



Crimes (Administration of Sentences) Amendment (Savings and Transitional) Regulation 2003

under the

Crimes (Administration of Sentences) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Administration of Sentences) Act 1999*.

JOHN HATZISTERGOS, M.L.C.,

Minister for Justice

Explanatory note

The *Crimes (Administration of Sentences) Further Amendment Act 2002*, among other things, omits Division 2 of Part 2 of the *Crimes (Administration of Sentences) Act 1999* and replaces it with a new Division 2 that streamlines procedures dealing with segregated and protective custody.

The object of this Regulation is to provide transitional arrangements for the following:

- (a) applications which are made by inmates before the commencement of the new Division (1 July 2003) for the review by the Review Council of segregated or protective custody directions and which have not been finally determined before that commencement,
- (b) suspension directions given by the Chairperson of the Review Council before the commencement of the new Division which are still in force at that commencement, and
- (c) the application of the reporting requirements under the new section 16 where inmates are returned to segregated or protective custody as a consequence of such suspension directions being revoked.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including section 272 and clause 1 of Schedule 5 to that Act.

2003 No 385

Clause 1 Crimes (Administration of Sentences) Amendment (Savings and Transitional) Regulation 2003

**Crimes (Administration of Sentences) Amendment
(Savings and Transitional) Regulation 2003**

under the

Crimes (Administration of Sentences) Act 1999

1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Amendment (Savings and Transitional) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

**3 Amendment of Crimes (Administration of Sentences)
Regulation 2001**

The *Crimes (Administration of Sentences) Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clauses 172A and 172B

Insert after clause 172:

172A Review of segregated or protective custody directions by Review Council where application made before commencement of Crimes (Administration of Sentences) Further Amendment Act 2002

An application duly made by an inmate under section 19 of the Act before 1 July 2003 and not determined under section 22 of the Act before that date is taken to be an application made by the inmate under section 19 as substituted by the *Crimes (Administration of Sentences) Further Amendment Act 2002*.

172B Suspension directions given by Review Council before commencement of Crimes (Administration of Sentences) Further Amendment Act 2002

- (1) A suspension direction given by the Review Council under section 20 of the Act before 1 July 2003 and in force immediately before that date is taken to be a suspension direction given by the Review Council under section 20 as substituted by the *Crimes (Administration of Sentences) Further Amendment Act 2002*.
- (2) If an inmate to whom such a suspension direction applies is returned to segregated or protective custody as a consequence of the suspension direction being revoked on or after 1 July 2003 under section 20 (4) or (7) of the Act, the governor of the correctional centre where the inmate is held is to submit a report referred to in section 16 of the Act as soon as possible after the suspension direction is revoked. That report is taken to be a report under section 16 (3) of the Act.