



# NSW Legislative Council Hansard

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

Extract from NSW Legislative Council Hansard and Papers Wednesday 22 September 2004.

### Second Reading

**The Hon. JOHN HATZISTERGOS** (Minister for Justice, and Minister Assisting the Premier on Citizenship) [11.10 a.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

The Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill 2004 is a short bill which, I trust, will find support from all members of the House.

The background to the bill is as follows.

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 NSW Government to accommodate Leith Buffet in Long Bay Hospital.

Long Bay Hospital is a highly secure general and psychiatric hospital which 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.

There is, however, 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.

The bill which I am introducing today will amend sections 47 to 50 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 ACT is able to transfer remand and sentenced prisoners to New South Wales.

The ACT Government pays the New South Wales Government a daily fee per prisoner in respect of those prisoners transferred from the ACT 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.

I wish to mention that, while the circumstances of Leith Buffet are the motivation for introducing the Bills, the Bills apply generally. I commend the Bill to the House.