

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 and other legislation as follows:

- (a) to confer on the State Parole Authority functions relating to parole orders for Norfolk Island prisoners held in New South Wales,
- (b) to update references to certain officers,
- (c) to enable members of staff responsible for the Victims Register kept under the Crimes (Administration of Sentences) Act 1999 to provide certain information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council,
- (d) to provide for corrective services dogs to have the same treatment under the Companion Animals Act 1998 as police dogs,
- (e) to enable spent convictions to be required to be disclosed by persons seeking employment as members of staff of Corrective Services NSW,

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- (f) to enable an inmate to be compelled to attend before the Mental Health Review Tribunal,
- (g) to make a provision of a savings and transitional nature.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

Norfolk Island prisoners

Prisoners sentenced under Norfolk Island law may be removed to New South Wales correctional centres under the Removal of Prisoners Act 2004 of Norfolk Island.

Under Part 6 of the Sentencing Act 2007 of Norfolk Island parole orders may be granted to Norfolk Island prisoners by the State Parole Authority.

Schedule 1 [4] inserts proposed Division 4A of Part 6 (proposed sections 160AB and 160AC). The proposed Division empowers the State Parole Authority to exercise the functions conferred on it under the Norfolk Island legislation with respect to parole orders. It also applies the Crimes (Administration of Sentences) Act 1999 and the regulations under that Act to the exercise of those functions in so far as they are consistent with the Norfolk Island legislation. Functions are also conferred on the Probation and Parole Service with respect to Norfolk Island prisoners. The State Parole Authority and the Probation and Parole Service are not required to exercise any functions with respect to a Norfolk Island prisoner who is not in New South Wales, unless doing so in accordance with an agreement with the Administration of Norfolk Island. Schedule 1 [1] makes a consequential amendment.

Schedule 1 [9] validates previous acts or omissions by the State Parole Authority and the Probation and Parole Service in respect of Norfolk Island prisoners' parole if those acts or omissions could have been validly done had the proposed Division 4A of Part 6 been in force when the acts or omissions were done or omitted.

References to officers

Schedule 1 [2], [3], [5] and [6] update references to community offender services field officers.

Provision of information and documents to victims

Schedule 1 [7] enables members of staff of the agency responsible for keeping the Victims Register under the Crimes (Administration of Sentences) Act 1999 to assist

the Serious Offenders Review Council and the State Parole Authority to notify the victims of a serious offender after that Council forms an initial intention to

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recommend a low security classification for the offender or that Authority forms an initial intention to make a parole order for the offender. Such staff may also assist the State Parole Authority to give the victim of a serious offender or the victim's authorised agent access to documents held in relation to the offender, being documents that the Authority has determined are to be provided, and assist with related ancillary functions.

Savings and transitional provisions

Schedule 1 [8] enables regulations containing savings and transitional provisions to be made consequent on the enactment of the proposed Act.

Schedule 2 Amendment of other Acts and instruments

Companion Animals Act 1998 No 87

Schedule 2.1 [3] exempts corrective services dogs from section 13 of the Companion Animals Act 1998 (the Act), which makes it an offence for a person to have a dog in a public place if the person does not have the dog under the person's effective control by means of an adequate chain, cord or leash. The Act currently exempts police dogs and other types of dogs.

Schedule 2.1 [4] exempts corrective services dogs from section 14 of the Act, which prohibits dogs from being in certain public places, such as children's play areas and food preparation areas. Section 14 does not currently apply to police dogs or dogs being used to assist a person with a disability.

Schedule 2.1 [5] and [6] provide that offences under sections 16 and 17 of the Act, which relate to dog attacks, do not apply to corrective services dogs.

Schedule 2.1 [5] also provides that section 25 of the Act, which imposes liability on a dog owner for injury or damage caused by the dog, does not apply to corrective services dogs. These sections do not currently apply to police dogs.

Schedule 2.1 [2] inserts a definition of corrective services dog, which means a dog that is being used on official duty by a correctional officer, into the Act.

Schedule 2.1 [1] makes a consequential amendment to a note in the definition of companion animal.

Companion Animals Regulation 2008

Schedule 2.2 provides that corrective services dogs (or attacks involving corrective services dogs while working or training) are not required to be registered under the Companion Animals Act 1998. Similar exemptions apply to police dogs.

Crimes (Administration of Sentences) Regulation 2008

Schedule 2.3 [1]–[3] update references to community offender services field officers.

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Schedule 2.3 [4] specifies provisions of the Crimes (Administration of Sentences) Act 1999 that do and do not apply to the granting of parole orders to Norfolk Island prisoners in New South Wales correctional centres.

Schedule 2.3 [5] enables the Mental Health Review Tribunal to direct the Commissioner of Corrective Services to cause an inmate to attend before the Tribunal.

Criminal Records Act 1991 No 8

Schedule 2.4 enables spent convictions to be required to be disclosed by persons seeking employment as members of staff of Corrective Services NSW by exempting

those circumstances from the prohibition on such disclosures.