



New South Wales

Crimes (Administration of Sentences) Amendment (Parole) Regulation 2017

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*.

DAVID ELLIOTT, MP
Minister for Corrections

Explanatory note

The object of this Regulation is to amend the *Crimes (Administration of Sentences) Regulation 2014* as follows:

- (a) to set out the matters to be included in reports prepared by community corrections officers for the State Parole Authority when determining whether or not to make a parole order for an offender,
- (b) to provide for all notices given to registered victims of offenders under the *Crimes (Administration of Sentences) Act 1999* to be given by a written notice sent to the postal address recorded for the victims in the Victims Register kept under that Act or by telephone if there is reason to believe that a recorded number is more up to date than the last recorded postal address.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 135 (6), 256 (4) (b) and 271 (the general regulation-making power).

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1 Name of Regulation

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

2 Commencement

This Regulation commences on 20 November 2017 and is required to be published on the NSW legislation website.

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

[1] Clause 222A

Insert after clause 222:

222A Preparation of reports by community corrections officer

- (1) A report prepared by a community corrections officer for the purposes of section 135 of the Act (a *parole report*) must address the following matters:
 - (a) whether or not the officer recommends that a parole order be made for the offender,
 - (b) the risk of the offender re-offending while on release on parole, and the measures to be taken to address that risk,
 - (c) how the offender would be managed in the community while on release on parole, as set out in a post-release plan prepared by a community corrections officer in relation to the offender,
 - (d) the offender's attitude to the offence to which his or her sentence relates, including, where relevant, the offender's attitude to any victim of the offence to which his or her sentence relates, or to the family of any such victim,
 - (e) the offender's willingness to participate, and participation, in rehabilitation, work, education or other programs in custody and the availability of those programs,
 - (f) the offender's behaviour in custody, including any correctional centre offences or other offences committed by the offender while in custody,
 - (g) the offender's response to any previous period of supervision in the community (if applicable) and the willingness of the offender to comply with any conditions to which his or her parole may be made subject.
- (2) A parole report for an offender is not required to include a matter under subclause (1) (b)–(g) if a previous parole report has been prepared for the offender and the community corrections officer is of the opinion that the particulars of that matter have not changed since the previous report was prepared.
- (3) Despite subclause (2), the Parole Authority may require a parole report for an offender to include any or all of the matters referred to in subclause (1) (b)–(g).

[2] Clause 227 Notices to victims

Insert "or any other notice given under the Act to a victim whose name is recorded in the Victims Register" after "the Act" in clause 227 (1).

[3] Clause 227 (1) (b)

Omit "the Parole Authority has". Insert instead "there is".