

ACTCS

Intensive Correction Order Breaches and Sanctions for Breaching

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Following an amendment to the *Crimes (Sentence Administration) Act 2005* (the CSA Act) that came into effect on 2 March 2016, the Sentence Administration Board's (the Board) supervisory powers were extended to:

- decide the consequences of sentenced offenders failing to comply with their obligations under intensive correction orders; and
- consider the reinstatement of an intensive corrections order following the cancellation of the order.

Police officers and community corrections officers can report an alleged breach to the Board. Similar to parole, a community corrections officer must report any alleged breaches of intensive correction orders, which they believe on reasonable grounds has occurred, to the Board. The Board is required to hold a hearing into the breach as soon as practicable, and give notice of a hearing to the offender, the Director-General of Justice and Community Safety and the Director of Public Prosecutions.

If the Board finds that the breach is proved, then it may take one or more of the following actions:

- give the offender a warning about the need to comply with the conditions of the order
- suspend the offender's order, so the offender is in custody, for three or seven days, depending on whether the offender admits the breach of the obligations
- cancel the offender's order so that the offender serves the order in custody, the offender is able to apply to apply to the Board for a re-instatement of the order
- refer the offender to a court for amending or discharging the order because the offender is unlikely to be able to comply with the order, for example due to ill health or a change in the offender's circumstances such that they are in non-compliance with the order for reasons beyond their control.

The Board cannot impose any additional conditions or vary any conditions of intensive correction orders.

An offender who has had their order cancelled by the Board may apply to it have it re-instated after they have served 30 days in custody.

A court will cancel an order, unless the court considers it not in the interests of justice, where the offender is convicted of an offence that is punishable by imprisonment.