



Australian Capital Territory

# Rehabilitation of Offenders (Interim) Regulations 2001

## Subordinate Law 2001 No 39

---

The Australian Capital Territory Executive makes the following regulations under the *Rehabilitation of Offenders (Interim) Act 2001*.

Dated 21 September 2001.

MICHAEL MOORE  
Minister

BRENDAN SMYTH  
Minister

---





Australian Capital Territory

# Rehabilitation of Offenders (Interim) Regulations 2001

## Subordinate Law 2001 No 39

made under the

*Rehabilitation of Offenders (Interim) Act 2001*

## Contents

---

	Page
1 Name of regulations	1
2 Commencement	1
3 Dictionary	1
4 Notes	1
5 Dealing with young offenders under regulations	1
6 Giving consent to home detention order on behalf of child or person with disability—Act, s 11 (6)	2
7 Standard conditions of home detention—Act, s 18 (1) (a)	2
8 Standards conditions of parole—Act, s 38 (1) (a)	4
<b>Dictionary</b>	<b>6</b>

---

2001 114S



## **1 Name of regulations**

These regulations are the *Rehabilitation of Offenders (Interim) Regulations 2001*.

## **2 Commencement**

These regulations commence on their notification day.

## **3 Dictionary**

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition '*prohibited weapon*—see the *Prohibited Weapons Act 1996*, section 3 (1).' means that the expression 'prohibited weapon' is defined in that section and the definition applies to these regulations.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

## **4 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## **5 Dealing with young offenders under regulations**

To remove any doubt, in making a decision or taking action under these regulations in relation to a young person, the principles applying in relation to a young person under the *Children and Young People Act 1999*, part 2.2 (Principles applying to the Act) are

to be applied, with any necessary changes, as if the decision were being made, or the action were being taken, under that Act.

**6 Giving consent to home detention order on behalf of child or person with disability—Act, s 11 (6)**

- (1) Consent may be given on behalf of a child by a person with parental responsibility for the child.
- (2) Consent may be given on behalf of a person with a mental disability by the person's guardian under the *Guardianship and Management of Property Act 1991*.

**7 Standard conditions of home detention—Act, s 18 (1) (a)**

The standard conditions to which a home detention order for a person is subject are as follows:

- (a) the person must be of good behaviour and must not commit any new offence;
- (b) if the person is arrested or detained by a police officer—the person must tell a corrections officer as soon as practicable after being arrested or detained;
- (c) the person must live only at premises in the ACT (the ***approved home***) approved by a corrections officer;
- (d) the person must remain at the approved home at all times otherwise than—
  - (i) when engaged in an approved activity or program; or
  - (ii) when faced with immediate danger, for example, a fire or medical emergency;
- (e) if the person leaves the approved home because of immediate danger—the person must tell a corrections officer as soon as practicable after leaving the approved home;
- (f) the person must comply with any plan of activities and programs prepared for the person by a corrections officer;

- (g) the person must allow a corrections officer to visit the approved home at any time;
- (h) the person must submit to electronic monitoring of the person's compliance with the home detention order;
- (i) the person must not tamper with, damage or disable monitoring equipment;
- (j) for a person other than a young person—the person must maintain a telephone service to the approved home for the monitoring equipment;
- (k) the person must not consume alcohol;
- (l) the person must not use a prohibited substance, or abuse a prescribed substance that is lawfully obtained;
- (m) the person must, if directed to do so by a corrections officer, submit to blood testing, breath testing, urinalysis and other test procedures for detecting alcohol or drug use by the person;
- (n) the person must authorise the person's doctor, therapist or counsellor to give relevant information about the person to a corrections officer;
- (o) the person must, if directed to do so by a corrections officer, tell the person's employer about the home detention order, the nature of the offence that resulted in the making of the order, or both;
- (p) the person must allow contact between—
  - (i) the person's employer and a corrections officer; and
  - (ii) a person conducting an approved activity or program attended by the person;
- (q) the person must not have possession or control of a firearm, prohibited weapon, prohibited article or offensive weapon;

- (r) the person must comply with all reasonable directions of a corrections officer, including, for example, directions about any of the following:
  - (i) associating with particular people;
  - (ii) obtaining, being available for or keeping employment;
  - (iii) attending or taking part in an approved activity or program;
  - (iv) operating the electronic monitoring system for the person;
  - (v) carrying out not more than 20 hours per week of community service work when not otherwise employed.

## **8 Standards conditions of parole—Act, s 38 (1) (a)**

The standard conditions to which a parole order for a person is subject are as follows:

- (a) the person must be of good behaviour and must not commit any new offence;
- (b) the person must live only at premises approved by a corrections officer;
- (c) the person must report to a corrections officer at the times and places nominated by the officer;

### **Example**

The places a corrections officer could nominate could include where the person's ordinarily lives or works.

- (d) the person must not use a prohibited substance, or abuse a prescribed substance that is lawfully obtained;
- (e) the person must, if directed to do so by a corrections officer, submit to blood testing, breath testing, urinalysis and other test procedures for detecting alcohol or drug use by the person;



- (f) the person must authorise the person's doctor, therapist or counsellor to give information about the person to a corrections officer;
- (g) the person must not leave the ACT for longer than 1 day without the prior written permission of a corrections officer;
- (h) the person must comply with all conditions to which a permission to leave the ACT is subject;
- (i) the person must not leave Australia without the board's prior written permission;
- (j) the person must not have possession or control of a firearm, prohibited weapon, prohibited article or offensive weapon;
- (k) the person must comply with all reasonable directions of a corrections officer, including, for example, directions about any of the following:
  - (i) associating with particular people;
  - (ii) visiting any place, including a particular suburb;
  - (iii) obtaining, being available for or keeping employment;
  - (iv) attending or taking part in an approved activity or program.

## Dictionary

(see reg 3)

***approved activity or program***, for a person, means a personal development activity, or a treatment, counselling, rehabilitative, educational or vocational program, approved for the person by a corrections officer.

***board***—see the Act, dictionary.

***drug of dependence***—see the *Drugs of Dependence Act 1981*, section 3 (1).

***drugs and poisons standard***—see the *Poisons and Drugs Act 1978*, section 2.

***firearm***—see the *Firearms Act 1996*, section 4.

***offensive weapon***—see the *Crimes Act 1900*, dictionary.

***parental responsibility***—see the *Children and Young People Act 1999*, section 17.

***prescribed substance*** means—

- (a) a drug of dependence; or
- (b) a substance mentioned in the drugs and poisons standard, schedule 2, 3 or 4.

***prohibited article***—see the *Prohibited Weapons Act 1996*, section 3 (1).

***prohibited substance***—see the *Drugs of Dependence Act 1981*, section 3 (1).

***prohibited weapon***—see the *Prohibited Weapons Act 1996*, section 3 (1).

***young person***—see the Act, dictionary.

---

## **Endnote**

### **Notification**

Notified under the *Legislation Act 2001* on 24 September 2001.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))