



Australian Capital Territory

# Periodic Detention Amendment Regulation 2005 (No 1)

**Subordinate Law SL2005-15**

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The Australian Capital Territory Executive makes the following regulation under the *Periodic Detention Act 1995*.

Dated 13 July 2005.

JON STANHOPE  
Minister

SIMON CORBELL  
Minister

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# Periodic Detention Amendment Regulation 2005 (No 1)

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made under the

**Periodic Detention Act 1995**

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## 1 Name of regulation

This regulation is the *Periodic Detention Amendment Regulation 2005 (No 1)*.

## 2 Commencement

This regulation commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

**3 Legislation amended**

This regulation amends the *Periodic Detention Regulation 1995*.

**4 New sections 1A and 1B**

*insert*

**1A Notes**

A note included in this regulation is explanatory and is not part of this regulation.

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

**1B Offences against regulation—application of Criminal Code etc**

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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**5 Section 7**

*substitute*

**7 Alcohol and drug testing—Act s 23**

- (1) The following tests are prescribed:
  - (a) for establishing the concentration of alcohol in a detainee's blood—breath tests in accordance with subsection (2);
  - (b) for establishing whether a drug is present in a detainee's body—urine tests in accordance with subsection (2).
- (2) For a test mentioned in subsection (1), the chief executive may, in writing, approve—
  - (a) the procedures to be followed in relation to the test; and
  - (b) an instrument required for the test; and
  - (c) the procedures to be followed in relation to the analysis of a sample or specimen tested; and
  - (d) anything else that relates to the test.
- (3) An approval is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

**6 Section 7A**

*omit*

described in schedule 2

*substitute*

approved under section 7 (2)

**7 Section 8 (2) (a)**

*substitute*

- (a) for an alcohol test—by a copy of the print-out of the results of the analysis; and

**8 Section 20**

*substitute*

**20 Threatening behaviour etc**

- (1) A detainee who is reporting for, or is otherwise serving, a detention period must not—
  - (a) use threatening or abusive language to, or in the presence of, someone else; or
  - (b) behave in a threatening way towards another person.Maximum penalty: 10 penalty units.
- (2) An offence against this section is a strict liability offence.

**9 Schedules 1 and 2**

*omit*

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**Endnotes**

**1 Notification**

Notified under the Legislation Act on 14 July 2005.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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