

c2025-250A
GRNS--The Greens

LEGISLATIVE COUNCIL

Crimes (Administration of Sentences) Amendment (Standard of Proof) Bill 2025

First print

Proposed amendment

No. 1 **Correctional centre offences**

Page 3, Schedule 1[1], lines 3–5. Omit all words on the lines. Insert instead—

[1] **Part 2, Division 6, Subdivision 1, heading**

Insert after Division 6, heading—

Subdivision 1 Preliminary

[1A] **Section 51 Definitions**

Insert in alphabetical order—

major correctional centre offence—see section 51B.

minor correctional centre offence means a correctional centre offence other than a major correctional centre offence.

[1B] **Part 2, Division 6, Subdivision 2, heading**

Insert after section 51—

Subdivision 2 Correctional centre offences

[1C] **Section 51A Meaning of “correctional centre offence”**

Omit section 51A(b). Insert instead—

(b) is set out in this subdivision.

[1D] **Section 51B**

Insert after section 51A—

51B Major correctional centre offences

The correctional centre offences set out in the following provisions are *major correctional centre offences*—

- (a) section 51C,
- (b) section 51D,
- (c) section 51E,

-
- (d) section 51F,
 - (e) section 51H(2),
 - (f) section 51J,
 - (g) section 51S,
 - (h) section 51W.

[1E] Sections 51C–51

Transfer the provisions of the *Crimes (Administration of Sentences) Regulation 2014* as set out in the table to after section 51B, as inserted by item [1D], and renumber the clauses as set out in the table—

Provision of regulation	New number in Act
Clause 134	Section 51C
Clause 135	Section 51D
Clause 136	Section 51E
Clause 137	Section 51F
Clause 138	Section 51G
Clause 139	Section 51H
Clause 140	Section 51I
Clause 141	Section 51J
Clause 142	Section 51K
Clause 143	Section 51L
Clause 144	Section 51M
Clause 145	Section 51N
Clause 146	Section 51O
Clause 147	Section 51P
Clause 148	Section 51Q
Clause 149	Section 51R
Clause 150	Section 51S
Clause 151	Section 51T
Clause 152	Section 51U
Clause 153	Section 51V
Clause 155	Section 51W
Clause 156	Section 51X

[1F] Sections 51C–51X, as inserted by item [1E]

Omit the notes to the sections.

[1G] Sections 51F(2), 51R(2), 51S(2), 51T(2) and 51V, as inserted by item [1E]

Omit “clause” wherever occurring. Insert instead “section”.

[1H] Section 51J(4), as inserted by item [1E]

Omit “Subclauses”. Insert instead “Subsections”.

[1I] Section 51Q(3), as inserted by item [1E]

Omit “subclause”. Insert instead “subsection”.

[1J] Part 2, Division 6, Subdivision 3, heading

Insert before section 52—

Subdivision 3 Dealing with correctional centre offences

[1K] Sections 53 Penalties governor may impose

Omit “beyond reasonable doubt” wherever occurring in section 53(1)–(3).

[1L] Section 53(1)

Omit “a correctional centre offence”.

Insert instead “a major correctional centre offence”.

[1M] Section 53(1A)

Insert after section 53(1)—

(1A) If, after conducting an inquiry, the governor is satisfied that the inmate is guilty of a minor correctional centre offence, the governor may impose no more than one of the following penalties—

- (a) deprivation, for up to 7 days, of withdrawable privileges determined by the governor,
- (b) cancellation of a right to receive payments under section 7 for up to 7 days, but only to the extent to which the payments are additional to the payments made at the base rate to inmates generally or to inmates of a class to which the inmate belongs.

[1N] Section 53(3A)

Insert after section 53(3)—

(3A) The standard of proof required to find an inmate guilty is—

- (a) for a major correctional centre offence—beyond reasonable doubt, or
- (b) for a minor correctional centre offence—the balance of probabilities.

[1O] Sections 56 Penalties Visiting Magistrate may impose

Omit “beyond reasonable doubt” wherever occurring in section 56(1)–(3).

[1P] Section 56(1)

Omit “the correctional centre offence”.

Insert instead “a major correctional centre offence”.

[1Q] Section 56(1A)

Insert after section 56(1)—

(1A) If, after hearing the charge, the Visiting Magistrate is satisfied that the inmate is guilty of a minor correctional centre offence, the governor may impose no more than one of the following penalties—

- (a) deprivation, for up to 7 days, of withdrawable privileges determined by the Visiting Magistrate,

-
- (b) cancellation of a right to receive payments under section 7 for up to 7 days, but only to the extent to which the payments are additional to the payments made at the base rate to inmates generally or to inmates of a class to which the inmate belongs.

[1R] Section 56(3A)

Insert after section 56(3)—

- (3A) The standard of proof required to find an inmate guilty is—
 - (a) for a major correctional centre offence—beyond reasonable doubt, or
 - (b) for a minor correctional centre offence—the balance of probabilities.

[1S] Section 62A

Insert after section 62—

62A Finding of guilt for minor correctional centre offence

A finding of guilt for a minor correctional centre offence must not be taken into account or used—

- (a) to classify an inmate, or
- (b) in future legal proceedings involving the inmate, including in relation to—
 - (i) sentencing, other than to impose the penalty for the minor correctional centre offence, or
 - (ii) parole, or
 - (iii) assessing whether the inmate is a high risk offender.