



New South Wales

Sentencing (General) Amendment (State Submissions) Regulation 1997

under the

Sentencing Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Sentencing Act 1989*.

BOB DEBUS, M.P.,

Minister for Corrective Services

Explanatory note

The object of this Regulation is to prescribe certain procedural matters in relation to State submissions under section 22O of the *Sentencing Act 1989* about the proposed release on parole of a serious offender.

The Regulation makes provision that entitles the State to be given copies of relevant documents by the Parole Board and enables the State to be represented, to call and examine witnesses, to give evidence on oath, to produce documents and exhibits and to do certain other things before the Parole Board.

The Regulation also omits a definition that is out of date.

This Regulation is made under the *Sentencing Act 1989*, including sections 22O (Submissions by the State) and 55 (the general regulation-making power).

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Clause 1 Sentencing (General) Amendment (State Submissions) Regulation 1997

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1 Name of Regulation

This Regulation is the *Sentencing (General) Amendment (State Submissions) Regulation 1997*.

2 Amendment of Sentencing (General) Regulation 1996

The *Sentencing (General) Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Omit the definition of Board from clause 3 (1).

[2] Part 2A

Insert after clause 18:

Part 2A Serious offenders

10C Submissions by the State: sec 22O

- (1) If the State notifies the Board that it may wish to make a submission under section 22O of the Act concerning the release on parole of a prisoner, the Board must give the State copies of the reports and other documents intended to be used by the Board in deciding whether the prisoner should be released on parole.
- (2) For the purposes of making a submission under section 22O of the Act, the State may:
 - (a) be represented by a barrister or solicitor or, with the consent of the Board, by any other person, and
 - (b) call and examine any witness who attends, including any witness called by the Board, and
 - (c) give evidence on oath, and
 - (d) produce documents and exhibits to the Board, and
 - (e) otherwise adduce, orally and in writing, to the Board such matters, and address the Board on such matters, as are relevant to the proceedings before the Board.
- (3) A reference in this clause to the State includes a reference to any agent of the State.

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Schedule 1 Amendments

- (4) This clause applies in any case concerning the release on parole of a prisoner (whether the Board gave preliminary consideration to the case before or after the commencement of this clause) where the State has not yet made a submission under section 22O of the Act and the Board has not yet made a decision under section 22 (3) or (4) or 22K.

[3] Clause 20 Records of proceedings: Sch 1, cl 21

Omit clause 20 (1) (a)-(c). Insert instead:

- (a) whether the State has appeared or been represented before the Board, and
- (b) the persons appearing or represented before the Board, and
- (c) the submissions (if any) made by the State or any such person, and
- (d) the reasons (if any) stated in support of those submissions.