



New South Wales

Crimes (Administration of Sentences) Amendment Act 2009 No 47

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Crimes (Administration of Sentences) Amendment Act 2009 No 47

Act No 47, 2009

An Act to amend the *Crimes (Administration of Sentences) Act 1999* in relation to the management of inmates. [Assented to 26 June 2009]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes (Administration of Sentences) Amendment Act 2009*.

2 Commencement

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

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,

[3] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Crimes (Administration of Sentences) Amendment Act 2009

[Agreement in principle speech made in Legislative Assembly on 23 June 2009
Second reading speech made in Legislative Council on 23 June 2009]

BY AUTHORITY