

1990 - No. 285

PRISONS ACT 1952 - REGULATION

(Relating to classification of prisoners)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prisons Act 1952, has been pleased to make the Regulation set forth hereunder.

MICHAEL YABSLEY
Minister for Corrective Services.

The Prisons (General) Regulation 1989 is amended:

- (a) by inserting in clause 9 (2) after the matter "A2" the words "under clause 8, or to Category E1 or E2 under clause 9A";
- (b) by omitting from clause 9 (5) the words "on or after, but not before," and by inserting instead the words "before the commencement of clause 9A, but not before";
- (c) by inserting after clause 9 the following clause:

Classification of prisoners convicted of escape after commencement of this clause

9A. (1) Despite any other provision of this Part, the Director-General is, for the purposes of security and developmental programs, to classify or reclassify a prisoner who has been convicted of escaping or attempting to escape from lawful custody in one of the following categories:

Category E1 - those who, in the opinion of the Director-General, represent a special risk to security and should at all times be confined in a

prison specified by the Minister as being a high security prison for the purposes of this category.

Category E2 - those who, in the opinion of the Director-General, should at all times be confined by a secure physical barrier in a prison specified by the Minister for the purposes of this category.

(2) The classification of a prisoner under this clause is not to be varied except to one of the categories provided for by this clause.

(3) This clause applies whether the prisoner concerned was convicted within or outside New South Wales of escaping or attempting to escape from lawful custody and whether or not by a New South Wales court.

(4) This clause does not apply to a conviction of a prisoner for the offence of escaping or attempting to escape from lawful custody if the conviction was of a prisoner who was under the age of 18 years when the offence was committed.

(5) This clause applies in relation to a conviction for the offence of escaping or attempting to escape from lawful custody committed on or after the commencement of this clause.

EXPLANATORY NOTE

The object of this Regulation is to amend the Prisons (General) Regulation 1989 so as to require the Director-General of Corrective Services to classify a prisoner who is convicted of the offence (committed on or after the commencement of the amendment) of escaping or attempting to escape from lawful custody as a Category E1 or E2 prisoner.

The E1 and E2 categories are new categories inserted by the Regulation which classify escapees as either requiring confinement in a high security prison (Category E1) or confinement by a secure physical barrier (Category E2). The Minister is to determine appropriate prisons for the purposes of the new categories.

The Regulation does not apply to the escape or attempted escape of a prisoner while a juvenile.
