



Crimes Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 21

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Crimes Act 1914*.

Dated 8 March 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

JASON CLARE
Minister for Home Affairs

1 Name of regulation

This regulation is the *Crimes Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Crimes Regulations 1990*

Schedule 1 amends the *Crimes Regulations 1990*.

Schedule 1 Amendment

(section 3)

[1] Regulations 5 and 6

substitute

5 Prescribed State pre-release permit schemes

- (1) For subsection 19AZD (3) of the Act, the pre-release permit schemes mentioned in the table are prescribed.

Item	Pre-release permit scheme	Law under which scheme is made
1	Scheme for releasing a prisoner under a release to work order or a home detention order	Part 1 of Chapter 5 of the <i>Corrective Services Act 2000</i> of Queensland
2	Scheme for releasing a prisoner under a work release order	Part 4 of the <i>Sentence Administration Act 1995</i> of Western Australia

Item	Pre-release permit scheme	Law under which scheme is made
3	Scheme for releasing a prisoner under a home detention order	Part 5 of the <i>Sentence Administration Act 1995</i> of Western Australia
4	Scheme for releasing a prisoner under a re-entry release order	Part 4 of the <i>Sentence Administration Act 2003</i> of Western Australia
5	Scheme for releasing a prisoner to serve a period of home detention	Division 6A of Part 4 of the <i>Correctional Services Act 1982</i> of South Australia

Note Some of the laws mentioned in the table have been repealed but the prescribed schemes continue to have some effect under transitional provisions.

- (2) A federal offender who is a non-citizen is not eligible to participate in a pre-release permit scheme prescribed in subregulation (1) if participation would result in the offender:
- (a) becoming an unlawful non-citizen; and
 - (b) being liable to detention and removal from Australia under the *Migration Act 1958*.
- (3) A federal offender who is subject to a deportation order under the *Migration Act 1958* is not eligible to participate in a pre-release permit scheme prescribed in subregulation (1) if participation would make the offender liable for detention and deportation from Australia under that Act.
- (4) A person convicted of a federal offence is not eligible to participate in the pre-release permit scheme mentioned in item 3 of the table in subregulation (1) if the person is subject to a recognizance release order in relation to the offence.

6 Prescribed State and Territory orders

For section 20AB of the Act, the orders mentioned in the table are prescribed.

Item	Prescribed order	Law under which order is made
1	Home detention order	Part 2 of the <i>Crimes (Sentencing Procedure) Act 1999</i> of New South Wales
2	Intensive correction order	(a) Section 7 of the <i>Crimes (Sentencing Procedure) Act 1999</i> of New South Wales; or (b) Division 6 of Part 4 of the <i>Fines Act 1996</i> of New South Wales
3	Community correction order	Part 3A of the <i>Sentencing Act 1991</i> of Victoria
4	Intensive correction order	Part 6 of the <i>Penalties and Sentences Act 1992</i> of Queensland
5	Community based order	Part 9 of the <i>Sentencing Act 1995</i> of Western Australia
6	Intensive supervision order	Part 10 of the <i>Sentencing Act 1995</i> of Western Australia
7	Good behaviour order	Part 3.3 of the <i>Crimes (Sentencing) Act 2005</i> of the Australian Capital Territory
8	Home detention order	Chapter 2 of the <i>Rehabilitation of Offenders (Interim) Act 2001</i> of the Australian Capital Territory
9	Order setting a period of a sentence of imprisonment to be served by periodic detention	<i>Crimes (Sentencing) Act 2005</i> of the Australian Capital Territory

Item	Prescribed order	Law under which order is made
10	Home detention order	Subdivision 2 of Division 5 of Part 3 of the <i>Sentencing Act 1995</i> of the Northern Territory

Note Some of the laws mentioned in the table have been repealed but the prescribed orders continue to have some effect under transitional provisions.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.