



New South Wales

Crimes (Administration of Sentences) Amendment (Inmate Behaviour) Bill 2019

Explanatory note

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

Overview of Bill

The object of this Bill is to permit the Commissioner of Corrective Services to adopt policies to manage the behaviour of inmates of correctional centres.

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 to the proposed Act.

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

Schedule 1 inserts proposed section 65A into Division 6 of Part 2 of the *Crimes (Administration of Sentences) Act 1999*. The proposed section permits the Commissioner of Corrective Services to adopt policies to manage the behaviour of inmates of correctional centres (***behaviour management policies***). A behaviour management policy may include any matter relating to the management of the behaviour of inmates and may specify circumstances in which certain privileges provided to inmates may be modified by being increased or withdrawn. A modification to the privileges of an inmate in accordance with a behaviour management policy may occur at any time even if the circumstances causing the modification relate to an offence (a ***related offence***). The modification does not affect, and is not affected by, any proceedings or penalty for the related offence.



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New South Wales

Crimes (Administration of Sentences) Amendment (Inmate Behaviour) Bill 2019

No. , 2019

A Bill for

An Act to amend the *Crimes (Administration of Sentences) Act 1999* in relation to behaviour management policies and withdrawable privileges provided to inmates.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Administration of Sentences) Amendment (Inmate Behaviour) Act 2019*.

2 Commencement

This Act commences on the date of assent to this Act.

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| Schedule 1 | Amendment of Crimes (Administration of Sentences) Act 1999 No 93 | 1 |
| | | 2 |
| Section 65A | | 3 |
| Insert after section 65: | | 4 |
| 65A Behaviour management policies | | 5 |
| (1) | The Commissioner may adopt policies to manage the behaviour of inmates of correctional centres (<i>behaviour management policies</i>). | 6 |
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| (2) | A behaviour management policy may: | 8 |
| (a) | include any matter relating to the management of the behaviour of inmates in accordance with this Act and the regulations, and | 9 |
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| (b) | specify circumstances in which the withdrawable privileges provided to an inmate may be modified either by increasing or depriving the inmate of privileges. | 11 |
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| (3) | Despite any other provision of this Division, modifying the withdrawable privileges provided to an inmate in accordance with a behaviour management policy: | 14 |
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| (a) | is authorised even if the circumstances causing the modification relate to an act or omission that is a correctional centre offence or criminal offence, and | 17 |
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| (b) | may be done at any time regardless of any proceedings or process underway or penalty imposed in relation to a correctional centre offence or criminal offence, and | 20 |
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| (c) | does not prevent the commencement or continuation of proceedings for a correctional centre offence or criminal offence. | 23 |
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