



New South Wales

## Periodic Detention of Prisoners Amendment (No 2) 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 object of this Regulation is to prescribe matters appropriate to the amendments made to the *Periodic Detention of Prisoners Act 1981* by the *Periodic Detention of Prisoners Amendment Act 1996*, and in particular:

- (a) to prescribe the hours of reporting for service of periodic detention at certain prisons, and
- (b) to provide for the extension of the maximum permissible working hours fixed under the Act in the case of periodic detainees who are required to make up time lost through absences, and
- (c) to make further provision with respect to the grant of leave of absence for periodic detainees and to provide, in the case of leave applied for on health grounds, for required medical examinations, and
- (d) to dispense with the requirement that a prisoner sign copies of a notice of the granting of leave of absence and of a notice of an order varying the prison at which the prisoner's sentence is to be served, and
- (e) to revise certain provisions relating to the service of notices on periodic detainees.

This Regulation is made under sections 9, 21AA and 34 of the *Periodic Detention of Prisoners Act 1981*.

**1996 No 488**

Clause 1      Periodic Detention of Prisoners Amendment (No 2) Regulation 1996

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**Periodic Detention of Prisoners Amendment  
(No 2) Regulation 1996**

**1 Name of Regulation**

This Regulation is the *Periodic Detention of Prisoners Amendment (No 2) Regulation 1996*.

**2 Commencement**

This Regulation commences on 27 September 1996.

**3 Amendment of Periodic Detention of Prisoners Regulation 1995**

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

**4 Notes**

The explanatory note does not form part of this Regulation.

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## **Schedule 1    Amendment of Periodic Detention of Prisoners Regulation 1995**

(Clause 3)

### **[1]    Clause 7A**

Insert before clause 8:

#### **7A Reporting to prison: prescribed ether time**

For the purposes of section 9 (2) of the Act, the time for first reporting to prison in order to commence serving a sentence by way of periodic detention at Campbelltown, Malabar, Mannus, Parramatta, St Heliers, Silverwater, Tomago, South Windsor and Wollongong periodic detention centres is 9.00 am.

### **[2]    Clause 23 Working hours**

Insert after clause 23 (3):

- (4) The period of 8 hours prescribed by subclause (1) may be extended by an amount of time equal to any extra time necessary to be served in accordance with a direction given under section 21AA of the Act in respect of an occasion on which the detainee was late in reporting to prison.

### **[3]    Clause 26**

Omit the clause. Insert instead:

#### **26 Notice of section 10 order**

- (1) The Commissioner must cause written notice of the terms of an order under section 10 (1) (b) of the Act to be served on the periodic detainee to whom it relates.
- (2) If the detainee is at a prison when service is to be made, then service must be personal. In any other case, service may be personal or by post.

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- (3) If service is by post, the notice is properly addressed if addressed to the last residential address for the detainee that is known to the governor of the prison where the detainee last reported.

### **[4] Clause 27 Production of notices for inspection**

Omit the clause.

### **[5] Clause 28 Applications for leave of absence**

Omit “\*section 20” from clause 28 (1). Insert instead “section 20 or 21AA”.

### **[6] Clause 30 Inquiries into applications for leave of absence**

Omit “section 20” from clause 30 (1). Insert instead “section 20 or 21AA”.

### **[7] Clause 30 (3) and (4)**

Omit the subclauses.

### **[8] Clause 31A**

Insert after clause 31:

#### **31A Medical examinations in connection with leave of absence**

A detainee who applies for leave of absence for health reasons, or who is directed under section 20A of the Act to take leave for health reasons, may be required to undergo one or more medical examinations by a Government Medical Officer at such times and places as may be notified to the detainee in writing by or on behalf of the Commissioner.

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**[9] Clause 39 Offences against discipline (sec 33 (1) (d))**

Insert after clause 39 (1) (o):

- (o1) fails to comply with a requirement notified under clause 31A (medical examinations),

**[10] Clause 43 Orders varying times of attendance**

Omit the clause.

**[11] Clause 44 Orders varying prison at which sentence to be served**

Omit the clause.

**[12] Clause 46 Notices of hearing—cancellation of orders for periodic detention**

Omit clause 46 (2). Insert instead:

- (2) The notice is properly addressed if addressed to the last residential address for the person that is known to the governor of the prison where the person last was a periodic detainee.