



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to confirm current arrangements for the care, control and management of inmates in connection with the designation of inmates for the management of security and other risks and the separation of inmates from other inmates in a correctional centre.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

Schedule 1 [1] confirms current arrangements that conditions of custody of inmates may vary for different inmates (including with respect to association of inmates in the same correctional centre). The amendment confirms that inmates or groups of inmates may be held separately from other inmates in a correctional centre for the

Crimes (Administration of Sentences) Amendment Bill 2009

Explanatory note

purposes of the care, control or management of the inmates or groups of inmates. Any such separation may arise from a requirement of the *Crimes (Administration of Sentences) Act 1999* or the regulations, the classification or designation of the inmates, any program undertaken by the inmates or any intensive monitoring required of the inmates. The amendment also confirms that inmates may be held separately from other inmates without the making of a segregated custody direction.

The amendment ensures that anything previously done or omitted that would have been validly done or omitted had the amendment been in force at that time, is taken to have been validly done or omitted.

Schedule 1 [2] confirms that the regulations may make further provision for the designation of inmates for the management of security or other risks.

Schedule 1 [3] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

First print



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2009

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93	3



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2009

No. , 2009

A Bill for

An Act to amend the *Crimes (Administration of Sentences) Act 1999* in relation to the management of inmates.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Crimes (Administration of Sentences) Amendment Act 2009</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

**Schedule 1 Amendment of Crimes (Administration
of Sentences) Act 1999 No 93**

[1] Section 78A

Insert after section 78:

**78A Separation and other variations in conditions of custody of
inmates**

- (1) Nothing in this Act requires the conditions of custody of inmates to be the same for all inmates or for all inmates in the same correctional centre or of the same classification or designation, including conditions with respect to association with other inmates.
- (2) An inmate or group of inmates in a correctional centre may be held separately from other inmates in the correctional centre for the purposes of the care, control or management of the inmate or group of inmates.
- (3) In particular, inmates may be separated because of a requirement of this Act or the regulations, because of the classification or designation of the inmates, because of the nature of any program being undertaken by the inmates or because of any intensive monitoring that is required of the inmates.
- (4) The making of a segregated custody direction under Division 2 is not required to authorise a separation of inmates.
- (5) Anything done or omitted that could have been validly done or omitted if this section (and section 79 (c1)) had been in force when it was done or omitted is taken to be, and always to have been, validly done or omitted.

[2] Section 79 Regulations

Insert after section 79 (c):

- (c1) the designation of inmates for the purposes of or in connection with the management of security and other risks,

Crimes (Administration of Sentences) Amendment Bill 2009

Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

[3] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Crimes (Administration of Sentences) Amendment Act 2009

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