

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

PERIODIC DETENTION BILL 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

**Circulated by authority of the Attorney-General
Gary Humphries MLA**

PERIODIC DETENTION BILL 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Section 31 of the Bill provides that when an order for periodic detention is cancelled under clause 29 or 30 any remaining periods of detention are to be served as a separate term of imprisonment. The period of imprisonment is calculated at the rate of 1 period of detention for 1 week of imprisonment.

The Government amendment will insert a new clause 31A [amendment 2] which provides the court which cancels an order for periodic detention with the option of suspending the resulting term of imprisonment in whole or in part. The suspension will be conditional on the detainee being of good behaviour for a period specified by the court. The court may also require the detainee to comply with conditions which may include that he or she be supervised by a probation officer.

This provision is modelled on section 556B of the *Crimes Act 1900*.

Amendments 1 and 3 are consequential on amendment 2. Amendment 3 will allow the court to enforce its order in much the same way as an order under section 556B is enforced. For example, if the conditions are not complied with the detainee could be committed to prison.