



New South Wales

Crimes (Administration of Sentences) (Miscellaneous Amendments) Regulation 2000

under the

Crimes (Administration of Sentences) Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Administration of Sentences) Act 1999*.

BOB DEBUS, M.P.,

Minister for Corrective Services

Explanatory note

The objects of this Regulation are:

- (a) to transfer to the *Periodic Detention of Prisoners Regulation 1995* certain provisions of the repealed *Home Detention Regulation 1997* (in relation to home detention), the repealed *Community Service Orders Regulation 1995* (in relation to community service work) and the repealed *Sentencing (General) Regulation 1996* (in relation to parole), and
- (b) to amend, and rename, the *Correctional Centres (Administration) Regulation 1995*, the *Correctional Centres (General) Regulation 1995* and the *Periodic Detention of Prisoners Regulation 1995* as a consequence of the enactment of the *Crimes (Administration of Sentences) Act 1999*.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including section 271 (the general power to make regulations) and various other provisions referred to in the amendments effected by the Regulation.

2000 No 133

Clause 1 Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Crimes (Administration of Sentences) (Miscellaneous Amendments) Regulation 2000

1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) (Miscellaneous Amendments) Regulation 2000*.

2 Commencement

This Regulation commences on 3 April 2000.

3 Amendment of Correctional Centres (Administration) Regulation 1995

The *Correctional Centres (Administration) Regulation 1995* is amended as set out in Schedule 1.

4 Amendment of Correctional Centres (General) Regulation 1995

The *Correctional Centres (General) Regulation 1995* is amended as set out in Schedule 2.

5 Amendment of Periodic Detention of Prisoners Regulation 1995

The *Periodic Detention of Prisoners Regulation 1995* is amended as set out in Schedule 3.

6 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Correctional Centres (Administration) Regulation 1995

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “*Correctional Centres (Administration) Regulation 1995*”.

Insert instead “*Crimes (Administration of Sentences) (Correctional Centre Administration) Regulation 1995*”.

[2] Clause 3 Definitions

Insert in alphabetical order:

Chief Executive, Corrections Health Service means the person for the time being holding office or acting as the Chief Executive Officer of the Corrections Health Service.

Corrections Health Service means the Corrections Health Service specified in Schedule 2 to the *Health Services Act 1997* and constituted as a statutory health corporation by that Act.

medical officer, in relation to a correctional centre, means a medical officer appointed for the correctional centre as referred to in clause 8A.

[3] Clause 3

Omit the definition of *the Act*. Insert instead:

the Act means the *Crimes (Administration of Sentences) Act 1999*.

[4] Clause 8 Segregated inmates

Omit “section 22 (3)”. Insert instead “section 12 (2) (b)”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 1 Amendment of Correctional Centres (Administration) Regulation 1995

[5] Clause 8A

Insert before clause 9:

8A Appointment of medical officers

- (1) The Chief Executive Officer, Corrections Health Service, may appoint one or more registered medical practitioners as medical officers for a correctional centre.
- (2) Such an appointment may not be made except with the concurrence of the Commissioner.
- (3) A registered medical practitioner may be appointed as a medical officer for one or more correctional centres.
- (4) A person who held office as a medical officer for a correctional centre immediately before the commencement of this clause is taken to hold office pursuant to an appointment under this clause, and the appointment may be suspended or revoked accordingly.

[6] Clause 14 Disclosure of HIV test results

Omit “or the *Sentencing Act 1989* or any regulations under those Acts”.
Insert instead “or any regulations under the Act”.

[7] Clause 21 Consent for serious operations

Omit “section 16”. Insert instead “section 73”.

[8] Clause 51 Correctional centre delivery

Omit the clause.

[9] Clause 56B Attendance at youth justice conferences

Omit “the definition of ‘appropriate person or body’ in section 44 (5)”.
Insert instead “the definition of *appropriate authority* in section 77 (5)”.

[10] Clause 56C Short descriptions of offences

Omit the matter under the heading “**Offences under the Act**” from the Table to clause 56C.

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Amendment of Correctional Centres (Administration) Regulation 1995

Schedule 1

[11] Clause 56C, Table

Omit “**Correctional Centres (General) Regulation 1995**”.

Insert instead “**Crimes (Administration of Sentences) (Correctional
Centre Routine) Regulation 1995**”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 2 Amendment of Correctional Centres (General) Regulation 1995

**Schedule 2 Amendment of Correctional Centres
(General) Regulation 1995**

(Clause 4)

[1] Clause 1 Name of Regulation

Omit “*Correctional Centres (General) Regulation 1995*”.
Insert instead “*Crimes (Administration of Sentences) (Correctional
Centre Routine) Regulation 1995*”.

[2] Clause 3 Definitions

Omit “*Correctional Centres (Administration) Regulation 1995*” from the
definition of ***non-smoking area*** in clause 3 (1).
Insert instead “*Crimes (Administration of Sentences) (Correctional
Centre Administration) Regulation 1995*”.

[3] Clause 3

Insert in alphabetical order:

Chief Executive, Corrections Health Service means the
person for the time being holding office or acting as the
Chief Executive Officer of the Corrections Health Service.

Corrections Health Service means the Corrections Health
Service specified in Schedule 2 to the *Health Services Act
1997* and constituted as a statutory health corporation by that
Act.

medical officer, in relation to a correctional centre, means a
medical officer appointed for the correctional centre as
referred to in clause 8A of the *Crimes (Administration of
Sentences) (Correctional Centre Administration) Regulation
1995*.

[4] Clause 3

Omit the definitions of ***periodic detainee*** and ***Security and
Investigations Branch***.

Insert instead in alphabetical order:

periodic detainee has the same meaning as *offender* has in Part 3 of the Act.

principal security officer means a person appointed by the Commissioner to be the principal security officer for the purposes of this Regulation.

[5] Clause 3

Omit the definition of *the Act*. Insert instead:

the Act means the *Crimes (Administration of Sentences) Act 1999*.

[6] Clause 4 Regulation not to apply to periodic detainees

Omit the clause.

[7] Clause 8 Separation of different classes of inmates

Omit “Subject to section 15 of the Act, as” from clause 8 (2).
Insert instead “As”.

[8] Clause 11 Classification of escaped inmates

Omit “section 21 (2) of the *Criminal Procedure Act 1986*” from clause 11 (5) (c).
Insert instead “section 33 (2) of the *Crimes (Sentencing Procedure) Act 1999*”.

[9] Clause 11A High security classification of inmates for purposes of interstate leave permits

Omit “section 29AC” wherever occurring. Insert instead “section 29”.

[10] Clause 20D Functions of Review Council in relation to high security inmates

Omit “section 62 (1) (g)” from clause 20D (1).
Insert instead “section 197 (2) (f)”.

[11] Clause 20D (2)

Omit “Schedule 5”. Insert instead “Schedule 2”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 2 Amendment of Correctional Centres (General) Regulation 1995

[12] Clause 21 Recording of personal description

Omit “For the purposes of section 19 of the Act, the” from clause 21 (1).
Insert instead “The”.

[13] Clause 22 Confidentiality of records

Omit “in accordance with a direction of the Commissioner under section 48A (1)” from clause 22 (2) (a).
Insert instead “under section 267”.

[14] Clause 26 Inmates to be notified of rights and obligations

Omit “sections 22C–22F” from clause 26 (1) (e).
Insert instead “sections 19–22”.

[15] Clause 27 Information concerning extension directions

Omit “section 22”. Insert instead “section 10”.

[16] Clause 29 Dealings with property surrendered on reception into correctional centre

Omit “under section 18 of the Act” from clause 29 (1).
Insert instead “following its surrender by the inmate on being received into the correctional centre”.

[17] Clause 30 Records of property surrendered on reception into correctional centre

Omit “The record to be kept under section 18 (2) of the Act must set out:”.
Insert instead “A record must be kept of all property surrendered by an inmate on being received into a correctional centre, setting out:”.

[18] Clause 31 Property brought to correctional centre by other persons

Omit “under section 18 of the Act” from clause 31 (3).
Insert instead “on being received into the correctional centre”.

[19] Clause 36 Sale of unclaimed or confiscated property

Omit “section 18 (3) and (5)” from clause 36 (1).
Insert instead “section 75”.

[20] Clause 52 Dental and optical treatment and artificial medical appliances

Omit clause 52 (2).

[21] Clause 87 Visits by Commissioner and other officials

Omit “section 11” from clause 87 (2) (b). Insert instead “section 229”.

[22] Clause 104 Searching of visitors

Omit “Director of the Security and Investigations Branch” wherever occurring.
Insert instead “principal security officer”.

[23] Clause 115 Definitions

Omit paragraphs (b) and (c) of the definition of *authorised officer*.
Insert instead:

- (b) the principal security officer, or
- (c) a correctional officer appointed by the principal security officer to be an authorised officer for the purposes of this Division.

[24] Clause 120 Copying of certain correspondence

Omit “The Director of the Security and Investigations Branch or an” from clause 120 (1).
Insert instead “An”.

[25] Clause 120 (3)

Omit the subclause. Insert instead:

- (3) In this clause, *appointed officer* means the principal security officer or a correctional officer appointed by the principal security officer for the purposes of this clause.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 2 Amendment of Correctional Centres (General) Regulation 1995

[26] **Clause 128 Monitoring of telephone calls**

Omit “Director of Security and Investigations Branch” wherever occurring in clause 128 (1) and (3).

Insert instead “principal security officer”.

[27] **Clause 128 (1)**

Omit “the governor the Director” wherever occurring.

Insert instead “the governor or the principal security officer”.

[28] **Clause 128 (2)**

Omit “Director of Security and Investigations Branch’s”.

Insert instead “principal security officer’s”.

[29] **Clause 128 (5)**

Omit “Director”. Insert instead “principal security officer”.

[30] **Clause 134 Reports by Official Visitors**

Omit “section 8A (4) (d)” from clause 134 (1).

Insert instead “section 228 (4) (d)”.

[31] **Clauses 145 and 146**

Omit the clauses. Insert instead:

145 Correctional centre offences: section 51, definition of “correctional centre offence”

A contravention by an inmate (whether by act or omission) of:

- (a) a provision of this Regulation specified in Part 1 or 2 of Schedule 3, or
- (b) a condition of an interstate leave permit, a local leave order or a local leave permit,

is declared to be a correctional centre offence for the purposes of Division 6 of Part 2 of the Act.

146 Major offences: section 51, definition of “major offence”

A contravention by an inmate (whether by act or omission) of a provision of this Regulation specified in Part 1 of Schedule 3 is declared to be a major offence for the purposes of Division 6 of Part 2 of the Act.

[32] Clause 170 Withdrawable privileges: section 51, definition of “withdrawable privilege”

Omit “For the purposes of sections 25 (2) (b) and (4A) and 26B (1) (b) of the Act, the following kinds of amenities or privileges are prescribed:”.

Insert instead “The following privileges or amenities are declared to be withdrawable privileges for the purposes of Division 6 of Part 2 of the Act:”.

[33] Clause 171 Prohibited punishments

Omit “section 22” from clause 171 (2) (a). Insert instead “section 10”.

[34] Clause 171 (2) (b)

Omit “section 25 or 26B”. Insert instead “section 53 or 56”.

[35] Clause 181 Monthly returns of punishments imposed by governors or Visiting Justices

Omit “section 26F”. Insert instead “section 61”.

[36] Clause 182 Disposal of records of punishments imposed by governors or Visiting Justices

Omit “section 26F (3)”. Insert instead “section 61 (3)”.

[37] Clause 183 Lodging of appeals to District Court from decision of Visiting Justice

Omit “under section 26G”. Insert instead “referred to in section 62”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 2 Amendment of Correctional Centres (General) Regulation 1995

[38] Clause 184 Applications for leave of absence: sections 26 and 29

Insert “under section 26 or 29 of the Act” after “application” in clause 184 (1).

[39] Clause 185 Additional functions of Review Council

Omit “section 62” from clause 185 (1). Insert instead “section 197”.

[40] Clause 185 (1) (b)

Omit “section 29”. Insert instead “section 26”.

[41] Clause 185A Matters to be considered concerning certain serious offenders

Omit “section 62AA (2) and (3)”. Insert instead “section 199 (2)”.

[42] Clause 185A (a)

Omit “section 62 (1)”. Insert instead “section 197 (2)”.

[43] Clause 186 Delegation of functions of the Review Council

Omit the clause. Insert instead:

186 Records of proceedings: Sch 2, cl 17

- (1) The Review Council must keep a record (in writing or otherwise) of the proceedings of the Review Council, including a record of:
 - (a) the persons appearing or represented before the Parole Board, and
 - (b) the submissions (if any) made by any such person, and
 - (c) the reasons (if any) stated in support of those submissions.
- (2) For the purposes of clause 17 (2) of Schedule 2 to the Act, the prescribed period after the expiration of which any record may be destroyed is the period of 5 years commencing with the day on which the record is made.

[44] Clause 188 Notice to victims about proposed change in security classification

Omit “section 62A (2)” from clause 188 (1).
Insert instead “section 67 (1)”.

[45] Clause 188 (1) (a)

Omit “under section 22M of the *Sentencing Act 1989*”.

[46] Clause 189 Powers of correctional officers

Omit “Part 6A”, “section 31C” and “section 31D (2)”.
Insert instead “Part 12”, “section 240” and “section 241 (2)”,
respectively.

[47] Schedule 1 Notice

Omit “**CORRECTIONAL CENTRES ACT 1952**”.
Insert instead “**CRIMES (ADMINISTRATION OF SENTENCES)
ACT 1999**”.

[48] Schedule 1 Notice

Omit “*Correctional Centres (General) Regulation 1995*”.
Insert instead “*Crimes (Administration of Sentences) (Correctional
Centre Routine) Regulation 1995*”.

[49] Schedule 1 Notice

Omit “section 25 (2) of the *Correctional Centres Act 1952*”.
Insert instead “section 53 (1) of the *Crimes (Administration of Sentences)
Act 1999*”.

[50] Schedule 1 Notice

Omit “section 26B of the *Correctional Centres Act 1952*”.
Insert instead “section 56 (1) of the *Crimes (Administration of Sentences)
Act 1999*”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 2 Amendment of Correctional Centres (General) Regulation 1995

[51] Schedule 3 Correctional centre offences

Insert at the beginning of the Schedule:

Part 1 Major offences

Clause	Subject
56C (a)	Use of condom as a weapon
158 (1)	Inciting other inmates to riot
158 (2)	Participating in riot
168 (1)	Possession or use of drugs
169	Bribery

Part 2 Minor offences

[52] Schedule 3

Omit the matter relating to clause 56C from Part 2 (as numbered by item [51]).

Insert instead:

56C (b)	Unauthorised use of condom (otherwise than as weapon)
---------	---

[53] Schedule 3

Omit the matter relating to clauses 158 (1), 158 (2), 168 (1) and 169 from Part 2 (as numbered by item [51]).

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

(Clause 5)

[1] The whole Regulation

Omit “a prison”, “the prison”, “the relevant prison” and “prison officer” wherever occurring.

Insert instead “a periodic detention centre”, “the periodic detention centre”, “the relevant periodic detention centre” and “correctional officer”, respectively.

[2] Clause 1 Name of Regulation

Omit “*Periodic Detention of Prisoners Regulation 1995*”.

Insert instead “*Crimes (Administration of Sentences) (Periodic Detention, Home Detention, Community Service Work and Parole) Regulation 1995*”.

[3] Part 2, heading

Insert after clause 2:

Part 2 Periodic detention

Division 1 Preliminary

[4] Clause 3 Definitions

Omit “Regulation” wherever occurring. Insert instead “Part”.

[5] Clause 3 (1), definition of “Deputy Commissioner”

Omit the definition.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

[6] Clause 3 (1)

Insert in alphabetical order:

periodic detainee has the same meaning as *offender* has in Part 3 of the Act.

[7] Clause 3 (1), definition of “relevant periodic detention centre”

Omit “section 11” from paragraph (b). Insert instead “section 85 (1) (c)”.

[8] Clause 3 (1), definition of “the Act”

Omit the definition of *the Act*. Insert instead:

the Act means the *Crimes (Administration of Sentences) Act 1999*.

[9] Clause 3 (1), definition of “work site”

Omit “section 10 (1) (b)”. Insert instead “section 84 (3)”.

[10] Clause 4 Application of Part

Omit “Regulation”. Insert instead “Part”.

[11] Clauses 4 (a) and 15

Omit “prison” wherever occurring.

Insert instead “a periodic detention centre”.

[12] Part 2 Orders for periodic detention

Omit the Part.

[13] Part 3, heading

Omit the heading. Insert instead:

Division 2 Reception into periodic detention centre

[14] Clause 7A Reporting to prison: prescribed other time

Omit the clause.

[15] Clause 9 Recording particulars of prisoners

Omit the clause.

[16] Clause 10 Confidentiality of records

Omit “*Prisons (General) Regulation 1995*”.

Insert instead “*Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995*”.

[17] Clause 12 Periodic detainees to be notified of rights and obligations

Omit clause 12 (1) (a).

[18] Clause 12 (3) (a)

Omit “this Regulation, the *Prisons Act 1952*, the regulations under that Act, the rules”.

Insert instead “the regulations under the Act”.

[19] Part 4, heading

Omit the heading. Insert instead:

Division 3 Periodic detention centre routine and order

[20] Clause 22 Adoption of other regulations

Omit “In accordance with section 34 (1) (c) of the Act, the following provisions of the *Prisons (General) Regulation 1995* are adopted for the purposes of the Act.”.

Insert instead “In accordance with section 98 (2) of the Act, the following provisions of the *Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995* are adopted for the purposes of the Act.”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

[21] Part 5, heading

Omit the heading. Insert instead:

Division 4 Work site routine

[22] Clause 23 Working hours

Omit “an order under section 10 (1) (b) of the Act” from clause 23 (1).
Insert instead “a work order”.

[23] Clause 23 (4)

Omit “section 21AA”. Insert instead “section 88 (3)”.

[24] Clause 24 Conduct at work sites

Omit “the order under section 10 (1) (b) of the Act” from clause 24
(a) (i).
Insert instead “the work order”.

[25] Clause 26 Notice of work order

Omit “an order under section 10 (1) (b) of the Act” from clause 26 (1).
Insert instead “a work order”.

[26] Part 6, heading

Omit the heading. Insert instead:

Division 5 Leave of absence

[27] Clause 28 Applications for leave of absence

Omit “section 20 or 21AA”. Insert instead “section 87 or 88”.

[28] Clause 29 Unavoidable absence

Omit “section 9 (2)” from clause 29 (1) (a).
Insert instead “section 83 (1)”.

[29] Clause 29 (1) (b)

Omit “section 11”. Insert instead “section 84 (4)”.

[30] Clause 29 (1) (b)

Omit “an order under section 10 (1) (b) of the Act”.
Insert instead “a work order”.

[31] Clause 29 (3)

Omit “section 20”. Insert instead “section 87”.

[32] Clause 30 Inquiries into applications for leave of absence

Omit “section 20 or 21AA” from clause 30 (1).
Insert instead “section 87 or 88”.

[33] Clause 31 Transmission of notices of exemption from extension of sentence

Omit “section 21 (5) or 21A (2) (a)”. Insert instead “section 90 (2) (a)”.

[34] Clause 31A Medical examinations in connection with leave of absence

Omit “section 20A”. Insert instead “section 91”.

[35] Part 7, heading

Omit the heading. Insert instead:

Division 6 Alcohol and drugs

[36] Clause 37 Evidence as to presence of alcohol

Omit “section 33” from clause 37 (1). Insert instead “section 95”.

[37] Clause 38 Evidence as to use of drugs

Omit “section 33” from clause 38 (1). Insert instead “section 95”.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

[38] Clause 38 (4)

Omit the subclause. Insert instead:

(4) In this clause, *analyst* has the same meaning as it has in the *Poisons and Therapeutic Goods Act 1966*.

[39] Part 8, heading

Omit the heading. Insert instead:

Division 7 Offences against discipline

[40] Clause 39 Offences against discipline

Omit “section 33 (1) (d)” from section 39 (1).
Insert instead “Division 3 of Part 3”.

[41] Clause 39 (1)

Omit “this Regulation” wherever occurring in clause 39 (1).
Insert instead “this Part”.

[42] Clause 39 (1) (w)

Omit “*Prisons (General) Regulation 1995*”.
Insert instead “*Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995*”.

[43] Clause 39 (2)

Omit “In accordance with section 34 (1) (c) of the Act, the following clauses of the *Prisons (General) Regulation 1995* are adopted for the purposes of the Act”.

Insert instead “The following provisions of the *Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995* apply to a periodic detainee in the same way as they apply to an inmate under Part 2 of the Act”.

[44] Clause 40 Penalty notice offences

Omit “section 33B”. Insert instead “section 97”.

[45] Clause 41 Offences against discipline

Omit “section 34 (1B)”, “section 33” and “section 33 (1) (c)” from clause 41 (1).

Insert instead “section 95 (4)”, “section 95 (1)” and “section 95 (1) (d)”, respectively.

[46] Clause 41 (2)

Omit the subclause.

[47] Part 8A, heading

Omit the heading. Insert instead:

Division 8 Periodic Detention Review Committee

[48] Part 9, heading

Omit the heading. Insert instead:

Division 9 Miscellaneous instruments

[49] Clause 42 Notices of appeal

Omit “section 122” from clause 42 (a). Insert instead “Part 5A”.

[50] Clause 45 Orders transferring unruly periodic detainees

Omit “section 18” wherever occurring. Insert instead “section 86”.

[51] Clause 45

Omit “another prison”, “prisoners” and “the other prison” wherever occurring.

Insert instead “a correctional centre”, “inmates” and “the correctional centre”, respectively.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

[52] Clauses 46, 47 and 48

Omit the clauses.

[53] Part 10, heading

Omit the heading. Insert instead:

Division 10 General

[54] Clause 50 Governor to report certain matters

Omit “an order under section 10 (1) (b) of the Act” from clause 50 (a).
Insert instead “a work order”.

[55] Clause 51 Repeal

Omit the clause.

[56] Parts 3, 4, 5, 6 and 7

Insert after clause 50:

Part 3 Home detention

51 Definitions

In this Part:

home detainee has the same meaning as *offender* in Part 4 of the Act.

supervisor, in relation to a home detainee, means such person as the Commissioner appoints to supervise the home detainee.

52 Standard conditions applying to home detention: section 103

For the purposes of section 103 (1) (a) of the Act, the following are standard conditions of home detention:

- (a) the home detainee must be of good behaviour and must not commit any new offence,

-
- (b) the home detainee must advise a supervisor as soon as possible if he or she is arrested or detained by a police officer,
 - (c) the home detainee must reside only at premises approved by a supervisor,
 - (d) the home detainee must remain at the approved residence at all times otherwise than:
 - (i) when engaged in activities approved of or arranged by a supervisor, or
 - (ii) when faced with immediate danger (such as in a fire or medical emergency),
 - (e) the home detainee must adhere to an approved activity plan during approved absences from the approved residence,
 - (f) the home detainee must advise a supervisor as soon as practicable after leaving the approved residence due to immediate danger,
 - (g) the home detainee must accept any visit to the approved residence by a supervisor at any time,
 - (h) the home detainee must submit to searches of places or things under his or her immediate control, as directed by a supervisor,
 - (i) the home detainee must submit to electronic monitoring (including voice recording) of his or her compliance with the home detention order, and must comply with all instructions given by a supervisor in relation to the operation of monitoring systems,
 - (j) the home detainee must not tamper with, damage or disable monitoring equipment,
 - (k) the home detainee must comply with any direction of the supervisor in relation to association with specified persons,
 - (l) the home detainee must not consume alcohol,
 - (m) the home detainee must not use prohibited drugs, obtain drugs unlawfully or abuse drugs lawfully obtained,
-

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (n) the home detainee must submit to breath testing, urinalysis or other medically approved test procedures for detecting alcohol or drug use, as directed by a supervisor,
- (o) the home detainee must authorise his or her medical practitioner, therapist or counsellor to provide information about the home detainee to a supervisor,
- (p) the home detainee must accept any direction of a supervisor in relation to the maintenance of or obtaining of employment,
- (q) the home detainee must inform any employer of the home detention order and, if so directed by a supervisor, of the nature of the offence that occasioned it,
- (r) the home detainee must authorise contact between any employer of the home detainee and a supervisor,
- (s) the home detainee must engage in personal development activities or in counselling or treatment programs, as directed by a supervisor,
- (t) when not otherwise employed, the home detainee must undertake community service work (not exceeding 20 hours per week), as directed by a supervisor,
- (u) the home detainee must not possess or have in his or her control any firearm or other offensive weapon,
- (v) the home detainee must comply with all reasonable directions of a supervisor.

53 Sanctions for breach of home detention order: section 106

- (1) For the purposes of section 106 (b) of the Act, a supervisor may deal with a breach of the conditions applying to a home detention order.
- (2) The supervisor may impose any of the following sanctions for such a breach:
 - (a) a formal warning,

-
- (b) a more stringent application of the conditions of home detention in accordance with the terms of those conditions, such as:
 - (i) an increase in required hours of community service work,
 - (ii) a reduction in the extent of planned or previously permitted out-of-residence activities,
 - (iii) further restrictions on association with other persons.

Part 4 Community service work

54 Definitions

In this Part:

development program means a personal development, educational or other program referred to in section 90 (2) (a) of the *Crimes (Administration of Sentences) Act 1999*.

offender means a person in respect of whom a community service order is in force.

work site means a place where an offender:

- (a) performs, or is required to perform, community service work, or
- (b) participates in, or is required to participate in, a development program.

55 Hours of work

An offender must not be directed:

- (a) to perform more than 8 hours of community service work (including time spent participating in a development program) in any one day, or
- (b) to participate in a development program for more than 5 hours in any one day,

except by agreement between the offender and the assigned officer.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

56 Meal breaks and tea breaks

- (1) An offender is entitled to one tea break of 10 minutes' duration in each period of 3 hours' continuous community service work.
- (2) An offender who has performed community service work continuously (or interrupted only by a tea break to which the offender is entitled under subclause (1)) for 4 hours is entitled to a meal break of 45 minutes duration.

57 Computation of hours

- (1) The following periods are to be taken to form part of the time spent by an offender in performing community service work:
 - (a) any time spent by the offender in actually carrying out community service work,
 - (b) such time spent by the offender in travelling between the offender's residence and work site as the assigned officer thinks fit,
 - (c) any time spent by the offender in having any tea break or meal break to which an offender is entitled,
 - (d) any time spent at a work site (otherwise than as referred to in paragraph (a) or (c)) in accordance with a direction of the assigned officer,
 - (e) such part of the period between:
 - (i) the offender's early release from community service work on any day, and
 - (ii) the time when the offender would (but for the early release) have been released,as the assigned officer thinks fit.
- (2) The assigned officer for an offender may determine that the whole or any part of the time spent by the offender at a work site (whether or not the time is spent in performing community service work) is to be deducted from any computation of the time spent by the offender in performing community service work if the offender, while at the work site:
 - (a) is under the influence of drugs or alcohol, or

- (b) conducts himself or herself in an offensive manner.
- (3) The periods of time referred to in subclause (1) (b) and (e) and (2) are to be determined by the offender's assigned officer in accordance with any relevant directions given by the Commissioner.

58 Standard conditions applying to community service work: section 108

For the purposes of section 108 (a) of the Act, the following are standard conditions of community service work:

- (a) the offender must not report for, or perform, community service work under the influence of drugs or alcohol,
- (b) the offender must participate in any activities connected with the administration of the order in which the offender is directed by the assigned officer or supervisor to participate,
- (c) the offender must receive visits at the offender's home within reasonable hours by the assigned officer or supervisor for any purpose connected with the administration of the order,
- (d) the offender must comply with such standards of dress, cleanliness and conduct as the assigned officer or supervisor may from time to time determine,
- (e) the offender must keep in good order and condition such clothing and equipment as may be issued to the offender for the purpose of performing community service work,
- (f) the offender must sign an attendance register on arrival at and on departure from any work site which the offender is required to attend,
- (g) the offender must not damage or deface property that is on or forms part of a work site otherwise than in the course of performing community service work in accordance with the directions of the assigned officer or supervisor,

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (h) the offender must not have possession of or consume any alcohol or other intoxicating substance while at a work site,
- (i) the offender must comply with any reasonable direction given orally or in writing to the offender by the assigned officer or supervisor,
- (j) if the offender is directed to do anything that he or she is incapable of doing, the offender must promptly advise the assigned officer or supervisor of that fact.

59 Offender may be exempted from compliance with certain directions on grounds of incapacity

- (1) If satisfied that an offender is incapable of doing something that he or she has been directed to do, the assigned officer or supervisor may exempt the offender from having to comply with the direction, even if the direction was given by some other assigned officer or supervisor.
- (2) Before exempting an offender from having to comply with a direction, or as a condition of giving such an exemption, the assigned officer or supervisor may require the offender to furnish a certificate issued by a registered medical practitioner to the effect that the offender is incapable of doing the thing concerned.

60 Travelling and transport arrangements

The Commissioner, in such circumstances as the Commissioner thinks fit:

- (a) may provide transport for an offender to and from a work site or place where any development program is conducted, or
- (b) may reimburse an offender for the expenses incurred by the offender in connection with the performance of community service work.

61 Appointments of authorised persons and assigned officers

- (1) The Commissioner may appoint any person who is, in the opinion of the Commissioner, suitably qualified and of suitable character to exercise the functions of an assigned officer as referred to in paragraph (b) of the definition of *assigned officer* in section 107 of the Act.
- (2) A person appointed under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Commissioner may determine in respect of the person, unless the person is an officer or temporary employee of the Public Service.

62 Appointment of supervisors

- (1) The Commissioner may appoint any person who is, in the opinion of the Commissioner, suitably qualified and of suitable character to be a supervisor as referred to in the definition of *supervisor* in section 107 of the Act.
- (2) A person appointed under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Commissioner may determine in respect of the person, unless the person is an officer or temporary employee of the Public Service.

63 Supervisor to report to assigned officer

A supervisor must, when required by an assigned officer to do so, report to the assigned officer on any matter relating to an offender under the supervisor's supervision.

64 Application for extension or revocation of order made by court: secs 114, 115

- (1) The following applications must be in writing in such form as the Commissioner may from time to time determine:
 - (a) an application under section 114 of the Act for an extension of the period for which a community service order is in force,
 - (b) an application under section 115 of the Act for the revocation of a community service order.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (2) The court to which such an application is made is to fix a date for the hearing of the application, being a date not earlier than 14 days after, and not later than 3 months after, the date of filing of the application.
- (3) A copy of the application must be given not later than 5 days before the date fixed for hearing of the application:
 - (a) to the offender, if the applicant is an assigned officer, or
 - (b) to the assigned officer, if the applicant is an offender.
- (4) For the purposes of subclause (3), the application may be given to a person by the court or by the applicant:
 - (a) by serving it or causing it to be served on the person personally, or
 - (b) by sending it or causing it to be sent by post to the person's address as last known to the applicant.
- (5) The court may vary or waive the requirements of subclause (2) or (3) with the consent of the offender.

Part 5 Parole

65 Information to be given to offenders

- (1) When an offender is received into a correctional centre or periodic detention centre under sentence:
 - (a) the governor of the correctional centre, or
 - (b) the governor responsible for the periodic detention centre,must give to the offender information in writing concerning the nature and effect of the sentence.
- (2) The information must, in every case, include:
 - (a) the information contained in Form 1, in the case of an offender to whom the provisions of Division 2 of Part 6 of the Act apply, or

- (b) the information contained in Form 2, in the case of an offender to whom the provisions of Division 3 of Part 6 of the Act apply.

66 Consultation required before conditions as to residence or treatment imposed on parole

- (1) Before the Parole Board makes a parole order containing terms or conditions relating to residence or treatment:
 - (a) it must consider a report from a probation and parole officer as to the offender's circumstances, and
 - (b) it must satisfy itself, having regard to the probation and parole officer's report, that it is feasible to secure compliance with the terms or conditions.
- (2) Before the Parole Board makes a parole order containing terms or conditions requiring the co-operation of a person other than the offender or a probation and parole officer, it must obtain the consent of the person to the specification of those terms and conditions in so far as they require the person's co-operation.

67 Parole orders

- (1) A parole order made by the Parole Board must be reduced to writing using Form 3.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
 - (a) the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept,
 - (b) the Commissioner.
- (3) Copies of the order sent to the governor of a correctional centre, or to the governor responsible for a periodic detention centre, are, if practicable, to be sent so as to arrive at the centre at or before the time the offender arrives.

68 Offender to be given explanation of parole order

- (1) On the offender's day of release from the correctional centre or periodic detention centre, the governor must ensure that:

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (a) the order is read to the offender, and
 - (b) the effect of the order is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender indicates that the offender understands the terms and conditions on which the offender is to be released by signing a statement to that effect on a copy of the order, and
 - (d) all copies of the order are endorsed with the offender's date of release, and
 - (e) a copy of the order is given to the offender, and
 - (f) the copy of the order containing the signed statement referred to in paragraph (c) is retained at the centre.
- (2) If an offender is subject to more than one parole order, this clause does not require common provisions in the orders to be read to the offender more than once.

69 Standard conditions applying to parole: sec 128

For the purposes of section 128 (1) (a) of the Act, the following are standard conditions of parole:

- (a) the offender must be of good behaviour and must not, during the term of the order, commit any offence,
- (b) the order may be revoked if the offender contravenes any of the terms and conditions of the order,
- (c) the order may be revoked if the Parole Board determines that it has sufficient reason to believe that the offender, having been released from custody, has not adapted to normal lawful community life.

70 Imposition and extension of supervision conditions: sec 128

- (1) A condition of a parole order may require the offender to be subject to supervision for up to 3 years from the date on which the offender is released in accordance with the order.
- (2) In the case of a serious offender, the Parole Board may at any time before the end of the period of supervision under such a condition extend that period by up to 3 years at a time.

-
- (3) For the purposes of section 128 (3) of the Act, the prescribed supervision is supervision by a probation and parole officer.
 - (4) As soon as practicable after receiving a parole order that requires an offender to be supervised, the Commissioner must assign a probation and parole officer to supervise the offender.
 - (5) The Commissioner may from time to time assign another probation and parole officer to supervise the offender in place of the officer previously assigned and, in that event, must cause notice of that fact to be sent to the offender.

71 Supervision conditions

- (1) This clause applies to an offender whose parole order includes a condition requiring that the offender be subject to supervision.
- (2) While the offender is subject to supervision by a probation and parole officer under such a condition, the offender has the following obligations:
 - (a) to obey all reasonable directions of the officer,
 - (b) to report to the officer (or to another person nominated by the officer) at such times and places as the officer may from time to time direct,
 - (c) to be available for interview at such times and places as the officer (or the officer's nominee) may from time to time direct,
 - (d) to reside at an address agreed on by the officer, and to receive visits at that address by the officer at such times as the officer considers necessary,
 - (e) not to travel outside the boundaries of New South Wales without the express approval of the officer's District Manager,
 - (f) not to leave Australia without the permission of the Parole Board,
 - (g) to enter into employment arranged or agreed on by the officer, or make himself or herself available for employment as instructed by the officer,

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (h) to notify the officer of any intention to change his or her employment:
 - (i) if practicable, before the change occurs, or
 - (ii) otherwise, at his or her next interview with the officer,
 - (i) not to associate with any person or persons specified by the officer,
 - (j) not to frequent or visit any place or district designated by the officer.
- (3) An offender's probation and parole officer may, with the concurrence of the officer's District Manager, direct that the conditions of the offender's parole order in relation to supervision are suspended.
- (4) Such a direction takes effect when notice of the direction is given to the offender.

72 Variation of conditions: sec 128

If the Parole Board varies the conditions of a parole order so as to make the offender subject to supervision under the order, or so as to affect the supervision of the offender, it must send notice of the variation to the Commissioner.

73 Revocation of parole order before release: sec 130

- (1) For the purposes of section 130 of the Act, the following circumstances are prescribed as circumstances in which the Parole Board may revoke a parole order:
- Circumstances in which the Parole Board, after the making of the order and before the release of the offender, decides that it has sufficient reason to believe that the offender, if released from custody, would not be able to adapt to normal lawful community life.
- (2) The Parole Board must send copies of an order under section 130 of the Act to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
- (3) As soon as practicable after receiving the order, the governor must ensure that:

-
- (a) the order is read to the offender, and
 - (b) the effect of the order is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights to a review of the revocation are explained to the offender in language that is capable of being readily understood by the offender, and
 - (d) a copy of the order is handed to the offender.
- (4) The Parole Board must send notice of the revocation of a parole order under section 130 of the Act to the Commissioner.

74 Review by the Parole Board of intention to refuse release on parole: sec 138

- (1) A notice under section 138 (b) of the Act must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the notice is handed to the offender.
- (3) Notice of an offender's intention to make representations to the Parole Board concerning release on parole:
 - (a) may be given using Form 4, and
 - (b) must be given to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (c) must be sent by the governor to the Secretary of the Parole Board.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

75 Decision on review of parole refusal: sec 141

- (1) A notice under section 141 (4) (b) of the Act must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights concerning the Parole Board's decision are explained to the offender in language that is capable of being readily understood by the offender, and
 - (d) the notice is handed to the offender.
- (3) The governor must keep a copy of the notice.
- (4) The Parole Board must send a copy of the notice to the Commissioner.

76 Notices to victims: secs 145 and 146

- (1) Preliminary notice under section 145 (1) of the Act:
 - (a) is to be in writing and sent by post to the last postal address that has been recorded in the Victims Register for the relevant victim, or
 - (b) is to be given by telephone if only a telephone number has been recorded in the Victims Register, or if the Parole 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 146 (3) (a) of the Act is to be given to each victim of the offender, and subclause (1) applies to any such notice in the same way as it applies to notices under that subclause.
- (3) The Parole Board is to keep a record of the giving of any notice under this clause.

77 Submissions by the State: sec 153

- (1) If the State notifies the Parole Board that it may wish to make a submission under section 153 of the Act concerning the release on parole of a serious offender, the Parole Board must give the State copies of the reports and other documents intended to be used by the Parole Board in deciding whether the offender should be released on parole.
- (2) For the purposes of making a submission under section 153 of the Act, the State:
 - (a) may be represented by a barrister or solicitor or, with the consent of the Parole Board, by any other person, and
 - (b) may call and examine any witness who attends, including any witness called by the Parole Board, and
 - (c) may give evidence on oath, and
 - (d) may produce documents and exhibits to the Parole Board, and
 - (e) may otherwise adduce, orally and in writing, to the Parole Board such matters, and address the Parole Board on such matters, as are relevant to the proceedings before the Parole Board.
- (3) A reference in this clause to the State includes a reference to any agent of the State.
- (4) This clause applies in any case concerning the release on parole of a serious offender where the State has not yet made a submission under section 153 of the Act and the Parole Board has not yet made a decision under section 149 or 150 of the Act.

78 Instrument requiring attendance: sec 186

For the purposes of section 186 (1) of the Act, an instrument in writing referred to in that subsection must be in Form 5.

79 Records of proceedings: Sch 1, cl 18

- (1) The Parole Board must keep a record (in writing or otherwise) of the proceedings of the Parole Board, including a record of:

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (a) whether the State has appeared or been represented before the Parole Board, and
 - (b) the persons appearing or represented before the Parole 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.
- (2) For the purposes of clause 18 (2) of Schedule 1 to the Act, the prescribed period after the expiration of which any record may be destroyed is the period of 5 years commencing with the day on which the record is made.

80 Delegation of functions

- (1) A function conferred or imposed by this Part:
- (a) on the Commissioner, or
 - (b) on the governor of a correctional centre, or
 - (c) on the governor responsible for a periodic detention centre,
- may be delegated to any officer within the Department.
- (2) The functions of the Parole Board under this Part may be exercised by the Secretary to the Parole Board.

Part 6 Revocation by Parole Board of certain orders

81 Revocation of order and review of revocation: sec 173

- (1) For the purposes of section 173 (2) (a) of the Act, the prescribed form for a notice of revocation of a periodic detention order, home detention order or parole order is Form 6.
- (2) The notice must be sent to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept.

-
- (3) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the notice is handed to the offender.
 - (4) Notice of an offender's intention to make representations to the Parole Board concerning the revocation of a parole order:
 - (a) may be given using Form 7, and
 - (b) must be given by the offender to the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (c) must be sent by the governor to the Secretary of the Parole Board.

82 Decision on review of revocation: sec 175

- (1) The Parole Board must send written notice of its decision following a review under section 175 of the Act to the following persons:
 - (a) the governor of the correctional centre, or the governor responsible for the periodic detention centre, in which the offender is kept, and
 - (b) the Commissioner.
- (2) As soon as practicable after receiving the notice, the governor must ensure that:
 - (a) the notice is read to the offender, and
 - (b) the effect of the notice is explained to the offender in language that is capable of being readily understood by the offender, and
 - (c) the offender's rights concerning the decision are explained to the offender in language that is capable of being readily understood by the offender.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

83 Notice of revocation of order: sec 179

- (1) If the Parole Board revokes a periodic detention order, home detention order or parole order under section 179 (1) of the Act, the Registrar of the Parole Board must send written notice of that fact to the Commissioner.
- (2) The notice must be in Form 8 and must specify any direction of the Parole Board as to the day on which the order is to be treated as having been revoked.

84 Inquiry into suspected breach of order: sec 180

- (1) A notice under section 180 (1) (a) of the Act by which an offender is called on to appear before the Parole Board must be served on the offender at least 7 days before the date set for the inquiry referred to in the notice.
- (2) The Parole Board must send a copy of each such notice to the Commissioner.

85 Arrest warrants: sec 180

A warrant for the arrest of a person under section 180 of the Act must be in Form 9.

86 Warrants of commitment: sec 181

A warrant for the commitment of an offender to a correctional centre under section 181 of the Act must be in Form 10.

Part 7 Miscellaneous

87 Victims Register

- (1) 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 an offender or a member of the family of a victim of an offender.
- (2) 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.

Maximum penalty: 5 penalty units.

- (3) A person is not guilty of an offence under subclause (2) 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.
- (4) The Minister is not to grant permission referred to in subclause (3) (c) unless satisfied that it would be in the public interest to do so.

[57] Schedule 1 Forms

Omit Forms 1–9. Insert instead:

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

Form 1

(Clause 65)

INFORMATION RELATING TO PAROLE

(Crimes (Administration of Sentences) Act 1999)

(Information to be given to offenders having a sentence
exceeding 3 years)

1. You have been given a sentence exceeding 3 years that includes a non-parole period that must be served in custody followed by a period that may be served in the community on parole following consideration by the Parole Board (or the court has decided not to sentence you in this way and has given reasons).
2. If you appeal against your sentence, the court hearing the appeal may, among other things:
 - (a) vary or cancel the non-parole period, or
 - (b) set a non-parole period if one has not already been set, or
 - (c) decline to set a non-parole period, giving reasons for doing so.
3. If you think a mistake has been made in the setting of or failure to set a non-parole period, you may apply to the court that originally sentenced you and, if there has been a mistake, the court may correct it. To make the application, you should fill out an application form and hand it to the correctional centre authorities. The court may correct the mistake without your application.
4. If:
 - (a) you have been given a number of non-parole periods expiring at different times, or
 - (b) you are serving a number of fixed periods of imprisonment expiring at different times,the minimum period of imprisonment you must serve will depend on whichever period expires last.

5. If a non-parole period is the last to expire of several to which you are subject, the Board will consider your case and decide if a parole order should be made. To do this, the Board has to determine (among other things) that it has sufficient reason to believe that you would be able to adapt to normal lawful community life if released.

6. A report will be prepared for the Board by a probation and parole officer who will have interviewed you on a number of occasions and made inquiries about you before preparing the report. Reports may also be made by correctional centre authorities and by any other person possessing relevant information required by the Board.

7. If the Board intends to refuse you parole, you will be notified by the Board of the date on which the Board will review its decision. You will be given the opportunity to make submissions to the Board about its decision, and you may:

- (a) attend the Board meeting to do this, and
- (b) be legally represented at the Board meeting (or, with the consent of the Board, be represented by someone other than a legal practitioner),

or you may decline to make any submission to the Board.

You will be asked to let the Board know what you intend to do. If practicable, you will be provided with any available reports or documents about you which the Board will use to make its decision.

8. After the review meeting the Board will let you know its decision. If you have been refused parole, you may apply to the Court of Criminal Appeal for a direction that the Board's determination was made on false, misleading or irrelevant information.

9. If you are released on parole, the parole order will be subject to certain conditions, which will be set out in the parole order. One condition is that you will be of good behaviour and not commit any offence. You may be placed under supervision, and what this means will be set out in the order. Other conditions may also be added (for example, relating to medical treatment).

10. The conditions of a parole order may be varied by the Board.

11. A parole order remains in force, unless sooner revoked, until the expiry of the sentence of imprisonment.

12. A breach of parole will occur if:

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

- (a) you are convicted of a further offence, or
- (b) you fail to observe any of the conditions of the parole order.

13. The Board may revoke your parole order if it is satisfied that a breach of the conditions of parole has occurred and may issue a warrant for your arrest.

14. However, the Board may conduct an inquiry into a suspected breach and may:

- (a) send you a notice asking you to attend, or
- (b) issue a warrant for your arrest to secure your attendance (as an alternative to revoking the order).

If you do not attend in response to a notice, a warrant for your arrest may be issued.

15. If the Board revokes your parole order, you will be notified by the Board of the date on which the Board will review:

- (a) its decision to revoke, and
- (b) the date of revocation, if revocation has been backdated. The same procedures as are described in paragraphs 7 and 8 apply to this review.

16. If your parole order is revoked, you will be returned to a correctional centre to serve the rest of the sentence remaining at the time of the revocation (which may be backdated if the Board decides that the breach occurred earlier). This means that “street-time” counts as time served in a correctional centre.

17. If you are on parole and are sentenced to imprisonment for another offence, the court may revoke your parole order and then sentence you for the other offence, taking into account the outstanding balance of the sentence for the first offence.

18. An information notice detailing various correctional centre guidelines and rules will be provided to you following your reception in a correctional centre. Any breach of discipline which is dealt with by a Visiting Justice may result in an increase in your non-parole period or the term of imprisonment of up to 28 days per offence and, for certain breaches of discipline, the governor or a Visiting Justice may impose some other form of punishment (such as loss of privileges). You will be given the right of appeal against a penalty imposed only if the penalty has the effect of increasing your time in custody.

Form 2

(Clause 65)

INFORMATION RELATING TO PAROLE

(Crimes (Administration of Sentences) Act 1999)

(Information to be given to offenders having a sentence
exceeding 6 months but not exceeding 3 years)

1. You have been given a sentence of not more than 3 years made up of a non-parole period that must be served in custody followed by a period that may be served in the community on parole (or the court has decided not to sentence you in this way and has given reasons).
2. If you appeal against your sentence, the court hearing the appeal may, among other things:
 - (a) vary or cancel the non-parole period, or
 - (b) set a non-parole period if one has not already been set, or
 - (c) decline to set a non-parole period, giving reasons for doing so.
3. If you think a mistake has been made in the setting of or failure to set a non-parole period, you may apply to the court that originally sentenced you and, if there has been a mistake, the court may correct it. To make the application, you should fill out an application form and hand it to the correctional centre authorities. The court may correct the mistake without your application.
4. If:
 - (a) you have been given a number of non-parole periods expiring at different times, or
 - (b) you are serving a number of fixed periods of imprisonment expiring at different times,the minimum period of imprisonment you must serve will depend on whichever period expires last.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

5. If a non-parole period is the last to expire of several to which you are subject, you will be released automatically on parole, unless you are subject to those provisions of the *Crimes (Administration of Sentences) Act 1999* that relate to release at the discretion of the Parole Board. Prior to this you will (if you are to be under supervision during parole) have been interviewed, perhaps several times, by a probation and parole officer, who will have discussed your release with you. The correctional centre authorities will, on releasing you from the correctional centre, serve the parole order on you and explain its meaning.

6. Your parole order will be subject to certain conditions, which will be set out in the parole order. One condition is that you will be of good behaviour and not commit any offence. You may be placed under supervision, and what this means will be set out in the order. Other conditions may also be added (for example, relating to medical treatment).

7. The conditions of a parole order made by a court may be varied by the court (if you are not subject to New South Wales Probation and Parole Service supervision) on your application or by the Parole Board (if you are being supervised) on application by yourself or your probation and parole officer.

8. The parole order remains in force, unless sooner revoked, until the expiry of the sentence of imprisonment.

9. A breach of parole will occur if:

- (a) you are convicted of a further offence, or
- (b) you fail to observe any of the conditions of the parole order.

10. The Board may revoke your parole order if it is satisfied that a breach of the conditions of parole has occurred and may issue a warrant for your arrest.

11. However, the Board may conduct an inquiry into a suspected breach and may:

- (a) send you a notice asking you to attend, or
- (b) issue a warrant for your arrest to secure your attendance (as an alternative to revoking the order).

If you do not attend in response to a notice, a warrant for your arrest may be issued.

12. If the Board revokes your parole order, you will be notified by the Board of the date on which the Board will review:

- (a) its decision to revoke, and
- (b) the date of revocation, if revocation has been backdated.

You will be given the opportunity to make submissions to the Board about its decisions and will have the right to appear before the Board and be legally represented.

13. If your parole order is revoked, you will be returned to a correctional centre to serve the rest of the sentence remaining at the time of the revocation (which may be backdated, if the Board decides that the breach occurred earlier). This means that “street-time” counts as time served in a correctional centre.

14. If you are on parole and are sentenced to imprisonment for another offence, the court may revoke your parole order and then sentence you for the other offence, taking into account the outstanding balance of the sentence for the first offence.

15. An information notice detailing various correctional centre guidelines and rules will be provided to you following your reception in a correctional centre. Any breach of discipline which is dealt with by a Visiting Justice may result in an increase in your non-parole period or the term of imprisonment of up to 28 days per offence and, for certain breaches of discipline, the governor or a Visiting Justice may impose some other form of punishment (such as loss of privileges). You will be given the right of appeal against a penalty imposed only if the penalty has the effect of increasing your time in custody.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

Form 3

(Clause 67)

PAROLE ORDER MADE BY PAROLE BOARD

(Crimes (Administration of Sentences) Act 1999)

1 Sentence details

Case No:
Conviction date:
The Court at:
Offender:
Date of birth:
Offence:

Particulars of imprisonment imposed by Court

Term of:
to commence on:
*Non-parole period of:
*The above term of imprisonment is to be served cumulatively on the
sentence of:
that commenced on:

2 Release details

Pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, the Parole Board directs that the offender be released on parole at Unless sooner revoked, this order remains in force until the end of the above term of imprisonment.

3 Supervision

The offender must:

- (a) *until /*until the order ceases to have effect, or
- (b) for a period of 3 years from the date of release,

whichever is the lesser, submit to the supervision and guidance of:

.....

4 Standard conditions

This order is subject to the conditions (including the conditions relating to supervision) prescribed by the regulations under the *Crimes (Administration of Sentences) Act 1999*.

Note: a copy of the standard conditions must be attached to this order.

5 Additional conditions

The order is also subject to the following conditions:

.....
.....

Order dated:

Signed:
(Judicial Member/Secretary of Parole Board)

Date:

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

I acknowledge that I understand the conditions on
which I am released on parole.

Signed:
(Offender)

Witness:

Name:

Address:

The offender was released from custody on:

Signed:
(Governor of correctional centre)

Date:

* delete if not applicable

Form 4

(Clause 74)

NOTICE OF INTENTION TO MAKE REPRESENTATIONS TO PAROLE BOARD

(Crimes (Administration of Sentences) Act 1999)

To the Parole Board

from
(Name of offender)

I notify the Parole Board that I *do not intend/*intend to make representations to the Board at the meeting to be held on to reconsider:

* whether I should be released on parole

OR

* whether my parole order should be revoked

I *do not wish/*wish to appear before the Board.

I *do not intend/*intend to be legally represented.

*I wish to be represented at this meeting by of and seek the consent of the Board for this person to attend for this purpose.

My reasons for requesting representation by the named person are:

.....
.....

Signed: Dated:

*Delete if not applicable

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

Form 5

(Clause 78)

**INSTRUMENT REQUIRING ATTENDANCE OF
WITNESSES/PRODUCTION OF DOCUMENTS BEFORE
PAROLE BOARD**

(Crimes (Administration of Sentences) Act 1999, section 186)

IN THE MATTER of a hearing before the Parole Board in respect of
(name of offender)

YOU ARE REQUIRED to appear before the Board on
(date)

at a.m./p.m. at
(time) (place)

*for the purpose of giving evidence

*to produce the documents specified below:

.....
.....

.....
(Judicial Member of the Parole Board)

*Delete if not applicable.

Form 6

(Clause 81)

NOTICE OF REVOCATION OF PERIODIC DETENTION ORDER/HOME DETENTION ORDER/PAROLE ORDER

(Crimes (Administration of Sentences) Act 1999, section 173)

TO

TAKE NOTICE that the Parole Board, on ,
made an order for revocation of your *periodic detention order/*home
detention order/*parole order to date from

The Board will reconvene on at in order to
reconsider the revocation of the order concerned.

A copy of the revocation order is attached.

* Copies are attached of reports and other documents used by the Board
in reaching its decision to revoke the order concerned.

You may make submissions to the Board with respect to *the revocation
of the order concerned/*the date of revocation of the order concerned. If
you wish to do so, you must notify the Secretary of the Board not later
than

.....
Secretary of the Parole Board

*Delete if not applicable.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

Form 7

(Clause 81)

**NOTICE OF INTENTION TO MAKE REPRESENTATIONS TO
PAROLE BOARD**

(Crimes (Administration of Sentences) Act 1999)

To the Parole Board

from (*Name of offender*)

TAKE NOTICE that I **do not intend/*intend* to make representations to the Board at the review to be held on to reconsider whether my **periodic detention order/*home detention order/*parole order* should be revoked.

I **do not wish/*wish* to appear before the Board.

I **do not intend/*intend* to be legally represented.

**I wish* to be represented at this meeting by
of and seek the consent of the Board for this person to attend for this purpose.

My reasons for requesting representation by the named person are: ..

.....
.....

Signed:

Date:

**Delete if not applicable.*

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Amendment of Periodic Detention of Prisoners Regulation 1995

Schedule 3

Form 8

(Clause 83)

**NOTICE OF REVOCATION OF PERIODIC DETENTION
ORDER/HOME DETENTION ORDER/PAROLE ORDER**

(Crimes (Administration of Sentences) Act 1999)

TAKE NOTICE that on (*date*) the (*Court*)
at revoked the *periodic detention order/*home
detention order/*parole order made by (*Court*) on
..... (*date*) in respect of. (*offender*).

*The court directed that the order be taken to have been revoked on ..
.....

.....
Secretary of the Parole Board

TO:
The Commissioner,
Department of Corrective Services

*Delete if not applicable.

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

Form 9

(Clause 85)

ARREST WARRANT

(Crimes (Administration of Sentences) Act 1999, section 180)

TO ALL POLICE OFFICERS in the State of New South Wales

WHEREAS of (*the offender*):

- (a) *is serving a term of imprisonment by way of periodic detention under a periodic detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (b) *is serving a term of imprisonment by way of home detention under a home detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (c) *has been released from custody on parole under a parole order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,

AND WHEREAS the Parole Board has reason to suspect that the offender has failed to comply with the offender's obligations under the order, and proposes to conduct an inquiry into the matter,

YOU ARE HEREBY DIRECTED to arrest the offender, to remove the offender to and to deliver the offender into the custody of the Parole Board.

.
Judicial Member of the Parole Board

*Delete if not applicable.

Form 10

(Clause 86)

WARRANT OF COMMITMENT TO CORRECTIONAL CENTRE

(Crimes (Administration of Sentences) Act 1999, section 181)

TO THE GOVERNOR of the correctional centre at in the State of New South Wales

WHEREAS of (*the offender*) has been found guilty by the Court of the following offence or offences:

..... ,

AND WHEREAS the Court has sentenced the offender to imprisonment for a period of, to commence on

AND WHEREAS the offender:

- (a) *has been serving the sentence by way of periodic detention under a periodic detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (b) *has been serving the sentence by way of home detention under a home detention order within the meaning of the *Crimes (Administration of Sentences) Act 1999*,
- (c) *has been released from custody on parole under a parole order within the meaning of the *Crimes (Administration of Sentences) Act 1999*, in respect of the sentence,

AND WHEREAS the Parole Board has revoked the order,

YOU ARE HEREBY DIRECTED to receive the offender into your custody there and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to detain the offender there for the remainder of the term of the offender's sentence.

Signed: Dated:

(*Judicial Member of the Parole Board*)

2000 No 133

Crimes (Administration of Sentences) (Miscellaneous Amendments)
Regulation 2000

Schedule 3 Amendment of Periodic Detention of Prisoners Regulation 1995

TO ALL POLICE OFFICERS in the State of New South Wales

By virtue of section 181 of the *Crimes (Administration of Sentences) Act 1999*, this warrant is sufficient authority for you to arrest, or to have custody of, the offender named in this warrant, to convey the offender to the correctional centre specified in this warrant and to deliver the offender into the custody of the governor of that correctional centre.

*Delete if not applicable.

[58] Schedule 2 Penalty notice offences

Omit “**Periodic Detention of Prisoners Act 1981**”.

Insert instead “**Part 3 of the Act**”.

[59] Schedule 2

Omit “Section 33 (1) (b) (i)”, “Section 33 (1) (b) (ii)”, “Section 33 (1) (e)” (where secondly and thirdly occurring), “s 10 (1) (b) order”, “s 13 order”, “section 10 (4)” and “section 22”.

Insert instead “Section 95 (1) (a)”, “Section 95 (1) (b)”, “Section 95 (1) (c)”, “s 84 (1) (b) order”, “s 85 (1) (c) order”, “section 84 (3)” and “section 94”, respectively.

[60] Schedule 2

Omit all matter relating to offences under section 33 (1) (d).

[61] Schedule 2

Omit all matter relating to offences under section 33 (1) (e) where firstly occurring.

[62] Schedule 2

Omit “**Prisons (General) Regulation 1995**”.

Insert instead “**Crimes (Administration of Sentences) (Correctional Centre Routine) Regulation 1995**”.