



New South Wales

# **Crimes (Administration of Sentences) Amendment (Classification and Placement) Regulation 2015**

under the

**Crimes (Administration of Sentences) Act 1999**

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

BRAD HAZZARD, MP  
Minister for Justice

## **Explanatory note**

The objects of this Regulation are:

- (a) to make it clear that the sole purpose of the classification of inmates is security, and
- (b) to require that consideration be given as to whether or not the inmate is likely to be removed from Australia when classifying an inmate.

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

## **Crimes (Administration of Sentences) Amendment (Classification and Placement) Regulation 2015**

under the

Crimes (Administration of Sentences) Act 1999

### **1 Name of Regulation**

This Regulation is the *Crimes (Administration of Sentences) Amendment (Classification and Placement) 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**

Omit “clause 26” from the definition of *escape-risk classification*.

Insert instead “clause 14”.

**[2]    Clause 3, definitions of “*extreme high risk restricted inmate*”, “*extreme high security inmate*”, “*high security, extreme high security or extreme high risk restricted designation*” and “*high security inmate*”**

Omit “clause 27” wherever occurring. Insert instead “clause 15”.

**[3]    Part 3, heading**

Omit the heading. Insert instead:

### **Part 3      Classification, placement and case management of inmates**

**[4]    Part 3, Divisions 1, 2 and 3**

Re-number Division 1 as Division 2, Division 2 as Division 3 and Division 3 as Division 1.

Re-number clauses 11–14 as clauses 20–23 respectively.

Re-number clauses 15–22 as clauses 24–31 respectively.

Re-number clauses 23–31 as clauses 11–19 respectively.

Amend any cross-references in the transferred Divisions accordingly.

**[5]    Clause 12 Classification of male inmates (as renumbered by this Schedule)**

Omit “and the provision of appropriate development programs” from clause 12 (1).

**[6]    Clause 13 Classification of female inmates (as renumbered by this Schedule)**

Omit “and the provision of appropriate development programs” from clause 13 (1).

**[7]    Clause 19 Information to be considered for classification purposes (as renumbered by this Schedule)**

Omit the clause. Insert instead:

**19      Information to be considered for classification purposes**

For the purposes of making a decision with respect to a person’s classification under this Division, consideration must be given to:

- (a) any advice received from the NSW Police Force or from any other public authority (whether of this or any other State or Territory or of the Commonwealth) established for law enforcement, security or anti-terrorist purposes, and
- (b) whether or not the inmate is likely to be removed from Australia.

**[8]    Clause 60 Inmate services and programs**

Omit “Division 2” wherever occurring in clause 60 (4) and the note to the subclause.

Insert instead “Division 3”.

**[9] Clause 312 Matters to be considered concerning certain serious offenders**

Omit “clauses 13, 19, 29”. Insert instead “clauses 17, 22, 28”.