



New South Wales

Prisons (General) Amendment Regulation 1998

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 objects of this Regulation are:

- (a) to prescribe the manner and content of the notice to be given to a victim of a crime before the Serious Offenders Review Council recommends a change in security classification that would make an offender eligible for consideration for unescorted leave of absence, and
- (b) to provide that, for the purpose of performing his or her duties, a custodian of inmates at a correctional centre that is privately managed has the same powers as a correctional officer at a government-managed correctional facility, except to the extent that the Commissioner of Corrective Services otherwise directs.

This Regulation is made under sections 31D (Status of staff at correctional centre managed under agreement), 50 (the general regulation-making power) and 62A (Victim submissions and State submissions involving serious offenders) of the *Correctional Centres Act 1952*. (Section 62A was inserted by the *Sentencing Amendment (Parole) Act 1996*).

Prisons (General) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Prisons (General) Amendment Regulation 1998*.

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.

Schedule 1 Amendments

(Clause 2)

[1] Clauses 188 and 189

Insert after clause 187:

188 Notice to victims about proposed change in security: sec 62A (2)

- (1) Notice under section 62A (2) of the Act:
 - (a) is to be in writing and sent by post to the last postal address that has been recorded on the Victims Register under section 22M of the *Sentencing Act 1989* for the relevant victim, unless paragraph (b) applies, or
 - (b) is to be given by telephone if only a telephone number has been so recorded or if the Review Council believes that any telephone number that has been so recorded is more up to date than the last postal address so recorded.
- (2) The notice must:
 - (a) set out the reasons for the consideration by the Review Council of a change in the security classification of the relevant offender, and
 - (b) indicate that a submission made by a victim must be made in writing, and
 - (c) specify the relevant 14-day period for the lodgment of any such submission and the address for its lodgment.
- (3) The Council is to keep a record of the giving of any notice in accordance with this clause.

189 Powers of correctional officers

For the purpose of performing the duties of a custodian of inmates at a correctional centre managed in accordance with Part 6A of the Act, a person authorised under section 31C of the Act to perform those duties has and may exercise (subject to any directions of the Commissioner under section 31D (2) of the Act) all the powers of a correctional officer.