

[STATE ARMS]

New South Wales

# Periodic Detention of Prisoners Further Amendment Bill 1998

## 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 *Periodic Detention of Prisoners Act 1981* so as:

- (a) to provide that the procedures that follow the cancellation of an order for periodic detention by the Parole Board are to be the same as those that follow the revocation of a parole order or home detention order by the Parole Board, and
- (b) to vary existing (uncommenced) savings and transitional provisions and to enact further savings and transitional provisions.

## 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 a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Periodic Detention of Prisoners Act 1981* set out in Schedule 1.

## Schedule 1 Amendments

**Schedule 1 [1]** inserts proposed sections 25AA, 25AB and 25AC to give effect to the object referred to in paragraph (a) above.

Proposed section 25AA provides that a periodic detainee whose order for periodic detention is cancelled by the Parole Board is to be notified that he or she is entitled to ask the Parole Board to review the cancellation.

Proposed section 25AB provides for the conduct of such a review, and allows the periodic detainee to make submissions to the Parole Board with respect to the cancellation.

Proposed section 25AC provides for a right of appeal to the Court of Criminal Appeal against the Parole Board's decision on such a review.

**Schedule 1 [2]** amends clause 1 of Schedule 2 to allow savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

**Schedule 1 [3]** amends the heading to Part 6 of Schedule 2 to reflect the amendments to that Part to be made by the proposed Act.

**Schedule 1 [4]** substitutes clause 25 of Schedule 2 (as to be inserted by the *Periodic Detention of Prisoners Amendment Act 1998*) and inserts proposed clauses 25A, 25B and 25C.

Proposed clause 25 extends Part 4, as amended by the *Periodic Detention of Prisoners Amendment Act 1998* and the proposed Act, to orders for periodic detention made before the commencement of that Act.

Proposed clause 25A allows part-heard proceedings before a court under section 25, as in force before the commencement of the *Periodic Detention of Prisoners Amendment Act 1998*, to continue to be dealt with by the court in accordance with that section as then in force.

Proposed clause 25B allows the court hearing such proceedings to make consequential orders that could have been made by a court under section 27 (4) before its repeal.

Proposed clause 25C provides that periodic detainees under existing orders for periodic detention can become eligible for parole under the *Sentencing Act 1989*.