

[Act 2002 No 36]



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

The *Summary Offences Amendment (Places of Detention) Bill 2002* is cognate with this Bill.

Overview of Bill

The objects of this Bill are as follows:

- (a) to provide that a police officer who captures an escaped inmate is to take the inmate before an authorised justice to be dealt with according to law, and a correctional officer who captures an escaped inmate is to take the inmate to a police officer or before an authorised justice to be dealt with according to law,
- (b) to enable regulations to be made providing for the seizure, forfeiture and disposal of property unlawfully brought into a correctional centre,

* Amended in committee—see table at end of volume.

- (c) to remove the requirement that a victim of a serious offence must have the approval of the Parole Board in order to make an oral submission about the possible release of the offender on parole,
- (d) to extend the exemption from personal liability for correctional officers to correctional officers exercising their functions in respect of searching persons in or in the immediate vicinity of a place of detention.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Crimes (Administration of Sentences) Act 1999* (*the Principal Act*) set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] amends section 39 of the Principal Act to require a police officer or correctional officer who arrests an escaped inmate to take the inmate before an authorised justice. Currently, section 39 requires an escaped inmate to be taken to the nearest appropriate correctional centre.

The proposed amendment aligns the procedures following an arrest of an escaped inmate under the Principal Act with the procedures under section 352AA of the *Crimes Act 1900* for the arrest of a prisoner who is unlawfully at large. A prisoner who is “unlawfully at large” is a prisoner who is at large, otherwise than by reason of having escaped from lawful custody, at a time when the person is required by law to be in custody.

Schedule 1 [3] enables regulations to be made for or with respect to the seizure, forfeiture and disposal of property unlawfully brought into a correctional centre.

Schedule 1 [4] and [5] enable the victim of a serious offence to make oral submissions to the Parole Board, without requiring the approval of the Parole Board.

Schedule 1 [2] provides that the section of the Principal Act authorising the use of dogs to maintain good order and security in a correctional centre does not limit any other power of a correctional officer to use a dog. This amendment is consequential to an amendment providing for searches of persons in or in the

immediate vicinity of a place of detention, including searches using a dog, in the *Summary Offences Amendment (Places of Detention) Bill 2002*.

Schedule 1 [6] and [7] extend the exemption from personal liability for correctional officers under the Principal Act to correctional officers exercising their functions under any other Act. This amendment is consequential to an amendment conferring a power on correctional officers to stop, search and detain persons in a place of detention in the *Summary Offences Amendment (Places of Detention) Bill 2002*.

Schedule 1 [8] enables regulations of a savings or transitional nature to be made.