

Australian Capital Territory

Corrections Management (Fine Defaulters) Policy 2007*

Notifiable instrument NI2007-444

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) Policy 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 POLICY

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)**



FINE DEFAULTERS POLICY

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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

Policy

1 Principles

- 1.1 Fine defaulters are those prisoners serving a Warrant of Commitment (the Warrant) for unpaid fines.

2 Authority

- 2.1 The calculation of the commitment period is subject to section 154D(3) of the *Magistrates Court Act 1930*.
- 2.2 The question of cumulative or concurrent serving of periods of commitment is subject to section 73 of the *Crimes (Sentencing) Act 2005*.
- 2.3 An outstanding fine may be discharged by payment under section 157 of the *Magistrates Court Act 1930*.

3 Calculation

- 3.1 Fines may be discharged by imprisonment where an ACT Magistrates or Supreme Court has issued a warrant of commitment.
- 3.2 The period of the commitment is calculated in accordance with the rate stated on the Warrant.
For example: Where the Warrant states that the fine is to be discharged at a rate of 1 day per \$100 or part thereof:

A fine of \$650 is equivalent to 7 days in custody.
A fine of \$700 is equivalent to 7 days in custody.
A fine of \$750 is equivalent to 8 days in custody.

3.2.1 The calculation of a commitment period in lieu of payment will include any costs involved in processing the fine. This information will be included on the Warrant of Commitment.

3.3 Fines, which are equivalent to 6 months or more in custody, are deemed discharged at the end of 6 months.

4 Cumulative or concurrent

4.1 Warrants of commitment are to be served concurrently (at the same time) with warrants of imprisonment or remand.

4.2 Warrants of commitment are to be served cumulatively (in addition to) with other warrants of commitment.

For example: Where a prisoner is in custody serving a commitment period and another warrant of commitment is issued, the total time in custody is the sum of the two warrants.
Warrant 1 = 7 days custody;
Warrant 2 = 9 days custody;
Total custody = 16 days

Related policies and procedures

Fine Defaulters Procedure