

Australian Capital Territory

Corrections Management (Fine Defaulters) Procedure 2007*

Notifiable instrument NI2007-439

made under the

Corrections Management Act 2007, section 14(1) (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Fine Defaulters) Procedure 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

FINE DEFAULTERS PROCEDURE

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)
Court Transport Unit (CTU)**



FINE DEFAULTERS PROCEDURE

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Purpose

To provide a clear set of guidelines regarding the detention of prisoners subject to warrants of commitment.

Authority

Legislation

Corrections Management Act 2007, section 14

Crimes (Sentencing) Act 2005, section 73

Magistrates Court Act 1930, section 154D(3), and 157

Scope

This procedure commences when a prisoner is received into ACTCS custody having had a warrant of commitment served on them, and concludes when that prisoner is released from ACTCS custody.

Procedure

Step	Action	Responsibility
1	Prisoner received from ACT Policing's custody.	CTU Corrections Officers
<u>2</u>	Prisoner conveyed to CTU.	Escort Officers
<u>3</u>	Period of commitment recalculated.	CO2 CTU
4	Prisoner conveyed to BRC/STRC.	Escort Officers
<u>5</u>	Period of commitment recalculated.	CO2 CTU
<u>6</u>	Period of commitment verified.	Duty Chief
<u>7</u>	Prisoner released from the BRC/STRC.	Duty Chief

Step 2

Where the prisoner's period of commitment expires before the next scheduled transport to the BRC/STRC, the prisoner may be released from the CTU.

Step 3

Terms of commitment are calculated in accordance with the rate stated on the Warrant of Commitment (the Warrant).

All periods of commitment are served concurrently (at the same time) where a prisoner is subject to warrants of remand or imprisonment. Where the primary sentence is another period of commitment the period is cumulative (in addition to).

Step 5

The CO2 must recalculate the period of commitment.

Step 6

The Duty Chief must verify the calculations made by the CO2.

Step 7

Prisoners must be released in accordance with their Warrant.

Where prisoners are in custody solely due to a Warrant(s) of Commitment, they may opt to pay the remaining portion of the fine(s) owed (minus the amount for which time has been served) and have their period of commitment recalculated.

The amount remaining on the fine is calculated by multiplying the number of days served by the amount discharged per day (in accordance with the Warrant). This amount is then subtracted from the total amount owing. The prisoner must now be released in accordance with this new calculation.

The prisoner is to be issued a receipt for the payment.

The warrant, payment, and a copy of the receipt is to be taken to the Receiver of Public Monies at the Magistrate's Court as soon as practicable by a Corrections Officer. The Receiver of Public Monies will issue a further receipt to the Corrections Officer. Copies of both receipts are to be included in the prisoner's dossier upon return to the BRC/STRC.

Related policies and procedures

Fine Defaulters Policy