



New South Wales

Children (Detention Centres) Amendment (Classification) Regulation 2019

under the

Children (Detention Centres) Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Detention Centres) Act 1987*.

DAVID ELLIOTT, MP
Minister for Corrections

Explanatory note

The object of this Regulation is to provide for a new system of classification of detainees.

This Regulation is made under the *Children (Detention Centres) Act 1987*, including sections 16 (1) and 109 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Children (Detention Centres) Amendment (Classification) Regulation 2019*.

2 Commencement

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

Schedule 1 Amendment of Children (Detention Centres) Regulation 2015

Clause 7

Omit the clause. Insert instead:

7 Classification of detainees

- (1) For the purposes of section 16 (1) of the Act, the following classes of detainees are prescribed:
 - (a) Class A1(o)—detainees who have been charged with or convicted of a relevant offence and who should therefore be detained within a secure physical barrier at all times unless, in the opinion of the Secretary, the detainee should be classed under paragraph (b), (c), (d), (e) or (f),
 - (b) Class A1(b)—detainees who, in the opinion of the Secretary, are a high risk to security, safety and good order, and who should therefore be detained within a secure physical barrier at all times,
 - (c) Class A2—detainees who, in the opinion of the Secretary, are a medium to high risk to security, safety and good order, and who should therefore be detained within a secure physical barrier at all times,
 - (d) Class B1—detainees who, in the opinion of the Secretary, are a medium risk to security, safety and good order,
 - (e) Class B2—detainees who, in the opinion of the Secretary, are a low to medium risk to security, safety and good order,
 - (f) Class B3—detainees who, in the opinion of the Secretary, are a low risk to security, safety and good order,
 - (g) Unclassified—all other detainees.
- (2) In this clause:

relevant offence means any of the following:

 - (a) murder,
 - (b) manslaughter,
 - (c) aggravated sexual assault in company under section 61JA of the *Crimes Act 1900*,
 - (d) contaminating or threatening to contaminate goods with intent to cause public alarm or economic loss in aggravated circumstances under section 93O of the *Crimes Act 1900*,
 - (e) aggravated sexual assault under section 61J of the *Crimes Act 1900* (except in circumstances referred to in subsection (2) (d) of that section),
 - (f) a terrorism offence within the meaning of the *Crimes Act 1914* of the Commonwealth or an offence under section 310J of the *Crimes Act 1900*,
 - (g) attempting to commit the offences referred to in paragraph (c) or (e) under section 344A of the *Crimes Act 1900*.