

SENTENCING ACT 1989—REGULATION

(Relating to parole)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Sentencing Act 1989, has been pleased to make the Regulation set forth hereunder.

J. P. Hannaford, M.L.C.
Attorney General and Minister for Justice.

Commencement

1. This Regulation commences on 26 August 1994.

Amendments

- 2 The Sentencing Regulation 1989 is mended:

- (a) by omitting the definitions of “Director” and “Director-General” from clause 3 (1);
- (b) by inserting in clause 3 (1) in alphabetical order the following definitions:

“**Commissioner**” means the Commissioner of Corrective Services;

“**Director-General**” means the Director-General of the Department of Courts Administration;

“**Director of the New South Wales Probation Service**” means the Director of the New South Wales Probation Service in the Department of Courts Administration;

“**Director of the Parole Service**” means the Director of the Parole Service in the Department of Corrective Services;

“probation officer” means a probation officer employed in the Department of Courts Administration;

- (c) by omitting from the definition of “parole officer” in clause 3 (1) the words “probation and”;
- (d) by inserting in clause 4 (2) (b) after the words “sent to the” the words “Commissioner and the”;
- (e) by omitting from clause 4 (4) (e) (i) the words “Director-General” and by inserting instead the word “Commissioner”;
- (f) by omitting clause 5 (2) (b) (i)-(iii) and by inserting instead the following subparagraphs:
 - (i) the Commissioner; and
 - (ii) the Director-General; and
 - (iii) the Director of the Parole Service; and
 - (iv) the Director of the New South Wales Probation Service; and
 - (v) the Commissioner of Police.
- (g) by omitting from clause 7 (2), 11 (3) and 15 (2) the words “Director-General” wherever occurring and by inserting instead the word “Commissioner”;
- (h) by omitting from clause 8 (except clause 8 (5)) and clause 9 the words “parole officer” wherever occurring and by inserting instead the words “probation officer”;
- (i) by inserting in clause 8 (5) (b) after the word “parole” the words “or probation”;
- (j) by inserting in clause 9 (1) and (3) after the word “Director” wherever occurring the words “of the New South Wales Probation Service”;
- (k) by inserting in clause 9 (2) after the word “Director” where firstly occurring the words “of the New South Wales Probation Service”;
- (l) by inserting after clause 16 (1) (a) the following paragraph:
 - (a1) to the Commissioner; and
- (m) by omitting from clause 20 the words “Director, the Director-General” and by inserting instead the words “Commissioner, the Director of the Parole Service”;
- (n) by inserting at the end of clause 20 the following subclause:
 - (2) A function conferred or imposed by this Regulation on the Director-General or the Director of the New South Wales Probation Service may be delegated to any officer of the Department of Courts Administration.

- (o) by omitting from items 4 and 5 in Forms 1 and 2 in Schedule 1 the words “parole officer” and “Department of Corrective Services” wherever occurring and by inserting instead the words “probation officer” and “New South Wales Probation Service, in the Department of Courts Administration,” respectively;
- (p) by omitting from Form 6 in Schedule 1 the following words:
Department of Corrective Services
and by inserting instead the following words:
Department of Courts Administration

The Commissioner
Department of Corrective Services
- (q) by omitting from item 9 in Form 8 in Schedule 1 the words “parole officer” and by inserting instead the words “probation officer”;
- (r) by omitting from items 6 and 7 in Form 9 in Schedule 1 the words “parole officer” wherever occurring and by inserting instead the words “probation officer”;
- (s) by omitting from item 7 in Form 9 in Schedule 1 the words “Probation and Parole Service” and by inserting instead the words “New South Wales Probation Service”.

EXPLANATORY NOTE

The object of this Regulation is to update the Sentencing Regulation 1989 to reflect changes in the administration of parole matters. Previously all matters relating to the parole of prisoners were handled by the Probation and Parole Service in the Department of Corrective Services. The administration of parole matters is now divided between the New South Wales Probation Service in the Department of Courts Administration and the Parole Service in the Department of Corrective Services.

This Regulation is made under the Sentencing Act 1989, including section 55 (the general regulation making power).
