

Australian Prisons Project

Amendments to NSW Parole Legislation –1966- 2009

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Parole of Prisoners Act 1966

Amendments to all sections have been considered in the table below

Amending Year	Number	Amending Legislation	Comment	Category
1970	6	Prisons (Amendment) Act	<p>S 2 Changes in terminology.</p> <p>S 8 Changes in terminology.</p>	
	33	Parole of Prisoners Amendment Act	<p>S 3(a)(4A-4D) – procedure.</p> <p>S 3A – New duty on the Parole Board to report to the Minister every year setting out statistical information with regards to the number of cases considered and the number of parole orders granted/amended/revoked.</p> <p>S 3B – procedure.</p> <p>S 3C – procedure.</p> <p>S 3D – No liability for the Board in regards to any bona fide exercise of power.</p> <p>S 4(2) – Removes power of judges to specify non-parole periods for persons already in prison.</p> <p>S 4A – Grants judges powers to specify non-parole periods for persons already in prison, under the same terms as the old s 4(2).</p> <p>S 4B – rewords the power of an Appeal Court to vary a non-parole period upon appeal.</p> <p>S 4C – Parole Board may specify non-parole period where a judge has failed to do so in accordance with s 4(4).</p> <p>S 6 - Confirms the power of the Parole Board to revoke a parole order prior to or after release.</p>	
1978	155	Prisons (Amendment)	<p>S 8 Changes in terminology.</p>	
1981	20	Parole of	<p>S 2 - Changes in terminology. – confirms that the <i>Parole of Prisoners Act</i> does</p>	

		Prisoners (Amendment)	not affect the operation of the then newly introduced <i>Periodic Detention of Prisoners Act</i>	
1982	89	Parole of Prisoners (Community Welfare) Amendment Act	S 2, 2A - extends powers of the Parole Board to persons under the control of the <i>Community Welfare Act 1982</i> . S 8 - Consequent changes in terminology.	
1983	194	Probation and Parole Act	Wholly Repealed	

Probation and Parole Act 1983, No 194

Amendments to all the sections in the *Probation and Parole Act* have been considered below.

<u>Year</u>	<u>Number</u>	<u>Amending Legislation</u>	<u>Comment</u>	<u>Category</u>
1984	124	Probation and Parole (Amendment) Act	S 4 - For the purposes of considering whether to grant parole for an original term, a person sentenced to prison for a subsequent term whilst on a parole/probation order for the original term, may be considered to be serving that original term. S 5 - Changes in terminology. S 6 - Wording. Makes it clear that non-probation orders only have to be adjusted for subsequent terms where the subsequent term has to be served partly cumulatively upon the original term S 8 - Amended so that a court's power to revoke a probation order, where there had been a patent error in the making of the order, was limited to cases where the prisoner had not	Parole eligibility Board Release

			<p>been released.</p> <p>s 9. - Amended so that when a person is serving an original and a subsequent term, the non-probation period is set from the commencement of the subsequent and not the original term</p> <p>s 20. - Wording. Makes it clear that non-parole orders only have to be adjusted for subsequent terms where the subsequent term has to be served partly cumulatively upon the original term</p> <p>s 22 - Changes in terminology.</p> <p>s 24. - Amended so that when a person is serving an original and a subsequent term, the non-parole period is set from the commencement of the subsequent and not the original term.</p> <p>s 27 - Changes in terminology.</p> <p>s 30 - No appeal lies against the decision of the Court Criminal Appeal to refuse leave to appeal.</p> <p>s 40. - Changes in terminology.</p>	
1985	231	Statute Law (Miscellaneous Provisions) Act	<p>S 4 - Changes in terminology.</p> <p>Sch 1 - Changes in terminology.</p>	
1986	16	Statute Law (Miscellaneous Provisions) Act	Changes in terminology.	
1986	46	Probation and Parole (Remissions) Amendment Act 1986	<p>S 21A – Sentencing court granted the power to order that a person not be entitled to any remissions in so far as those remissions would reduce the non-parole period specified in relation to the sentence. Such an order was only allowed where the court believed it was desirable given the nature of the offence or the antecedent character of the person convicted. If the court exercised its power under the new section it would have to give reasons.</p>	Other Release
1987	58	Miscellaneous Acts (Community Welfare)	<p>Ss 4, 47 – Various changes consequential upon the enactment of the <i>Community Welfare Act 1987</i></p>	

		Repeal and Amendment Act		
1987	137	Probation and Parole (Parole Board) Amendment Act 1987	<p>S 4 – Consequential amendments made to definitions</p> <p>Sch 1 Cl 1 – Consequential amendments made to definitions</p> <p>Sch 1 Cl 2 – Introduced the position of “Substitute Chairman” on the Parole Board. hence increased the total amount of judicial members on the Parole Board from 2 to 3. However the judicial members still only had 1 vote at any sitting of the Parole Board. Also limited the age of judicial members to the Parole Board to 72. Clarified that retired judges were still considered judges.</p>	Board composition (age?)
1987	182	Probation and Parole (Serious Offences) Amendment Act 1987	<p>S 4 – Consequential amendments made to definitions</p> <p>S 20A – Previously the court had a general power to set non-parole periods. The section specifies that the non-parole period for serious offences is to be at least three quarters of the total length of sentences for all the serious offences involved</p> <p>S 20B – consequential provisions for serious offenders serving original and subsequent terms</p> <p>S 21 – Allows a court to specify a shorter non-parole period than what is required by s 20A where “circumstances justify”. If the court chooses to do so it must provide reasons.</p> <p>S 26 – The ordinary powers of the Parole Board under s 26(1) do not apply to a serious offender who is subject to non-parole period of 6 years or more (where only one offence is involved) or 8 years or more (when multiple offences are involved).</p> <p>S 26A – A serious offender, to whom s 26(1) does not apply, may only be released on parole if the Parole Board believes that: it is in the public interest, the Parole Board has considered any comments by the sentencing court, it has considered any relevant reports, it has considered the</p>	Parole eligibility Board Release

			antecedents of the offender and it has sufficient reason to believe that the offender would be able to adapt to normal lawful community life. Sch 5 – New schedule sets out offences to be considered serious offences. They fall under the following categories: homicide and grievous bodily harm, abduction and kidnapping, robbery, sexual assault, drug trafficking.	
1988	105	Parole and Probation (Parole Board) Amendment 1988 Act	Sch 1 Cl 2 – Removes the 72 year age limit on judges/retired judges, who have already been appointed to the Parole Board	
1988	131	Statute Law (Miscellaneous Provisions) (No 3) Act 1988	Changes in terminology.	
1989	87	Sentencing Act 1989	<i>Probation and Parole Act 1983</i> wholly repealed	

Sentencing Act 1989 No 87

All amendments to the above Act have been considered in the table below.

Year	Number	Amending Act	Description	Category
1989	No 220	Sentencing (Life Sentences) Amendment Act 1989.	S13A – Inserted section headed “Existing Life Sentences”. Set out procedure for persons serving life sentences other than those sentenced under s 19A of the <i>Crimes Act 1900</i> or s 33A of the <i>Drug Misuse and Trafficking Act 1985</i> . Prescribes that such a person, who has already served 8 years in prison, may apply to the Supreme Court for the determination of a minimum and an additional term. Prescribed the following considerations for the supreme court: whether the original sentencing court knew that a person sentenced to life was eligible to be released on licence under s 463 of the <i>Crimes Act</i> ; Any reports made by the Serious Offenders Review Board; any relevant comments made by the original sentencing court. Allowed an appeal to the Court of Criminal Appeal. Division 3A, s25A – Inserted division headed “Parole Orders – Exceptional	Parole eligibility Board release Board composition

			<p>Circumstances". The division allows the Parole Board to release a prisoner on parole who is not otherwise eligible for parole, if that prisoner is dying or it is necessary to release the prisoner due to exceptional extenuating circumstances. Sets out a procedure for recalculating minimum and additional sentences if such a release occurs.</p> <p>Sch 1, Cl 11A – Entitles any member of the Serious Offenders Review Board (other than the Chairperson) to attend and be heard at any meeting of the Offenders Review Board at which any matter relating to a prisoner referred to under s 61(c) of the <i>Prisons Act 1952</i> is being considered.</p>	
1990	No 11	Miscellaneous Acts (Mental Health) Repeal and Amendment Act 1990.	S 13, 30, 51 –Changes in terminology.; amended these sections following the introduction of the <i>Mental Health (Criminal Procedure) Act 1990</i>	
1991	No 17	Statute Law (Miscellaneous Provisions) Act 1991.	Changes in terminology.	
	No 94	Statute Law (Miscellaneous Provisions) Act (No 2) 1991.	Changes in terminology.	
1992	No 56	Sentencing (Amendment) Act 1992.	<p>S 25 – Amendments concern release of prisoners who are serving sentences of three years or less with some minimum term, where the sentencing court has made an order for the prisoner’s release on parole at the expiration of the minimum term and the court has later revoked that order. Allows the Board to release such prisoners on parole even where the remainder of their term is less than 6 months.</p> <p>S 36 – Amendment to the provision that warrants for the arrest on an offender who is suspected of breaching parole conditions lapses after 7 days. Previously the warrant was taken to lapse 7 days after being granted. Now it is taken to lapse 7 days after being executed.</p> <p>S 45 – Composition of the Board amended. Prior to the change the Board had 9 members: 3 judges or retired judges, 1 member of the Police force, 1 Member of</p>	Parole eligibility Board Composition

			<p>the Probation and Parole Service and 4 community members. A member from the Community Corrections Service replaced the Probation and Parole Service member. Made the Police force member and the Community Corrections service members “ex-officio” members and made it clear that they were to be appointed Commissioner of Police and the Director General of the Department of Courts Administration respectively and not the governor.</p> <p>Sch 1 Cl 3A – inserted provisions relating to members of the Board. Allowed the Commissioner of Police or the Director-General of the Department of Courts Administration to appoint a deputy to their respective “ex officio” member, and to remove that deputy at any time. Also contained procedural guidelines for the “ex-officio” deputy.</p>	
1993	No 74	Sentencing (Life Sentences) Amendment Act 1993.	<p>S 13A – The section had allowed a person serving a life sentence, whose application for a minimum term had been rejected, to reapply for consideration of their case after not more than two years. Allowed the Supreme court to order a person serving life to not reapply for consideration within a period greater than two years or to never reapply for consideration – in which case the person would serve out the remainder of their natural life. However this power was limited to persons convicted of the most serious cases of murder, where it was in the public interest that such an order to be made. Also allowed for a court, hearing an application for a minimum term, to consider the age of the offender at the time of the offence and the time of the application.</p>	Parole eligibility
	No 90	Sentencing (Amendment) Act 1993.	<p>S 4 – inserted relevant definitions</p> <p>S 13A –Changes in terminology.</p> <p>S 18 – Allows the Board to defer a parole decision to a date within 21 days of the prisoner becoming eligible for parole (as opposed to 60 days) if it feels that it is unable to make the decision because it has not been furnished with the relevant reports.</p> <p>S 19 –Changes in terminology.</p> <p>S 19A – Inserted section concerns situations where the Board rejects the advice of the Serious Offenders Review Council regarding parole. The section provides that the Board, in such a case, will send its reasons to the Review Council, that</p>	Appeal

			<p>the Review Council will have 21 days to respond, and that the Board will not reach a final decision within those 21 days.</p> <p>S 36 –Changes in terminology.</p> <p>S 50 – Inserts a provision that the Board will provide statistical information as to who is a licensee and whose existing licence has been revoked in their annual report to The Minister.</p> <p>S 51 – provides the Board with access to any person who is a licensee and whose existing licence has been revoked</p> <p>Sch 1 Cl 11A – made it clear that a non-judicial member of the Review Council is entitled to be heard at a meeting of the Board but is still not entitled to vote.</p> <p>Sch 2 Cl 12 – made it clear that a license, which is not revoked, expires when the prison term expires</p> <p>Sch 2 – A set of insertions in schedule 2 “Savings and Transitional Provisions” were made to take account of prisoners released on licences under the s 463 of the <i>Crimes Act 1900</i>. The inserted sections provide the Board with the same powers and obligations relating to the administration of licenses, as it already had to deal with prisoners on parole orders. Licensees were provided with the same rights of appeal as prisoners on parole orders.</p>	
1994	No 32	Statute Law (Miscellaneous Provisions) Act 1994.	Changes in terminology.	
1996	No 144	Sentencing Amendment (Parole) Act 1996.	<p>“Offenders Review Board” renamed “Parole Board”</p> <p>S 17A – s 17 limited to non-serious offenders</p> <p>S 18 – allows the Board not to consider granting parole for a prisoner during a year in which that prisoner was at large. Also allows the Board to decline considering parole for a period of up to 3 years, despite its duty to consider parole every year.</p> <p>S 19A – removed this section which related to the duty of the Board to provide the Review Council with reasons for rejecting its advice</p> <p>S 21 –Changes in terminology.</p> <p>S 22 – Changes in terminology.</p> <p>Div 2 Subdivision 3 – inserted provisions relating to serious offenders</p>	Board release Victims Appeal

		<p>S 22B – provided necessary definitions for “victim”; “victims submissions” and “victims register”</p> <p>S 22C – provides a procedure for considering parole applications analogous to s 18</p> <p>S 22D – provides that the Board is required to formulate and record an initial intention regarding parole of a serious offender after giving it preliminary consideration</p> <p>S 22E – provides that the Board is to reconsider an initial intention to grant parole if there are victims submissions, and to reconsider an initial intention to reject a parole application if there are prisoner submissions</p> <p>SS 22F and 22G – Provide a framework for the Board to notify victims and prisoners of its initial intentions, and for those people to lodge notices of intention to make submissions</p> <p>SS 22H and 22I – These sections provide a framework for the Board to receive submissions and to hold a hearing if victims or prisoners lodge an notice of intention to make submissions</p> <p>S 22J – provides that the Board is to reach a decision following a review of submissions and other materials and is to record a decision not to release a prisoner in its minutes and is to notify the prisoner of such a decision</p> <p>22K – the Board is to confirm and follow its initial intention where there are no submissions from the relevant party.</p> <p>S 22L – procedure relating to time of release</p> <p>S 22M – set up of the victims register</p> <p>S 22N – Provides a procedure by which the Board notifies the Review Council of an intention not to follow their advice. Analogous to s 19A which is repealed by this amending Act</p> <p>S 22O – Enables the State to make submissions regarding the release of any prisoner on parole.</p> <p>S 23A – Provides a right for the Attorney General or Director of Public Prosecutions to appeal any parole decision to the Court of Criminal Appeal where they allege that the decision was reached on misleading, false or irrelevant information.</p>	
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			<p>S 34A – Provides that the Attorney General or Director of Public Prosecutions may request the Board to exercise its powers under s 34 and revoke a parole order for a serious offender, where it believes that that order was made on information that was false, misleading or irrelevant.</p> <p>S 41 – provides that the Attorney General or Director of Public Prosecutions may apply to the Court of Criminal Appeal for a direction that the Board revoke an order, if the Board refuses to comply with a s 34A request within 28 days.</p> <p>S 43 – Changes in terminology.</p> <p>S 44 – The “Offenders Review Board” is renamed the “Parole Board”.</p> <p>S 45 – The total number of Board members increased from 7 to between 7 and 19. The number of community service members is increased from 4 to between 4 and the remainder. However for the purpose of any meeting the number of attending community members was kept at four. Definition of Judicial members expanded from judges and retired judges to include magistrates and retired magistrates.</p> <p>S49 - 57 – Changes in terminology.</p> <p>Sch 1 Cl 3 – Definition of Judge changed to include magistrate</p> <p>Sch 1 Cl 18A – A provision was inserted titled “Misconduct in proceedings before the Board or Division”. Introduces a penalty of 10 penalty units for willfully insulting, misbehaving, interrupting, disobeying etc the Board</p> <p>Sch 1 19 – Stated that victims and their representatives are not allowed to examine representatives and are not allowed to adduce oral evidence or evidence under oath without the approval of the Board</p> <p>Sch 2A – New schedule inserted to incorporate various savings and transitional provisions. The effect of these provisions was to place offenders released on parole prior to the commencement of the amending Aact in the same position as offenders placed on parole after the commencement of the amending Act</p>	
1997	No 6	Sentencing Legislation Further Amendment Act 1997.	<p>S 13 A – introduced the definition of a non-release recommendation. Prescribed that those serving life sentences with non-release recommendations cannot apply for the determination of a minimum term until they have served 20 years. Furthermore the minimum time between applications for parole</p>	Parole eligibility Board Release

			<p>orders was increased from 2 to 3 years. Inserted the “need to consider the safety of the community” as a consideration for the court. Also prescribed that a court making a determination under this section must consider the intention of the original sentencing court, and must provide reasons for not following it. The range of past offences open to the court for consideration was increased to include offences that had been proved without an offence being recorded against the person.</p> <p>22P – An addition to the “serious offenders” subdivision concerning “life” prisoners whose minimum term has been determined under s13A. states that the Board, when determining a parole application, must consider, in particular, the safety of the community as well as the observations of the original sentencing court and the intentions of the original sentencing court, and must provide reasons if it chooses not to follow the original sentencing court.</p> <p>Sch 2A Part 3 – savings and transitional provisions.</p>	
	No 8	Sentencing Amendment (Transitional) Act 1997.	<p>Sch 2A – Limits the effect of the savings provisions for s13A to those offenders whose application had been completely dealt with (with judgment reserved) before the introduction of the Sentencing Amendment Further Legislation Bill.</p> <p>Sch 2A – A similar provision was made with respect to the savings provisions for s 22P</p>	Parole eligibility
	No 55	Statute Law (Miscellaneous Provisions) Act 1997.	Changes in terminology.	
	No 57	Correctional Centres Amendment (Alternate Chairperson) Act 1997.	Sch 1Cl 3 – Amended provisions relating to members of the Board etc. Amends procedure relating to the roles of Chairperson and Alternate Chairperson in the case of absence or illness.	
1998	No 43	Periodic Detention of Prisoners Amendment Act 1998.	S 27 – Inserts a provision so that terms and conditions imposed by the Board cease to have effect if the offender subsequently becomes subject to a periodic detention order.	
	No 48	Administrative Decisions Tribunal Legislation Amendment Act 1998.	S22M – Provides a right of appeal to the Administrative Decisions Tribunal for victims, who have requested to be placed on the Victim’s register and whose request has been refused or not complied with.	

1999	No 94	Crimes Legislation Amendment (Sentencing) Act 1999.	Wholly Repealed	
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Crimes (Sentencing Procedure) Act 1999 No 92

The following divisions and sections have been considered in the table below.

- Part 4, Division 1
 - S 44
 - S 45
 - S 46
 - S 51
 - S 51A -B
- Part 4, Division 1A
 - S 54A-D
 - Table

These sections directly concern the availability of parole. It should be noted that the availability of parole after *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002* is affected by the aggravating and mitigating factors set out in s 21A. Amendments to s 21A have not been comprehensively considered below. In addition the following table does not cover the sections in part 8B, which regulate the Sentencing Council. The Sentencing Council makes recommendations regarding non-parole periods and hence indirectly affects the availability of parole.

Year	Number	Title of amending Legislation	Comments	Category
2000	No 40	<u>Occupational Health and Safety Act 2000.</u>	Not relevant, consequential.	

	No 43	<u>Crimes Legislation Amendment Act 2000.</u>	S 51 – allows the court to set conditions on a parole order requiring the offender to be subject to supervision as prescribe by regulations.	Board release
	No 98	<u>Legal Aid Commission Amendment Act 2000. .</u>	Not relevant, consequential.	
	No 110	<u>Crimes (Administration of Sentences) Amendment Act 2000. .</u>	Not relevant, consequential.	
2001	No 7	<u>Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001. .</u>	Not relevant, consequential.	
	No 29	<u>Crimes Legislation Amendment (Existing Life Sentences) Act 2001.</u>	Not relevant, consequential.	
	No 62	<u>Crimes Amendment (Aggravated Sexual Assault in Company) Act 2001.</u>	Not relevant, consequential.	

	No 100	<u>Justice Legislation Amendment (Non-association and Place Restriction) Act 2001.</u>	S 51A – the inserted section expressly grants the court the power to impose non-association and place restriction conditions on a parole order. The section also specifies at what times such a non-association or place-restriction order is considered to be breached. Scope of non-association orders is limited by ss 100A-H. Prior to this section the court only had a general power to impose parole conditions under s 51. S 51B – Creates a 10-penalty-unit offence for publishing or broadcasting certain information regarding non-restriction and non-association offences.	Board release
	No 117	<u>Criminal Legislation Amendment Act 2001.</u>	S 51 – Nullifies any condition of supervision on a parole order which is made in respect to a sentence that is being served by way of periodic detention	
	No 121	<u>Justices Legislation Repeal and Amendment Act 2001.</u>	Not relevant, consequential.	
2002	No 5	<u>Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Act 2002.</u>	Not relevant, consequential.	
	No 74	<u>Crimes Legislation Amendment (Periodic and Home Detention) Act 2002.</u>	Not relevant, consequential.	
	No 90	<u>Crimes</u>	S 21A – amended the list of aggravating and mitigating factors	Parole eligibility

		<u>(Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002.</u>	<p>S 44 – amended the way in which sentences and non-parole periods are calculated. Previously the court would firstly impose a sentence, and then impose a non-parole period, which was net less than $\frac{3}{4}$ of the full sentence (subject to special circumstances). After the amendment a court first sets a non-parole period and then sets the balance of the term. The balance of the term is not to be greater than $\frac{1}{3}$ of the non-parole period (subject to special circumstances).</p> <p>Part 4, Division 1A – introduced the scheme of standard non-parole periods. According to s 54A each period is set based on the middle range of each offence.</p> <p>S 54B-D – these sections prescribe that a sentencing court will set the non-parole period as the standard non-parole period. Courts are allowed to set a higher or lower non-parole period but must give reasons based solely on the factors set out in s 21A.</p> <p>Table – sets out standard non-parole periods for 24 offences/types of offences.</p>	
	No 100	<u>Crimes Legislation Amendment (Criminal Justice Interventions) Act 2002.</u>	Not relevant, consequential.	
	No 130	<u>Crimes Legislation Amendment Act 2002.</u>	Not relevant, consequential.	
2003	No 10	<u>Victims Legislation Amendment Act 2003.</u>	Not relevant, consequential.	
	No 25	<u>Crimes Legislation Amendment (Parole) Act 2003</u>	S 51 – inserted sub-section (1AA). The effect is that the court is presumed to make an order for supervision under the regulations of the <i>Crimes (Administration of Sentences) Act 1999</i> as a condition of parole unless the court expressly states that the offender is not to be subject to supervision.	Board release

	No 27	<u>Crimes Legislation Amendment Act 2003.</u>	Not relevant, consequential.	
	No 85	<u>Crimes Legislation Further Amendment Act 2003.</u>	Not relevant, consequential.	
2004	No 3	<u>Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004.</u>	Not relevant, consequential.	
	No 11	<u>Crimes Legislation Amendment Act 2004.</u>	Not relevant, consequential.	
	No 42	<u>Compulsory Drug Treatment Correctional Centre Act 2004.</u>	Not relevant, consequential.	
	No 68	<u>Courts Legislation Amendment Act 2004.</u>	Not relevant, consequential.	
2005	No 13	<u>Crimes (Sentencing Procedure)</u>	Not relevant, consequential.	

		<u>Amendment (Existing Life Sentences) Act 2005.</u>		
	No 98	<u>Statute Law (Miscellaneous Provisions) Act (No 2) 2005.</u>	Not relevant, consequential.	
2006	No 27	<u>Crimes (Sentencing Procedure) Amendment Act 2006.</u>	Part 4, Div 1A, Table – for the purpose item 1A (murder of people in specified occupations) the victim’s occupation was extended to include their voluntary work.	
	No 73	<u>Crimes Amendment (Apprehended Violence) Act 2006.</u>	Not relevant, consequential.	
	No 107	<u>Crimes and Courts Legislation Amendment Act 2006.</u>	Not relevant, consequential.	
	No 127	<u>Victims Support and Rehabilitation Amendment Act 2006.</u>	Not relevant, consequential.	
2007	No 50	<u>Crimes (Sentencing Procedure)</u>	Part 4, Div 1A, Table – Various amendments to standard non-parole terms. The total number items in the table increased from 24 to 34 and standard non-parole periods were increased for some offences. Non-parole periods were defined for car rebirthing	Parole eligibility

		<u>Amendment Act 2007.</u>	as well as various drug and firearm offences. Non-parole periods were increased for the murder of a child and for aggravated indecent assault of a child under 10.	
	No 80	<u>Crimes (Domestic and Personal Violence) Act 2007.</u>	Not relevant, consequential.	
	No 94	<u>Miscellaneous Acts (Local Court) Amendment Act 2007. .</u>	Not relevant, consequential.	
2008	No 57	<u>Crimes (Sentencing Procedure) Amendment (Life Sentences) Act 2008.</u>	Not relevant, consequential.	
	No 79	<u>Mental Health Legislation Amendment (Forensic Provisions) Act 2008.</u>	Changes in terminology.	
	No 81	<u>Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2008.</u>	Not relevant, consequential.	

	No 97	<u>Rail Safety Act 2008.</u>	Not relevant, consequential.	
	No 105	<u>Crimes Amendment (Sexual Offences) Act 2008.</u>	S 21A – Increases in the number of aggravating factors S 54D - Offenders, who were under 18 at the time of the offence, are exempted from the standard non-parole provisions	
	No 119	<u>Crimes (Domestic and Personal Violence) Amendment Act 2008.</u>	Not relevant, consequential.	
2009	No 27	<u>Criminal Legislation Amendment Act 2009.</u>	Changes in terminology.	
	No 28	<u>Crimes (Sentencing Procedure) Amendment (Council Law Enforcement Officers) Act 2009.</u>	Part 4, Div 1A, Table – Item 1A, which covers murder of people in specified occupations, was expanded to include a “council law enforcement officer”.	
	No 37	<u>Courts and Other Legislation Amendment Act 2009.</u>	Not relevant, consequential.	

Crimes (Administration of Sentences) Act 1999 No 93

Amendments to the following sections have been considered in the table below:

- S 106T;
- ss125-161;
- Ss 169-182;
- ss 183 – 194;
- 195-209A;

NB: Sections covering home and periodic detentions have not been examined. Amendments to sections in the above page range, which deal purely with home detention and periodic detention, have not been considered either. Also schedule 1, which deals with the day-to-day running of the Parole Authority, has not been examined.

Year	Number	Amending Legislation	Description	Category
1999	No 57	<u>Correctional Centres Legislation Amendment (Assumed Identities) Act 1999.</u>	Not relevant, consequential.	
2000	No 53	<u>Statute Law (Miscellaneous Provisions) Act 2000.</u>	Not relevant, consequential. – Changes in terminology. in s8 and Schedule 3	
	No 93	<u>Statute Law (Miscellaneous</u>	Changes in terminology.	

		<u>Provisions) Act (No 2) 2000.</u>		
	No 110	<u>Crimes (Administration of Sentences) Amendment Act 2000.</u>	<p>138 – confirms power of Parole Board to amend and repeal orders (</p> <p>170 (1) (b) – offender may apply for parole order to be revoked</p> <p>184(2). Replaced requirements for the composition a Division of the Parole Board. Lowered requirement of total members from 4 to 3.</p> <p>s192A. Minister to table the Annual Parole Board Report to Parliament as soon as practicable.</p> <p>194. Security of information provision</p> <p>195(2). Reduced minimum size of Serious Offenders Review Council from 14 to 8. Not relevant, consequential. procedure</p> <p>209A. This was a new provision. It clarified that a Judicial Officer does not need to hand over a document if provision of the document may adversely affect the security of a correctional centre, endanger the life of any person, jeopardise the conduct of any lawful investigation, or prejudice the public interest</p>	
2001	No 29	<u>Crimes Legislation Amendment (Existing Life Sentences) Act 2001.</u>	<p>s154A. A new provision for dealing with serious offenders subject to non-release recommendations. Circumstances for grant of parole are highly limited.</p> <p>s169 (1A). Allows the Parole Board to conduct inquiry into whether the “imminent danger of dying” and “physical incapacity” grounds under s154A still hold.</p> <p>s170 (1)(a1). Allows board to revoke parole if grounds referred to in s169(1A) no longer exist</p> <p>Savings</p>	Board release
	No 34	<u>Corporations (Consequential Amendments) Act 2001.</u>	Not relevant, consequential. – Amended Schedule 4	
	No 83	<u>Crimes (Administration of Sentences) Amendment Act 2001..</u>	<p>173(1) – notice of revocation must be given</p> <p>Not relevant, consequential. procedure of review council</p>	

	No 100	<u>Justice Legislation Amendment (Non-association and Place Restriction) Act 2001.</u>	s128A. Allowed Parole Board to impose conditions on parole relating to prohibiting an offender from associating with certain people or visiting certain places.	Parole Conditions
	No 112	<u>Statute Law (Miscellaneous Provisions) Act (No 2) 2001.</u>	Not relevant, consequential. – Amended Sch 5	
	No 117	<u>Criminal Legislation Amendment Act 2001.</u>	s 138 – procedure s 138 (1A) and (1B) – Parole Board should consider potential trauma to victim and families and avoid releasing violent offenders on anniversary of offence s 141(3) – Replicates the above provisions for the case where the decision to release is subject to review s151. Replicates the above provisions for Serious Offenders.	Board release
	No 121	<u>Justices Legislation Repeal and Amendment Act 2001.</u>	Not relevant, consequential. – other sections	
2002	No 36	<u>Crimes (Administration of Sentences) Amendment Act 2002.</u>	147 (3) (b). Allowed victims to give oral submissions without the specific approval of the Parole Board 190 (2). Specified that victims of serious offences are allowed to give oral submissions without the specific approval of the Parole Board	victims
	No 73	<u>Miscellaneous Acts Amendment (Relationships)</u>	Not relevant, consequential.	

		<u>Act 2002.</u>		
	No 74	<u>Crimes Legislation Amendment (Periodic and Home Detention) Act 2002.</u>	Not relevant, consequential.	
	No 79	<u>Crimes (Administration of Sentences) Further Amendment Act 2002.</u>	197(3). Procedure. Judicial member to be nominated by chairperson	
	No 103	<u>Law Enforcement (Powers and Responsibilities) Act 2002.</u>	Not relevant, consequential.	
	No 112	<u>Statute Law (Miscellaneous Provisions) Act (No 2) 2002.</u>	Changes in terminology.	
2003	No 13	<u>Australian Crime Commission (New South Wales) Act 2003.</u>	Not relevant, consequential.	
	No 25	<u>Crimes Legislation Amendment (Parole) Act 2003</u>	<p>S128(1)(b) – Clarifies that conditions imposed by sentencing court under s51 (1AA) of the <i>Crimes (Sentencing Procedure) Act</i> are conditions of parole.</p> <p>S131 – created an obligation on the Authority to record in their minutes reasons for decision as to why an offender was or was not ordered to be released; with reference to any matters considered under a135 or s154.</p> <p>141 (4) (a), 149 (4) (a) and 150 (4) (a) – removal of the obligation on the Parole</p>	Board Composition Appeal(?)

			<p>Board to record reasons for decision in its minutes; in the case of decisions following review and decisions where there was no review.</p> <p>S 175(5) – created an obligation on the Parole Board to record reasons for its decision in its minutes, where the Parole Board rescinds the revocation order.</p> <p>S181 – procedure relating to warrants.</p> <p>S183(2) – Changes to the composition of the Parole Board. Minimum number of judicial officers raised from 3 to 4. Minimum number of community members raised from 4 to 10.</p>	
	No 82	<u>Statute Law (Miscellaneous Provisions) Act (No 2) 2003</u>	Not relevant, consequential.	
2004	No 29	<u>Civil Liability Amendment (Offender Damages) Act 2004.</u>	Not relevant, consequential.	
	No 42	<u>Compulsory Drug Treatment Correctional Centre Act 2004.</u>	S106T – Offenders serving sentences by way of compulsory drug treatment detention are subject to the parole provisions in Part 6. The relevant authority is the Drug Court and not the Parole Board.	
	No 47	<u>Crimes (Administration of Sentences) Amendment Act 2004.</u>	Not relevant, consequential.	
	No 55	<u>Statute Law (Miscellaneous Provisions) Act 2004.</u>	Not relevant, consequential.	
	No 71	<u>Crimes</u>	Not relevant, consequential.	

		<u>(Administration of Sentences) Amendment (Norfolk Island Prisoners) Act 2004..</u>		
	No 91	<u>Statute Law (Miscellaneous Provisions) Act (No 2) 2004.</u>	Not relevant, consequential.	
	No 94	<u>Crimes (Administration of Sentences) Amendment (Parole) Act 2004</u>	<p>..</p> <p>S128(2A). Conditions of Parole must include conditions giving effect to post release plan.</p> <p>S130(2). Added rights of appeal under Part 7 Div 4 to revocation of parole before release.</p> <p>S131A. Removed this section, which required reasons for the decision of the board to be recorded in their minutes.</p> <p>S135. Amended this section which prescribed considerations the Parole Board should consider in deciding whether to grant parole. Conditions reworded to emphasise the importance of protecting the safety of the community. Serious offenders only to be released in exceptional circumstances.</p> <p>135A. Prescribes criteria which any report from the Parole and Probation Service must address.</p> <p>S137 to 137C. Largely replicates the previous s137. Enables Parole Authority to review parole eligibility to avoid manifest injustice (defined in regulations). Enables Parole Authority to examine the offender.</p> <p>S138(1AA). Extended the maximum time for release after a parole order is given from 7 to 35 days.</p> <p>S139 and s140. An initial refusal of parole does not need to be followed by a hearing to reconsider the question of Parole. Even if the offender requests a hearing and intends to make submissions the Parole Authority only needs to conduct the hearing if it believes that the hearing is warranted.</p>	Board Release Appeal Victims

		<p>S141A. Under this section the Parole Authority has to allow and consider any submissions made by the Commissioner in making its decision. If submissions are made after parole is ordered but before the offender is released then the Parole Authority should consider revoking the parole order.</p> <p>S143-143C. Parole Authority only needs to consider the grant of parole for a serious offender in subsequent years if the offender applies prior to 90 days of the anniversary of their becoming eligible for parole. The Parole Authority may consider the grant of parole at any time to avoid manifest injustice as defined in the regulations.</p> <p>S 145. Clarifies the system of giving victims notice of intention to release offenders, and ensures that the Commissioner is given notice of any rehearing.</p> <p>S 146. Replicates s 139 but for serious offenders.</p> <p>S151. Extends the period for releasing serious offenders who have been granted parole from 7-14 to 14-35 days.</p> <p>S151 and others. Functions remitted from the CCA to the Supreme Court.</p> <p>S153. Instructs the Parole Authority to take into account submissions made by the State made after the grant of parole but before release, and to consider revoking parole under such a circumstance.</p> <p>S170(1)(c). Allows the Parole Authority to consider revoking parole based on a recommendation by the Commissioner.</p> <p>S183(2A). Constitution of the Parole Authority altered so that one of the community members on the Parole Authority is a person who, 'in the opinion of the Minister, has an appreciation or understanding of the interests of victims of crime'.</p> <p>S185. States the functions of the Parole Authority. Emphasises that Parole Authority should have regard to the submissions of the Commissioner.</p> <p>S189. Increases the maximum penalty for misconduct before the Parole Authority from 10 penalty units to 28 days in prison.</p> <p>S192. Removes the obligation for the Parole Authority to report to the Minister on the continued detention of a person under s 39 of the <i>Mental Health (Criminal Procedure) Act 1990</i>. Places a new obligation on the Parole Authority to report to the Minister on any issues for which the Minister requests a report.</p> <p>S193A. Minister given unfettered access to documents held by the Parole Authority.</p>	
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			<p>Victims of serious crimes given qualified access to documents concerning the parole of serious criminals.</p> <p>S193B. The Parole Authority may make recommendations to the Minister regarding the preparation of offenders for parole.</p> <p>S 193C. Obligation on the Parole Authority to record, in its minutes, reasons for all decisions to grant, refuse or revoke parole.</p> <p>S194. Prevents a person other than the Minister from accessing documents held by the Parole Authority, which may adversely affect the supervision of an offender or disclose the contents of an offender’s medical report.</p> <p>S198(2A). Sets out matter which the Serious Offenders Review Council should consider in carrying out its functions.</p>	
	No 103	<u>Juvenile Offenders Legislation Amendment Act 2004</u>	S197(2)(d1). Adds to the functions of the Serious Offenders Review Council. Adds making recommendations to the minister on the transfer of Juvenile offenders from Juvenile centres to adult ones.	
2005	No 13	<u>Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Act 2005</u>	Changes in terminology.	
2006	No 7	<u>Crimes (Serious Sex Offenders) Act 2006.</u>	S126(3). An offender is not eligible for release on parole if the offender is the subject of a continuing detention order under the <i>Crimes (Serious Sex Offenders) Act 2006</i> 160A. Offenders obligations under a parole order are suspended if they are also subject to supervision order under the <i>Crimes (Serious Sex Offenders) Act 2006</i> . Parole order may be revoked if the offender fails to comply with their obligations under that supervision order.	

	No 41	<u>Children (Detention Centres) Amendment Act 2006.</u>	Not relevant, consequential.	
	No 58	<u>Statute Law (Miscellaneous Provisions) Act 2006.</u>	Not relevant, consequential.	
	No 81	<u>Crimes (Administration of Sentences) Amendment Act 2006</u>	<p>S128B. An offender, serving a life sentence, if released on parole, is to be subject to supervision for life or until the parole order is revoked.</p> <p>138-139. Changes in terminology..</p> <p>141A(4). Regulations may make provisions for submissions by the Commissioner.</p> <p>175A. Offender is not entitled to seek reconsideration of the revocation of a parole order, if revocation occurs within 30 days of the sentence expiring.</p> <p>S181. Changes in terminology..</p> <p>S185. Parole Authority may make regulations regards submissions by the Commissioner.</p> <p>S193A(2). The access of victims of serious offenders to Parole Authority documents if limited to those documents which indicate the measures the offender has taken to addressing their behaviour.</p>	Board Release Victims appeal
2007	No 32	<u>Crimes (Administration of Sentences) Amendment (Assistance in Foreign Criminal Matters) Act 2007.</u> Assented to 4.7.2007. Date of	Not relevant, consequential.	

		commencement, assent, sec 2.		
	No 33	<u>Crimes Legislation Amendment (Mobile Phones in Places of Detention) Act 2007</u> . Assented to 4.7.2007. Date of commencement, assent, sec 2.	Not relevant, consequential.	
	No 75	<u>Evidence (Audio and Audio Visual Links) Amendment Act 2007</u> .	Not relevant, consequential.	
	No 85	<u>Crimes (Administration of Sentences) Amendment Act 2007</u> .	141 . Procedure concerning specific day of release. 141(3A) . Changes in terminology.	
	No 94	<u>Miscellaneous Acts (Local Court) Amendment Act 2007</u> .	Not relevant, consequential.	
	No 99	<u>Road Transport Legislation (Breath Testing</u>	Not relevant, consequential.	

		<u>and Analysis) Act 2007.</u>		
2008	No 17	<u>Crimes (Administration of Sentences) Legislation Amendment Act 2008</u>	<p>Part 6. Introductory note inserted. 155(4) emphasizes the Supreme Court may not review the decision of the Parole Authority on grounds other than that the Parole Authority based its decision on irrelevant information. 156(4). Replicates the above section, but for applications made by the state. 160AA. The Commissioner may at any time make submissions to the Parole Authority, which the Parole Authority must always consider. The second reading speech and the surrounding sections suggest that this right is confined to considerations of parole under s 160 (parole in exceptional circumstances). Part 7. Introductory note added. Ss 176 and 177. Replicates s155(4) mentioned above. Part 8 and 9 introductory notes inserted</p>	Appeal
	No 53	<u>Courts and Crimes Legislation Amendment Act 2008.</u>	Not relevant, consequential.	
	No 54	<u>Children (Criminal Proceedings) Amendment Act 2008.</u>	Not relevant, consequential.	
	No 79	<u>Mental Health Legislation Amendment (Forensic Provisions) Act 2008.</u>	Changes in terminology.	
	No 108	<u>Crimes</u>	Ss 137A, 138, 143A and 151. The effect of the amendment is that an offender can	Board release

		<u>(Administration of Sentences) Amendment Act 2008</u>	only be released on the day they become eligible for parole or any anniversary of that day. S193A. Access to documents extended to authorised agents of victims of serious offenders. The section also defines who is an authorised agent. Sch 1 – the number of community members at a meeting of the Parole Authority reduced from four to two.	
	No 110	<u>Fines Further Amendment Act 2008.</u>	Not relevant, consequential.	
2009	No 47	<u>Crimes (Administration of Sentences) Amendment Act 2009.</u>	Not relevant, consequential.	
	No 56	<u>Statute Law (Miscellaneous Provisions) Act 2009.</u>	Not relevant, consequential.	