



New South Wales

Periodic Detention of Prisoners Amendment Regulation 1996

under the

Periodic Detention of Prisoners Act 1981

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Periodic Detention of Prisoners Act 1981*.

Bob Debus

Minister for Corrective Services

Explanatory note

The objects of this Regulation are as follows:

- to provide that female periodic detainees must not be searched by or in the presence of a male prison officer, and to remove the provision that prevents female prison officers from searching male periodic detainees (see Schedule 1 [1]),
- to provide that the offence under clause 42 of the *Prisons (General) Regulation 1995* relating to prisoners inflicting self-injury (that clause is proposed to be repealed) is no longer adopted for the purposes of the *Periodic Detention of Prisoners Act 1981* (see Schedule 1[2]),
- to adopt the proposed offence under the *Prisons (General) Regulation 1995* relating to smoking in non-smoking areas as an offence against discipline in relation to periodic detainees (see Schedule 1[3]).

This Regulation is made under the *Periodic Detention of Prisoners Act 1981*, including section 34 (the general regulation making power).

Periodic Detention of Prisoners Amendment Regulation 1996

1 Name of Regulation

This Regulation is the *Periodic Detention of Prisoners Amendment Regulation 1996*.

2 Amendment of Periodic Detention of Prisoners Regulation 1995

The *Periodic Detention of Prisoners Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 11 Personal searches

Omit clause 11 (3). Insert instead:

- (3) Except in the case of an emergency, a female periodic detainee must not be searched by or in the presence of a male prison officer.

[2] Clause 39 Offences against discipline (sec. 33 (1) (d))

Omit “Clause 42 (Self-inflicted wounds)” from clause 39 (2).

[3] Clause 39

Insert after the matter relating to clause 165:

Clause 168A (Smoking in non-smoking areas)