

PRISONS ACT 1952—REGULATION

(Relating to the Serious Offenders Review Council)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prisons Act 1952, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD,
Attorney General and Minister for Justice.

The Prisons (General) Regulation 1989 is amended:

- (a) by omitting clause 18 (1) and (2) and the heading to clause 18 and by inserting instead the following heading and subclause:

Functions of Review Council with respect to classification, placement and developmental programs for serious offenders

18. (1) Any functions of the Review Council under this Part with respect to developmental programs for prisoners extend to pre-release leave for prisoners.

- (b) by omitting clause 18 (6);
- (c) by inserting in clause 139A (4) after the words “take” into account” the words “any advice under clause 182A (b1) in respect of the prisoner and”;
- (d) by inserting after clause 182A (b) the following paragraph:
- (b1) in respect of a serious offender who is serving a sentence with an additional term of his or her natural life and whose application for pre-release leave has been so referred to the Review Council—the probability that the offender will be fit to be released on parole at the time the Council expects to advise the Offenders Review Board about release on

parole (assuming the serious offender satisfactorily completes a pre-release developmental program to which the application relates of at least 12 months or other relevant period);

- (e) by omitting from clause 182B the words “Review Committee” and by inserting instead the words “Review Council”.
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EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to omit certain provisions conferring functions on the Serious Offenders Review Council with respect to prisoners’ security classification, placement and developmental programs that are no longer necessary because the functions concerned are now conferred on the Council by section 62 (a) of the Act (paragraph (a) and (b)); and
- (b) to provide for the Council to give advice to the Corrective Services Commissioner about the probability of release on parole for certain serious offenders who have applied for pre-release leave should they satisfactorily complete a pre-release developmental program (paragraphs (c) and (d)); and
- (c) to correct a reference to the Council (paragraph (e)).

This Regulation is made under the Prisons Act 1952, including sections 50 (the general regulation-making power) and 62 (Functions of the Review Council).
