

Explanatory note

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

Overview of Bill

The *Mutual Assistance in Criminal Matters Act 1987* of the Commonwealth (***the Commonwealth Act***) provides that the Commonwealth Attorney-General may make arrangements for the travel of an offender to a foreign country for the purpose of giving evidence at a proceeding or giving assistance in relation to an investigation relating to a criminal matter.

The object of this Bill is to amend the *Crimes (Administration of Sentences) Act 1999* (***the principal Act***) to complement the Commonwealth Act by establishing an approval process that allows an offender to travel to a foreign country pursuant to a request made by the Commonwealth Attorney-General under the Commonwealth Act.

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.

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

Clause 4 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 Amendments

Schedule 1 [5] inserts proposed section 255A into the principal Act. The proposed section allows the Commissioner of Corrective Services or, in the case of an offender who is on release on parole or is subject to a home detention order, the State Parole Authority to grant approval to a request from the Commonwealth Attorney-General for an offender to be authorised to travel to a foreign country for the purpose of giving evidence in a proceeding, or giving assistance in relation to an investigation, relating to a criminal matter.

The proposed section also provides that an offender who is the subject of such an approval is exempt from any requirement imposed by or under the principal Act or any other Act that would prevent the offender from travelling to the foreign country.

Schedule 1 [1]–[4] make consequential amendments.