



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2006

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crimes (Administration of Sentences) Act 1999* so as to make provision with respect to the following matters:

- (a) the transfer of juvenile inmates to prison hospitals,
- (b) the attendance of inmates at court proceedings,
- (c) home visits to offenders under periodic detention orders and home detention orders,
- (d) the period for which community service orders remain in force,
- (e) the supervision of parole in relation to offenders serving certain life sentences,
- (f) the reinstatement of periodic detention orders that have been revoked,
- (g) the release of offenders pending assessment for home detention,
- (h) the circumstances in which the revocation of a periodic detention order or home detention order can be rescinded,
- (i) the exclusion of the right of review in relation to the revocation of certain periodic detention orders, home detention orders and parole orders,

- (j) the suspension of warrants of commitment,
- (k) the documents to which an offender's victim may be given access,
- (l) the supervision of community service work,
- (m) the appointment and functions of Departmental compliance and monitoring officers,
- (n) the testing of staff for alcohol and prohibited drugs,
- (o) other minor, consequential and ancillary matters,
- (p) savings and transitional provisions in relation to the proposed amendments.

The Bill also makes consequential amendments to the *Crimes (Administration of Sentences) Regulation 2001* and to the *Children (Detention Centres) Act 1987*.

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 that gives effect to the amendments to the *Crimes (Administration of Sentences) Act 1999* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Crimes (Administration of Sentences) Regulation 2001* set out in Schedule 2.

Clause 5 is a formal provision that gives effect to the amendment to the *Children (Detention Centres) Act 1987* set out in Schedule 3.

Clause 6 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999

Transfer of juvenile inmates to prison hospitals

Section 41C provides for the transfer of a juvenile inmate (that is, an inmate who is under the age of 21 years) between adult and juvenile correctional centres. Such transfers are subject to restrictions intended to benefit the welfare of the juvenile inmate, but impede emergency transfers to prison hospitals. **Schedule 1 [4]** amends section 41C so as to disapply those subsections with respect to the transfer of a juvenile inmate to a prison hospital, and further amends that section so as to require prior consultation with the Chief Executive Officer, Justice Health, before such a transfer may be made.

Attendance of inmates at court proceedings

Schedule 1 [5] and [6] amend section 77 so as to provide that orders requiring the attendance of an inmate at court proceedings are to be sent to the Commissioner of Corrective Services instead of to the governor of the correctional centre in which the inmate is held.

Home visits to offenders

Schedule 1 [7] amends section 81 so as to make it an obligation under an offender's periodic detention order that the offender will permit home visits by members of staff of the Department of Corrective Services. **Schedule 1 [9]** makes a similar amendment to section 104 in relation to offenders under home detention orders.

Expiry of community service orders

Schedule 1 [12] amends section 110 so as to omit a provision that provides for the termination of a community service order (and therefore the termination of an offender's obligation to perform community service work) at the expiry of the relevant maximum period for that order. The effect of this amendment is to require an offender to continue performing community service work after the expiry of that period. **Schedule 1 [14] and [15]** make consequential amendments to sections 114 and 115.

Lifetime supervision of lifetime parolees

Schedule 1 [19] inserts a new section 128B so as to provide that any parole granted to an offender serving an existing life sentence within the meaning of Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999* (that is, a life sentence imposed in accordance with the law prevailing before the "truth in sentencing" legislation of 1990 commenced) is to be subject to a condition requiring lifetime supervision during which the offender must comply with obligations imposed by the Commissioner of Corrective Services. Those obligations must not be inconsistent with the standard conditions imposed by the Act or the regulations or any condition imposed by the sentencing court or the Parole Authority. **Schedule 1 [17] and [18]** make consequential amendments to section 128.

Reinstatement of periodic detention orders

Schedule 1 [25] amends section 164A so as to ensure that an offender's application for the reinstatement of a periodic detention order that has been revoked may not be made until the offender has spent at least 3 months in custody since the order was revoked and must indicate what the offender has done, or is doing, to ensure his or her compliance with the order in the event that it is reinstated.

Release of offenders pending assessment for home detention

Section 165AA currently permits the State Parole Authority, when considering whether to replace an offender's periodic detention order with a home detention order, to make an order releasing an offender from custody pending its decision. **Schedule 1 [26]** amends section 165AA so that a similar order may be made to allow an offender who is not in custody to remain at large.

Rescission of revocation of periodic detention orders and home detention orders

Schedule 1 [27] amends section 175 so as to restrict the State Parole Authority's power to rescind the revocation of a periodic detention order or a home detention order, under all circumstances, to those situations in which it would be manifestly unjust not to do so.

Exclusion of rights of review in relation to revocation of periodic detention orders, home detention orders and parole orders

Schedule 1 [28] inserts a new section 175A so as to provide that revocation of an offender's periodic detention order, home detention order or parole order is not reviewable if the revocation occurs within the last 30 days of the offender's sentence.

Suspension of warrants of commitment

Schedule 1 [29] amends section 181 so as to enable the State Parole Authority to recall or suspend any warrant that it has issued under that section. **Schedule 1 [30]–[32]** make consequential amendments to section 181.

Documents to which an offender's victim may be given access

Schedule 1 [35] amends section 193A so as to restrict the class of documents to which a serious offender's victim is entitled to be given access to those documents that indicate the measures that the offender has taken, or is taking, to address his or her offending behaviour.

Supervision of community service work

Schedule 1 [36] inserts a new section 235F so as to provide that, at any place at which community service work is being performed both by offenders under periodic detention orders and offenders under community service orders, the work may be supervised either by periodic detention field officers (whose functions are defined in existing section 235D) or by community service field officers (whose functions are defined in proposed section 235E). **Schedule 1 [10], [11], [13] and [16]** make consequential amendments to sections 107, 112 and 117.

Departmental compliance and monitoring officers

Schedule 1 [36] inserts a new section 235G so as to enable the Commissioner to appoint members of staff of the Department of Corrective Services as compliance

and monitoring officers. Such officers will be able to exercise, in relation to offenders outside a correctional centre, certain powers of arrest, powers of drug and alcohol testing and powers of search and detention, being powers that are currently exercisable only by correctional officers. Any qualifications on the exercise of those powers by correctional officers will apply equally to their exercise by compliance and monitoring officers, except that they will be able to be exercised wherever the offender happens to be. The proposed section is not to be construed as conferring a power of entry to premises.

Testing of staff for alcohol and prohibited drugs

Schedule 1 [37] amends section 236F so as to make it clear that testing of staff for alcohol and prohibited drugs can be conducted not only on a random basis but also on the basis of the results of previous testing.

Minor, consequential and ancillary amendments

Schedule 1 [2] and [3] amend section 3 (1) so as to insert a new definition of *general manager* and omit the definition of *governor*. **Schedule 1 [1]** amends the whole Act so as to substitute references to “governor” with references to “general manager”.

Schedule 1 [8] amends section 87 so as to ensure that any leave of absence granted under that section may be granted subject to conditions.

Schedule 1 [20] amends section 138 so as to remove certain words by way of minor law revision.

Schedule 1 [21]–[23] amend section 139 so as to refer to the decisions, rather than the initial intentions, of the State Parole Authority in relation to its dealings with certain applications for parole.

Schedule 1 [24] amends section 141A so that regulations with respect to submissions made to the State Parole Authority by the Commissioner of Corrective Services in connection with the granting of parole to an offender who is not a serious offender may be made in the same way as regulations may be made with respect to submissions made by the State under section 153 in connection with the granting of parole to a serious offender.

Schedule 1 [33] amends section 185 so that regulations may be made with respect to submissions made to the State Parole Authority by the Commissioner of Corrective Services in connection with any advice to the Authority that is given by the Serious Offenders Review Council in relation to the exercise of the Authority’s functions.

Schedule 1 [34] amends section 190 so as to correct an incorrect cross-reference.

Savings and transitional provisions

Schedule 1 [38] amends clause 1 of Schedule 5 so as to enable savings and transitional regulations to be made as a consequence of the enactment of the proposed Act. **Schedule 1 [39]** enacts specific savings and transitional provisions in this regard.

Schedule 2 Amendment of Crimes (Administration of Sentences) Regulation 2001

Schedule 2 [2] amends clause 216 so as to prescribe supervision by a Departmental officer as supervision for an offender to whom section 128B of the *Crimes (Administration of Sentences) Act 1999* (to be inserted by Schedule 1 [19]) applies, in addition to supervision by a probation and parole officer that applies to all other offenders on parole.

Schedule 2 [5] inserts a new clause 218A, to apply to an offender to whom section 128B of the *Crimes (Administration of Sentences) Act 1999* applies, so as to require that an offender's obligations under that section to be reviewed at intervals of not more than 12 months, and that any new obligations imposed on the offender be notified to the State Parole Authority.

Schedule 2 [1], [3] and [4] make consequential amendments to clauses 216, 217 and 218.

Schedule 3 Amendment of Children (Detention Centres) Act 1987

Schedule 3 amends section 37J so as to make it clear that testing of staff for alcohol and prohibited drugs can be conducted not only on a random basis but also on the basis of the results of previous testing.



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2006

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No. , 2006

A Bill for

An Act to amend the *Crimes (Administration of Sentences) Act 1999* with respect to the supervision of lifetime parolees and other miscellaneous matters; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Administration of Sentences) Amendment Act 2006</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Amendment of Crimes (Administration of Sentences) Act 1999 No 93	7
The <i>Crimes (Administration of Sentences) Act 1999</i> is amended as set out in Schedule 1.	8 9
4 Amendment of Crimes (Administration of Sentences) Regulation 2001	10
The <i>Crimes (Administration of Sentences) Regulation 2001</i> is amended as set out in Schedule 2.	11 12
5 Amendment of Children (Detention Centres) Act 1987 No 57	13
The <i>Children (Detention Centres) Act 1987</i> is amended as set out in Schedule 3.	14 15
6 Repeal of Act	16
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	17 18
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	19 20

Schedule 1	Amendment of Crimes (Administration of Sentences) Act 1999	1
		2
	(Section 3)	3
[1]	The whole Act (sections 3 (1) and 77 (1) and (2) and Schedule 5 excepted)	4
	Omit “governor”, “governors”, “governor’s” and “Governors” (but not “Governor”) wherever occurring.	5
		6
	Insert instead “general manager”, “general managers”, “general manager’s” and “General managers”, respectively.	7
		8
[2]	Section 3 Interpretation	9
	Insert in alphabetical order in section 3 (1):	10
	<i>general manager</i> means:	11
	(a) in relation to a correctional centre, the general manager of the correctional centre, or	12
		13
	(b) in relation to a periodic detention centre, the general manager of the correctional centre who is responsible for the periodic detention centre by virtue of a proclamation referred to in section 226 (3),	14
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	and includes any person who is for the time being in charge of the correctional centre referred to in paragraph (a) or (b), as the case requires.	18
		19
		20
[3]	Section 3 (1), definition of “governor”	21
	Omit the definition.	22
[4]	Section 41C Transfers to and from juvenile correctional centres	23
	Insert after section 41C (4) (after the note):	24
	(5) Subsections (2), (3) and (4) do not apply to the transfer of a juvenile inmate to a hospital pursuant to an order by the Commissioner under section 24.	25
		26
		27
	(6) Such an order may not be made without prior consultation between the Commissioner and the Chief Executive Officer, Justice Health.	28
		29
		30
[5]	Section 77 Attendance of inmates before courts and court officers	31
	Omit “the governor of the correctional centre in which the inmate is held” from section 77 (1).	32
		33
	Insert instead “the Commissioner”.	34

[6] Section 77 (2)	1
Omit “governor”.	2
Insert instead “general manager of the correctional centre in which the inmate is held”.	3 4
[7] Section 81 Obligations of offender	5
Insert at the end of section 81 (c):	6
, and	7
(d) to permit any correctional officer or other member of staff of the Department to visit the offender at the offender’s residential address at any time.	8 9 10
[8] Section 87 Leave of absence for failing to report	11
Insert after section 87 (2):	12
(2A) Leave of absence that is granted before the detention period to which it relates may be granted subject to such conditions as the Commissioner may determine.	13 14 15
[9] Section 104 Obligations of offender	16
Insert at the end of section 104 (b):	17
, and	18
(c) to permit any correctional officer or other member of staff of the Department to visit the offender at the offender’s residential address at any time.	19 20 21
[10] Section 107 Definitions	22
Insert in alphabetical order:	23
<i>community service field officer</i> means a person who is employed for the purpose of supervising offenders subject to community service orders while the offenders are performing community service work.	24 25 26 27
[11] Section 107, definition of “supervisor”	28
Omit the definition.	29
[12] Section 110 Duration of community service order	30
Omit section 110 (b).	31

[13] Section 112 Performance of community service work	1
Omit “supervisors” from section 112 (1) (b).	2
Insert instead “community service field officers”.	3
[14] Section 114 Extension of period of community service order	4
Omit section 114 (2).	5
[15] Section 115 Revocation of community service orders	6
Omit section 115 (2B).	7
[16] Section 117 Regulations	8
Omit “supervisors” from section 117 (g).	9
Insert instead “community service field officers”.	10
[17] Section 128 Conditions of parole generally	11
Insert “this Act or” after “standard conditions imposed by” wherever occurring in section 128 (1) (a) and (4) (a) and (b).	12 13
[18] Section 128 (3)	14
Insert “but subject to section 128B,” after “subsection (2A),”.	15
[19] Section 128B	16
Insert after section 128A:	17
128B Conditions of parole as to lifetime supervision	18
(1) This section applies to an offender serving an existing life sentence within the meaning of Schedule 1 to the <i>Crimes (Sentencing Procedure) Act 1999</i> , being an offender in respect of whom a parole order is made as a consequence of the Supreme Court having set a non-parole period for the sentence (but not a specified term) under clause 4 of that Schedule.	19 20 21 22 23 24
(2) It is a condition of a parole order for an offender to whom this section applies that, for the whole of the period for which the parole order is in force:	25 26 27
(a) the offender is to be subject to supervision, as prescribed by the regulations, and	28 29
(b) in relation to that supervision, the offender must comply with such obligations as the Commissioner may from time to time impose on the offender.	30 31 32
Note. Unless the parole order is sooner revoked, the effect of this provision is supervision for life.	33 34

(3)	This section does not permit the Commissioner to impose any obligations that are inconsistent with any standard conditions imposed by this Act or the regulations or any additional conditions imposed by the sentencing court or the Parole Authority.	1 2 3 4 5
[20]	Section 138 Release of offender on parole Omit “or before” from section 138 (1).	6 7
[21]	Section 139 Notice to offender of decision to refuse parole Omit “forming an initial intention” from section 139 (1). Insert instead “deciding”.	8 9 10
[22]	Section 139 (1) (a) Omit “intention”. Insert instead “decision”.	11 12
[23]	Section 139 (2) (a) Omit “initial intention”. Insert instead “decision”.	13 14
[24]	Section 141A Submissions by Commissioner Insert after section 141A (3): (4) The regulations may make provision for or with respect to submissions by the Commissioner under this section, including provisions relating to the application of this Subdivision in connection with any such submission.	15 16 17 18 19 20
[25]	Section 164A Parole Authority may reinstate revoked periodic detention order Omit section 164A (1). Insert instead: (1) If an offender’s periodic detention order has been revoked under this Division or under section 179, the Parole Authority: (a) on the application of the offender, and (b) subject to Part 5 of the <i>Crimes (Sentencing Procedure) Act 1999</i> , may make an order reinstating the offender’s revoked periodic detention order in respect of the remaining balance of the offender’s sentence.	21 22 23 24 25 26 27 28 29 30 31

(1A) Such an application:	1
(a) may not be made until the offender has, since the periodic detention order was revoked, served at least 3 months of the offender's sentence by way of full-time detention, and	2 3 4
(b) must state what the offender has done, or is doing, to ensure that the offender will not fail to comply with the offender's obligations under the periodic detention order in the event that it is reinstated.	5 6 7 8
[26] Section 165AA Release of offender pending assessment for home detention	9 10
Insert "or permitting the offender to remain at large" after "custody" in section 165AA (1).	11 12
[27] Section 175 Decision after review	13
Omit section 175 (1A). Insert instead:	14
(1A) Despite subsection (1) (a) and (b), the Parole Authority may not rescind the revocation of:	15 16
(a) a periodic detention order of an offender who has failed to apply for, or been refused, leave of absence with respect to 3 or more detention periods, or	17 18 19
(b) a periodic detention order that it has revoked under section 163 (1C), or	20 21
(c) a home detention order that it has revoked under section 167 (6),	22 23
except in such circumstances as may be prescribed by the regulations as constituting manifest injustice.	24 25
[28] Section 175A	26
Insert after section 175:	27
175A Review not available in certain circumstances	28
If an offender's periodic detention order, home detention order or parole order is revoked within 30 days before the date on which the offender's sentence expires (ignoring any extension of the sentence under section 168 (3)):	29 30 31 32
(a) the revocation notice referred to in section 173 is not required to comply with the requirements of section 173 (2) (b) or (c), and	33 34 35
(b) the offender is not entitled to seek reconsideration of the revocation of the order under section 174.	36 37

[29] Section 181 Warrants committing offenders to correctional centres	1
Insert after section 181 (1A):	2
(1B) The Parole Authority may, by order, recall or suspend any warrant that it has issued under this section.	3 4
[30] Section 181 (2)	5
Insert “or order” after “warrant”.	6
[31] Section 181 (3)	7
Omit “A warrant”.	8
Insert instead “Subject to any order under subsection (1B), a warrant”.	9
[32] Section 181 (4)	10
Insert “or orders” after “warrants”.	11
[33] Section 185 Functions of Parole Authority	12
Insert after section 185 (3):	13
(4) The regulations may make provision for or with respect to submissions by the Commissioner under this section.	14 15
[34] Section 190 Rights of parties making submissions	16
Omit “147 (3)” from section 190 (3). Insert instead “147 (2)”.	17
[35] Section 193A Access to documents held by Parole Authority	18
Insert “, but only to the extent to which those documents indicate the measures that the offender has taken, or is taking, to address his or her offending behaviour” after “the offender” in section 193A (2).	19 20 21
[36] Sections 235E–235G	22
Insert after section 235D:	23
235E Functions of community service field officers	24
(1) In this section:	25
<i>community service field officer</i> means a person who is employed for the purpose of supervising offenders subject to community service orders while the offenders are performing community service work.	26 27 28 29
(2) The functions of community service field officers are to be as determined from time to time by the Commissioner.	30 31

(3)	Community service field officers must at all times exercise their functions in such manner as the Commissioner, having regard to current circumstances, may from time to time direct.	1 2 3
235F	Common work sites	4
(1)	At any place at which both offenders under periodic detention orders and offenders under community service orders are carrying out community service work:	5 6 7
(a)	any periodic detention field officer who is authorised by the Commissioner in that regard may exercise the functions of a community service field officer, and	8 9 10
(b)	any community service field officer who is authorised by the Commissioner in that regard may exercise the functions of a periodic detention field officer.	11 12 13
(2)	In this section:	14
	<i>community service field officer</i> has the same meaning as it has in section 235E.	15 16
	<i>periodic detention field officer</i> has the same meaning as it has in section 235D.	17 18
235G	Functions of Departmental compliance and monitoring officers	19
(1)	The Commissioner may appoint any member of staff of the Department (including any correctional officer or probation and parole officer) as a compliance and monitoring officer.	20 21 22
(2)	A compliance and monitoring officer may, in relation to an offender who is outside a correctional centre, exercise such of the following functions as are specified in the instrument of his or her appointment as a compliance and monitoring officer or in a subsequent instrument executed by the Commissioner:	23 24 25 26 27
(a)	the functions of a correctional officer in relation to the arrest of offenders under section 39 in relation to the arrest of inmates unlawfully absent from custody,	28 29 30
(b)	the functions of a correctional officer under the regulations in relation to the testing of offenders for the presence of alcohol or drugs,	31 32 33
(c)	the functions of a correctional officer under Part 4A of the <i>Summary Offences Act 1988</i> in relation to offences relating to places of detention,	34 35 36
(d)	such other functions as are ancillary to the functions referred to in the foregoing paragraphs.	37 38

(3)	The functions referred to in subsection (2) may be exercised in relation to an offender, in accordance with the legislative provisions under which they arise, wherever the offender may be.	1 2 3
	Note. For example, the functions conferred by this section may be exercised:	4 5
(a)	in relation to an inmate under Part 2 who is absent from a correctional centre, and	6 7
(b)	in relation to an offender under Part 3 who has failed to report as required during a detention period, and	8 9
(c)	in relation to an offender under Part 4 who is absent from home during the period of a home detention order, and	10 11
(d)	in relation to an offender under Part 5 while required to be performing community service work.	12 13
(4)	Subsection (3) is not to be construed as conferring on a compliance and monitoring officer any power to enter premises otherwise than with the consent of the occupier of those premises.	14 15 16
(5)	In this section, <i>offender</i> means:	17
(a)	an inmate referred to in Part 2 who is absent from a correctional centre, or	18 19
(b)	an offender referred to in Part 3, 4 or 5.	20
[37]	Section 236F Testing of staff for alcohol and prohibited drugs	21
	Insert “and, in particular, on the basis of the results of previous testing” after “basis” in section 236F (2).	22 23
[38]	Schedule 5 Savings, transitional and other provisions	24
	Insert at the end of clause 1 (1):	25
	<i>Crimes (Administration of Sentences) Amendment Act 2006</i>	26
[39]	Schedule 5, Part 11	27
	Insert after Part 10:	28
	Part 11 Provisions consequent on enactment of Crimes (Administration of Sentences) Amendment Act 2006	29 30 31
89	Definition	32
	In this Part:	33
	<i>the 2006 amending Act</i> means the <i>Crimes (Administration of Sentences) Amendment Act 2006</i> .	34 35

90	Duration of community service orders	1
	Section 110, as amended by the 2006 amending Act, extends to any community service order in force before the commencement of that amendment.	2 3 4
91	Reinstatement of revoked periodic detention orders	5
	Section 164A, as in force immediately before it was amended by the 2006 amending Act, continues to apply to any application made before the commencement of that amendment as if that Act had not been enacted.	6 7 8 9
92	Rescission of revocation of certain orders	10
	Section 175, as amended by the 2006 amending Act, extends to any periodic detention order or home detention order that had been revoked before the commencement of that amendment.	11 12 13
93	Review of revocation of certain orders	14
	Section 175A, as inserted by the 2006 amending Act, extends to any periodic detention order, home detention order or parole order that had been revoked before the commencement of that amendment, other than an order in respect of which the offender had, before the commencement of that amendment, notified the Secretary of the Parole Authority under section 174 of the offender's intention to make submissions to the Parole Authority.	15 16 17 18 19 20 21
94	Suspension of warrants of commitment	22
	Section 181, as amended by the 2006 amending Act, extends to any warrant issued under that section before the commencement of those amendments.	23 24 25
95	References to "governor"	26
	On and from the date on which the 2006 amending Act substitutes references in this Act to "governor" with references to "general manager", a reference in any other Act or instrument to the governor of a correctional centre is taken to be a reference to the general manager of a correctional centre.	27 28 29 30 31

Schedule 2	Amendment of Crimes (Administration of Sentences) Regulation 2001	1
		2
	(Section 4)	3
[1] Clause 216 Imposition and extension of supervision conditions		4
Insert after clause 216 (2B):		5
(2C) Subclauses (1)–(2B) do not apply to an offender to whom section 128B of the Act applies.		6
		7
[2] Clause 216 (3)		8
Omit the subclause. Insert instead:		9
(3) For the purposes of section 128 (3) of the Act:		10
(a) the prescribed supervision for an offender (other than an offender to whom section 128B of the Act applies) is supervision by a probation and parole officer, and		11
		12
		13
(b) the prescribed supervision for an offender to whom section 128B of the Act applies is supervision by a probation and parole officer or by some other Departmental officer.		14
		15
		16
[3] Clause 217 Supervision conditions generally		17
Insert after clause 217 (4):		18
(5) Subclauses (3) and (4) do not apply to an offender to whom section 128B of the Act applies.		19
		20
[4] Clause 218 Variation of conditions so as to require supervision		21
Insert at the end of the clause:		22
(2) This clause does not apply to an offender to whom section 128B of the Act applies.		23
		24
[5] Clause 218A		25
Insert after clause 218:		26
218A Commissioner to review supervision obligations for offenders serving existing life sentences		27
		28
(1) This clause applies to an offender to whom section 128B of the Act applies.		29
		30
(2) An offender’s section 128B obligations must be reviewed by the Commissioner at intervals of not more than 12 months.		31
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|-----|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| (3) | As soon as practicable after imposing any section 128B obligations on an offender, the Commissioner must notify the Parole Authority of that fact. | 1
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| (4) | In this clause, <i>section 128B obligation</i> means an obligation to which an offender is subject under section 128B (2) (b) of the Act. | 4
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Schedule 3 Amendment of Children (Detention Centres) Act 1987

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(Section 5)

Section 37J Testing of juvenile justice officers for alcohol and prohibited drugs

Insert “and, in particular, on the basis of the results of previous testing” after “basis” in section 37J (2).