



Australian Capital Territory

Crimes (Sentence Administration) Regulation 2006

SL2006-23

made under the

Crimes (Sentence Administration) Act 2005

Republication No 1

Effective: 2 June 2006 – 31 May 2007

Republication date: 2 June 2006

Last amendment made by SL2006-26
(republiation for new regulation and amendments by SL2006-26)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Crimes (Sentence Administration) Regulation 2006*, made under the *Crimes (Sentence Administration) Act 2005* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 June 2006. It also includes any amendment, repeal or expiry affecting the republished law to 2 June 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Contents

		Page
1	Name of regulation	2
2	Dictionary	2
3	Notes	2
4	Parole order—core conditions—Act, s 137 (1) (f)	2
5	Modification of Act, ch 17 (Transitional—interim custody arrangements)—Act, s 611	4

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02/06/06

Crimes (Sentence Administration) Regulation 2006
Effective: 02/06/06-31/05/07

contents 1

Contents

	Page
Schedule 1 Modification of Act, ch 17 (Transitional—interim custody arrangements)	5
Dictionary	7
Endnotes	
1 About the endnotes	9
2 Abbreviation key	9
3 Legislation history	10
4 Amendment history	10



Australian Capital Territory

Crimes (Sentence Administration) Regulation 2006

made under the

Crimes (Sentence Administration) Act 2005

1 Name of regulation

This regulation is the *Crimes (Sentence Administration) Regulation 2006*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*drug of dependence*—see the *Drugs of Dependence Act 1989*, section 3 (1).' means that the term 'drug of dependence' is defined in that section and the definition applies to this regulation.

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

3 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.

4 Parole order—core conditions—Act, s 137 (1) (f)

The following conditions are prescribed:

- (a) the offender must live only at premises approved by the chief executive;
- (b) the offender must report to a person at a time and place nominated by the chief executive;
- (c) the offender must not use a prohibited substance, or abuse a prescribed substance that is lawfully obtained;

- (d) the offender must authorise each doctor, therapist or counsellor of the offender to give information about the offender to the chief executive;
- (e) the offender must not leave the ACT for longer than 1 day without the prior written permission of the chief executive;
- (f) the offender must comply with all conditions to which a permission to leave the ACT is subject;
- (g) the offender must not leave Australia without the board's prior written permission;
- (h) the offender must not have possession or control of a firearm, prohibited weapon, prohibited article or offensive weapon;
- (i) the offender must comply with any direction given to the offender by the chief executive.

Example for par (b)

to report to a corrections officer at a correctional centre, or to a person where the offender works

Examples for par (i)

directions about any of the following:

- associating with particular people
- visiting any place, including a particular suburb
- obtaining, being available for or keeping employment
- attending or taking part in an approved activity or program

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

5 Modification of Act, ch 17 (Transitional—interim custody arrangements)—Act, s 611

- (1) The Act, chapter 17 (Transitional—interim custody arrangements) is modified by schedule 1.
- (2) This section, and schedule 1, expire on the day the *Corrections Management Act 2006* commences.
- (3) In this section:
Corrections Management Act 2006—see the Act, section 603 (Definitions—ch 17).

Schedule 1 Modification of Act, ch 17 (Transitional—interim custody arrangements)

(see s 5)

[1.1] New sections 607A and 607B

insert

607A Reference to full-time detention in NSW

- (1) To remove any doubt, section 36 (2) (a) operates in relation to the interim custody period as if it were as follows:
 - (a) is taken, while in full-time detention at a NSW correctional centre, to be serving the sentence of imprisonment at a correctional centre as required by the *Crimes (Sentencing) Act 2005*, section 10 (3) (Imprisonment); but
- (2) This section expires on the day the *Corrections Management Act 2006* commences.
- (3) In this section:
Corrections Management Act 2006—see the Act, section 603 (Definitions—ch 17).

607B References in territory laws to Corrections Management Act 2006 etc in relation to interim custody period

- (1) A reference in a territory law to the *Corrections Management Act 2006* is, in relation to the interim custody period, taken to be a reference to that Act as defined in this Act, section 603.

- (2) A reference in a territory law to any of the following things is, in relation to the interim custody period, taken to be a reference to the thing that would be the corresponding thing under this Act, section 604 (Application of new sentencing law—interim custody period):
- (a) a correctional centre;
 - (b) a corrections officer;
 - (c) an escort officer;
 - (d) frisk search;
 - (e) positive, in relation to a test sample;
 - (f) test sample.
- (3) This section expires on the day the *Corrections Management Act 2006* commences.
- (4) In this section:
Corrections Management Act 2006—see the Act, section 603 (Definitions—ch 17).

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- chief executive
- doctor.

Note 3 Terms used in this regulation have the same meaning that they have in the *Crimes (Sentence Administration) Act 2005* (see Legislation Act, s 148). For example, the following terms are defined in the *Crimes (Sentence Administration) Act 2005*, dict:

- board
- offender
- test sample.

drug of dependence—see the *Drugs of Dependence Act 1989*, section 3 (1).

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

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

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

prescribed substance means—

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

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

prohibited substance—see the *Drugs of Dependence Act 1989*, section 3 (1).

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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was made as part of the *Sentencing Legislation Amendment Act 2006* (see A2006-23, s 5 and sch 4).

Crimes (Sentence Administration) Regulation 2006 SL2006-23

taken to have been notified LR 18 May 2006 (A2006-23, s 5 (3) (a))
s 1 taken to have commenced 18 May 2006 (LA s 75 (1))
remainder commenced 2 June 2006 (A2006-23 s 5 (3) (b) and see
Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes
(Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

as amended by

Crimes (Sentence Administration) Amendment Regulation 2006 (No 1) SL2006-26

notified LR 1 June 2006
s 1, s 2 commenced 1 June 2006 (LA s 75 (1))
remainder commenced 2 June 2006 (s 2 and see Crimes (Sentencing)
Act 2005 A2005-58, s 2 and LA s 79)

4 Amendment history

Modification of Act, ch 17 (Transitional—interim custody arrangements)— Act, s 611

s 5 ins SL2006-26 s 4
exp on the day the *Corrections Management Act 2006*
commences (s 5 (2))

Modification of Act, ch 17 (Transitional—interim custody arrangements)

sch 1 ins SL2006-26 s 5
exp on the day the *Corrections Management Act 2006*
commences (s 5 (2))

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