

## Correctional Services Legislation Amendment Bill 2006

### Explanatory note

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

#### Overview of Bill

The objects of this Bill are:

(a) to prohibit inmates who are serving sentences for serious indictable offences or who are awaiting sentencing for such offences from providing their reproductive material for use, or storage, for reproductive purposes at hospitals and other places, and

(b) to require inmates who have had their reproductive material stored for reproductive purposes to pay charges for the storage during any period during which they are imprisoned.

#### 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 to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendment to the *Crimes (Administration of Sentences) Act 1999* set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the amendment to the *Children (Detention Centres) Act 1987* set out in Schedule 2.

**Clause 5** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

#### **Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999**

**Schedule 1** inserts proposed section 72B into the *Crimes (Administration of Sentences) Act 1999*.

**Section 72B (1)** defines expressions used in the proposed section. ***Serious indictable offender*** is defined to cover inmates serving a sentence of imprisonment for a serious indictable offence or awaiting sentencing for such an offence. A ***serious indictable offence*** is an offence that may only be dealt with on indictment and includes offences committed elsewhere than in New South Wales that, if committed in New South Wales, would be serious indictable offences and various terrorism offences.

Examples of offences covered by the definition are offences such as murder, sexual assault and kidnapping.

**Section 72B (2)** prevents the grant of leave of absence to a serious indictable offender for the purpose of the offender providing reproductive material for use, or storage, for reproductive purposes at any hospital or other place.

**Section 72B (3)** makes it an offence for a serious indictable offender to provide reproductive material for use, or storage, for reproductive purposes at any hospital or other place.

**Section 72B (4)** requires prisoners other than serious indictable offenders who have their reproductive material stored for reproductive purposes at hospitals or other places to pay a charge for storage of the material.

**Section 72B (5)** requires serious indictable offenders whose reproductive material was stored for reproductive purposes before the commencement of the proposed section to pay a charge for the storage of the material.

#### **Schedule 2 Amendment of Children (Detention Centres) Act 1987**

**Schedule 2** amends section 29 of the *Children (Detention Centres) Act 1987* to apply

the new section to be inserted by Schedule 1 to persons subject to control within the meaning of that Act.