



New South Wales

# Prisons (General) Amendment (High Security Inmates) 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 provide that the Commissioner of Corrective Services may designate certain inmates as high security inmates for the purposes of their management in correctional centres. The designation of an inmate as a high security inmate may only be made on the recommendation of the Serious Offenders Review Council (except in an emergency). The Review Council will also have the function of periodically reviewing the management of designated high security inmates.

This Regulation is made under the *Correctional Centres Act 1952*, including section 50 (the general regulation making power) and section 62 (1) (g).

1997 No 696

Clause 1 Prisons (General) Amendment (High Security Inmates) Regulation 1997

# **Prisons (General) Amendment (High Security Inmates) Regulation 1997**

## 1 Name of Regulation

This Regulation is the *Prisons (General) Amendment (High Security Inmates) Regulation 1997*.

## 2 Commencement

This Regulation commences on 19 December 1997.

### 3 Amendment of Prisons (General) Regulation 1995

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

## 4 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendment

(Clause 3)

### Part 2, Division 3

Insert after Division 2:

#### Division 3 Designation and management of high security inmates

##### 20A Definition and application of Division

- (1) This Division applies in respect of the following inmates only:
  - (a) male inmates who are classified in Category A1, A2 or B under clause 10 (1), or in Category E1 or E2 under clause 11,
  - (b) female inmates who are classified in Category 4 under clause 10 (1A), or in Category E1 or E2 under clause 11.
- (2) In this Division:

*designated inmate* means an inmate who is designated for the time being under this Division.

##### 20B Designation of high security inmates

- (1) The Commissioner may designate an inmate to which this Division applies as:
  - (a) an extreme high security inmate, or
  - (b) a moderate high security inmate.
- (2) An inmate may be designated as an extreme high security inmate only if the Commissioner is of the opinion that the inmate constitutes:
  - (a) an extreme danger to other people, or
  - (b) an extreme threat to good order and security

- (3) An inmate may be designated as a moderate high security inmate only if the Commissioner is of the opinion that the inmate constitutes:
  - (a) a danger to other people, or
  - (b) a threat to good order and security.
- (4) The designation of an inmate may be revoked or varied by the Commissioner.
- (5) The designation, or the revocation or variation of the designation, of an inmate by the Commissioner may only be made on the recommendation of the Review Council.
- (6) However, the Commissioner may, in an emergency, designate an inmate pending the making of a recommendation by the Review Council.

#### **20C Management of designated high security inmates**

- (1) The Commissioner may make determinations with respect to the following:
  - (a) the placement in correctional centres of designated inmates,
  - (b) the movement of designated inmates for any purpose,
  - (c) any additional security arrangements to be imposed in respect of designated inmates,
  - (d) developmental programs for designated inmates,
  - (e) any other matter that is relevant to the management of designated inmates.
- (2) Any such determination must not be inconsistent with any recommendation of the Review Council.

**20D Functions of Review Council in relation to high security inmates**

- (1) For the purposes of section 62 (1) (g) of the Act, the functions of the Review Council include the provision, at the request of the Commissioner, of reports, advice and recommendations to the Commissioner with respect to:
  - (a) the designation of inmates under this Division (including the revocation or variation of any such designation), and
  - (b) the management of designated inmates (including the periodic review of that management).
- (2) In accordance with clause 10 (2) (c) of Schedule 5 to the Act, the Review Council may delegate to a committee of the Review Council any function referred to in subclause (1) (a) or (b).