



New South Wales

Crimes (Administration of Sentences) Amendment (Inmate Mail) Regulation 2020

under the

Crimes (Administration of Sentences) Act 1999

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

ANTHONY ROBERTS, MP
Minister for Counter Terrorism and Corrections

Explanatory note

The object of this Regulation is to provide that a letter or parcel sent to an inmate may be copied and the copy provided to the inmate instead of the original. The ability to copy this mail does not extend to letters or parcels addressed to, or received from, exempt bodies and persons such as the Ombudsman, Civil and Administrative Tribunal or a legal practitioner.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 79(1)(k) and 271 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Amendment (Inmate Mail) Regulation 2020*.

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 112 Opening of letters and parcels generally

Omit clause 112(1)–(4). Insert instead—

- (1) The governor of a correctional centre or a nominated officer may open, inspect and read a letter or parcel sent to or by an inmate.
- (2) The governor of a correctional centre or a nominated officer may, if a letter or parcel opened, inspected or read under this clause contains prohibited goods, confiscate the letter or parcel and its contents and deal with them in accordance with the directions of the Commissioner.
- (3) The inmate is to be informed of the confiscation of any letter, parcel or prohibited goods under subclause (2).
- (4) The governor of a correctional centre or a nominated officer may—
 - (a) copy any written or pictorial matter contained in a letter or parcel sent to an inmate that has been opened, inspected or read under this clause, and
 - (b) deal with the original written or pictorial matter in accordance with the directions of the Commissioner, and
 - (c) deliver a copy of the written or pictorial matter to the inmate instead of the original matter.
- (4A) Subclause (4B) applies if a nominated officer is of the opinion that the written or pictorial matter contained in a letter or parcel opened, inspected or read under this clause—
 - (a) contains anything likely to prejudice the good order and security of any correctional centre, or
 - (b) is threatening, offensive, indecent, obscene or abusive.
- (4B) The nominated officer may direct that—
 - (a) if the letter or parcel has been sent by an inmate—a copy of the written or pictorial matter be made, and
 - (b) in any case—a copy of the written or pictorial matter be retained.

[2] Clause 115 Correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates

Insert after clause 115(1)—

(1A) Delivery and retention of copies of correspondence

The governor or a nominated officer may, subject to this clause—

- (a) direct that a further copy of any written or pictorial matter contained in a letter or parcel opened, inspected, read and copied under subclause (1) be made and retained, and
- (b) deal with the original written or pictorial matter in accordance with the directions of the Commissioner, and
- (c) deliver a copy of the written or pictorial matter to the inmate instead of the original matter.