



New South Wales

# Crimes (Administration of Sentences) Further Amendment Regulation 2006

under the

Crimes (Administration of Sentences) Act 1999

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

ANTHONY KELLY, M.L.C.,  
Minister for Justice

## Explanatory note

The object of this Regulation is to amend the *Crimes (Administration of Sentences) Regulation 2001* under the *Crimes (Administration of Sentences) Act 1999* (**the Act**) so as:

- (a) to make it clear that certain conditions as to supervision that are prescribed by that regulation apply to the lifetime supervision of parolees under section 128B of the Act, and
- (b) to provide that certain circumstances are “circumstances of manifest injustice” for the purposes of section 175 (1A) of the Act in relation to the rescission of revocation of certain periodic detention orders and home detention orders, and
- (c) to make provision with respect to the power of the Commissioner of Corrective Services to make submissions to the Parole Authority under section 185 of the Act, and
- (d) to replace the word “governor” with the words “general manager” to reflect a change of nomenclature in the Act that has been made by the *Crimes (Administration of Sentences) Amendment Act 2006*.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including section 271 (the general power to make regulations) and sections 128B, 175 and 185.

## **2006 No 690**

Clause 1 Crimes (Administration of Sentences) Further Amendment Regulation 2006

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# **Crimes (Administration of Sentences) Further Amendment Regulation 2006**

under the

Crimes (Administration of Sentences) Act 1999

### **1 Name of Regulation**

This Regulation is the *Crimes (Administration of Sentences) Further Amendment Regulation 2006*.

### **2 Commencement**

This Regulation commences on 1 December 2006.

### **3 Amendment of Crimes (Administration of Sentences) Regulation 2001**

The *Crimes (Administration of Sentences) Regulation 2001* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] The whole Regulation**

Omit “governor”, “governors” and “governor’s” wherever occurring.

Insert instead “general manager”, “general managers” and “general manager’s”, respectively.

**[2] The whole Regulation (clause 249M (1) (c) excepted)**

Omit “Governor” and “Governor’s” wherever occurring.

Insert instead “General manager” and “General manager’s”, respectively.

**[3] Clause 216 Imposition and extension of supervision conditions**

Insert after clause 216 (3):

- (4) The supervision referred to in subclause (3) (b) is also prescribed for the purposes of section 128B (2) (a) of the Act.

**[4] Clause 219A Circumstances constituting manifest injustice**

Insert after clause 219A (2):

- (3) For the purposes of section 175 (1A) of the Act, circumstances in which it becomes apparent that the relevant periodic detention order or home detention order has been revoked on the basis of false, misleading or irrelevant information are prescribed as circumstances which constitute manifest injustice.

**[5] Clause 288A**

Insert after clause 288:

**288A Submissions by Commissioner**

- (1) If the Commissioner notifies the Parole Authority that he or she may wish to make a submission under section 185 of the Act concerning any matter, the Parole Authority must give the Commissioner copies of the reports and other documents intended to be used by the Parole Authority in making a decision with respect to that matter.
- (2) For the purposes of making a submission under section 185 of the Act, the Commissioner:
  - (a) may be represented by a legal practitioner or, with the consent of the Parole Authority, by any other person, and

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- (b) may call and examine any witness who attends, including any witness called by the Parole Authority, and
- (c) may give evidence on oath, and
- (d) may produce documents and exhibits to the Parole Authority, and
- (e) may otherwise adduce, orally and in writing, to the Parole Authority such matters, and address the Parole Authority on such matters, as are relevant to the proceedings before the Parole Authority.

BY AUTHORITY

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