



# NSW Legislative Assembly Hansard

## Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 21 September 2004.

### Second Reading

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [7.40 p.m.], on behalf of Mr Bob Debus:  
I move:

That this bill be now read a second time.

The Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill is a short bill, which I trust will find support from all members of the House. The background to the bill is that on 19 July 2004 Leith Buffet was charged with the murder of his father, a Minister in the Norfolk Island Government. On 20 July 2004 the Norfolk Island Court of Petty Sessions remanded Leith Buffet in custody. Leith Buffet is 25 years old and has a history of mental illness. The remand cell in which Leith Buffet is presently being held is unsuitable for long stays, especially for a person who needs psychiatric care. The Norfolk Island Government has asked the New South Wales Government to accommodate Leith Buffet in Long Bay Hospital.

Long Bay Hospital is a highly secure general and psychiatric hospital that accommodates remand and sentenced inmates and certain persons found unfit to plead on mental illness grounds. Long Bay Hospital is a proclaimed correctional centre. Long Bay Hospital would be appropriate placement for Leith Buffet under the circumstances. However, there is no legislative mechanism by which the Norfolk Island Government is able to transfer Leith Buffet to a New South Wales correctional centre. Sections 47 to 50 of the Crimes (Administration of Sentences) Act 1999 provide for the transfer from Norfolk Island to New South Wales of sentenced prisoners but not remand prisoners: Leith Buffet is a remand prisoner. This bill will amend sections 47 to 50 of the Crimes (Administration of Sentences) Act so that not only sentenced prisoners but also remand prisoners may be transferred from Norfolk Island to New South Wales.

The amendments will mesh with Norfolk Island's Removal of Prisoners Bill 2004, which will be introduced into the Norfolk Island Legislative Assembly shortly. The Norfolk Island bill is modelled closely on the Australian Capital Territory's Removal of Prisoners Act 1968. Under that Act, the Australian Capital Territory is able to transfer remand and sentenced prisoners to New South Wales. The Australian Capital Territory Government pays the New South Wales Government a daily fee per prisoner in respect of those prisoners transferred from the Territory to New South Wales. Both the New South Wales bill and the Norfolk Island bill provide for the relevant legislation to commence on the date of assent. While the circumstances of Leith Buffet are the motivation for introducing the bills, the bills apply generally. I commend the bill to the House.