

GLOSSARY OF TERMS

Accused	A person indicted for a criminal offence in District Court or Supreme Court proceedings.
“All Grounds” Appeal	An appeal against both a conviction and a sentence imposed on a defendant as a result of such conviction by the Local Court.
Appeal	An appeal is “any proceeding taken to rectify an erroneous decision of a court by bringing it before a higher court. There is no right of appeal against the order or judgment of a court of competent jurisdiction unless expressly provided for” – Osborn’s ‘A Concise Law Dictionary’.
Appellant	An appellant is “one who appeals” – Osborn’s ‘A Concise Law Dictionary’.
Arrest	To arrest a person is “...to deprive him of his liberty by some lawful authority, for the purpose of compelling his appearance to answer a criminal charge...” – Osborn’s ‘A Concise Law Dictionary’.
Bail	A person accused of a criminal offence “...is admitted to bail when he is released from the custody of officers of the law and is entrusted to the custody of persons known as his sureties, who are bound to produce him to answer, at a specified time and place, the charge against him, and who, in default of so doing, are liable to forfeit such sum as is specified when bail is granted” – Osborn’s ‘A Concise Law Dictionary’. (See also definition in Section 4 of the Bail Act 1978).
“Bail Dispensed With”	Where a person who has been accused of a crime is released from custody without entering into bail. Normally for a minor matter. Otherwise is on bail on other matters.
“Bottom”	(In relation to sentences) has the same meaning as a non-parole period (NPP).
CCA	Court of Criminal Appeal: The highest appeals court for criminal matters in NSW.
CDPP	Commonwealth Director of Public Prosecutions: The officer responsible for the prosecution of some criminal matters under Commonwealth legislation in the Local Court, and all criminal matters under Commonwealth legislation in the District and Supreme Courts. The CDPP can direct that matters not proceed to trial or are “NO BILLED”.

- Charge** A formal accusation of the commission of a criminal offence, in Local Court proceedings.
- Compulsory Drug Treatment Order** An order made by the Drug Court of NSW in respect of a sentence. Orders are administered by the Drug Court, and it takes the place of the State Parole Authority in authorising the release of an offender at the expiration of the non-parole period.
- Committal Proceedings** A "...hearing before a Magistrate for the purpose of deciding whether a person charged with an indictable offence should be committed for trial or sentence" – [Section 3 of the Criminal Procedure Act 1986](#).
- Concurrent Sentence** Sentences imposed on a person by a court, which are ordered to be served by that person concurrently (i.e. the first sentence and the second sentence run at the same time).
- Consecutive Sentence** Sentences imposed on a person by a court, which are ordered to be served by that person consecutively (i.e. the second sentence commences at the conclusion of the first sentence).
- Correctional Patient** For the purposes of State Sentence Administration staff, a 'correctional patient' is basically a person who has been transferred from a correctional centre to a mental health facility while serving a sentence of imprisonment or while on remand. Such a transfer will be made when the Director-General (or their authorised delegate) signs a written [order](#) directing that the person be transferred from a correctional centre to a mental health facility.
- COS** **Community Offender Service:** Formally known as the Probation and Parole Service. COS is responsible for the supervision of offenders under the jurisdiction of Corrective Services whilst in the community.
- COS Officer** **Community Offender Service Officer:** An employee with COS with the responsibility of supervising offender who have been convicted and sentenced to a community based order.
- COSP** **Community Offender Support Program:** COSP Centres are a non custodial community based service where offenders on parole (including court based parole) or a community based sentence, can reside and participate in programs aimed at reducing re-offending, protecting the community and assisting in the re-settlement process through involvement in community services.
- Court Cells** Cells attached to a court house where inmates are awaiting to appear before the Court or have been remanded in custody to a future date and awaiting transfer to a correctional centre.

Crime	A crime is "...an act, default or conduct prejudicial to the community, the commission of which by law renders the person responsible liable to punishment..." – Osborn’s ‘A Concise Law Dictionary’.
CSO	Community Service Order: A penalty imposed on an offender for that offender to under work/counselling in the community as a result of their conviction.
Cumulative Sentence	Sentences imposed on a person by a court, which are ordered to be served by that person cumulatively (i.e. the second sentence commences whilst the first sentence is still running and then does not conclude until after the conclusion of the first sentence).
Defendant	A person charged with a criminal offence in Local Court proceedings.
DIAC	Commonwealth Department of Immigration and Citizenship.
DPP	Director of Public Prosecutions: The officer responsible for the prosecution of some criminal matters under NSW legislation in the Local Court, and all criminal matters under NSW legislation in the District and Supreme Courts. The DPP can direct that matters not proceed to trial or are "NO BILLED".
Escort	<p>1 The movement of inmates from one correctional centre to another correctional centre or other location in the interests of justice;</p> <p>2 An employee who is in company of an inmate who has been removed from a correctional centre to some other place following the issue of an appropriate order for this to occur.</p>
Execute	Means to serve a warrant or some other detainer on an offender to allow that offender to be detained in custody.
Fine	A fine is "a sum of money ordered to be paid...by an offender, as a punishment for his offence" – Osborn’s ‘A Concise Law Dictionary’.
Fixed Term	A term of imprisonment which does not have a non-parole period.
Forensic Patient	<p>For the purposes of State Sentence Administration staff, ‘forensic patient’ is basically a person who is being detained in a correctional centre as a result of:</p> <ul style="list-style-type: none"> • being found <u>‘unfit to be tried’</u> in criminal proceedings in the District Court or the Supreme Court; or

- having had a [‘limiting term’](#) imposed on them in criminal proceedings in the District Court or the Supreme Court; or
- being found [‘not guilty by reason of mental illness’](#) in criminal proceedings in the District Court or the Supreme Court.

Form 7 The document commonly referred to as a “Form 7” is a prescribed form under [Schedule 1 to the Bail Regulation 1999](#). It relates to the bail determination of an authorised officer. Although this regulation has been repealed, the prescribed forms under the regulation were specifically approved and continued by [Regulation 34 of the Bail Regulation 2008](#).

Form 7 Inmate An inmate in custody on the basis of a Form 7 decision and awaiting an appearance at the next sitting of a court. [Section 54 A of the Bail Act 1978](#).

Form 13 The Bail Act 1978 requires Corrective Services NSW to advise a court that has granted bail to an offender where that bail has not been entered into within 8 days - (Form 13 refers to the report on OIMS).

Habeas An inmate who is to appear at a court and has other matters which require him/her to be returned to the correctional centre at the conclusion of the court proceedings.

Immigration Generally refers to the Department of Immigration and Citizenship (DIAC).

Imprisonment Imprisonment is “the restraint of a person’s liberty by another” – Osborn’s ‘A Concise Law Dictionary’.

Indictable Offence An “...offence (including a common law offence) that may be prosecuted on indictment” – [Section 3 of the Criminal Procedure Act 1986](#).

Indictment A formal accusation of the commission of a criminal offence, in District Court or Supreme Court proceedings.

Inmate An inmate is a person being held in custody.

Judgment A judgment is “the decision or sentence of a court in a legal proceeding” – Osborn’s ‘A Concise Law Dictionary’.

L.O.V. List of values (in OIMS).

MIN **Master Index Number:** A computer generated identification number for clients of Corrective Services NSW.

Non-parole Period The non-parole period (NPP) of a sentence is the minimum period that an inmate must serve before being released on

parole.

- OIMS** **Offender Integrated Management System:** Corrective Services NSW computer database.
- OSASO** **Office of Statewide Administration of Sentences and Orders:** This office is responsible for providing training, policy and review support to other branches to ensure quality and consistency.
- Parole** Parole is “the temporary or permanent release of a prisoner before the end of a sentence, on the promise of good behaviour” – The Oxford Dictionary.
- Penalty** A penalty is “a punishment, particularly a fine...” – Osborn’s ‘A Concise Law Dictionary’
- Pre-position** The removal of an inmate from a correctional centre for an appearance at Court before the due date because of transport requirements.
- Recognisance** A recognisance is “an obligation or bond acknowledged before some court of record or authorised officer, and afterwards enrolled in some court of record” – Osborn’s ‘A Concise Law Dictionary.
- Remand** To remand legal proceedings is “to adjourn a hearing to a future date, and to order that the defendant, unless admitted to bail, be kept in custody in the meantime” – Osborn’s ‘A Concise Law Dictionary’.
- Rising of the Court** A penalty imposed by a court following a conviction usually for a minor matter.
- SAB** **Sentence Administration Branch:** A sub-branch of SASO. Responsible for liaising with and providing information to external agencies in relation to offenders who are or were a client of Corrective Services NSW.
- SASO** **Statewide Administration of Sentences and Orders:** Responsible for overseeing and providing advice and services to Corrective Services NSW in relation to the detention and release of offenders in custody and for those offenders being supervised in the community.
- Sentence** The penalty imposed on a person by a Court following their conviction. It can include both custodial and non-custodial terms.

“Severity” Appeal	An appeal against the sentence imposed on a defendant by the Local Court.
SPA	State Parole Authority: A sub-branch of SASO. The SPA has the following functions: (a) to determine matters with respect to the granting of parole and the conditions on which parole is granted, (b) to determine matters with respect to the revocation of periodic detention orders, home detention orders and parole orders, (c) such other functions as are conferred or imposed on it by or under this or any other Act or law.
SSA	State Sentence Administration: A sub-branch of SASO. Oversees the operational processes of the respective Sentence Administration Units in Correctional Centres.
Summary Offence	An “...offence that is not an indictable offence” – Section 3 of the Criminal Procedure Act 1986 .
Surety	“ <i>bail guarantor</i> means any person who enters into a bail agreement in connection with an accused person’s bail undertaking, other than the accused person” – Section 53 of Bail Act 1978 .
“Top”	(In relation to sentences) means the head or maximum sentence.
TRIM	This is an electronic database used by Corrective Services NSW to store documents.

Commonly Used “Section” references

Section 6 order

An order under [Section 6 of the Crimes \(Administration of Sentences\) Act 1999](#) allows a convicted inmate to work outside the confines of a correctional centre. The order is made by the general manager of the particular correctional centre.

Section 9 order

Section 9 Bond (Crimes (Sentencing Procedure) Act 1999) [click here](#).
 A court may impose an order for a person to be of good behaviour for up to 5 years.

Section 10 order

Section 10 Bond (Crimes (Sentencing Procedure) Act 1999) [click here](#).

Without proceeding to conviction, a court that finds a person guilty of an offence may -
order the charges be dismissed,
discharge the person on condition he/she enters into a GBB for up to 2 years,
discharge the person on condition he/she enters into and complies with an intervention program.

Section 10A Order [click here](#).

The court may dispose of proceedings without imposing any other penalty.

Section 11 Order

Section 11 Bond (Griffiths Remand) (Crimes (Sentencing Procedure) Act 1999) [click here](#).

Once a court has found an offender guilty, whether or not it proceeds to conviction, it may adjourn sentencing proceedings and order the offender enter into a rehabilitation or intervention program for up to 12 months. While the proceedings are adjourned the offender may be released on bail for the duration of the adjournment.

Section 12 Order

Section 12 Bond (Suspended Sentence) (Crimes (Sentencing Procedure) Act 1999) [click here](#).

A court may impose a sentence of imprisonment for up to 2 years on an offender and suspend it on condition the offender enter into a good behaviour bond for a term not exceeding the term of the sentence.

Such an order may not be made if a person is subject to another sentence of imprisonment, not subject to such a bond (Section 12(2)).

Section 14 order

An order under [Section 14 of the Mental Health \(Forensic Provisions\) Act 1990](#) follows a District Court or Supreme Court determination that an accused person is “unfit to be tried” for an offence, and refers that offender to the Mental Health Review Tribunal for determination of the offender’s future fitness to be tried for that offence. The order is made by the court in which the “unfit to be tried” finding was made.

Section 19 order

If the Court receives a notification of a determination from the Mental Health Review Tribunal under section 16 (3), 45 (3) or 47 (5) of the Mental Health (Forensic Provisions) Act 1990 that a person will not, during the period of 12 months after the finding of unfitness, become fit to be tried for an offence, the Court:

(a) is to obtain the advice of the Director of Public Prosecutions as to whether further proceedings will be taken by the Director of Public Prosecutions in respect of the offence, and

(b) is to conduct a special hearing as soon as practicable unless the Director of Public Prosecutions advises that no further proceedings will be taken.

Section 23 order

An order under [Section 23 of the Crimes \(Administration of Sentences\) Act 1999](#) requires the transfer of an inmate from one correctional centre to another correctional centre. The order is made by the Commissioner of Corrective Services.

Section 24 order

An order under [Section 24 of the Crimes \(Administration of Sentences\) Act 1999](#) requires the transfer of an inmate to a hospital or some other place for medical treatment. The order is made by the Commissioner of Corrective Services.

Section 25 order

An order (known as a 'local leave order') under [Section 25 of the Crimes \(Administration of Sentences\) Act 1999](#) requires the transfer of an inmate to a specified place to be interviewed by law enforcement officers or to assist in the administration of justice. The order is made by the Commissioner of Corrective Services.

Section 26 permit

A permit (known as a 'local leave permit') under [Section 26 of the Crimes \(Administration of Sentences\) Act 1999](#) allows an inmate to be absent from a correctional centre for a number of reasons (including attending a family funeral, visiting an ill family member, attending education or training courses, etc).

Section 33 order

An order under [Section 33 of the Mental Health \(Forensic Provisions\) Act 1990](#) usually requires the transfer of a defendant from a Local Court to, and detention at, a mental health facility for assessment. The order is made by the Local Court. Depending on the results of such assessment, the defendant can either be admitted to the mental health facility or returned to the Local Court to be dealt with. A Magistrate can also make an order discharging the defendant into the care of a responsible person, either conditionally or unconditionally.

Section 35 order (Mental Health (Forensic Provisions) Act 1990

- (1) This section applies to a person who is awaiting committal for trial or trial for an offence or summary disposal of the person's case.
- (2) If it appears to a Magistrate that it may be appropriate to transfer a person to whom this section applies from a correctional centre or detention centre to

a mental health facility under section 55, the Magistrate may make an order directing:

- (a) that the defendant be examined by 2 medical practitioners, one of whom is a psychiatrist, and
- (b) that, if appropriate, the relevant certificates be furnished to the Director-General of the Department of Health under section 55, and
- (c) that the Chief Executive Officer, Justice Health or, in the case of a juvenile, the Director-General of the Department of Juvenile Justice notify the Magistrate of the action, if any, taken under section 55.

[Section 39 order Mental Health \(Forensic Provisions\) Act 1990](#)

(1) If, on the trial of a person charged with an offence, the jury returns a special verdict that the accused person is not guilty by reason of mental illness, the Court may order that the person be detained in such place and in such manner as the Court thinks fit until released by due process of law or may make such other order (including an order releasing the person from custody, either unconditionally or subject to conditions) as the Court considers appropriate.

(2) The Court is not to make an order under this section for the release of a person from custody unless it is satisfied, on the balance of probabilities, that the safety of the person or any member of the public will not be seriously endangered by the person's release.

(3) As soon as practicable after the making of an order under this section, the Registrar of the Court is to notify the Minister for Health and the Tribunal of the terms of the order.

[Section 55 order \(Template here\)](#)

An order under [Section 55 of the Mental Health \(Forensic Provisions\) Act 1990](#) requires the transfer of an inmate from a correctional centre to a mental health facility for assessment. (Such assessment must be made within 7 days of the person's transfer to a mental health facility). The order is made by either the Director-General of the Department of Health or their authorised delegate.

[Section 56 notice \(Template Here\)](#)

A notice under [Section 56 of the Mental Health \(Forensic Provisions\) Act 1990](#) follows the assessment at a mental health facility made pursuant to Section 55 of the Act. If the Director-General of the Department of Health or their authorised delegate is of the opinion that the person who has been assessed is a mentally ill person or is suffering from a mental condition for which treatment is available in a mental health facility and appropriate care is not reasonably available in a correctional centre, the person remains in the mental health facility for care and treatment. If the Director-General or their delegate is of the opinion that the person who has been assessed is not, or has ceased to be, a mentally ill person or suffering from a mental condition for which treatment is available in a mental health facility or appropriate care is reasonably available in a correctional centre, the person is transferred back to

a correctional centre. The notice is given by either the Director-General of the Department of Health or their authorised delegate.

Section 62 order Crimes (Sentencing Procedure) Act 1999

- (1) As soon as practicable after sentencing an offender to imprisonment, a court must issue a warrant for the committal of the offender to a correctional centre.
- (2) The warrant must be signed by an authorised officer.
- (3) A warrant under this section is sufficient authority:
 - (a) for any police officer to convey the offender to the correctional centre or police station identified in the warrant, and
 - (b) for the governor of the correctional centre, or the person in charge of the police station, to keep the offender in his or her custody for the term of the sentence.
- (4) This section does not apply:
 - (a) while action is being taken under Part 5 or 6 in relation to the making of a periodic detention order or home detention order, or
 - (b) to a sentence of imprisonment the subject of a periodic detention order or home detention order.

Section 77 order

An order under Section 77 of the [Crimes \(Administration of Sentences\) Act 1999](#) requires the production of an inmate before an authorised court or tribunal, and the return of such inmate to the correctional centre at the conclusion of their attendance at the court or tribunal. The order is made by the court or tribunal in which the inmate is required to attend.

Section 160 order Crimes (Administration of Sentences) Act 1999

- (1) The Parole Authority may make an order directing the release of an offender on parole who (but for this section) is not otherwise eligible for release on parole if the offender is dying or if the Parole Authority is satisfied that it is necessary to release the offender on parole because of exceptional extenuating circumstances.
- (2) The Parole Authority is not required to consider an application for a parole order under this section, or to conduct a hearing, if it decides not to grant such an application.
- (3) Divisions 2 and 3 do not apply to a parole order under this section.
- (4) This section does not apply in respect of an offender serving a sentence for life.

DOCUMENT HISTORY

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