serious domestic violence offence*—see section 12.
- 9 *less serious sexual offence*—see section 12.
- 10 *relevant person*—see the [Domestic Violence and Protection Orders](#)
- 11 [Act 2008](#), section 15 (1).
- 12 *relevant relationship*—see the [Domestic Violence and Protection](#)
- 13 [Orders Act 2008](#), section 15 (2).
- 14 *serious domestic violence offence*—see section 12.
- 15 *serious sexual offence*—see section 12.
- 16 *sexual offence*—see section 12.

1 **Schedule 1 Consequential amendments**

2 **Part 1.1 Administrative Decisions**
3 **(Judicial Review) Act 1989**

4 **[1.1] Schedule 1, item 4, column 3, 4th and 5th dot points**

5 *substitute*

- 6 • section 43 (Intensive correction order—alcohol and drug tests)
7 • section 50 (Intensive correction orders—community service
8 work—alcohol and drug tests)

9 **[1.2] Schedule 2, section 2.6 (1), 3rd to 8th dot points**

10 *substitute*

- 11 • section 46 (Intensive correction orders—community service
12 work—director-general directions)

13 **[1.3] Schedule 2, section 2.6 (2)**

14 *omit*

15 **Part 1.2 Bail Act 1992**

16 **[1.4] Section 8A (1) (b) (i)**

17 *substitute*

- 18 (i) an intensive correction order obligation;

19 **[1.5] Section 8A (2), example heading**

20 *substitute*

21 **Example—bail entitlement**

1 **[1.6] Section 8A (2), example 1**

2 *omit*

3 **Part 1.3 Births, Deaths and Marriages**
4 **Registration Act 1997**

5 **[1.7] Section 22A, definition of *restricted person*, paragraph (a)**

6 *omit*

7 periodic detention

8 *substitute*

9 intensive correction order

10 **Part 1.4 Coroners Act 1997**

11 **[1.8] Section 3C (1) (c)**

12 *omit*

13 **Part 1.5 Corrections Management**
14 **Act 2007**

15 **[1.9] Section 6 (1) (b)**

16 *omit*

17 **[1.10] Section 63, definition of *admission***

18 *substitute*

19 ***admission***, of a detainee to a correctional centre, means admission
20 of the detainee to the centre for detention.

1 **[1.11] Section 76 (2) (d) (i)**

2 *omit*

3 periodic detention period or other

4 **[1.12] Section 133 (1) (d)**

5 *substitute*

6 (d) for a person serving a term of imprisonment by intensive
7 correction—the person provides a test sample that shows the
8 person—

9 (i) either—

10 (A) if the person is under a condition or a direction that
11 the person not take alcohol—has taken alcohol; or

12 (B) in any other case—has a blood alcohol
13 concentration of the prescribed concentration or
14 more; or

15 (ii) has taken a drug.

16 **[1.13] Dictionary, definitions of *detention period* and *periodic***
17 ***detention***

18 *omit*

19 **Part 1.6 Corrections Management**
20 **Regulation 2010**

21 **[1.14] Section 48 (c)**

22 *omit*

1 **Part 1.7** **Crimes Act 1900**

2 **[1.15] Section 157**

3 *omit*

4 **Part 1.8** **Crimes (Restorative Justice)**
5 **Act 2004**

6 **[1.16] Section 13, example 2**

7 *substitute*

8 2 an order for intensive correction under the *Crimes (Sentencing)*
9 *Act 2005*

10 **Part 1.9** **Electoral Act 1992**

11 **[1.17] Section 71A (2), definition of *sentence of imprisonment***

12 *substitute*

13 *sentence of imprisonment* does not include a sentence of
14 imprisonment served by intensive correction made by a court under
15 the *Crimes (Sentencing) Act 2005*, section 11 (Intensive correction
16 orders).

17 **Part 1.10** **Spent Convictions Act 2000**

18 **[1.18] Section 11 (3), definition of *sentence of imprisonment***

19 *substitute*

20 *sentence of imprisonment* does not include the detention of a
21 person under a control order.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 November 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

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

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