

Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010 No 48

[2010-48]



New South Wales

Status Information

Currency of version

Repealed version for 2 October 2010 to 6 January 2011 (accessed 22 December 2024 at 18:03)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2010 No 119](#) with effect from 7.1.2011.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010 No 48



New South Wales

An Act to amend the *Crimes (Sentencing Procedure) Act 1999*, the *Crimes (Administration of Sentences) Act 1999* and other laws to provide for sentences of imprisonment by way of intensive community correction and to repeal provisions for periodic detention.

1 Name of Act

This Act is the *Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010*.

2 Commencement

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

Schedules 1, 2 (Repealed)

Schedule 3 Amendment of *Crimes (Sentencing Procedure) Regulation 2005*

Part 3

Omit the Part. Insert instead:

Part 3 Sentencing procedures for intensive correction orders

12 Intensive correction orders: section 7

- (1) An intensive correction order is to be in the approved form.
- (2) A copy of the order must be given to the offender, and a further copy is to be sent to the Commissioner of Corrective Services.

13 Undertakings to comply with intensive correction order: section 67

An undertaking referred to in section 67 (1) (d) of the Act is to be in the approved

form.

14 Assessment reports: section 70

- (1) An offender's assessment report must take into account, and specifically address, the following matters:
 - (a) any criminal record of the offender, and the likelihood that the offender will re-offend,
 - (b) any risks associated with managing the offender in the community (taking into account the offender's response to supervision in the community on previous occasions),
 - (c) the likelihood that the offender will commit a domestic violence offence,
 - (d) whether the offender will have suitable residential accommodation for the duration of an intensive correction order,
 - (e) whether any circumstances of the offender's residence, employment, study or other activities would inhibit effective implementation of an intensive correction order,
 - (f) whether the persons with whom it is likely the offender would reside, or continue or resume a relationship, understand the requirements of an intensive correction order and are prepared to live in conformity with them, so far as may be necessary,
 - (g) whether the making of an intensive correction order would place at risk of harm any person who would be living with or in the vicinity of the offender,
 - (h) any dependency of the offender on alcohol or drugs, or other substance abuse, that would affect the offender's ability to comply with the offender's obligations under an intensive correction order,
 - (i) any physical or mental health conditions of the offender that would affect the offender's ability to comply with the offender's obligations under an intensive correction order,
 - (j) the existence and extent of any self-harm risk, including the likely impact of an intensive correction order on that risk, and the availability in the community of the support and treatment services necessary to manage the risk.
- (2) If a child under the age of 18 years would be living with an offender serving a sentence of imprisonment by way of intensive correction, the assessment report must take into account, and specifically address, the effect on the child of that fact.

- (3) If it appears to the officer preparing the assessment report that the offender is homeless:
 - (a) all reasonable efforts must be made by the Commissioner of Corrective Services, in consultation with the offender, to find suitable accommodation for the offender, and
 - (b) the report is not to be finalised until those efforts have been made.
- (4) An offender's assessment report must also include an assessment of:
 - (a) factors associated with his or her offending that would be able to be addressed by targeted interventions under an intensive correction order, and
 - (b) the availability of resources to address those factors by targeted interventions under an intensive correction order, and
 - (c) any issues relevant to the administration of an intensive correction order in respect of the offender that may be relevant to the court's determination of an appropriate date to be fixed for the commencement of the sentence.

15 Notice of intensive correction order: section 73

A notice referred to in section 73 (1) of the Act is to be in the approved form.

Schedules 4, 5 (Repealed)