

Legislative Assembly for the Australian Capital Territory

Rehabilitation of Offenders (Interim) Amendment Bill 2002

EXPLANATORY MEMORANDUM

Presented by authority of
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Minister for Emergency Services,
Police and Corrections

REHABILITATION OF OFFENDERS (INTERIM) AMENDMENT BILL 2002

Outline

This Bill amends the *Rehabilitation of Offenders (Interim) Act 2001* (the Principal Act).

The Principal Act provides for the operation of home detention and parole. It also establishes the Sentence Administration Board (the Board) to administer the ACT parole system.

The main purpose of this Bill is to correct an error in the Principal Act.

The intention of Schedule 1, Part 1.7 of the Principal Act was to include the chairperson, a deputy chairperson and secretary of the Board as authorised persons under the *Removal of Prisoners Act 1968*. This would have allowed the Board to issue warrants to remove ACT prisoners to NSW for detention, and to return the prisoners from NSW to the ACT.

However, the Principal Act mistakenly referred to “authorised officer” rather than “authorised person”, which is the term used in the *Removal of Prisoners Act*. To remove any doubt as to the validity of warrants already issued by the Board under the *Removal of Prisoners Act*, the Bill retrospectively replaces “officer” with “person” in Schedule 1, Part 1.7 of the Principal Act.

The Bill also amends the definition of “authorised person” in the *Removal of Prisoners Act* to include the registrar and deputy registrar of the Supreme Court. It is appropriate that these officers be able to issue warrants under the Act given their roles and position within the Court. The amendment would also ensure consistency, given that registrars and deputy registrars of the Magistrates Court and of federal courts are already empowered to issue such warrants.

Notes on Clauses

Clause 1 Name of Act

This Bill, once enacted, will be known as the *Rehabilitation of Offenders (Interim) Amendment Act 2002*.

Clause 2 Commencement

The proposed Act, other than section 5, will be taken to have commenced on 23 September 2001. This will ensure that the definition of “authorised person” in the *Removal of Prisoners Act* is taken to have included specified Board members from the date that the Principal Act commenced.

Proposed section 5, which amends the definition of “authorised person” in the *Removal of Prisoners Act* to include the registrar and deputy registrar of the Supreme Court, will commence after the proposed Act is notified.

Clause 3 Act amended

The proposed Act amends the *Rehabilitation of Offenders (Interim) Act 2001*.

Clause 4 Schedule 1, amendment 1.7

This clause changes the word “officer” to “person” wherever it appears in Schedule 1, Part 1.7 of the Principal Act. This will ensure that the chairperson, a deputy chairperson and the secretary of the Board are included in the definition of “authorised person” in the *Removal of Prisoners Act*, allowing these people to issue warrants under that Act.

Clause 5 Schedule 1, amendment 1.17, definition of *authorised person*, paragraph (c)

This clause includes the registrar or deputy registrar of the Supreme Court in the definition of “authorised person” in the *Removal of Prisoners Act*, allowing these people to issue warrants under that Act.

Clause 6 Schedule 1

This clause inserts a new section 11A into the *Removal of Prisoners Act*. This will ensure the validity of warrants already issued by the chairperson, a deputy chairperson or the secretary of the Board.