

FIRST PRINT

**PERIODIC DETENTION OF PRISONERS (AMENDMENT)
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to remove certain restrictions currently imposed on courts with respect to their power to sentence offenders to terms of periodic detention;
- (b) to increase the maximum penalty for offences against the Principal Act; and
- (c) to provide further regulation-making power with respect to offences, other than offences against discipline, against the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) removes the restriction, imposed by section 5 (2) (b) of the Principal Act, which at present prevents a court from imposing a sentence of periodic detention on an offender who has, within 7 years prior to the date on which the offender is convicted, served a sentence of imprisonment of more than 6 months, otherwise than by way of periodic detention.

Schedule 1 (2) amends section 5A (2) of the Principal Act as a consequence of Schedule 1 (1).

Schedule 1 (3) increases the maximum penalty that may be imposed for offences committed against the Principal Act from \$500 to \$1,000.

Schedule 1 (4) allows the regulations to create offences punishable by a penalty not exceeding \$500 (other than offences against discipline, which are already covered by section 33 of the Principal Act).

PERIODIC DETENTION OF PRISONERS (AMENDMENT) BILL 1986

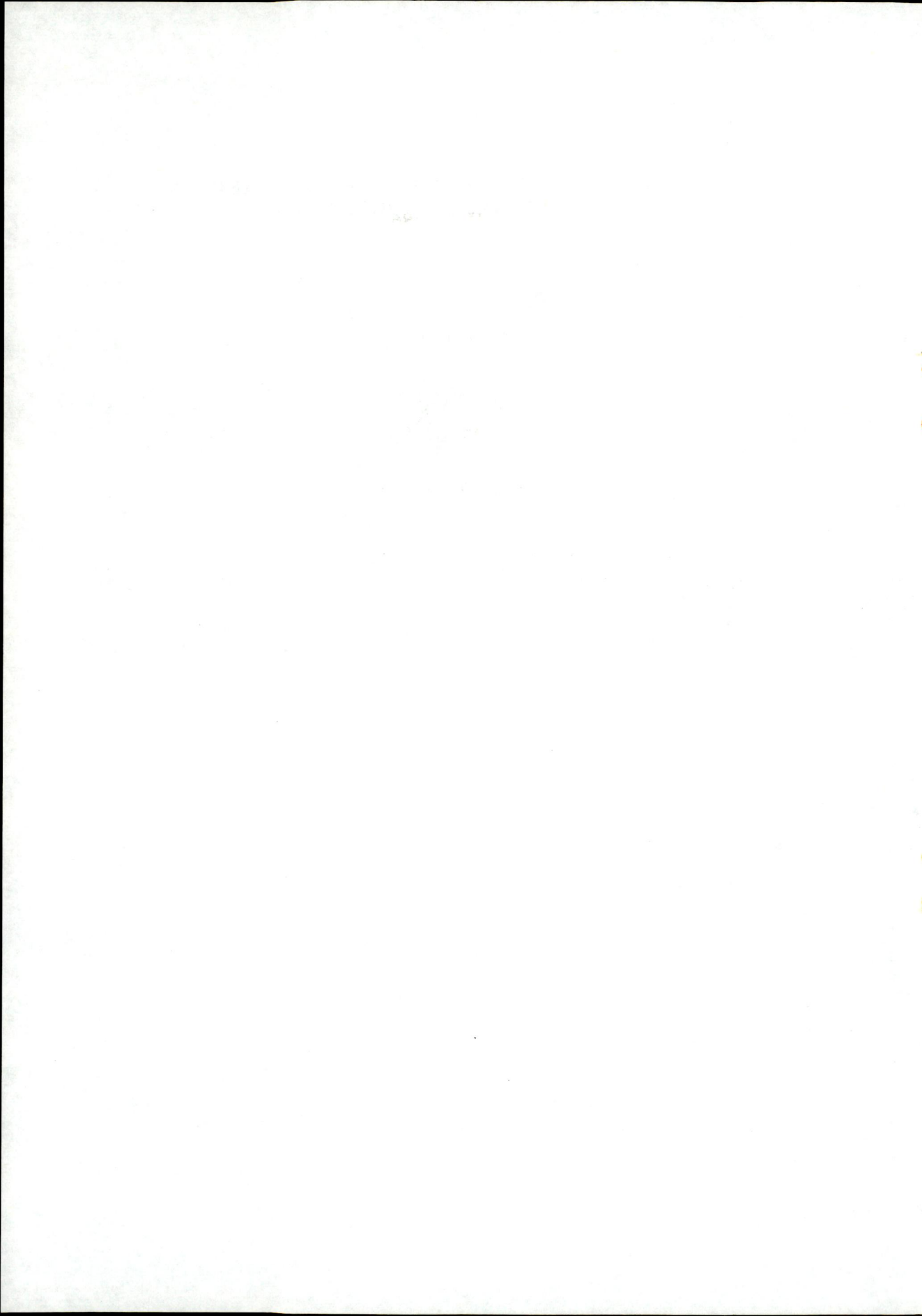
NEW SOUTH WALES



TABLE OF PROVISIONS

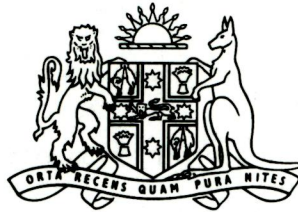
1. Short title
2. Amendment of Act No. 18, 1981

SCHEDULE 1—AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981



**PERIODIC DETENTION OF PRISONERS (AMENDMENT)
BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Periodic Detention of Prisoners Act 1981 for the purposes of removing certain restrictions on the power of courts to order periodic detention of prisoners and increasing the maximum penalty for offences against that Act; and for other purposes.

Periodic Detention of Prisoners (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Periodic Detention of Prisoners (Amendment) Act 1986".

Amendment of Act No. 18, 1981

2. The Periodic Detention of Prisoners Act 1981 is amended in the 10 manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981

15 (1) Section 5 (**Power to order periodic detention**)—

Section 5 (2)—

Omit paragraph (b) and the preceding "or".

(2) Section 5A (**Application of section 5 in relation to domestic violence offences**)—

20 Section 5A (2)—

Omit paragraph (b) and the preceding "and".

(3) Section 33 (**Offences**)—

Section 33 (1)—

Omit "\$500", insert instead "\$1,000".

Periodic Detention of Prisoners (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981—*continued*

(4) Section 34 (**Regulations**)—

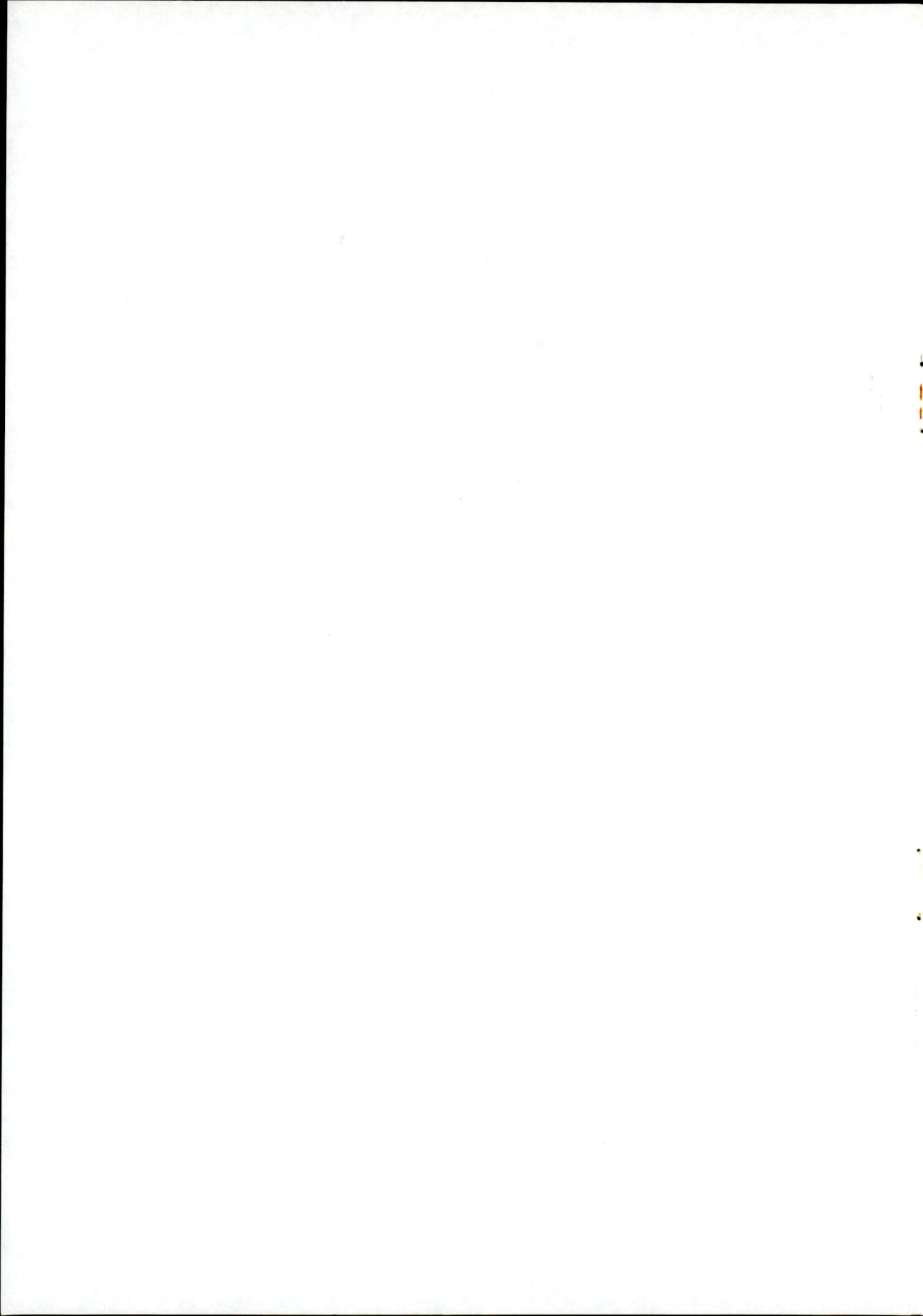
Section 34 (1A)—

After section 34 (1), insert:

5 (1A) A regulation may create an offence (not being an offence
against discipline) punishable by a penalty not exceeding \$500.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



**PERIODIC DETENTION OF PRISONERS
(AMENDMENT) ACT 1986 No. 115**

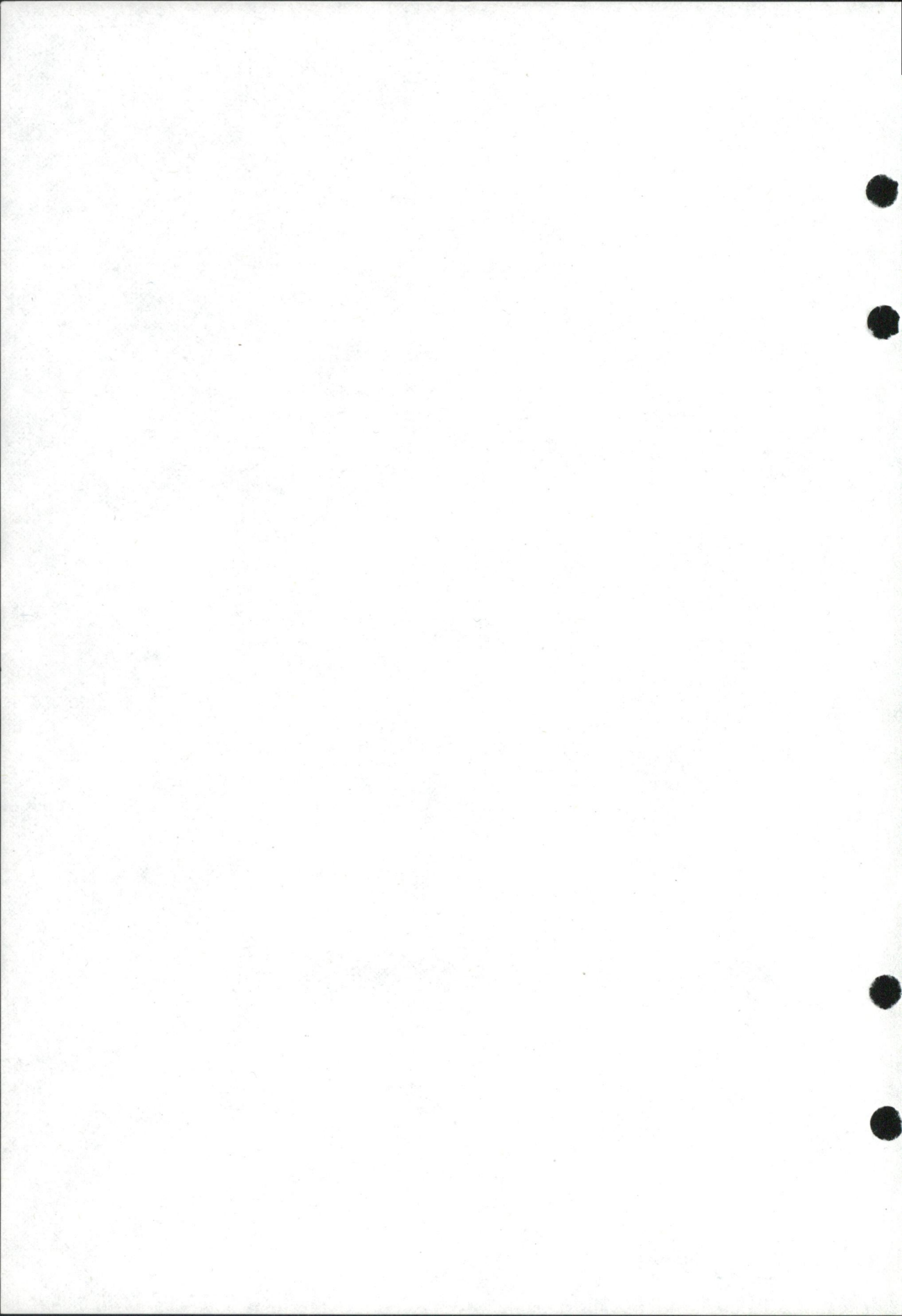
NEW SOUTH WALES



TABLE OF PROVISIONS

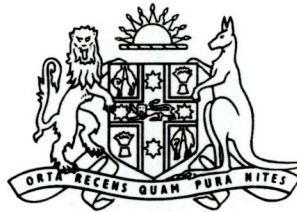
1. Short title
2. Amendment of Act No. 18, 1981

**SCHEDULE 1—AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981**



**PERIODIC DETENTION OF PRISONERS (AMENDMENT) ACT
1986 No. 115**

NEW SOUTH WALES



Act No. 115, 1986

An Act to amend the Periodic Detention of Prisoners Act 1981 for the purposes of removing certain restrictions on the power of courts to order periodic detention of prisoners and increasing the maximum penalty for offences against that Act; and for other purposes. [Assented to 27 November 1986.]

Periodic Detention of Prisoners (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Periodic Detention of Prisoners (Amendment) Act 1986".

Amendment of Act No. 18, 1981

2. The Periodic Detention of Prisoners Act 1981 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981

(1) Section 5 (**Power to order periodic detention**)—

Section 5 (2)—

Omit paragraph (b) and the preceding "or".

(2) Section 5A (**Application of section 5 in relation to domestic violence offences**)—

Section 5A (2)—

Omit paragraph (b) and the preceding "and".

(3) Section 33 (**Offences**)—

Section 33 (1)—

Omit "\$500", insert instead "\$1,000".

Periodic Detention of Prisoners (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PERIODIC DETENTION OF PRISONERS
ACT 1981—*continued*

(4) Section 34 (**Regulations**)—

Section 34 (1A)—

After section 34 (1), insert:

(1A) A regulation may create an offence (not being an offence against discipline) punishable by a penalty not exceeding \$500.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986



