

NORTHERN TERRITORY OF AUSTRALIA

**PRISONS (CORRECTIONAL SERVICES) (HOME DETENTION ORDERS)
REGULATIONS**

As in force at 1 July 2010

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2010

PRISONS (CORRECTIONAL SERVICES) (HOME DETENTION ORDERS) REGULATIONS

Regulations under the *Prisons (Correctional Services) Act*

1 Citation

These Regulations may be cited as the *Prisons (Correctional Services) (Home Detention Orders) Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Sentencing Act 1995*.

3 Definitions

In these Regulations, unless the contrary intention appears:

authorised surveillance officer means a probation officer and includes a surveillance officer appointed under section 94B(1) of the Act and directed by the Director to carry out one or more of the functions and powers, under section 94B(2), of a surveillance officer who is a probation officer.

health practitioner means:

- (a) a person registered under the Health Practitioner Regulation National Law;
 - (i) to practise in the dental profession as a dentist (other than as a student); and
 - (ii) in the dentists division of that profession.
- (b) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work.

offender means an offender within the meaning of the *Sentencing Act* who is subject to a home detention order.

4 Conduct of offenders

- (1) An offender, while a home detention order remains in force, shall:
- (a) be of good behaviour and not contravene or fail to comply with a law in force in the Territory;
 - (b) accept the supervision of an authorised surveillance officer and obey all reasonable directions of the authorised surveillance officer;
 - (c) reside at the premises or place specified in the order and not be absent from those premises or that place except to:
 - (i) attend, as approved by the Director, the offender's place of employment for the purpose of that employment;
 - (ii) attend a place for the purpose of obtaining urgent treatment from a medical practitioner or a health practitioner; or
 - (iii) attend, as approved by the Director, at a place of religious worship or of business, or an educational or rehabilitation centre;
 - (d) notify an authorised surveillance officer, as soon as practicable, of any absence in accordance with paragraph (c)(ii) from the premises or place specified in the order;
 - (e) proceed directly and by the shortest practicable route to and from a place the offender is, in accordance with paragraph (c), authorised to attend;
 - (f) permit an authorised surveillance officer to enter the premises or place specified in the order at any time of the night or day for the purposes of supervision;
 - (g) accept, when required by the Director:
 - (i) telephone calls by a surveillance officer to the premises or place specified in the order or to the offender's place of employment;
 - (ii) telephone calls from a machine, equipment or device associated with a monitoring device to the premises or place specified in the order; and
 - (iii) visits by a surveillance officer to a place the offender is, in accordance with paragraph (c), authorised to attend;

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- (h) attend counselling or courses at such times and places as directed by an authorised surveillance officer;
 - (j) undergo such tests as an authorised surveillance officer may direct for the purpose of determining the presence of alcohol or other drugs in the offender's blood, breath or urine;
 - (k) permit an authorised surveillance officer or a person in the company of an authorised surveillance officer to enter, and not in any way obstruct an authorised surveillance officer or person from entering, the premises or place specified in the order or a building at that premises or place;
 - (m) permit an authorised surveillance officer to conduct, and not in any way obstruct him or her from conducting, a search, as permitted by the Act, of:
 - (i) the offender;
 - (ii) the premises or place specified in the order; or
 - (iii) a building at the premises or place specified in the order;
 - (n) permit an authorised surveillance officer or a person in the company of an authorised surveillance officer to inspect, and not in any way obstruct the surveillance officer or person from inspecting, a monitoring device or any machine, equipment or device associated with a monitoring device, whether or not it is located on the premises or place specified in the order or a building at those premises or that place; and
 - (p) if a person other than the offender brings a firearm within the meaning of the *Firearms Act* onto the premises or place specified in the order, immediately notify an authorised surveillance officer.
- (2) An offender, while a home detention order remains in force, shall not:
- (a) visit any premises or place other than premises or a place in accordance with subregulation (1)(c);
 - (b) consume alcohol or a drug (other than as prescribed by a medical practitioner or a health practitioner) without the approval of the Director;
 - (c) disturb or interfere with any other person residing on the premises or at the place specified in the order;

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- (d) threaten, insult or use abusive language to a surveillance officer;
 - (e) associate with a person that he or she is forbidden to associate with by a direction given by an authorised surveillance officer; or
 - (f) without the approval of the Director, possess a firearm within the meaning of the *Firearms Act* on the premises or place specified in the order.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Prisons (Correctional Services) (Home Detention Orders) Regulations (SL No. 32, 1996)***

Notified	1 July 1996
Commenced	1 July 1996 (r 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and Gaz S15, 13 June 1996)

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)

Assent date	20 May 2010
Commenced	1 July 2010 (s 2)

3**LIST OF AMENDMENTS**

r 3	amd Act No. 18, 2010, s 73
r 4	amd Act No. 44, 2005, s 22; Act No. 18, 2010, s 74