



New South Wales

Crimes (Administration of Sentences) Amendment (National Security Interest Inmates) Regulation 2015

under the

Crimes (Administration of Sentences) Act 1999

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

DAVID ELLIOTT, MP
Minister for Corrections

Explanatory note

The object of this Regulation is to make provision with respect to the designation of inmates as national security interest inmates in connection with the management of security and other risks. The designation of an inmate as a national security interest inmate affects the inmate's right to have visitors, to receive letters or packages, to use a language other than English and to request to speak with the Minister, the Commissioner or the Official Visitor.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 79 and 271 (the general regulation-making power).

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Crimes (Administration of Sentences) Act 1999

1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Amendment (National Security Interest Inmates) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Crimes (Administration of Sentences) Regulation 2014

[1] Clause 3 Interpretation

Insert in appropriate order in clause 3 (1):

national security interest inmate means an inmate who is designated as a national security interest inmate under clause 15.

[2] Clause 15 Designation of high security, extreme high security, extreme high risk restricted and national security interest inmates

Insert after clause 15 (3):

(3A) The Commissioner may designate an inmate as a national security interest inmate if of the opinion that there is a risk that the inmate may engage in, or incite other persons to engage in, activities that constitute a serious threat to the peace, order or good government of the State or any other place.

[3] Clause 16 Management of high security, extreme high security, extreme high risk restricted and national security interest inmates

Omit “and extreme high risk restricted” wherever occurring.

Insert instead “, extreme high risk restricted and national security interest”.

[4] Clause 17 Variation of classification and designation of certain inmates

Omit “or extreme high risk restricted” from clause 17 (1) (b).

Insert instead “, extreme high risk restricted or national security interest”.

[5] Clause 17 (4)–(6)

Insert after clause 17 (3):

(4) Despite subclause (1) (c), the Commissioner may, if the Commissioner considers that there are exceptional circumstances that justify doing so, cause a serious offender to have his or her classification changed without seeking the recommendations of the Review Council.

(5) The Commissioner must notify the Review Council of any decision made under subclause (4).

(6) The Review Council may recommend to the Commissioner that the Commissioner reconsider a decision made under subclause (4).

[6] Clause 21 General manager’s report about inmates’ placement

Omit “or extreme high risk restricted” from clause 21 (1) (b).

Insert instead “, extreme high risk restricted or national security interest”.

[7] Clause 22 Consideration of certain reports by Review Council

Omit “or extreme high risk restricted” from clause 22 (1).

Insert instead “, extreme high risk restricted or national security interest”.

[8] Clause 23 Decision by Commissioner about inmate’s placement

Omit “or extreme high risk restricted” from clause 23 (1) (b) and (3) wherever occurring.

Insert instead “, extreme high risk restricted or national security interest”.

- [9] Clause 27 Consideration of recommendation by departmental officers**
Omit “or extreme high risk restricted” from clause 27 (3) (b).
Insert instead “, extreme high risk restricted or national security interest”.
- [10] Clause 28 Consideration of certain case plans by Review Council**
Omit “or extreme high risk restricted” from clause 28 (1).
Insert instead “, extreme high risk restricted or national security interest”.
- [11] Clause 94 Approval of visitors to extreme high risk restricted inmates and national security interest inmates**
Insert “or a national security interest inmate” after “restricted inmate” wherever occurring in clause 91 (1)–(4).
- [12] Clause 115 Correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates**
Omit “or an extreme high risk restricted inmate” from clause 115 (1)–(5) wherever occurring.
Insert instead “, an extreme high risk restricted inmate or a national security interest inmate”.
- [13] Clause 116 Additional requirements for correspondence from extreme high risk restricted inmates and national security interest inmates**
Insert “or a national security interest inmate” after “extreme high risk restricted inmate” wherever occurring.
- [14] Clause 117 Register of correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates**
Omit “or an extreme high risk restricted inmate” from clause 117 (1) and (3) wherever occurring.
Insert instead “, an extreme high risk restricted inmate or a national security interest inmate”.
- [15] Clause 119 Permission required to make telephone calls or send faxes**
Insert “or a national security interest inmate” after “an extreme high risk restricted inmate” in clause 119 (6).
- [16] Clause 165 Notice of availability of Official visitors**
Omit “or extreme high risk restricted inmate” from clause 165 (3).
Insert instead “, extreme high risk restricted inmate or national security interest inmate”.
- [17] Clause 166 Complaints and inquiries**
Omit “or an extreme high risk restricted inmate” from clause 166 (5).
Insert instead “, an extreme high risk restricted inmate or a national security interest inmate”.

[18] Clause 169 Requests to Minister, Commissioner or Official Visitors

Omit “or an extreme high risk restricted inmate” from clause 169 (5).

Insert instead “, an extreme high risk restricted inmate or a national security interest inmate”.

[19] Clause 311 Additional functions of Review Council

Omit “and extreme high risk restricted” from clause 311 (1) (c) and (d) wherever occurring.

Insert instead “, extreme high risk restricted and national security interest”.