



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2013

Explanatory note

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

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the *Crimes (Administration of Sentences) Act 1999* (the *principal Act*) as follows:

- (a) to require remuneration earned by inmates as participants in external work release programs to be paid directly to the Commissioner of Corrective Services (the *Commissioner*) on behalf of the inmates,
- (b) to expressly authorise the Commissioner to deduct from such remuneration an amount to contribute towards the costs of such programs and of the inmates' imprisonment, and to validate past such deductions,
- (c) to reframe the basis on which the Commissioner may make segregated custody directions,
- (d) to provide for the recording of conversations made over inmate cell call alarm systems in correctional centres,
- (e) to protect persons involved in community service work from civil liability in relation to community service work performed by offenders while residing in premises declared to be residential facilities under the principal Act (*residential facilities*),
- (f) to impose a statutory condition as to supervision on parole orders made on the basis of exceptional extenuating circumstances,
- (g) to enable a parole order made on the basis of exceptional extenuating circumstances to be revoked if the circumstances cease to exist,

- (h) to make the time at which the State Parole Authority (the *Parole Authority*) may consider parole to avoid manifest injustice for an offender whose parole has been revoked the same as it is for an offender whose parole has been refused,
- (i) to make warrants issued by the Parole Authority that commit offenders to correctional centres effective on their signing by the Secretary of the Parole Authority,
- (j) to enable a judicial member of the Parole Authority or of the Serious Offenders Review Council to prohibit the disclosure of information about the content of a report or other document the disclosure of which has been prohibited under the principal Act,
- (k) to extend the classes of offenders who may be accommodated in residential facilities,
- (l) to provide for the testing of correctional centre staff employed at correctional centres managed by private contractors for alcohol and prohibited drugs,
- (m) to enable the Secretary of the Parole Authority to act as a non-judicial member for the purposes of constituting a quorum of the Authority in urgent circumstances,
- (n) to make other amendments of a consequential, ancillary or minor nature.

The Bill also amends:

- (a) the *Crimes (Administration of Sentences) Regulation 2008*, to enable the Commissioner to authorise the operation of a biometric identification system in any correctional centre, and
- (b) the *Fines Act 1996*, to authorise the Commissioner to deduct victims support levies payable by offenders, from remuneration earned by the offenders on external work release programs, and to validate past such deductions.

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.

Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

Remuneration earned from external work release programs

Corrective Services NSW administers external work release programs under which eligible inmates may work in paid employment in the community during their sentences, in accordance with a local leave permit issued under the principal Act.

Schedule 1 [1] makes provision with respect to remuneration earned by an inmate as a participant in such a program. Under proposed section 7A, such remuneration is to be paid by the employer to the Commissioner on behalf of the inmate. From such remuneration, the Commissioner may deduct an amount to contribute towards the costs of administering the external work release program, expenses related to the inmate's participation in the program (such as travel fares) and the costs of the inmate's imprisonment during the period in which such remuneration is earned. Any deducted amounts are to be calculated in accordance with the directions of the Minister for Justice. **Schedule 1 [3]** makes a consequential amendment.

Schedule 1 [24] inserts a provision to validate any deductions from remuneration earned by an inmate as a participant in an external work release program that were made before the commencement of proposed section 7A (2), if such deductions would have been validly made had they been made on or after the commencement of that provision.

Segregated custody directions

Schedule 1 [2] modifies the basis on which the Commissioner may direct that an inmate be held in segregated custody, so that the Commissioner may make such a direction if of the opinion that the segregation is necessary to secure the safety of others or the security of or good order and

discipline within a correctional centre (rather than if of the opinion that the association of the inmate with other inmates constitutes or is likely to constitute a threat to such safety or security or good order and discipline).

Recording of conversations made over cell call alarm systems

Section 7 of the *Surveillance Devices Act 2007* makes it an offence (with specified exceptions) for a person to knowingly install, use or cause to be used, or to maintain, a listening device to overhear, record, monitor or listen to a private conversation to which the person is not a party or to record a private conversation to which the person is a party. **Schedule 1 [4]** provides for an exemption from that section to allow conversations made through cell call alarm systems in correctional centres to be recorded.

Civil liability protection in respect of certain community service work

Schedule 1 [5] and [6] extend (by extending relevant definitions) the general provisions of the principal Act dealing with the carrying out of community service work by offenders so that they apply also in relation to community service work performed by offenders residing in residential facilities, pursuant to a condition to which such residency is subject. In particular, the general provisions protect a person involved in community service work from civil liability towards third parties for acts and omissions of the offender performing the work, and towards the offender performing the work for acts and omissions of the person so involved (that liability being assumed instead by the Crown). The general provisions also impose restrictions on the community service work that may be performed and when it may be required to be performed, require offenders to disclose to the Commissioner any special medical, physical or mental condition, and authorise the Commissioner to settle claims against the Crown that arise under the provisions.

Parole orders in exceptional extenuating circumstances

Schedule 1 [8] imposes a statutory condition on parole orders made on the grounds that the offender is dying or because of exceptional extenuating circumstances, that requires the offender to be subject to supervision for the whole period the parole order is in force. **Schedule 1 [7]** makes a consequential amendment.

Schedule 1 [12] enables the Parole Authority to revoke a parole order made on the grounds that the offender is dying or because of exceptional extenuating circumstances if satisfied those grounds or circumstances no longer exist.

Consideration of parole so as to avoid manifest injustice

Schedule 1 [9] makes the time at which the Parole Authority may consider parole to avoid manifest injustice for an offender whose parole has been revoked the same as it is for an offender whose parole has been refused, being at any time after the date on which the offender first becomes eligible for release on parole. (Currently, because an offender's parole eligibility date (as defined in the principal Act) determines the time for consideration, an offender whose parole has been revoked cannot be considered for parole to avoid manifest injustice until 12 months after revocation whereas an offender whose parole has been refused may be considered at any time after the date on which the offender first becomes eligible for release on parole.) **Schedule 1 [10] and [11]** make consequential amendments.

Signing of warrants committing offenders to correctional centres

Schedule 1 [13] and [14] make warrants issued by the Parole Authority that commit offenders to correctional centres effective on their signing by the Secretary of the Parole Authority rather than by a judicial member of the Parole Authority. However, as soon as practicable after the signing of a warrant by the Secretary, it is to be countersigned by a judicial member of the Parole Authority.

Security of certain information

The principal Act enables a judicial member of the Parole Authority or of the Serious Offenders Review Council to prohibit the disclosure under the principal Act of a report or document if the

judicial member considers that the disclosure may adversely affect the security, discipline or good order of a correctional centre, endanger a person, jeopardise the conduct of any lawful investigation, prejudice the public interest, adversely affect the supervision of any offender who has been released on parole or disclose the contents of any offender's medical, psychiatric or psychological report.

Schedule 1 [15] and [16] enable a judicial member of the Parole Authority or of the Serious Offenders Review Council to prohibit the disclosure under the principal Act of any information relating to the content of a report or document the disclosure of which is so prohibited, but only if the judicial member considers that non-disclosure of the information is necessary in the public interest and that the public interest outweighs any right to procedural fairness that may be denied by non-disclosure of the information.

Accommodation of offenders in residential facilities

Schedule 1 [20] extends the classes of offenders who may be accommodated in residential facilities so as to include offenders who are subject to an extended or interim supervision order, a home detention order or an intensive correction order, or offenders in community custody (Stage 3) who are subject to a community supervision order. **Schedule 1 [18] and [19]** make consequential amendments.

Alcohol and drug testing of staff at privately managed correctional centres

Schedule 1 [21] requires operators of privately managed correctional centres (whether management companies or submanagement companies) to prepare and implement a program, approved by the Commissioner, for the testing of their correctional centre staff for alcohol and prohibited drugs, and to ensure that staff are not under the influence of alcohol or prohibited drugs when on duty, or when present at their place of work and about to go on duty. The item also enables the Commissioner to direct an operator to require its correctional centre staff to undergo testing for alcohol and prohibited drugs in accordance with the operator's approved testing program or in accordance with the testing regime provided for in the principal Act for correctional officers and other persons employed by Corrective Services NSW.

Constitution of quorum of Parole Authority

Schedule 1 [22] allows the Secretary of the Parole Authority to act as a non-judicial member of the Authority for the purposes of constituting a quorum for a meeting of the Authority and for the purposes of the meeting if the judicial member who is to preside considers it necessary because of the urgency of the business to be considered, and the lack of ready availability of any other non-judicial member to constitute a quorum. The Secretary has all the functions of, and is taken to be, a non-judicial member while so acting.

Other amendments

Schedule 1 [17] makes an amendment in the nature of statute law revision.

Schedule 1 [23] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act or any other Act that amends the principal Act.

Schedule 1 [24] inserts (in addition to the validating provision referred to above) provisions of a savings or transitional nature consequent on the amendments made by Schedule 1 [2], [5], [6], [8], [9], [12]–[16] and [20].

Schedule 2 Amendment of Fines Act 1996 No 99

The *Fines Act 1996* provides for the enforcement of victims support levies that are payable by inmates, by means of attachment of the inmates' prison earnings (being payments made to inmates by the Commissioner under the *Crimes (Administration of Sentences) Act 1999* for work done and other purposes). **Schedule 2 [1]** extends the definition of *prison earnings* to include remuneration earned by inmates as participants in external work release programs.

Schedule 2 [2] inserts provisions to validate any deductions from such remuneration for the purposes of enforcing a victims support levy (or its predecessor, a compensation levy) that were made before the commencement of the amendments made to the *Fines Act 1996* by the proposed Act, if such deductions would have been validly made had the *Fines Act 1996* as so amended then been in force. The item also validates the enforcement of the levies concerned by means of those deductions.

Schedule 3 Amendment of Crimes (Administration of Sentences) Regulation 2008

The *Crimes (Administration of Sentences) Regulation 2008* enables the Commissioner to authorise the operation of a biometric identification system only in correctional centres in which high security, extreme high security or extreme high risk restricted inmates are accommodated or in which inmates are received before they are classified. **Schedule 3 [4]** removes these restrictions to enable the Commissioner to authorise the operation of a biometric identification system in any correctional centre.

Schedule 3 [1]–[3] make amendments consequential on the amendment made by Schedule 1 [8].



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2013

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93	3
Schedule 2 Amendment of Fines Act 1996 No 99	9
Schedule 3 Amendment of Crimes (Administration of Sentences) Regulation 2008	10



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2013

No. , 2013

A Bill for

An Act to make miscellaneous amendments to the *Crimes (Administration of Sentences) Act 1999* and the regulations under that Act and related amendments to the *Fines Act 1996*.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Crimes (Administration of Sentences) Amendment Act 2013*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Crimes (Administration of Sentences) Act 1999 No 93	1
		2
[1] Section 7A		3
Insert after section 7:		4
7A Deductions from remuneration earned by inmates on external work release program		5
		6
(1) Any remuneration earned by an inmate as a participant in an external work release program is to be paid by the employer to the Commissioner on behalf of the inmate.		7
		8
		9
(2) The Commissioner may deduct from such remuneration an amount, calculated in accordance with the directions of the Minister, to contribute towards:		10
		11
(a) the costs of administering the external work release program, and		12
(b) travel fares and other expenses relating to the inmate's participation in the external work release program, and		13
		14
(c) the costs of the inmate's imprisonment during the period in which such remuneration is earned.		15
		16
(3) The Commissioner must cause a record to be kept of remuneration received and deductions made under this section.		17
		18
(4) In this section:		19
<i>external work release program</i> means a program provided under this Act which enables an eligible inmate to work in paid employment in the community during the inmate's sentence, in accordance with a local leave permit.		20
		21
		22
		23
[2] Section 10 Segregated custody of inmates		24
Omit "the association of the inmate with other inmates constitutes or is likely to constitute a threat to" from section 10 (1).		25
		26
Insert instead "such segregation is necessary to secure".		27
[3] Section 76A Inmates' money		28
Insert "the Commissioner or" after "received by" in section 76A (1) (c).		29
[4] Section 78B		30
Insert after section 78A:		31
78B Recording of conversations made over cell call alarm systems		32
(1) Section 7 (1) of the <i>Surveillance Devices Act 2007</i> does not apply to the installation, use or maintenance of a listening device to record conversations made through a cell call alarm system in a correctional centre.		33
		34
		35
(2) A <i>cell call alarm system</i> is a communication system designed to enable inmates to notify staff of emergencies while locked in their cells.		36
		37
[5] Section 118 Definitions		38
Insert after paragraph (d) of the definition of <i>community service work</i> :		39
(d1) community service work performed by an offender who is a resident of a residential facility, pursuant to a condition to which such residency is subject, and		40
		41
		42

[6] Section 118, definition of “offender”	1
Insert at the end of paragraph (d):	2
, or	3
(e) while a resident of a residential facility, pursuant to a condition to which such residency is subject.	4 5
[7] Section 128 Conditions of parole generally	6
Omit “section 128B” from section 128 (3). Insert instead “sections 128B and 128C”.	7
[8] Section 128C	8
Insert after section 128B:	9
128C Condition of parole order in exceptional circumstances as to supervision	10
It is a condition of a parole order made under section 160 in respect of an offender that, for the whole of the period for which the parole order is in force, the offender is to be subject to supervision, as prescribed by the regulations.	11 12 13
[9] Sections 137B and 143B	14
Omit “offender’s parole eligibility date” wherever occurring.	15
Insert instead “date on which the offender first becomes eligible for release on parole”.	16
[10] Section 138 Release of offender on parole	17
Insert “(other than an order made following consideration of the offender’s case under section 137B)” after “date” where firstly occurring in section 138 (1AA) (a).	18 19
[11] Section 151 Release of serious offender on parole	20
Insert “(other than an order made following consideration of the offender’s case under section 143B)” after “date” where firstly occurring in section 151 (1) (a).	21 22
[12] Section 170 Revocation of parole order	23
Insert after section 170 (1) (a1):	24
(a2) in the case of an offender who has been granted parole under section 160 on the grounds that he or she is dying or because of exceptional extenuating circumstances, if it is satisfied that those grounds or circumstances no longer exist, or	25 26 27 28
[13] Section 181 Warrants committing offenders to correctional centres	29
Omit section 181 (2). Insert instead:	30
(2) A warrant under this section is to be signed by the Secretary of the Parole Authority and as soon as practicable afterwards countersigned by a judicial member of the Parole Authority.	31 32 33
(2A) An order under this section is to be signed by a judicial member of the Parole Authority.	34 35
[14] Section 181 (5) and (6)	36
Insert after section 181 (4):	37
(5) A warrant under this section has effect on its signing by the Secretary of the Parole Authority and is not invalid merely because it is not countersigned by a judicial member of the Parole Authority.	38 39 40

(6)	A reference in this section to a judicial member of the Parole Authority is a reference to a judicial member referred to in section 183 (2) (a).	1 2
[15]	Section 194 Security of certain information	3
	Insert after section 194 (1):	4
(1A)	Nothing in this Act or the regulations requires a person to be provided with information about the content of a report or other document, a copy of which is not (by operation of subsection (1)) required to be provided to a person, if, in the opinion of a judicial member:	5 6 7 8
(a)	not providing the information to the person is necessary in the public interest, and	9 10
(b)	that public interest outweighs any right to procedural fairness that may be denied by not providing the information.	11 12
[16]	Section 209A Security of certain information	13
	Insert at the end of the section:	14
(2)	Nothing in this Act or the regulations requires a person to be provided with information about the content of a report or other document, a copy of which is not (by operation of subsection (1)) required to be provided to a person, if, in the opinion of a judicial member:	15 16 17 18
(a)	not providing the information to the person is necessary in the public interest, and	19 20
(b)	that public interest outweighs any right to procedural fairness that may be denied by not providing the information.	21 22
[17]	Section 235G Functions of Departmental compliance and monitoring officers	23
	Omit “Part 2 of” from section 235G (2) (b).	24
[18]	Section 236M Accommodation of offenders in residential facilities	25
	Omit “non-custodial orders (referred to as <i>non-custodial residents</i>)” from section 236M (1) (b).	26 27
	Insert instead “community-based orders”.	28
[19]	Section 236M (3) (a)	29
	Omit “a non-custodial resident”.	30
	Insert instead “a person residing in a residential facility who is the subject of a community-based order”.	31 32
[20]	Section 236M (5)	33
	Omit the subsection. Insert instead:	34
(5)	In this section, a <i>community-based order</i> means any of the following orders:	35
(a)	an order under Division 3 of Part 2 of the <i>Crimes (Sentencing Procedure) Act 1999</i> ,	36 37
(b)	a parole order, a home detention order or an intensive correction order,	38
(c)	an extended supervision order or an interim supervision order under the <i>Crimes (High Risk Offenders) Act 2006</i> ,	39 40

(d)	a community supervision order (within the meaning of Part 4A), if the person subject to it is in community custody (Stage 3) (within the meaning of that Part).	1 2 3
[21]	Section 241A	4
	Insert after section 241:	5
241A	Testing of correctional centre staff for alcohol and prohibited drugs	6
(1)	In this section:	7
	<i>employee</i> of a management company means a person employed by the management company, who holds an authority under section 240 to perform duties at a correctional centre managed by the management company.	8 9 10
	<i>prohibited drug</i> has the same meaning as in the <i>Drug Misuse and Trafficking Act 1985</i> .	11 12
(2)	A management company must:	13
(a)	prepare and implement a program, approved by the Commissioner, for the testing of its employees for alcohol and prohibited drugs, and	14 15
(b)	ensure that its employees are not under the influence of alcohol or any prohibited drug when on duty, or when present at their place of work and about to go on duty, and	16 17 18
(c)	report to the Commissioner, if requested in writing by the Commissioner to do so, on the implementation of the program.	19 20
(3)	The Commissioner may, whenever the Commissioner considers it appropriate to do so, direct a management company to require an employee to undergo testing for alcohol and prohibited drugs:	21 22 23
(a)	in accordance with the testing program approved by the Commissioner, or	24 25
(b)	in accordance with Division 5 of Part 11 (as applied by subsection (5)) and the regulations.	26 27
(4)	A management company must comply with a direction of the Commissioner given under this section.	28 29
(5)	Division 5 of Part 11 applies in relation to the testing of an employee for alcohol and prohibited drugs as if the references to a member of correctional staff in that Division were references to an employee referred to in this section.	30 31 32
(6)	For the purposes of subsection (3) (b), the regulations may make provision, in relation to employees referred to in this section, for or with respect to any matter for or with respect to which regulations may be made under Division 5 of Part 11 in relation to members of correctional staff (other than a matter referred to in section 236I (j) or (k)).	33 34 35 36 37
(7)	This section applies to and in respect of a submanagement company and the persons it employs for the purposes of a submanagement agreement in the same way as it applies to and in respect of a management company and its employees.	38 39 40 41
[22]	Schedule 1 Parole Authority	42
	Insert at the end of clause 13:	43
(2)	The Secretary of the Parole Authority may act as a non-judicial member for the purposes of constituting a quorum for a meeting of the Parole Authority	44 45

	and for the purposes of the meeting if the judicial member who is to preside at the meeting considers it necessary because:	1
		2
	(a) the business to be conducted at the meeting is of an urgent nature, and	3
	(b) no other non-judicial member is readily available to constitute a quorum.	4
		5
	While so acting, the Secretary has all the functions of a non-judicial member and is taken to be such a member.	6
		7
[23]	Schedule 5 Savings, transitional and other provisions	8
	Insert at the end of clause 1 (1):	9
	any other Act that amends this Act	10
[24]	Schedule 5, Part 19	11
	Insert after clause 109:	12
	Part 19 Provisions consequent on enactment of Crimes (Administration of Sentences) Amendment Act 2013	13
		14
		15
110	Definition	16
	In this Part:	17
	<i>amending Act</i> means the <i>Crimes (Administration of Sentences) Amendment Act 2013</i> .	18
		19
111	Validation of certain deductions	20
	(1) A deduction made before the commencement of section 7A (2) from remuneration earned by an inmate as a participant in an external work release program is taken to have been validly made at the time it was made if it would have been validly made on or after that commencement.	21
		22
		23
		24
	(2) Accordingly, no compensation is payable in respect of such a deducted amount or in respect of interest that may have accrued on such a deducted amount had it not been deducted.	25
		26
		27
	(3) In subclause (1):	28
	<i>external work release program</i> has the same meaning as in section 7A, but extends to a corresponding program under the former <i>Correctional Centres Act 1952</i> (a <i>corresponding program</i>).	29
		30
		31
	(4) For the purposes of applying subclause (1) to a deduction from remuneration earned by an inmate as a participant in a corresponding program, a reference in section 7A (2) to an external work release program and to remuneration earned by an inmate from participation in such a program is taken to be a reference to a corresponding program and to remuneration earned by an inmate as a participant in such a program.	32
		33
		34
		35
		36
		37
112	Segregated custody directions	38
	A segregated custody direction in force under Division 2 of Part 2 of this Act immediately before the amendment of section 10 by the amending Act continues to have effect under (and subject to) Division 2 of Part 2 as if section 10 had not been so amended.	39
		40
		41
		42

113	Protection from civil liability in respect of certain community service work performed by residents of residential facilities	1 2
	Sections 120 and 121, as extended in their operation by the amendments made to section 118 by the amending Act, apply in relation to community service work performed by an offender the subject of those amendments, whether occurring before or on or after the date on which those amendments commence.	3 4 5 6 7
114	Parole in exceptional extenuating circumstances	8
	(1) Section 128C applies only in relation to a parole order made under section 160 on or after the date on which section 128C commences.	9 10
	(2) Section 170 (1) (a2) extends to a parole order made under section 160 before the date on which section 170 (1) (a2) commences.	11 12
115	Consideration of parole so as to avoid manifest injustice	13
	Sections 137B and 143B, as amended by the amending Act, apply to an offender whether the date on which the offender first becomes eligible for release on parole occurs before, or on or after, the date on which those amendments commence.	14 15 16 17
116	Signing of warrants	18
	A warrant in force under section 181 immediately before the amendment of section 181 by the amending Act is taken to be a warrant in force under that section as so amended, and may be enforced accordingly.	19 20 21
117	Security of certain information	22
	(1) Section 194 (1A) extends to a report or other document (or any part of the report or document) that is not required to be provided to a person by operation of section 194 (1) before the commencement of section 194 (1A).	23 24 25
	(2) Section 209A (2) extends to a report or other document (or any part of the report or document) that is not required to be provided to a person by operation of section 209A before the commencement of section 209A (2).	26 27 28
118	Accommodation of offenders in residential facilities	29
	The amendments made to section 236M by the amending Act apply as if those amendments had commenced on the commencement of Division 7 of Part 11 of this Act.	30 31 32

Schedule 2	Amendment of Fines Act 1996 No 99	1
[1]	Section 18 Special provision relating to certain victims support levies	2
	Insert “and to any remuneration earned by the offender as a participant in an external work release program (within the meaning of section 7A of that Act)” after “ <i>Crimes (Administration of Sentences) Act 1999</i> ” in section 18 (8).	3 4 5
[2]	Schedule 3 Savings, transitional and other provisions	6
	Insert at the end of the Schedule with appropriate Part and clause numbering:	7
Part	Provisions consequent on enactment of Crimes (Administration of Sentences) Amendment Act 2013	8 9 10
	Definition	11
	In this Part:	12
	<i>amending Act</i> means the <i>Crimes (Administration of Sentences) Amendment Act 2013</i> .	13 14
	Validation of certain deductions and enforcement of certain fines	15
(1)	A victims support levy enforced, before the amendment of this Act by the amending Act, by means of a deduction from remuneration earned by an offender as a participant in an external work release program is taken to have been validly enforced if it would have been validly enforced had this Act as so amended (and any relevant provision to which it refers) then been in force with any necessary modification.	16 17 18 19 20 21
(2)	A deduction for the purposes of enforcing a victims support levy made before the amendment of this Act by the amending Act from remuneration earned by an offender as a participant in an external work release program is taken to have been validly made at the time it was made if it would have been validly made had this Act as so amended (and any relevant provision to which it refers) then been in force with any necessary modification.	22 23 24 25 26 27
(3)	Accordingly, no compensation is payable in respect of such a deducted amount or in respect of interest that may have accrued on such a deducted amount had it not been deducted.	28 29 30
(4)	In this clause: <i>external work release program</i> has the same meaning as in section 7A of the <i>Crimes (Administration of Sentences) Act 1999</i> , but extends to a corresponding program under the former <i>Correctional Centres Act 1952</i> .	31 32 33 34
(5)	A reference in this clause to a victims support levy extends to include a reference to a compensation levy payable under Part 5 of the former <i>Victims Support and Rehabilitation Act 1996</i> or Part 6A of the former <i>Victims Compensation Act 1987</i> .	35 36 37 38

Schedule 3	Amendment of Crimes (Administration of Sentences) Regulation 2008	1
		2
[1] Clause 228 Imposition and extension of supervision conditions		3
Insert “or 128C” after “section 128B” wherever occurring in clause 228 (4) and (5).		4
[2] Clause 228 (6)		5
Omit “section 128B (2) (a)”. Insert instead “sections 128B (2) (a) and 128C”.		6
[3] Clauses 229 (5) and 230 (2)		7
Insert “or 128C” after “section 128B” wherever occurring.		8
[4] Clause 328 Operation of biometric identification system in correctional centres		9
Omit clause 328 (1). Insert instead:		10
(1) The Commissioner may authorise the operation in correctional centres of a biometric identification system for the purposes of controlling access to the centre by all persons (including persons performing the duties of a custodian of offenders).		11
		12
		13
		14