



New South Wales

# **Crimes (Interstate Transfer of Community Based Sentences) Bill 2004**

## **Explanatory note**

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

## **Overview of Bill**

The object of this Bill is to establish a scheme for the formal transfer and enforcement of community based sentences between Australian jurisdictions.

Under the scheme, an offender with a community based sentence in New South Wales will be able to transfer the supervision and administration of the sentence to a new jurisdiction on a voluntary basis, provided the requirements of the proposed Act are satisfied. The offender will then be managed in the new jurisdiction as if a court of the new jurisdiction had imposed the sentence, except for purposes of appeal or review, which remains the responsibility of the originating jurisdiction.

The sentences currently available in New South Wales that may be transferred under the scheme are:

- (a) community service orders, and
- (b) home detention orders, and

- (c) periodic detention orders, and
- (d) good behaviour bonds.

Parole orders, fines and reparation orders are excluded from the scope of the proposed Act.

The Bill provides that the Commissioner of Corrective Services is to be the local authority, who will process requests for transfer into and out of the local jurisdiction. Details of the transferred orders will be recorded and maintained on a register. The local authority will make decisions on the basis of information sent by the interstate equivalent of the local authority (the *interstate authority*) regarding the offender and the sentence, provided specific criteria are satisfied.

The criteria that the local authority will apply when deciding whether to accept a request for transfer are as follows:

- (a) the offender has consented to the order and has not withdrawn that consent,
- (b) there is a sentence in the local jurisdiction that corresponds to the sentence imposed in the interstate jurisdiction,
- (c) the offender can comply with the sentence in the local jurisdiction,
- (d) the sentence can be safely, efficiently and effectively administered in the local jurisdiction.

The local authority will be able to refuse a request for transfer if the criteria are not met, or otherwise at the local authority's discretion. This will be particularly relevant in a case where the local authority becomes aware of concerns expressed by an individual for his or her safety if the offender were to reside in the local jurisdiction.

The authority's discretion may also be exercised in a case where the offender poses an unacceptable administrative burden to the local jurisdiction because the offender has a history of not complying with directions issued by a supervising officer.

If the local authority decides to accept a request for transfer, the offender will be supervised and administered by the local authority as though the sentence had been made in the local jurisdiction. The administration of the sentence includes administering a breach of the sentence. Therefore, if the offender does not comply with the conditions of the transfer order, he or she will be re-sentenced by a court of the local jurisdiction according to the laws of the local jurisdiction. The court may, however, refer to the penalty range and type that would have been applicable in the original jurisdiction, so as to ensure that the transfer does not serve to avoid the sentencing intentions of the original jurisdiction.

If, however, the offender seeks an appeal or review of the conviction or the sentence relating to the conviction, the appeal will be made to the original jurisdiction and not to the jurisdiction supervising and administering the transferred sentence. In the case that the appeal or request for review is successful, the amended sentence will be administered and supervised in the jurisdiction supervising and administering the transferred sentence as though the appeal or review had been made by a court of the local jurisdiction.

## Outline of provisions

### **Part 1 Preliminary**

**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** outlines the purpose of the proposed Act, which is to provide for the formal transfer and enforcement of community based sentences between jurisdictions.

**Clause 4** describes the sentences that will be transferable under the proposed Act.

The proposed Act will only apply to sentences imposed in relation to adults. This is because many jurisdictions (including New South Wales) have separate legislative, administrative and judicial regimes for adults and juveniles, and providing for a single piece of legislation to cover both distinct regimes would be administratively inefficient.

The proposed Act will not apply to certain types of sentence that may be served in the community and that could be considered to be alternatives to imprisonment. These are:

- (a) parole orders, and
- (b) sentences to the extent that they impose fines or other financial penalties, and
- (c) sentences to the extent that they require the making of reparations.

**Clause 5** provides for the definition of certain expressions.

**Clause 6** provides that notes included in the proposed Act do not form part of that Act.

## **Part 2 Key concepts for Act**

**Clause 7** specifies the community based sentences that will be allowed to be transferred to and from New South Wales.

Community based sentences are those sentences that are served within the community, are imposed as an alternative to imprisonment and can be supervised and administered in the local jurisdiction.

The orders that are specified as community based sentences for the purposes of transfer to and from New South Wales are as follows:

- (a) periodic detention orders,
- (b) home detention orders,
- (c) community service orders,
- (d) good behaviour bonds,
- (e) sentences declared by the regulations to be community based sentences.

**Clause 8** defines certain terms for the purposes of the proposed Act.

**Clause 9** defines the terms *local sentence* and *interstate sentence*.

**Clause 10** defines the term *corresponding law*. The proposed section establishes the connection between the proposed Act and the legislation of other jurisdictions, to form a transfer scheme applicable between all jurisdictions that enact similar legislation. A law will be corresponding between jurisdictions if it is stated to be corresponding in the regulations to the proposed Act, or if the laws substantially correspond.

**Clause 11** provides for interstate authorities that will administer the proposed Act. Each other participating jurisdiction will have a designated authority as the authority for that jurisdiction. Having one authority for each jurisdiction will ensure that there is a single communication point in each jurisdiction, establishing clear communication procedures and practices.

## **Part 3 Administration**

**Clause 12** provides that the Commissioner of Corrective Services is the local authority in New South Wales for the purposes of the proposed Act.

**Clause 13** provides that the local authority may delegate the exercise of any of the authority's functions under the proposed Act to another member of staff of the Department of Corrective Services (other than that power of delegation).

**Clause 14** establishes the way in which transferred sentences will be recorded. Sentences transferred to New South Wales will be recorded in a local register. This proposed section also provides power for the local authority to correct any

error that appears on the local register. For example, correction may be necessary as a result of a successful appeal or amendment to the sentence in the original jurisdiction.

## **Part 4      Registration of interstate sentences in this jurisdiction**

**Clause 15** establishes the administrative process of registration. Requests for registration are to be sent between authorities in the local and interstate jurisdictions. The local authority may only register a request for transfer that comes from the relevant interstate authority.

**Clause 16** prescribes the form in which the interstate jurisdiction must present a request for registration of a community based sentence in the local jurisdiction if it is to be considered by the local authority.

**Clause 17** empowers the local authority to request additional information that may be held by the interstate authority concerning the offender or the sentence.

**Clause 18** provides that an offender may withdraw the offender's consent to the transfer at any time before the registration of the sentence by communicating his or her withdrawal of consent in writing to the local authority.

**Clause 19** defines registration criteria that the local authority is to apply when determining whether to accept the transfer of a community based sentence. The criteria to be applied are that:

- (a) the offender has consented to the transfer and has not withdrawn that consent, and
- (b) there is a corresponding community based sentence in the local jurisdiction, and
- (c) the offender can comply with the sentence in the local jurisdiction, and
- (d) the sentence can be safely, efficiently and effectively administered in the local jurisdiction.

The local authority must under proposed section 20 have regard to the registration criteria before the it will accept a request for transfer. However, the local authority may act with discretion and decline to register the sentence even if all registration criteria are met.

**Clause 20** specifies the decisions that the local authority may make upon receiving a request for transfer. The local authority may decide to:

- (a) register the sentence, or
- (b) require the offender to meet certain preconditions before registering the sentence, or

- (c) decline to register the sentence.

If the local authority decides not to register the sentence, the local authority must write to the offender and the interstate authority and advise them of this decision.

**Clause 21** clarifies the process by which the local authority may impose preconditions to registration under proposed section 20. Imposing preconditions provides a means for the local authority to confirm the offender's ability and willingness to comply with the sentence in the local jurisdiction, before formal registration and transfer occurs. If the local authority decides to impose preconditions or amend preconditions already imposed, the local authority must write to the offender and the interstate authority advising of the preconditions.

**Clause 22** establishes the action that may be taken dependent on the decision reached by the local authority under proposed section 20. The local authority must register the sentence by entering the details required by the regulations in the local register.

**Clause 23** establishes that if the local authority decides to register the sentence, the local authority must write to the offender and the interstate authority advising of the registration, and stating the date upon which the sentence was registered.

**Clause 24** outlines the effect of registration of a community based sentence in the local jurisdiction, with reference to the administration of the sentence and how a breach of the sentence should be dealt with. The effects include the following:

- (a) that the sentence is in force in the local jurisdiction and ceases to be in force in the interstate or any other jurisdiction,
- (b) that the sentence is taken to have been validly imposed by a relevant court of the local jurisdiction (the sentence is then treated in the same way as any other sentence imposed by a court of the local jurisdiction),
- (c) that the sentence continues to apply to the offender on its terms despite anything to the contrary under the law of the local jurisdiction,
- (d) that in a case where the sentencing jurisdiction is different from the local jurisdiction, the offence for which the sentence was imposed is taken to be an offence against the laws of the local jurisdiction, and not an offence against the law of the originating jurisdiction,
- (e) that any part of the sentence served in the interstate jurisdiction before registration is taken to have been served in the local jurisdiction,
- (f) that the offender may be dealt with in the local jurisdiction for a breach of the sentence, whether the breach happened before or after the registration.

Registration does not affect an offender's right to seek an appeal or review of the conviction or finding of guilt or the imposition of a sentence in the original jurisdiction. As a matter of practicality, any appeal or review of a conviction or sentence must be dealt with in the original jurisdiction rather than the local jurisdiction. If the appeal or review is successful and results in amendment of the sentence, the amended sentence has effect in the local jurisdiction as though it had been imposed on appeal or review in the local jurisdiction. It would be contrary to natural justice to prevent an offender from seeking an appeal or review of their conviction or sentence by virtue of registration to a jurisdiction other than the original jurisdiction.

## **Part 5 Registration of local sentences in interstate jurisdictions**

**Clause 25** establishes that the local authority may request the interstate authority to register a community based sentence in the interstate jurisdiction.

**Clause 26** establishes that the local authority may send the interstate authority information about a sentence or an offender that is requested by the interstate authority under corresponding interstate legislation.

**Clause 27** states that registration of a sentence from the local jurisdiction in the interstate jurisdiction has a number of effects, namely:

- (a) that the sentence ceases to be a community based sentence in force in the local jurisdiction and becomes a community based sentence in force in the interstate jurisdiction, and
- (b) that the offender may be dealt with in the interstate jurisdiction for breaches of the sentence, whether these occurred before or after the registration, and
- (c) that the sentence ceases to be registered on the local register.

If the local jurisdiction was also the original jurisdiction, this clause does not limit the offender's right to seek an appeal or review of the sentence or the conviction or finding of guilt upon which the sentence was based.

## **Part 6 Miscellaneous**

**Clause 28** states that in the case of the local authority becoming aware of inaccurate information regarding a sentence of the local jurisdiction registered in another jurisdiction under corresponding legislation, the local authority must inform the interstate authority of how the information held in the interstate register needs to be changed to be accurate.

**Clause 29** states the action that must be taken by the local and interstate authorities if there is a dispute over the accuracy of the information held about a sentence of the local jurisdiction that has been registered in the register of the interstate jurisdiction.

**Clause 30** establishes that a certificate signed by the local or an interstate authority stating a matter in or that can be ascertained from the local or interstate register is evidence of the particular matter, including if it refers to a date or period of time. The certificate will be evidence of the registration and other details that appear on the register (the registered particulars) whenever required in a court. The regulations under this proposed Act may prescribe any other documents that a court must also admit into evidence.

**Clause 31** enables regulations to be made for the purposes of the proposed Act.

**Clause 32** gives effect to Schedule 1 which contains savings, transitional and other provisions.

**Clause 33** provides for the Minister to review the proposed Act as soon as possible after 5 years from the date of assent to the proposed Act. A report on the outcome of the review is to be tabled in Parliament.

## **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** enables savings and transitional regulations to be made consequent on the enactment of the proposed Act.





New South Wales

# Crimes (Interstate Transfer of Community Based Sentences) Bill 2004

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New South Wales

# **Crimes (Interstate Transfer of Community Based Sentences) Bill 2004**

No. , 2004

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## **A Bill for**

An Act relating to the interstate transfer of community based sentences; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Crimes (Interstate Transfer of Community Based Sentences) Act 2004</i> .	4 5
<b>2 Commencement</b>	6
This Act commences on a day or days to be appointed by proclamation.	7 8
<b>3 Purpose of Act</b>	9
The purpose of this Act is to allow community based sentences imposed in participating jurisdictions to be transferred, by registration, between participating jurisdictions.	10 11 12
<b>4 Application of Act</b>	13
(1) This Act applies only to sentences imposed by courts on adults convicted or found guilty of offences.	14 15
(2) This Act does not apply to:	16
(a) a parole order, or	17
(b) a sentence to the extent that it imposes a fine or other financial penalty (however described), or	18 19
(c) a sentence to the extent that it requires the making of reparation (however described).	20 21
<b>5 Definitions</b>	22
In this Act:	23
<i>community based sentence</i> —see section 7.	24
<i>corresponding law</i> —see section 10.	25
<i>Department</i> means the Department of Corrective Services.	26
<i>interstate authority</i> —see section 11.	27
<i>interstate jurisdiction</i> —see section 8 (4).	28
<i>interstate sentence</i> —see section 9 (2).	29

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<i>jurisdiction</i> —see section 8 (1).	1
<i>local authority</i> —see section 12.	2
<i>local register</i> —see section 14.	3
<i>local sentence</i> —see section 9 (1).	4
<i>offender</i> , in relation to a community based sentence, means the person on whom the sentence was imposed.	5 6
<i>originating jurisdiction</i> , for a community based sentence, means the jurisdiction where the sentence was originally imposed.	7 8
<i>parole order</i> means an order in force under:	9
(a) section 50 of the <i>Crimes (Sentencing Procedure) Act 1999</i> , or	10
(b) section 138, 141, 149, 150, 154A, 159 or 160 of the <i>Crimes (Administration of Sentences) Act 1999</i> .	11 12
<i>participating jurisdiction</i> —see section 8 (3).	13
<i>registration criteria</i> , for Part 4 (Registration of interstate sentences in this jurisdiction)—see section 19.	14 15
<i>sentence</i> means an order, decision or other sentence (however described), and includes part of a sentence.	16 17
<i>serve a sentence</i> includes:	18
(a) comply with or satisfy the sentence, or	19
(b) do anything else in accordance with the sentence.	20
<i>this jurisdiction</i> —see section 8 (2).	21
<b>Note.</b> Expressions used in this Act (or in a particular provision of this Act) that are defined in the <i>Interpretation Act 1987</i> have the meanings set out in that Act.	22 23

<b>6 Notes</b>	24
Notes included in this Act do not form part of this Act.	25

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## Part 2 Key concepts for Act 1

### 7 What is a “community based sentence”? 2

(1) A *community based sentence* is: 3

(a) for this jurisdiction—any of the following: 4

(i) a periodic detention order under section 6 of the *Crimes (Sentencing Procedure) Act 1999* and the sentence of imprisonment in relation to which the order is made, 5  
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(ii) a home detention order under section 7 of the *Crimes (Sentencing Procedure) Act 1999* and the sentence of imprisonment in relation to which the order is made, 8  
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(iii) a home detention order under section 165 of the *Crimes (Administration of Sentences) Act 1999* and the remainder of the term of the sentence in relation to which the order is made, 11  
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(iv) a community service order under section 8 of the *Crimes (Sentencing Procedure) Act 1999*, 15  
16

(v) a good behaviour bond entered into under section 9 (1) of the *Crimes (Sentencing Procedure) Act 1999*, 17  
18

(vi) a good behaviour bond entered into under section 10 (1) (b) of the *Crimes (Sentencing Procedure) Act 1999*, 19  
20

(vii) an order under section 12 (1) of the *Crimes (Sentencing Procedure) Act 1999* suspending a sentence, a good behaviour bond entered into in accordance with the order and the sentence of imprisonment imposed in relation to the order, 21  
22  
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(viii) a sentence declared by the regulations to be a community based sentence, and 26  
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(b) for an interstate jurisdiction—a sentence that is a community based sentence under the corresponding law of the jurisdiction. 28  
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(2) For the purposes of subsection (1) (a), the following are taken to be a single community based sentence: 31  
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(a) a periodic detention order under section 6 of the *Crimes (Sentencing Procedure) Act 1999* and the sentence of imprisonment in relation to which the order is made, 33  
34  
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(b) a home detention order under section 7 of the *Crimes (Sentencing Procedure) Act 1999* and the sentence of imprisonment in relation to which the order is made, 36  
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(c)	a home detention order under section 165 of the <i>Crimes (Administration of Sentences) Act 1999</i> and the remainder of the term of the sentence in relation to which the order is made,	1 2 3
(d)	an order under section 12 (1) of the <i>Crimes (Sentencing Procedure) Act 1999</i> , a good behaviour bond entered into in accordance with the order and the sentence of imprisonment imposed in relation to the order.	4 5 6 7
<b>8</b>	<b>Jurisdictions and participating jurisdictions</b>	8
(1)	A <i>jurisdiction</i> means a State or Territory of the Commonwealth.	9
(2)	<i>This jurisdiction</i> means New South Wales.	10
(3)	A <i>participating jurisdiction</i> is this jurisdiction or a State or Territory of the Commonwealth declared by the regulations to be a participating jurisdiction.	11 12 13
(4)	An <i>interstate jurisdiction</i> is a participating jurisdiction other than this jurisdiction.	14 15
<b>9</b>	<b>Local and interstate sentences</b>	16
(1)	A <i>local sentence</i> is a community based sentence in force in this jurisdiction.	17 18
	<b>Note.</b> For the effect of interstate registration of a local sentence, see section 27.	19
(2)	An <i>interstate sentence</i> is a community based sentence in force in an interstate jurisdiction.	20 21
	<b>Note.</b> For the effect of registration in this jurisdiction of an interstate sentence, see section 24.	22 23
<b>10</b>	<b>What is a corresponding law?</b>	24
	A <i>corresponding law</i> is:	25
(a)	a law of an interstate jurisdiction corresponding, or substantially corresponding, to this Act, or	26 27
(b)	a law of an interstate jurisdiction that is declared by the regulations to be a corresponding law, whether or not the law corresponds, or substantially corresponds, to this Act.	28 29 30

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Clause 11 Crimes (Interstate Transfer of Community Based Sentences) Bill 2004

Part 2 Key concepts for Act

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**11 Interstate authorities**

The *interstate authority* for an interstate jurisdiction is the entity that is the local authority for the jurisdiction under the corresponding law of the jurisdiction.

**Note.** The local authority for New South Wales is the Commissioner of Corrective Services, see section 12.

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<b>Part 3</b>	<b>Administration</b>	1
<b>12</b>	<b>Commissioner of Corrective Services is local authority</b>	2
	The <i>local authority</i> for this jurisdiction is the Commissioner of Corrective Services.	3 4
<b>13</b>	<b>Delegation by local authority</b>	5
	The local authority may delegate the exercise of any of the authority's functions under this Act to another member of staff of the Department (other than this power of delegation).	6 7 8
<b>14</b>	<b>Local register</b>	9
(1)	The local authority must keep a register (the <i>local register</i> ) of interstate sentences registered under this Act.	10 11
(2)	The local authority may correct a mistake or omission in the local register.	12 13

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<b>Part 4</b>	<b>Registration of interstate sentences in this jurisdiction</b>	1
		2
<b>15</b>	<b>Request for transfer of interstate sentence</b>	3
	The local authority may register an interstate sentence in this jurisdiction at the request of the interstate authority for the interstate jurisdiction in which the sentence is in force.	4 5 6
<b>16</b>	<b>Form of request for registration</b>	7
(1)	The local authority must consider the request if the request:	8
(a)	is in writing, and	9
(b)	states the following particulars:	10
(i)	the offender's name,	11
(ii)	the offender's date of birth,	12
(iii)	the offender's last-known address,	13
(iv)	any other particulars required by the local authority, and	14 15
(c)	is accompanied by the documents mentioned in subsection (2).	16 17
(2)	The documents to accompany the request are as follows:	18
(a)	a copy of the interstate sentence certified by the interstate authority,	19 20
(b)	a copy of the offender's consent for the registration of the sentence in this jurisdiction,	21 22
(c)	a copy of any relevant pre-sentence report about the offender held by the interstate jurisdiction in relation to any offence committed by the offender for which the offender is subject to a sentence,	23 24 25 26
(d)	a copy of any relevant psychological or other assessment of the offender held by the interstate authority,	27 28
(e)	details held by the interstate jurisdiction of:	29
(i)	the offender's criminal record (whether in or outside Australia), and	30 31
(ii)	the offender's compliance with the interstate sentence and any other relevant non-custodial sentence,	32 33

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- (f) a statement by the interstate authority explaining what part of the sentence has been served in the interstate jurisdiction or any other interstate jurisdiction before the making of the request, 1  
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- (g) a statement by the interstate authority that the authority has explained to the offender, in language likely to be readily understood by the offender, that, if the sentence is registered in this jurisdiction: 5  
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- (i) the offender will be bound by the requirements of the law of this jurisdiction in relation to the sentence, and 9  
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- (ii) a breach of the sentence may result in the offender being resentenced in this jurisdiction for the offence, and 11  
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- (iii) the other consequences for a breach of the sentence in this jurisdiction may be different from the consequences for a breach of the sentence in the interstate jurisdiction, and, in particular, the penalties for breach of the sentence may be different, 14  
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- (h) a statement by the interstate authority that sets out the reasons given by the offender for requesting to register the interstate sentence in this jurisdiction, 19  
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21
- (i) any other document required by the local authority. 22
- (3) For the purposes of subsection (2) (c), the offender is *subject* to a sentence if the sentence has not been fully served and has not been discharged. 23  
24  
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- (4) In considering the request, the local authority may take into account any other information or other documents given to the local authority by the interstate authority. 26  
27  
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- 17 Request for additional information** 29
- The local authority may ask the interstate authority for additional information about the interstate sentence or the offender. 30  
31
- 18 Withdrawal of offender's consent** 32
- The offender may withdraw consent to the registration of the interstate sentence at any time before (but not after) its registration by giving written notice to the local authority. 33  
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- 19 Registration criteria** 1
- (1) The *registration criteria* are that: 2
- (a) the offender has consented to the sentence being registered in 3  
this jurisdiction and has not withdrawn the consent, and 4
- (b) there is a corresponding community based sentence under the 5  
law of this jurisdiction, and 6
- (c) the offender can comply with the sentence in this jurisdiction, 7  
and 8
- (d) the sentence can be safely, efficiently and effectively 9  
administered in this jurisdiction. 10
- (2) In this section, there is a *corresponding community based sentence* 11  
*under the law of this jurisdiction* for the interstate sentence if: 12
- (a) a community based sentence under the law of this jurisdiction 13  
corresponds, or substantially corresponds, to the interstate 14  
sentence, or 15
- (b) a community based sentence under the law of this jurisdiction 16  
is declared by the regulations to correspond to the interstate 17  
sentence, whether or not the sentence corresponds, or 18  
substantially corresponds, to the interstate sentence. 19
- 20 Decision on request** 20
- (1) The local authority may decide: 21
- (a) to register the interstate sentence, or 22
- (b) to register the sentence if the offender meets preconditions 23  
imposed under section 21 (Preconditions for registration), or 24
- (c) not to register the sentence. 25
- (2) In deciding whether to register the interstate sentence, the local 26  
authority must have regard to the registration criteria, but may have 27  
regard to any matter prescribed by the regulations and any other 28  
relevant matter. 29
- (3) The local authority: 30
- (a) may decide not to register the interstate sentence even if 31  
satisfied the registration criteria are met, but 32
- (b) must not decide to register the interstate sentence (with or 33  
without preconditions) unless satisfied that the registration 34  
criteria are met. 35

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- (4) The local authority may decide whether to register the interstate sentence, or to impose any preconditions, on the information and documents given to the authority under this Part, and any other information or documents available to the authority, without hearing the offender. 1  
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- (5) To remove any doubt, the local authority may decide to register the interstate sentence even if: 6  
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- (a) the interstate jurisdiction is not the originating jurisdiction for the sentence, or 8  
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- (b) the sentence has previously been registered in this jurisdiction or this jurisdiction is the originating jurisdiction for the sentence, or 10  
11  
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- (c) the authority has previously decided not to register the sentence in this jurisdiction. 13  
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- Note.** For the effect of registration in this jurisdiction of an interstate sentence, see section 24. 15  
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- (6) If the local authority decides not to register the interstate sentence, the authority must give written notice of the decision to the offender and the interstate authority. 17  
18  
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- 21 Preconditions for registration** 20
- (1) The local authority may impose preconditions for the registration of the interstate sentence that the offender must meet to show that the offender can comply, and is willing to comply, with the sentence in this jurisdiction. 21  
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- (2) Without limiting subsection (1), the local authority may impose preconditions of the following kind: 25  
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- (a) that the offender must satisfy the local authority before a stated time that the offender is living in this jurisdiction, 27  
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- (b) that the offender must report to a stated person in this jurisdiction at a stated time and place (or another time and place agreed between the local authority and the offender). 29  
30  
31
- (3) If the local authority decides to impose preconditions, the local authority must give written notice of the decision and the preconditions to the offender and the interstate authority. 32  
33  
34
- (4) The local authority may, by written notice to the offender and the interstate authority, amend or revoke any precondition. 35  
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<b>22</b>	<b>How interstate sentence registered</b>	1
(1)	If the local authority decides to register the interstate sentence in this jurisdiction without imposing preconditions for the registration of the sentence, the local authority must register the sentence by entering the required details in the local register.	2 3 4 5
(2)	If the local authority decides to impose preconditions for the registration of the interstate sentence, the local authority must register the sentence by entering the required details in the local register only if the authority is satisfied that the preconditions have been met.	6 7 8 9 10
(3)	In this section:  <i>required details</i> means the details of the offender and the interstate sentence prescribed by the regulations.	11 12 13
<b>23</b>	<b>Notice of registration</b>	14
(1)	If the local authority registers the interstate sentence in this jurisdiction, the local authority must give written notice of the registration to the offender and the interstate authority.	15 16 17
(2)	The notice must state the date the sentence was registered.	18
<b>24</b>	<b>Effect of registration generally</b>	19
(1)	If the interstate sentence is registered in this jurisdiction, the following provisions apply:	20 21
(a)	the sentence becomes a community based sentence in force in this jurisdiction, and ceases to be a community based sentence in force in the interstate jurisdiction,	22 23 24
(b)	the sentence is taken to have been validly imposed by the appropriate court of this jurisdiction,	25 26
(c)	the sentence continues to apply to the offender in accordance with its terms despite anything to the contrary under the law of this jurisdiction,	27 28 29
(d)	the offence (the <i>relevant offence</i> ) for which the sentence was imposed on the offender is taken to be an offence against the law of this jurisdiction, and not an offence against the law of the originating jurisdiction,	30 31 32 33

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| (e) | the penalty for the relevant offence is taken to be the relevant penalty for the offence under the law of the originating jurisdiction, and not the penalty for an offence of that kind (if any) under the law of this jurisdiction, | 1<br>2<br>3<br>4     |
| (f) | any part of the sentence served in an interstate jurisdiction before its registration is taken to have been served in this jurisdiction,   | 5<br>6<br>7          |
| (g) | the offender may be dealt with in this jurisdiction for a breach of the sentence, whether the breach happened before, or happens after, the registration of the sentence,  | 8<br>9<br>10         |
| (h) | the law of this jurisdiction applies to the sentence and any breach of it with the changes (if any) prescribed by the regulations.   | 11<br>12<br>13       |
| (2) | Subsection (1) (d) and (e) do not apply if this jurisdiction is the originating jurisdiction.  | 14<br>15             |
| (3) | This section does not affect any right, in the originating jurisdiction, of appeal or review (however described) in relation to:   | 16<br>17             |
| (a) | the conviction or finding of guilt on which the interstate sentence was based, or  | 18<br>19             |
| (b) | the imposition of the interstate sentence.   | 20                   |
| (4) | Any sentence or decision imposed or made on an appeal or review mentioned in subsection (3) has effect in this jurisdiction as if it were validly imposed or made on an appeal or review in this jurisdiction.                       | 21<br>22<br>23<br>24 |
| (5) | This section does not give any right to the offender to an appeal or review (however described) in this jurisdiction in relation to the conviction, finding of guilt or imposition of sentence mentioned in subsection (3).          | 25<br>26<br>27<br>28 |
| (6) | In this section:   | 29                   |
|     | <b><i>appropriate court</i></b> , of this jurisdiction, means:   | 30                   |
| (a) | if the interstate sentence was imposed by a court of summary jurisdiction or by a court on appeal from a court of summary jurisdiction—a Local Court, and  | 31<br>32<br>33       |
| (b) | in any other case—the Supreme Court.   | 34                   |
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<b>Part 5</b>	<b>Registration of local sentences in interstate jurisdictions</b>	1
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<b>25</b>	<b>Request for transfer of local sentence</b>	3
	The local authority may request the interstate authority for an interstate jurisdiction to register a local sentence in the interstate jurisdiction.	4 5 6
<b>26</b>	<b>Response to request for additional information</b>	7
	The local authority may, at the request of the interstate authority or on its own initiative, give the interstate authority any additional information about the local sentence or the offender.	8 9 10
<b>27</b>	<b>Effect of interstate registration</b>	11
(1)	If the local sentence is registered in the interstate jurisdiction, the following provisions have effect:	12 13
(a)	the sentence becomes a community based sentence in force in the interstate jurisdiction, and ceases to be a community based sentence in force in this jurisdiction,	14 15 16
(b)	the offender may be dealt with in the interstate jurisdiction for a breach of the sentence, whether the breach happened before, or happens after, the registration of the sentence,	17 18 19
(c)	if the sentence is registered in the local register—the sentence ceases to be registered.	20 21
(2)	If this jurisdiction is the originating jurisdiction for the local sentence, this section does not affect any right of appeal or review (however described) in relation to:	22 23 24
(a)	the conviction or finding of guilt on which the sentence was based, or	25 26
(b)	the imposition of the sentence.	27
(3)	To remove any doubt, this section does not prevent the local sentence from later being registered in this jurisdiction.	28 29



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<b>Part 6</b>	<b>Miscellaneous</b>	1
<b>28</b>	<b>Inaccurate information about local sentence registered interstate</b>	2
(1)	This section applies if:	3
(a)	a community based sentence that was a local sentence is registered in an interstate jurisdiction, and	4 5
(b)	the local authority becomes aware that information about the sentence or the offender recorded in the register kept under the corresponding law of the interstate jurisdiction (the <i>interstate register</i> ) is not, or is no longer, accurate.	6 7 8 9
(2)	The local authority must tell the interstate authority for the interstate jurisdiction how the information in the interstate register needs to be changed to be accurate.	10 11 12
(3)	Without limiting subsection (2), the local authority must tell the interstate authority about:	13 14
(a)	any part of the sentence served in this jurisdiction between the making of the request to register the sentence in the interstate jurisdiction and its registration in the interstate jurisdiction, or	15 16 17
(b)	the outcome of any appeal or review in this jurisdiction affecting the sentence.	18 19
<b>29</b>	<b>Dispute about accuracy of information in interstate register</b>	20
(1)	This section applies if:	21
(a)	a community based sentence that was a local sentence is registered in an interstate jurisdiction, and	22 23
(b)	the offender claims, in writing, to the interstate authority for the interstate jurisdiction that the information recorded about the sentence or the offender in the register kept under the corresponding law of the interstate jurisdiction (the <i>interstate register</i> ) is not, or is no longer, accurate, and states in the claim how the information is inaccurate.	24 25 26 27 28 29
(2)	The interstate authority may send the local authority:	30
(a)	a copy of the claim, and	31
(b)	an extract from the interstate register containing the information that the offender claims is inaccurate.	32 33
(3)	The local authority must check whether the information in the extract is accurate, having regard to the offender's claims.	34 35

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(4)	If the local authority is satisfied that the information is accurate, the local authority must tell the interstate authority.	1 2
(5)	If the local authority is satisfied that the information is inaccurate, the local authority must give the interstate authority the correct information.	3 4 5
<b>30</b>	<b>Evidence of registration and registered particulars</b>	6
(1)	A certificate that appears to be signed by or on behalf of the local authority or the interstate authority for an interstate jurisdiction, and states a matter that appears in or can be worked out from the register kept under this Act or a corresponding law, is evidence of the matter.	7 8 9 10 11
(2)	A certificate under subsection (1) may state a matter by reference to a date or period.	12 13
(3)	A certificate that appears to be signed by or on behalf of the local authority or the interstate authority for an interstate jurisdiction, and states any matter prescribed by the regulations, is evidence of the matter.	14 15 16 17
(4)	A certificate that appears to be signed by or on behalf of the local authority or the interstate authority for an interstate jurisdiction and states any of the following details is evidence of the matter:	18 19 20
	(a) details of a community based sentence or the offender in relation to a community based sentence,	21 22
	(b) details of any part of a community based sentence that has or has not been served.	23 24
(5)	A court must accept a certificate mentioned in this section as proof of the matters stated in it if there is no evidence to the contrary.	25 26
(6)	A court must or may admit into evidence other documents prescribed by the regulations in the circumstances prescribed by the regulations.	27 28 29

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<b>31</b>	<b>Regulations</b>	1
	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	2 3 4 5
<b>32</b>	<b>Savings, transitional and other provisions</b>	6
	Schedule 1 has effect.	7
<b>33</b>	<b>Review of Act</b>	8
(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	9 10 11
(2)	The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.	12 13
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	14 15 16

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<b>Schedule 1 Savings, transitional and other provisions</b>	1
(Section 32)	2
<b>Part 1 General</b>	3
<b>1 Regulations</b>	4
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	5
this Act	6
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	7
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	8
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	9
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	10
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