



New South Wales

Prisons (General) Amendment (Life Sentence Offenders) Regulation 1997

under the
Correctional Centres Act 1952

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Correctional Centres Act 1952*.

BOB DEBUS, M.P.,
Minister for Corrective Services

Explanatory note

The object of this Regulation is to amend the *Prisons (General) Regulation 1995* so as to prescribe certain functions of the Serious Offenders Review Council to which the requirements of section 62AA of the *Correctional Centres Act 1952* are to apply. The requirements will apply when the Review Council is exercising the prescribed functions in relation to a person serving an existing life sentence (that is, a life sentence imposed before the commencement of section 19A of the *Crimes Act 1900*) or a life sentence that has been commuted, under section 13A of the *Sentencing Act 1989*, to a sentence having a minimum and additional term. In accordance with the requirements, the Review Council:

- (a) must have regard to and give substantial weight to any relevant recommendations, observations and comments made by the original sentencing court when imposing the sentence concerned, and
- (b) must give consideration to adopting or giving effect to their substance and the intention of the original sentencing court when making them, and

- (c) must, to the extent that it declines to adopt or give effect to those matters, state its reasons for doing so, and
- (d) must have regard to the need to preserve the safety of the community.

The functions to which the requirements will, by force of this Regulation, apply concern the provision of advice, recommendations and reports by the Review Council that may affect an offender's eligibility for pre-release leave or release on parole, or that may affect other matters that were the subject of comment by the court that sentenced the offender. The requirements extend to the performance, under delegation, of certain of the prescribed functions by a committee of the Review Council.

This Regulation is made under the *Correctional Centres Act 1952*, including section 62AA (Matters to be considered concerning certain serious offenders) and section 50 (Regulations).

Prisons (General) Amendment (Life Sentence Offenders) Regulation 1997

1 Name of Regulation

This Regulation is the *Prisons (General) Amendment (Life Sentence Offenders) Regulation 1997*.

2 Amendment of Prisons (General) Regulation 1995

The *Prisons (General) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

1997 No 398

Prisons (General) Amendment (Life Sentence Offenders) Regulation 1997

Schedule 1 Amendments

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(Clause 2)

[1] Clause 185A

Insert after clause 185:

185A Matters to be considered concerning certain serious offenders

Pursuant to section 62AA (2) and (3) of the Act, the following provisions are prescribed:

- (a) section 62 (1) (a), (e) and (f) of the Act,
- (b) clauses 10, 11, 14 and 185.

[2] Clause 186 Delegation of functions of the Review Council

Insert at the end of the clause:

- (2) Whenever any function delegated to a committee of the Review Council is exercised by such a committee in relation to an offender who is a person to whom section 62AA of the Act applies, the committee, in the exercise of that function, is bound to observe the same requirements as are imposed by that section on the Review Council.