



New South Wales

# Crimes (Administration of Sentences) Amendment (Information Sharing) Regulation 2017

under the

Crimes (Administration of Sentences) Act 1999

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

DAVID ELLIOTT, MP  
Minister for Corrections

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe the purposes for which the Commissioner of Corrective Services (the **Commissioner**) may disclose information obtained in connection with the administration or execution of the *Crimes (Administration of Sentences) Act 1999* (the **principal Act**) or any other Act (despite the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*),
- (b) to prescribe the Commissioner of Fines as a relevant agency with whom the Commissioner may enter an information sharing agreement under the principal Act (under which information may be shared despite those privacy Acts) and to provide for the type of information that may be shared under the agreement.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 257A and 271 (the general regulation-making power).

## **Crimes (Administration of Sentences) Amendment (Information Sharing) Regulation 2017**

under the

Crimes (Administration of Sentences) Act 1999

### **1 Name of Regulation**

This Regulation is the *Crimes (Administration of Sentences) Amendment (Information Sharing) Regulation 2017*.

### **2 Commencement**

This Regulation commences on 2 October 2017 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Crimes (Administration of Sentences) Regulation 2014**

### **Clauses 326 and 327**

Insert after clause 325:

#### **326    Authority to disclose certain information**

For the purposes of section 257A (1) of the Act, each of the following is prescribed as a purpose for which the Commissioner may disclose information under that subsection, if the Commissioner considers the disclosure to be reasonably necessary for the purpose:

- (a) facilitating the exercise by a law enforcement agency, or an investigative agency (within the meaning of the *Privacy and Personal Information Protection Act 1998*), of its lawful functions,
- (b) facilitating the exercise by the Commonwealth Department of Immigration and Border Protection of its lawful functions in relation to a person who is or was an offender or person under the care, control, management or supervision of the Commissioner,
- (c) administering sentences in any Australian jurisdiction,
- (d) facilitating the execution of court orders in any Australian jurisdiction (for example, court orders for pre-sentence reports),
- (e) facilitating the service of court or tribunal documents on an offender or other person under the care, control, management or supervision of the Commissioner,
- (f) providing supervision, services or programs (including intervention programs) to an offender or other person under the care, control, management or supervision of the Commissioner,
- (g) protecting the security of, and preserving good order and discipline within, correctional facilities in this or any other State or Territory,
- (h) protecting against what the Commissioner reasonably believes is a serious threat to the peace, order or good government of the State or any other place,
- (i) assisting the NSW Trustee and Guardian to locate an offender or person under the care, control, management or supervision of the Commissioner pursuant to the exercise of the lawful functions of the NSW Trustee and Guardian,
- (j) assisting the Public Guardian to locate an offender or person under the care, control, management or supervision of the Commissioner pursuant to the exercise of the lawful functions of the Public Guardian,
- (k) assisting the head of a government sector agency (within the meaning of the *Government Sector Employment Act 2013*) to locate a person employed in the agency who is an offender or other person under the care, control, management or supervision of the Commissioner, so that the person's employment can be terminated,
- (l) assisting the Commonwealth Department of Human Services in determining the eligibility of an offender or other person under the care, control, management or supervision of the Commissioner, for a social or health related payment or service,
- (m) assisting the chief executive of the Department of Corrections of New Zealand in making an application for a public protection order under the

*Public Safety (Public Protection Orders) Act 2014* of New Zealand or an extended supervision order under the *Parole Act 2002* of New Zealand,

- (n) facilitating or assisting in the making of an application for a post-sentence order for supervision or detention under a post-sentence detention or supervision scheme of another State or Territory.

**327 Authority to exchange certain information**

- (1) The Commissioner of Fines Administration is prescribed as a **relevant agency** for the purposes of the definition of that term in section 257A (4) of the Act.
- (2) For the purposes of section 257A (3) of the Act, the information referred to in subclause (3) is **prescribed information** in relation to the party concerned if it assists in the exercise of:
  - (a) the functions of the Commissioner under the Act or this Regulation, or
  - (b) the functions of the Commissioner of Fines Administration under the *Fines Act 1996* or the regulations under that Act.
- (3) Under an information sharing arrangement between the Commissioner and the Commissioner of Fines Administration:
  - (a) the Commissioner is authorised to request and receive information from the Commissioner of Fines Administration comprising the name, address and date of birth of a person who is an inmate and a fine defaulter (within the meaning of the *Fines Act 1996*), and details of the fine, and
  - (b) the Commissioner of Fines Administration is authorised to disclose that information to the Commissioner, and
  - (c) the Commissioner of Fines Administration is authorised to request and receive from Corrective Services NSW the following information about a person who is an inmate:
    - (i) the inmate's name (including any known aliases) and date of birth,
    - (ii) the inmate's Central Name Index number,
    - (iii) the date the inmate was taken into custody,
    - (iv) the name and address of the correctional centre in which the inmate is being held,
    - (v) the address of the inmate's usual place of residence (as recorded by Corrective Services NSW under the Act),
    - (vi) the unique identifying number assigned to the inmate by Corrective Services NSW,
    - (vii) whether or not the inmate is serving a sentence,
    - (viii) if the inmate is serving a sentence, the date on which the inmate's non-parole period and full sentence are due to expire,
    - (ix) if the inmate is not serving a sentence, the date on which the inmate is due for release, and
  - (d) the Commissioner is authorised to disclose that information to the Commissioner of Fines Administration.