



New South Wales

# Sentencing (General) Amendment (Parole) Regulation 1998

under the

Sentencing Act 1989

His Excellency the 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 formal matters as a consequence of the enactment, by the *Sentencing Amendment (Parole) Act 1996*, of new sections 22F, 22I and 22M of the *Sentencing Act 1989*.

The Regulation prescribes the manner in which notice is to be given to a victim of a crime before the Parole Board makes a parole order in respect of a prisoner or hears submissions from the prisoner about why parole should be granted. The Regulation also:

- (a) prescribes certain evidentiary and other formalities concerning entries in the Victims Register, and
- (b) prohibits disclosure of information contained in or tendered for inclusion in the Victims Register, except where the disclosure is made with lawful authority.

This Regulation is made under powers conferred by the *Sentencing Act 1989*, including sections 22F (Preliminary notice to victims of initial intention to make parole order), 22I (Procedure following preliminary notice to prisoner of initial intention not to make a parole order), 22M (Victims Register and notice to victims and others) and 55 (the general regulation-making power).

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## **Sentencing (General) Amendment (Parole) Regulation 1998**

### **1 Name of Regulation**

This Regulation is the *Sentencing (General) Amendment (Parole) Regulation 1998*.

### **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.

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## Schedule 1 Amendments

(Clause 2)

**[ 1 ] Clause 5 Commencement of reports concerning serious offenders: sec 17**

Omit the clause.

**[2] Clauses 18A and 18B**

Insert before clause 18C:

**18A Notices to victims**

- (1) Preliminary notice under section 22F of the Act:
  - (a) is to be in writing and sent by post to the last postal address that has been recorded on the Victims Register for the relevant victim, unless paragraph (b) applies, or
  - (b) is to be given by telephone if only a telephone number has been so recorded or if the Board has reason to believe that any telephone number that has been so recorded is more up to date than the last postal address so recorded.
- (2) Notice under section 22I (4) of the Act is to be given to each victim of the prisoner, and subclause (1) applies to any such notice in the same way as to notices under that subclause.
- (3) The Board is to keep a record of the giving of any notice given in accordance with this clause.

**18B Victims Register**

- (1) A victim referred to in paragraph (a) of the definition of *victim* in section 22B (1) of the Act may not be represented on the Victim's Register by another person (except a family representative of a victim referred to in paragraph (b) of that definition).
- (2) A family representative referred to in paragraph (b) of the definition of *victim* in section 22B (1) of the Act may not be represented on the Victim's Register by another person.

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- (3) The Minister may require such evidence as the Minister considers warranted of any alleged relationship through which a person claims to be the victim of a prisoner or a member of the family of a victim of a prisoner.
- (4) A person who communicates directly or indirectly any information:
  - (a) that has been included in the Victims Register, or that has been disclosed so that it may be included in that Register, and
  - (b) that the person knows has been so included or so disclosed,is guilty of an offence, subject to the defences provided by subclause (5).  
Maximum penalty: 5 penalty units.
- (5) A person is not guilty of an offence under subclause (4) if the court is satisfied that the communication concerned was made:
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of the Act or a regulation made under the Act, or
  - (c) with the prior permission of the Minister, or
  - (d) pursuant to the order of a court, or of any other body or person authorised by law to examine witnesses, in the course of and for the purpose of the hearing or determination by that court, body or person of any matter, or
  - (e) with other lawful excuse.
- (6) The Minister is not to grant permission referred to in subclause (5) (c) unless satisfied that it would be in the public interest to do so.

**[3] Schedule 1 Forms**

Omit "Offenders Review Board" wherever occurring.  
Insert instead "Parole Board".