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**AUDITOR GENERAL**

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AU301\*

Sentence Administration Act 2003

**Sentence Administration Amendment  
Regulations 2006**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Sentence Administration Amendment Regulations 2006*.

**2. Commencement**

- (1) These regulations, other than regulation 5, come into operation on the day on which the *Parole and Sentencing Legislation Amendment Act 2006* Part 2 comes into operation.
- (2) Regulation 5 comes into operation on —
  - (a) the day mentioned in subregulation (1); or
  - (b) if the day on which the *Prisons and Sentencing Legislation Amendment Act 2006* section 29 comes into operation is later, that day.

**3. The regulations amended**

The amendments in these regulations are to the *Sentence Administration Regulations 2003*\*.

[\* *Published in Gazette 29 August 2003, p. 3842-50.*  
*For amendments to 30 November 2006 see Western Australian Legislation Information Tables for 2005, Table 4.]*

**4. Part 1A inserted**

After regulation 3 the following Part is inserted —

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**Part 1A — General matters****Division 1 — Prescribed terms and times****3A. Prescribed term (definition of “prisoner” s. 11A)**

For the purposes of the definition of “prisoner” in section 11A(1) of the Act —

- (a) in relation to a prisoner sentenced before 31 August 2003 — a fixed term of 14 years is prescribed; and

- (b) in relation to a prisoner sentenced on or after 31 August 2003 — a fixed term of 9 years is prescribed.

**3B. Prescribed time (s. 13)**

For the purposes of section 13(2) of the Act, the prescribed time in the sentence of a prisoner is no later than 2 years before the day on which the first report about the prisoner under section 12A(2) of the Act is due.

**3C. Prescribed time (s. 14)**

For the purposes of section 14(2) of the Act, the prescribed time in the sentence of a prisoner is no earlier than 2 years before the day on which the prisoner is eligible for release (whether under a parole order or not).

**5. Part 1A Division 2 inserted**

After Part 1A Division 1 the following Division is inserted —

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**Division 2 — Re-socialisation programmes**

**3D. Commencement of re-socialisation programme**

The implementation of a re-socialisation programme approved under section 13 or 14 of the Act for a prisoner is not to commence until the period remaining to the day on which the prisoner is eligible for release (whether under a parole order or not) is equal to or less than the period determined in accordance with the formula —

$x + y$

where —

x = the duration of the re-socialisation programme; and

y = the period of —

- (i) in the case of a sentence described in column 1 of the Table to section 12A of the Act — 3 months; and
- (ii) in the case of a fixed term sentence — one month.

**3E. Structure of a re-socialisation programme**

- (1) A re-socialisation programme is to be structured so as to ensure a particular prisoner's successful re-integration into the community.

- (2) Without limiting subregulation (1), a re-socialisation programme is to address —
  - (a) the risks associated with the prisoner's re-integration into the community; and
  - (b) the needs of the prisoner in re-integrating into the community.

### **3F. Content of a re-socialisation programme**

- (1) A re-socialisation programme is to comprise activities that contribute to the rehabilitation of a prisoner and the prisoner's successful re-integration into the community.
- (2) Without limiting subregulation (1), a re-socialisation programme is to include activities that —
  - (a) help the prisoner acquire knowledge and skills that will assist the prisoner to adopt a law abiding lifestyle on release; and
  - (b) establish, maintain and strengthen the prisoner's relationships with supportive family and any relevant cultural or community groups; and
  - (c) help the prisoner make reparation for the prisoner's offence; and
  - (d) promote the prisoner's health and wellbeing.
- (3) Without limiting subregulation (1), an activity comprising a re-socialisation programme may —
  - (a) involve absences from prison under the *Prisons Act 1981* section 83 intended to facilitate the rehabilitation and successful reintegration of prisoners into the community; and
  - (b) be subject to conditions regulating or preventing the prisoner's contact with the victim of the prisoner's offence; and
  - (c) where the prisoner is eligible for a re-entry release order, include participation in a re-entry release order.

### **3G. CEO to monitor and report on prisoner's progress**

- (1) The CEO must monitor the progress of a prisoner participating in a re-socialisation programme and give a written report to the Board of that progress —
  - (a) while the prisoner is participating in the programme — if the CEO has any concerns about the prisoner's ability to complete the programme or if the Board requests the written report; and
  - (b) when the prisoner completes the programme.

- (2) A report under subregulation (1)(b) is to address any considerations relating to the release of the prisoner under a parole order or otherwise.

**3H. Suspension of a re-socialisation programme**

- (1) The CEO or the Board may, at any time during a prisoner's participation in a re-socialisation programme and for any reason, suspend the programme in relation to the prisoner.
- (2) If the CEO suspends a programme under subregulation (1) the CEO must, within 3 working days after the suspension, give written notice of the suspension to the Board.

**3I. Reinstatement of a suspended re-socialisation programme**

The Board may reinstate a re-socialisation programme suspended under regulation 3H if the Board is satisfied that the CEO is able to facilitate the reinstatement.

**3J. Cancellation of a re-socialisation programme**

- (1) The Board may, at any time during a prisoner's participation in a re-socialisation programme and for any reason, cancel the programme in relation to the prisoner, irrespective of whether the programme was approved by the Board or the Governor.
- (2) The Board must, as soon as practicable after a cancellation under subregulation (1), give written notice of the cancellation to the Minister if the re-socialisation programme and the prisoner's participation in it were approved by the Governor under section 13 of the Act.

**3K. Reviewable decisions (s. 115A)**

For the purposes of section 115A(3) of the Act —

- (a) a decision by the CEO or the Board under regulation 3H to suspend a re-socialisation programme in relation to a prisoner; or
- (b) a decision by the Board under regulation 3J to cancel a re-socialisation programme in relation to a prisoner,

is a reviewable decision.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.