



New South Wales

Crimes (Administration of Sentences) Amendment Regulation 2017

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*.

DAVID ELLIOTT, MP
Minister for Corrections

Explanatory note

The object of this Regulation is to amend the *Crimes (Administration of Sentences) Regulation 2014*:

- (a) to remove the requirement for inmates to dispose of condoms and dental dams in disposal units and to require instead inmates to dispose of condoms and dental dams in domestic waste receptacles, and
- (b) to enable the governor of a correctional centre to prevent a person (a **restricted associate** of an inmate) from visiting or communicating or corresponding with the inmate if the person is a person with whom the inmate has been directed not to associate or make contact under an extended supervision order (made under the *Crimes (High Risk Offenders) Act 2006*) that would otherwise have been in force if the inmate had not been incarcerated or that will come into force when that incarceration ends.

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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1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Amendment Regulation 2017*.

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 alphabetical order in clause 3 (1):

restricted associate, of an inmate, means a person with whom the inmate has been directed not to associate or make contact under an extended supervision order (within the meaning of the *Crimes (High Risk Offenders) Act 2006*) made in respect of the inmate, but only if:

- (a) the order is suspended (or the inmate's obligations under the order are suspended), or
- (b) the order expired because a continuing detention order (that is still in force) was made in respect of the inmate, or
- (c) the order has been made but is yet to commence.

Note. See sections 10 (2) and 18D of the *Crimes (High Risk Offenders) Act 2006* for the circumstances in which extended supervision orders expire or are suspended.

[2] Clause 59 Condoms and dental dams

Omit “, and disposal units are to be installed in the correctional centre for their disposal” wherever occurring in clause 59 (1) and (2).

[3] Clause 59 (5) (b)

Omit “disposal unit”. Insert instead “domestic waste receptacle”.

[4] Clause 108A

Insert after clause 108:

108A Governor may bar restricted associates from visiting correctional centre

The governor of a correctional centre may direct that a restricted associate of an inmate be prevented from entering, or from visiting the inmate at, the correctional centre.

[5] Clause 112A

Insert after clause 112:

112A Governor may prevent correspondence with restricted associates

- (1) The governor of a correctional centre may direct an inmate not to send or receive a letter or parcel to or from a restricted associate of the inmate.
Note. Failure by an inmate to comply with this subclause is a correctional centre offence.
- (2) The governor of a correctional centre or a nominated officer may, if a letter or parcel is sent to or by an inmate from or to a restricted associate of the inmate:
 - (a) open, inspect and read the letter or parcel and its contents, and
 - (b) confiscate the letter or parcel and its contents and deal with them in accordance with the directions of the Commissioner.

[6] Clause 119A

Insert after clause 119:

119A Governor may prevent communication with restricted associates

The governor of a correctional centre may direct an inmate not to make or receive a telephone call or send or receive a fax to or from a restricted associate of the inmate.

Note. Failure by an inmate to comply with this clause is a correctional centre offence.

[7] Schedule 2 Correctional centre offences

Insert in appropriate order:

Clause 112A (1)	Correspond with restricted associate
Clause 119A	Communicate with restricted associate