



New South Wales

Crimes (Administration of Sentences) Amendment (Classification of Inmates) Regulation 2018

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* to:

- (a) create a new security classification (**Category Life**) for all inmates serving a sentence of imprisonment for life, and
- (b) require the Commissioner of Corrective Services, in determining the correctional centre in which a Category Life inmate is to be placed, to take into account that such inmates should be confined at all times by a secure physical barrier unless extraordinary circumstances exist.

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 (Classification of Inmates) Regulation 2018*.

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 11 Classification of inmates

Insert “under clause 12, 13 or 14” after “classification” in clause 11 (2).

[2] Clause 14A

Insert after clause 14:

14A Life imprisonment classification

- (1) An inmate (male or female) who has little or no prospect of release must be classified for the purposes of security in *Category Life*.
- (2) An inmate has *little or no prospect of release* if the inmate:
 - (a) is serving a sentence of imprisonment for life for the term of the inmate’s natural life, or
 - (b) is serving an existing life sentence, and is the subject of a non-release recommendation, within the meaning of Schedule 1 to the *Crimes (Sentencing Procedure) Act 1999*.
- (3) An inmate who has little or no prospect of release cannot be classified under clause 12, 13 or 14.
- (4) An inmate who, immediately before the commencement of this clause, was classified under clause 12, 13 or 14 and has little or no prospect of release is taken to be reclassified in Category Life.

[3] Clause 20 Placement of inmates

Insert after clause 20 (1) (a):

- (a1) if the inmate’s classification is Category Life, that such inmates should be confined at all times by a secure physical barrier unless extraordinary circumstances exist,