



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Crimes (Administration of Sentences) Act 1999* (the *principal Act*) to consolidate processes and procedures for the operation of correctional centres and to ensure the validity of regulations made under the principal Act.

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 a day or days to be appointed by proclamation.

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

Schedule 1[1] amends the definition of *community service work* to clarify that community service work must be approved by Ministerial order and published—

- (a) in the Gazette, and
- (b) on the website of Corrective Services NSW.

Schedule 1[2] and [5] remove redundant cross-references. The term *convicted inmate* is defined in the principal Act, section 3(1) for the principal Act.

Schedule 1[3] inserts definitions for the purposes of other amendments to the principal Act.

Schedule 1[4] inserts a definition of *correspondence* for the principal Act, Part 2.

Schedule 1[6] amends the principal Act, section 7 to make clear that the Commissioner of Corrective Services (the *Commissioner*) may determine the way an inmate is paid, including by setting conditions on payments.

Schedule 1[8] inserts a definition of *correctional centre offence* for the principal Act, Part 2, Division 6. **Schedule 1[7]** makes a consequential amendment to insert a signpost definition.

Schedule 1[9] amends the principal Act, section 54 to make clear that in certain proceedings before a Visiting Magistrate, the governor of a correctional centre may act as the informant.

Schedule 1[10] and [11] amend the principal Act, section 57 to clarify that the governor of the correctional centre or a Visiting Magistrate may order that an inmate be deprived of certain privileges for up to 6 months if satisfied that the inmate is guilty of a correctional centre offence arising out of—

- (a) a drug test that—
 - (i) shows the presence of a drug in the inmate's body or urine, and
 - (ii) indicates the drug was self-administered by the inmate or administered to the inmate by another person, while the inmate was an inmate, or
- (b) an inmate refusing or failing to provide, or enable to be taken, from the inmate a non-invasive sample when required to do so by the Commissioner.

Schedule 1[12] inserts proposed Division 7A into the principal Act, Part 2. The following provisions are Henry VIII clauses—

- (a) proposed section 71A, which defines *directions* for the proposed division,
- (b) proposed section 71B, which provides for general regulation-making powers in relation to the opening of inmates' correspondence,
- (c) proposed section 71C, which provides for regulation-making powers in relation to the opening of the correspondence of particular inmates,
- (d) proposed section 71D, which provides for regulation-making powers to require correspondence to be in English or another approved language and for the translation of inmates' correspondence,
- (e) proposed section 71E, which provides for regulation-making powers relating to the opening of particular correspondence in the presence of the governor of a correctional centre or another nominated officer.

Schedule 1[13] amends the principal Act, section 72 to make clear that if the warrant for the commitment of an inmate does not identify the correctional centre the inmate must be conveyed to, the Commissioner may direct the inmate to be committed and conveyed to any correctional centre.

Schedule 1[14]–[36], [38] and [39] amend the principal Act, section 79 to clarify regulation-making powers in relation to the following matters—

- (a) the good order, security and discipline of a correctional centre (Schedule 1[14]),
- (b) the procedure to be followed when admitting an inmate into a correctional centre (Schedule 1[15]),
- (c) the preparation and implementation of plans of management for offenders (Schedule 1[16]),
- (d) the classification and separation of inmates by the Commissioner (Schedule 1[17]),
- (e) the designation of inmates by the Commissioner (Schedule 1[18]),
- (f) the physical, psychological and spiritual welfare of inmates (Schedule 1[19]),
- (g) the kind of work that a convicted inmate may not be directed to carry out (Schedule 1[20]),

- (h) the circumstances in which an inmate may lawfully acquire or retain possession of property (Schedule 1[21]),
- (i) the forfeiture and disposal of certain property kept by an inmate (Schedule 1[22]),
- (j) the seizure, forfeiture, destruction or other disposal of certain property (Schedule 1[23]),
- (k) the duration and frequency of visits to inmates (Schedule 1[24]),
- (l) the classes of persons permitted to visit a correctional centre or an inmate and record keeping in relation to visits (Schedule 1[25]),
- (m) the conditions to be observed by visitors to inmates, including providing personal information about the visitor (Schedule 1[26]),
- (n) the procedure relating to visits, including behaviour by visitors (Schedule 1[27]),
- (o) the requirements relating to the correspondence of certain classes of inmates (Schedule 1[27]),
- (p) visits to inmates, in relation to communications being conducted in a particular language or within the hearing of particular persons (Schedule 1[28]),
- (q) approving and refusing to approve persons as visitors to certain classes of inmates (Schedule 1[28]),
- (r) a permit scheme for visits to inmates to provide certain services (Schedule 1[29]),
- (s) the sending and receiving of correspondence by inmates (Schedule 1[30]),
- (t) the arrangements for the inspection or examination of documents taken into a correctional centre by an inmate's legal practitioner (Schedule 1[31]),
- (u) the procedures and facilities to enable inmates to make requests (Schedule 1[32]),
- (v) the punishment or treatment of inmates (Schedule 1[33]),
- (w) Official Visitors (Schedule 1[33]),
- (x) conducting body searches (Schedule 1[34]),
- (y) the use of firearms by correctional officers (Schedule 1[35]),
- (z) the testing of inmates for drugs or alcohol (Schedule 1[36]),
- (aa) the accreditation and authorisation of ministers of religion, and other spiritual advisors for correctional centres (Schedule 1[38]),
- (ab) the role, responsibilities and entitlements of ministers of religion including accredited chaplains and other spiritual advisors (Schedule 1[38]),
- (ac) the approval of the form of applications and documents (Schedule 1[39]),
- (ad) the records the Parole Authority must keep in relation to proceedings of the Parole Authority (Schedule 1[39]),
- (ae) the records the governor of a correctional centre may be required to keep (Schedule 1[39]),
- (af) the approval of biometric identification systems used for the purposes of identifying inmates, staff and visitors (Schedule 1[39]).

Schedule 1[37] updates an incorrect cross-reference.

Schedule 1[40] amends the principal Act, section 79 for the following purposes—

- (a) to provide for regulations to be made to authorise certain matters or things to be determined, applied, regulated or otherwise dealt with, from time to time, by a person or body specified in the regulations,
- (b) to permit the Commissioner, the governor of a correctional centre or a principal security officer to appoint, approve or authorise a person or class of persons to carry out functions under the principal Act,

- (c) to provide for the making of regulations in relation to the costs of services provided to inmates and the processing of certain confiscated material.

Schedule 1[41] and [42] amend the principal Act, section 82 to allow the regulations to provide for the following matters—

- (a) the administration of intensive correction orders, including conditions of orders that may be approved or directed by a community corrections officer or another specified person,
(b) conditions of intensive correction orders relating to community service work, rehabilitation and treatment.

Schedule 1[43] amends the principal Act, section 82 to allow the obligations of an offender under an intensive correction order to be directed by a community corrections officer, or another person specified by the regulations, in the way prescribed by the regulations.

Schedule 1[44] amends the principal Act, section 82 to allow the regulations to provide that a community corrections officer may waive or vary an obligation of an offender under an intensive correction order specified in the regulations.

Schedule 1[45] amends the principal Act, section 106F to include, as conditions that may be imposed on an offender in a compulsory drug treatment personal plan, conditions that are the subject of the direction, instruction and approval of the Director of the Compulsory Drug Treatment Correctional Centre.

Schedule 1[46] applies the principal Act, Part 6 to offenders serving a sentence by compulsory drug treatment detention, subject to modifications of the part by regulations made under that part.

Schedule 1[47] amends the principal Act, section 106ZA to update the regulation-making powers in relation to the good order, security and discipline of the Compulsory Drug Treatment Correctional Centre. The amendment corresponds to the amendment of section 79 in Schedule 1[14].

Schedule 1[48] and [49] clarify a regulation-making power in relation to medical examinations in the Compulsory Drug Treatment Correctional Centre.

Schedule 1[50] amends the principal Act, section 106ZA to make clear that the regulations may provide for the Commissioner to determine further details in relation to drug testing of offenders in the Compulsory Drug Treatment Correctional Centre.

Schedule 1[51] inserts proposed section 106ZB into the principal Act in relation to evidence of drug testing of offenders serving sentences by compulsory drug treatment detention.

Schedule 1[52] and [53] amend the principal Act, section 107B to allow the regulations to provide for the following matters—

- (a) the administration of community correction orders, including conditions of orders that may be approved or directed by a community corrections officer or another specified person,
(b) conditions of community correction orders relating to community service work, rehabilitation and treatment.

Schedule 1[54] amends the principal Act, section 107B to allow the regulations to provide that a community corrections officer may waive or vary an obligation of an offender under a community correction order specified in the regulations.

Schedule 1[55] amends the principal Act, section 108B to allow the regulations to provide for the administration of conditional release orders, including conditions of orders that may be approved or directed by a community corrections officer or another specified person.

Schedule 1[56] amends the principal Act, section 108B to allow the regulations to provide that a community corrections officer may waive or vary an obligation of an offender under a conditional release order specified in the regulations.

Schedule 1[57] and [58] amend the principal Act, section 124C to include regulation-making powers in relation to the matters to be included in, and the preparation and giving of, assessment reports as to the suitability of offenders for home detention for the purposes of re-integration into the community. **Schedule 1[60]** makes a consequential amendment to existing regulation-making powers.

Schedule 1[59] amends the principal Act, section 124H to allow the regulations to provide for the standard conditions of re-integration home detention orders to be subject to matters approved, or directions given, by a person specified by the regulations.

Schedule 1[61] amends the principal Act, section 128B to require the Commissioner to comply with prescribed administrative requirements in relation to obligations imposed on the supervision of an offender under a re-integration home detention order. **Schedule 1[62]** makes a consequential amendment to a cross-reference.

Schedule 1[63] amends the principal Act, section 128C to clarify that, in accordance with the regulations, the Parole Authority may extend the period of supervision or impose a further period of supervision on a serious offender while a parole order is in force.

Schedule 1[64] amends the principal Act, section 135 to require a report prepared by a community corrections officer in relation to the release of an offender to address matters required by the Parole Authority as specified in the regulations.

Schedule 1[65] amends the principal Act, section 197 to include providing reports to the Commissioner in relation to serious offenders as a function of the Serious Offenders Review Council.

Schedule 1[66] amends the principal Act, section 197 to include, as a function of the Serious Offenders Review Council, providing advice and reports and making recommendations in relation to other matters specified by the Commissioner.

Schedule 1[67] amends the principal Act, section 197 to include other functions prescribed by the regulations as a function of the Serious Offenders Review Council.

Schedule 1[68] inserts proposed section 233A into the principal Act to—

- (a) permit the governor of a correctional centre to give directions, not inconsistent with Commissioner's instructions, with respect to the administration of the principal Act in relation to the correctional centre, and
- (b) require correctional officers, while employed within a correctional centre, to comply with directions given by the governor of the centre, and
- (c) require departmental officers, while on the premises of a correctional centre, to comply with directions given by the governor of the centre.

Schedule 1[69] and [70] clarify that regulations may be made for the ranking of departmental officers and the awarding of medals to departmental officers.

Schedule 1[71] inserts proposed section 235B into the principal Act to—

- (a) permit the Commissioner to issue instructions to the staff of Corrective Services NSW in relation to the management and control of Corrective Services NSW, and
- (b) require correctional officers and departmental officers to comply with the Commissioner's instructions, and
- (c) permit the Commissioner to amend or revoke instructions.

Schedule 1[72] amends the principal Act, section 235E to clarify the following matters in relation to community corrections field officers—

- (a) the Commissioner may appoint a person who, in the Commissioner's opinion, is suitably qualified and of suitable character to exercise the functions of a community corrections field officer,

- (b) a person appointed under the proposed section, except for a Public Service employee, is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Commissioner.

Schedule 1[73] inserts proposed section 236AA into the principal Act to make clear that, for the purposes of taking action under certain provisions of the *Government Sector Employment Act 2013*, correctional officers and departmental officers are presumed to be aware of obligations under the principal Act and the regulations.

Schedule 1[74] amends the principal Act, section 236B to provide for—

- (a) regulations to be made in relation to—
- (i) the way medical records are to be kept at a correctional centre, and
 - (ii) the persons who may have access to medical records at a correctional centre, and
- (b) the Chief Executive, Justice Health and Forensic Mental Health Network to make guidelines in relation to the matters specified in paragraph (a) and for regulations to provide for the effect of the guidelines, including exceptions to the guidelines.

Schedule 1[75] amends the principal Act, section 236I to make clear that, in relation to the testing of correctional staff for alcohol and prohibited drugs, the regulations may provide for the approval by the Commissioner of analytical laboratories.

Schedule 1[76] clarifies that regulations made under the principal Act, section 236I(h), providing for the procedure for the handling and analysis of samples of blood or non-invasive samples, may provide for analysis to be carried out and a report to be provided in accordance with procedures directed by the Commissioner.

Schedule 1[78] inserts a new definition of *pre-existing relationship as a couple* into the principal Act, section 236P.

Schedule 1[80]–[82] amend the principal Act, section 236Q to establish the following as misconduct offences—

- (a) a correctional employee is guilty of an offence if the correctional employee engages in sexual conduct or an intimate relationship with an inmate,
- (b) a correctional employee who is in a pre-existing relationship as a couple with an inmate is guilty of an offence if the correctional employee—
- (i) engages in sexual conduct with the inmate, or
 - (ii) continues to engage in an intimate relationship with the inmate and the relationship—
 - (A) causes a risk or potential risk to the safety or security of a correctional centre or correctional complex or to good order and discipline within a correctional centre or correctional complex, or
 - (B) compromises the proper administration of a sentence,
- (c) a correctional employee, other than an employee referred to in section 236Q(2), is guilty of an offence if—
- (i) the correctional employee and another person engage—
 - (A) in sexual conduct, or
 - (B) an intimate relationship, and
 - (ii) the other person is subject to a community-based order, and
 - (iii) the conduct or relationship compromises the proper administration of a community-based order.

Proposed section 236Q(1C) makes clear that it is not relevant for the purposes of proposed section 236Q(1B) whether or not the correctional employee is in a pre-existing relationship as a couple with the other person.

Proposed section 236Q(2) makes clear that a correctional employee does not commit an offence under section 236Q if the employee did not know, while the employee engaged in sexual conduct or an intimate relationship with a person subject to a community-based order, that the other person was subject to the order.

Schedule 1[77] and [79] make consequential amendments to the definitions of *intimate relationship* and *sexual conduct* in the principal Act, section 236P.

Schedule 1[83] amends the principal Act, section 267 to clarify that in determining an application for approval to conduct certain research, the Commissioner may have regard to recommendations made by an ethics committee established by the Commissioner in accordance with, and having the functions prescribed by, the regulations.

Schedule 1[84] amends the principal Act, section 283 to make clear that regulations may provide for the identification of persons who are victims or interested persons for the purposes of the principal Act, the *Crimes (High Risk Offenders) Act 2006* or the *Terrorism (High Risk Offenders) Act 2017*, including the provision, by a person claiming to be a victim or a member of the family of a victim, of—

- (a) evidence of the person's identity, and
- (b) the circumstances by which the person claims to be a victim, including as required by the Minister.

Schedule 1[85] inserts a transitional provision consequential on the amendment made by Schedule 1[13].

Schedule 2 Amendment of other Acts

Schedule 2.1 amends the *Law Enforcement Conduct Commission Act 2016* to substitute a note that cross-references the principal Act in relation to the way a prisoner may send a letter of complaint.

Schedule 2.2 amends the *Police Act 1990* to substitute a note that cross-references the principal Act in relation to the way a prisoner may send a letter of complaint.

Schedule 2.3 amends the *Terrorism (Police Powers) Act 2002* to omit a reference to repealed legislation.



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes (Administration of Sentences) Amendment Bill 2024

No. _____, 2024

A Bill for

An Act to amend the *Crimes (Administration of Sentences) Act 1999* to consolidate processes and procedures for the operation of correctional centres; to ensure the validity of regulations; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes (Administration of Sentences) Amendment Act 2024*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Crimes (Administration of Sentences) Act 1999 No 93	1
		2
[1] Section 3 Interpretation		3
	Omit the definition of <i>community service work</i> from section 3(1). Insert instead—	4
	<i>community service work</i> means a service or activity, which may include participation in personal development, educational or other programs, that is—	5
		6
		7
	(a) approved by the Minister by order and published in the Gazette, and	8
	(b) published on a website administered by Corrective Services NSW.	9
[2] Section 3(1), definition of “convicted inmate”		10
	Omit “(b),”.	11
[3] Section 3(1)		12
	Insert in alphabetical order—	13
	<i>correspondence</i> , for Part 2—see section 4A.	14
	<i>departmental officer</i> means a Public Service employee, other than a correctional officer, employed in Corrective Services NSW.	15
		16
	<i>directions</i> , for Part 2, Division 7A—see section 71A.	17
	<i>nominated officer</i> , in relation to a correctional centre, means—	18
	(a) the principal security officer of the centre, or	19
	(b) the governor of the centre, or	20
	(c) for a function prescribed by the regulations to be exercised by an nominated officer—a correctional officer or departmental officer nominated to exercise the function by—	21
		22
		23
	(i) the principal security officer of the centre, or	24
	(ii) the governor of the centre.any correctional officer or departmental officer appointed by the principal security officer or by the governor to exercise a function under the regulations as a nominated officer.	25
		26
		27
		28
	<i>principal security officer</i> means the person appointed by the Commissioner to be the principal security officer for the purposes of the regulations.	29
		30
[4] Section 4A		31
	Insert before section 4—	32
4A Definition		33
	In this part—	34
	<i>correspondence</i> , in relation to an inmate, means correspondence sent to or from an inmate in the form of a letter, parcel, fax transmission or electronic communication.	35
		36
		37
[5] Section 4 Application of Part		38
	Omit “and <i>convicted inmate</i> means a person referred to in subsection (1) (a), (c), (c1), (d1) or (d2)” from section 4(3).	39
		40
[6] Section 7 Payments to inmates		41
	Insert after section 7(3)—	42

(4)	The Commissioner may determine the way in which an inmate is paid, including scales of payments or credit.	1 2
(5)	The payment to an inmate may be subject to conditions set by the Commissioner.	3 4
[7]	Section 51 Definitions	5
	Omit the definition of <i>correctional centre offence</i> . Insert instead—	6
	<i>correctional centre offence</i> —see section 51A.	7
[8]	Section 51A	8
	Insert after section 51—	9
51A	Meaning of “correctional centre offence”	10
	In this division, a <i>correctional centre offence</i> is an act or omission by an inmate, whether or not it is also a criminal offence that—	11 12
(a)	occurs while the inmate is—	13
(i)	within a correctional centre or correctional complex, or	14
(ii)	taken to be in the custody of the governor of a correctional centre, and	15 16
(b)	is prescribed by the regulations as a correctional centre offence for this division.	17 18
[9]	Section 54 Reference of offences to Visiting Magistrate	19
	Insert after section 54(2)—	20
(3)	In proceedings before a Visiting Magistrate under this division, the governor of a correctional centre may act as the informant.	21 22
[10]	Section 57 Drug tests for inmates	23
	Insert after section 57(1)(a)—	24
(a1)	the result of a drug test—	25
(i)	carried out in accordance with directions given by the governor of a correctional centre or a correctional officer holding office or acting in a rank of or above Chief Correctional Officer, and	26 27 28
(ii)	showing the presence of a drug in the inmate’s body or urine, and	29
(iii)	indicating the drug was administered by the inmate or another person, while the inmate was an inmate, or	30 31
[11]	Section 57(1)(b)	32
	Omit “a correctional officer of or above the rank of Assistant Superintendent”.	33
	Insert instead “the Commissioner”.	34
[12]	Part 2, Division 7A	35
	Insert after Part 2, Division 7—	36
	Division 7A Correspondence with inmates	37
71A	Definition	38
	In this division—	39

	<i>directions</i> means the directions made by the Commissioner for this division.	1
71B	Opening of correspondence generally	2
(1)	The governor of a correctional centre or a nominated officer may open, inspect and read the contents of an inmate's correspondence.	3 4
(2)	The regulations may prescribe the circumstances in which the Commissioner, governor or a nominated officer may—	5 6
(a)	confiscate correspondence, or the contents of the correspondence, and the way the confiscated matter must be dealt with, including in accordance with directions, or	7 8 9
(b)	keep a copy of correspondence.	10
(3)	The regulations may prescribe the following—	11
(a)	persons the Commissioner may direct an inmate not to correspond with,	12
(b)	inmates who require the written approval of the Commissioner to correspond,	13 14
(c)	how correspondence opened under subsection (1) may be delivered to an inmate, including by delivering a copy of the correspondence in place of the original.	15 16 17
71C	Opening of correspondence relating to particular inmates	18
(1)	The governor of a correctional centre or a nominated officer, must open, inspect, read and copy the contents of the correspondence of a prescribed inmate.	19 20 21
(2)	The regulations may prescribe the way that correspondence between a prescribed inmate and a legal practitioner must be dealt with.	22 23
(3)	In this section—	24
	<i>prescribed inmate</i> means an inmate prescribed by the regulations.	25
71D	Language for correspondence	26
	The regulations may provide—	27
(a)	that correspondence must be written in English or another language approved by the Commissioner, and	28 29
(b)	for the translation of correspondence.	30
71E	Requirement to open particular correspondence in presence of governor or nominated officer	31 32
	The regulations may provide for—	33
(a)	the governor or a nominated officer to require an inmate to open the inmate's correspondence in the governor's or nominated officer's presence, and	34 35 36
(b)	the way the correspondence may be dealt with if opened in the governor's or nominated officer's presence, including by confiscation or in accordance with directions.	37 38 39
[13]	Section 72 Custody of inmates	40
	Insert after section 72(2)—	41

(2A)	If the warrant for the commitment of the inmate does not identify the correctional centre the inmate must be conveyed to, the Commissioner may direct the inmate to be committed and conveyed to any correctional centre.	1 2 3
(2B)	Subsection (2A) extends to warrants for the commitment of inmates issued before the commencement of the subsection.	4 5
[14]	Section 79 Regulations	6
	Insert “including in relation to the good order, security and discipline of a correctional centre,” after “complexes,” in section 79(1)(a).	7 8
[15]	Section 79(1)(b)	9
	Omit the paragraph. Insert instead—	10
	(b) the procedure to be followed when admitting an inmate into a correctional centre, including—	11 12
	(i) the procedure for accepting or refusing custody of property in an inmate’s possession when the inmate is admitted, and	13 14
	(ii) by authorising the Commissioner to make requirements in relation to the bringing of property of an inmate into a correctional centre,	15 16 17
[16]	Section 79(1)(b1)	18
	Insert “or offenders” after “inmates” wherever occurring.	19
[17]	Section 79(1)(c)	20
	Insert “, including by authorising the Commissioner to classify and separate inmates” after “classified”.	21 22
[18]	Section 79(1)(c1)(i) and (ii)	23
	Omit “risks,” from section 79(1)(c1). Insert instead—	24
	risks, including by authorising the Commissioner—	25
	(i) to designate inmates, and	26
	(ii) to make requirements about the management of inmates of a particular designation,	27 28
[19]	Section 79(1)(e)	29
	Insert “, including by authorising the governor of a correctional centre to impose requirements about the welfare of inmates of the centre” after “release”.	30 31
[20]	Section 79(1)(f)	32
	Insert “or may not” after “direction may”.	33
[21]	Section 79(1)(h)	34
	Insert “, including property sent to a correctional centre” after “correctional centre”.	35
[22]	Section 79(1)(h1)	36
	Insert “kept by,” before “received from”.	37
[23]	Section 79(1)(h2)(iii) and (iv)	38
	Omit “law,” from section 79(1)(h2)(ii). Insert instead—	39
	law, or	40

	(iii)	kept in an inmate’s cell that exceeds the quantity of property, specified in the regulations or determined by the governor, allowed in an inmate’s cell, or	1 2 3
	(iv)	that the governor or nominated officer considers may adversely affect the security, safety or hygiene of the correctional centre,	4 5
[24]	Section 79(1)(i)(ia) and (ib)		6
		Insert after section 79(1)(i)(i)—	7
	(ia)	the duration and termination of visits, and	8
	(ib)	the frequency of visits for certain classes of inmates, and	9
[25]	Section 79(1)(i)(iii)–(iiic)		10
		Omit section 79(1)(i)(iii). Insert instead—	11
	(iii)	by authorising the Commissioner to decide who is permitted to visit a correctional centre or an inmate, and	12 13
	(iiia)	by authorising the Commissioner to decide who is restricted or prohibited from visiting a correctional centre or inmate in an emergency or otherwise, and	14 15 16
	(iiib)	the persons who may be allowed to visit inmates in certain circumstances, and	17 18
	(iiic)	the keeping of records in relation to visits, and	19
[26]	Section 79(1)(i)(iv)		20
		Insert “, including, on the request of an authorised officer, the provision of personal information about the person” after “allowed”.	21 22
[27]	Section 79(1)(i)(va)		23
		Omit “visits, and” from section 79(1)(i)(v). Insert instead—	24
		visits, including behaviour not permitted during visits, and	25
	(va)	requirements relating to the correspondence of certain classes of inmates, and	26 27
[28]	Section 79(1)(i)(vii) and (viii)		28
		Omit “purpose),” from section 79(1)(i)(vi). Insert instead—	29
		purpose), and	30
	(vii)	authorising the Commissioner to depart from requirements of the regulations in relation to communications being conducted in a particular language, or within the hearing of particular persons, and	31 32 33 34
	(viii)	the matters the Commissioner may regulate regarding visits to inmates, including the following—	35 36
	(A)	approving a person as a visitor to an extreme high risk restricted inmate or a national security interest inmate,	37 38
	(B)	requiring a person to undergo a criminal record check before approving the person as a visitor to an extreme high risk restricted inmate or a national security interest inmate,	39 40 41
	(C)	on the basis of a criminal record check—refusing to approve a person as a visitor to an extreme high risk restricted inmate or a national security interest inmate,	42 43 44

	(D) revoking an approval of a person as a visitor to an extreme high risk restricted inmate or a national security interest inmate,	1 2 3
[29] Section 79(1)(i1)		4
	Insert after section 79(1)(i)—	5
	(i) visits to inmates by persons providing services to inmates in accordance with a permit scheme established by the regulations, including—	6 7
	(i) by authorising the Commissioner to issue, manage and cancel permits, and	8 9
	(ii) conditions of a permit, including by authorising the Commissioner to impose conditions, and	10 11
	(iii) the requirements of persons issued a permit when visiting the correctional centre,	12 13
[30] Section 79(1)(k)		14
	Omit the paragraph. Insert instead—	15
	(k) the sending and receiving of correspondence by inmates, including the circumstances in which correspondence may be opened for inspection, read, copied or confiscated,	16 17 18
[31] Section 79(1)(k1)		19
	Insert after section 79(1)(k)—	20
	(k1) the arrangements for the inspection or examination of documents or other recorded material, excluding the reading of material, taken into a correctional centre by an inmate’s legal practitioner for the purpose of discussing or transacting legal business,	21 22 23 24
[32] Section 79(1)(m)		25
	Insert “or request” after “complaint”.	26
[33] Section 79(1)(q1) and (q2)		27
	Insert after section 79(1)(q)—	28
	(q1) the punishment or treatment of inmates, including punishments and treatments that are prohibited,	29 30
	(q2) the circumstances in which the governor of a correctional centre must notify persons in relation to Official Visitors,	31 32
[34] Section 79(1)(s)		33
	Omit “an inmate”. Insert instead “another person”.	34
[35] Section 79(1)(t)		35
	Omit the paragraph. Insert instead—	36
	(t) the use of firearms by correctional officers, including the following, without limitation—	37 38
	(i) the circumstances in which a correctional officer may carry, use or discharge a firearm,	39 40
	(ii) training courses relating to the use of firearms, including by authorising the Commissioner to approve training courses,	41 42

	(iii)	safety procedures relating to firearms, including authorising the Commissioner to approve safety procedures,	1
			2
	(iv)	the transfer of firearms,	3
	(v)	the notices to be given, records to be kept and reports required in relation to the carry, use or discharge of a firearm,	4
			5
	(vi)	the storage of private firearms,	6
[36]	Section 79(1)(v)		7
		Omit the paragraph. Insert instead—	8
	(v)	the testing of inmates for drugs or alcohol, including the following, without limitation—	9
			10
	(i)	the circumstances in which an inmate may be tested for drugs or alcohol,	11
			12
	(ii)	the use of a non-invasive sample provided by, or taken from, an inmate for the purposes of a test for drugs or alcohol,	13
			14
	(iii)	the nature of the tests to be used,	15
	(iv)	the circumstances in which and persons with whom a test result may be shared by the Commissioner,	16
			17
[37]	Section 79(1)(v1)		18
		Omit “section 51”. Insert instead “section 51A”.	19
[38]	Section 79(1)(x1)		20
		Omit the paragraph. Insert instead—	21
	(x1)	the accreditation and authorisation, and the process of accreditation and authorisation, of ministers of religion and other spiritual advisors for correctional centres, including by authorising the Commissioner to accredit and authorise or decide the process,	22
			23
			24
			25
	(x2)	the role, responsibilities and entitlements of ministers of religion, including accredited chaplains, and other spiritual advisors for correctional centres,	26
			27
			28
[39]	Section 79(1)(z1)–(z4)		29
		Omit “Part.” from section 79(1)(z). Insert instead—	30
		part,	31
	(z1)	authorising the Commissioner to approve documents required by the Act,	32
			33
	(z2)	the records the Parole Authority must keep in relation to proceedings of the Parole Authority,	34
			35
	(z3)	authorising the Commissioner to impose requirements on the keeping of records by a governor of a correctional centre,	36
			37
	(z4)	authorising the Commissioner to approve biometric identification systems used for the purposes of identifying inmates, staff and visitors.	38
			39
[40]	Section 79(3)–(6)		40
		Insert after section 79(2)—	41
	(3)	The regulations may authorise a matter or thing specified in subsection (1) to be determined, applied, regulated or otherwise dealt with, from time to time, by a person or body specified in the regulations.	42
			43
			44

(4)	The Commissioner, the governor of a correctional centre or a principal security officer may appoint, approve or authorise a person or class of persons to carry out functions under this Act.	1 2 3
(5)	Without limiting subsection (1)(i) and (j), the regulations may provide for the following—	4 5
(a)	the cost of a service provided to an inmate to be met by the inmate, including a telephone call made or fax sent by the inmate,	6 7
(b)	the costs incurred in processing or developing a photograph, film, tape or recording taken at a correctional centre and confiscated under the regulations to be met by the person who took the photograph, film, tape or recording.	8 9 10 11
(6)	In this section—	12
	<i>dealt with</i> includes approved, authorised, carried out, decided, permitted, refused, required or made the subject of a direction.	13 14
[41]	Section 82 Administration of intensive correction orders and obligations of offenders	15 16
	Omit section 82(1)(a). Insert instead—	17
(a)	the administration of intensive correction orders, including—	18
(i)	conditions of orders, whether by the establishment of a scheme for the management of orders or otherwise, and	19 20
(ii)	conditions of orders that may be approved or directed by a community corrections officer or another person specified in the regulations, and	21 22 23
[42]	Section 82(1)(b)(i)	24
	Omit “and community service work”.	25
	Insert instead “, community service work, rehabilitation and treatment”.	26
[43]	Section 82(2)	27
	Omit “order, are to be as prescribed by the regulations.”. Insert instead—	28
	order, may be—	29
(a)	prescribed by the regulations, and	30
(b)	directed by a community corrections officer or another person specified by the regulations in the way prescribed by the regulations.	31 32
[44]	Section 82(3)	33
	Insert after section 82(2)—	34
(3)	The regulations may provide that a community corrections officer may waive or vary an obligation of an offender under an intensive correction order specified in the regulations.	35 36 37
[45]	Section 106F Compulsory drug treatment personal plans	38
	Omit section 106F(6)(f). Insert instead—	39
(f)	other kinds of conditions that may be prescribed by the regulations, including conditions that are the subject of the direction, instruction and approval of the Director,	40 41 42

[46]	Section 106T Drug Court is parole authority for offenders in compulsory drug treatment detention	1 2
	Insert “, or the provisions of any regulations made under Part 6,” after “those provisions” in section 106T(1)(d).	3 4
[47]	Section 106ZA Regulations	5
	Insert “including in relation to the good order, security and discipline of the Compulsory Drug Treatment Correctional Centre,” after “Centre,” in section 106ZA(b).	6 7
[48]	Section 106ZA(h)	8
	Insert “or staff member” after “offender” in section 106ZA(h).	9
[49]	Section 106ZA(h)	10
	Insert “, as nominated by a correctional officer or other person prescribed by the regulations” after “medical officer”.	11 12
[50]	Section 106ZA(2)	13
	Insert at the end of section 106ZA—	14
	(2) Without limiting subsection (1)(g), the regulations may provide for the Commissioner to—	15 16
	(a) determine the type and nature of the test to be used or the type of sample required for the test, and	17 18
	(b) give instructions in relation to testing and analysis for drug testing, and	19
	(c) direct the times an offender may be tested.	20
[51]	Section 106ZB	21
	Insert after section 106ZA—	22
106ZB	Evidence relating to drug testing samples	23
	(1) This section applies to samples collected from offenders who are—	24
	(a) serving sentences by way of compulsory drug treatment detention, and	25
	(b) being tested for drugs by random or periodic testing.	26
	(2) In proceedings before the Drug Court, a certificate signed by an authorised officer to the following effects is admissible in evidence of the facts certified—	27 28 29
	(a) a person received a sample obtained in a specified way,	30
	(b) a person arranged for a sample to be submitted for analysis by an analyst to determine the presence of drugs in an offender’s body or the sample,	31 32
	(c) a container was sealed, and marked or labelled, in a specified way.	33
	(3) In proceedings before the Drug Court, a certificate signed by an analyst to the effect that on a specified day the following was true is admissible in evidence of the facts certified—	34 35 36
	(a) the analyst received for analysis a container holding a specified sample,	37
	(b) a container, when received, was sealed with an unbroken seal, and was marked or labelled in a specified way,	38 39
	(c) the analyst carried out an analysis of the sample to determine the presence of drugs in the sample,	40 41
	(d) the analyst was, at the time of the analysis, an analyst.	42

(4)	In proceedings before the Drug Court—	1
(a)	the following matters are evidence that a sample was a sample obtained from the offender on the specified day—	2
(i)	evidence that an analyst received a container holding a sample,	3
(ii)	evidence that the container was marked or labelled to indicate the container held a sample obtained from a specified offender on a specified day,	4
(b)	evidence that the container, when received, was sealed with an unbroken seal is evidence that the sample had not been tampered with before it was received by the analyst.	5
		6
		7
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		9
		10
[52]	Section 107B Administration of community correction orders and obligations of offenders	11
	Omit “and community service work” from section 107B(1)(b)(i).	12
	Insert instead “, community service work, rehabilitation and treatment”.	13
[53]	Section 107B(2)	14
	Omit “order, are to be as prescribed by the regulations.”. Insert instead—	15
	order, may be—	16
(a)	prescribed by the regulations, or	17
(b)	directed by a community corrections officer or another person specified by the regulations in the way prescribed by the regulations.	18
		19
		20
[54]	Section 107B(3)	21
	Insert after section 107B(2)—	22
(3)	The regulations may provide that a community corrections officer may waive or vary an obligation of an offender under a community correction order specified in the regulations.	23
		24
		25
[55]	Section 108B Administration of conditional release orders and obligations of offenders	26
	Omit “order, are to be as prescribed by the regulations.” from section 108B(2).	27
	Insert instead—	28
	order, may be—	29
(a)	prescribed by the regulations, or	30
(b)	directed by a community corrections officer in the way prescribed by the regulations.	31
		32
		33
[56]	Section 108B(3)	34
	Insert after section 108B(2)—	35
(3)	The regulations may provide that a community corrections officer may waive or vary an obligation of an offender under a conditional release order specified in the regulations.	36
		37
		38
[57]	Section 124C Assessment of offender	39
	Insert after section 124C(1)—	40
(1A)	An assessment report may include—	41

	(a) matters prescribed by the regulations, and	1
	(b) other matters required by the Parole Authority.	2
[58]	Section 124C(4)	3
	Insert after section 124C(3)—	4
	(4) The regulations may provide for the preparation and giving of an assessment report.	5 6
[59]	Section 124H Conditions of orders	7
	Insert after section 124H(1)—	8
	(1A) The regulations may provide for the standard conditions to be subject to matters approved, or directions given, by a person specified by the regulations.	9 10
	Example— to comply with reasonable directions given by an officer in relation to electronic monitoring of the offender	11 12
[60]	Section 124J Regulations	13
	Omit section 124J(c) and (d).	14
[61]	Section 128B Conditions of parole as to lifetime supervision	15
	Insert after section 128B(2)—	16
	(2A) The Commissioner must comply with administrative requirements prescribed by the regulations in relation to obligations imposed on the supervision of an offender, including—	17 18 19
	(a) review requirements for the obligations, and	20
	(b) notification requirements for the obligations.	21
[62]	Section 128C Conditions as to supervision	22
	Insert “(2A) or” after “subsection” in section 128C(2).	23
[63]	Section 128C(2A)	24
	Insert after section 128C(2)—	25
	(2A) For a serious offender, while a parole order is in force, the Parole Authority may extend the period of supervision or impose a further period of supervision in accordance with the regulations.	26 27 28
[64]	Section 135 General duty of Parole Authority relating to release of offender	29
	Insert “, including matters the Parole Authority may require in accordance with the regulations” after “section” in section 135(6).	30 31
[65]	Section 197 Functions of Review Council	32
	Insert “reports and” after “provide” in section 197(2)(a).	33
[66]	Section 197(2)(a)(iv)	34
	Insert after section 197(2)(a)(iii)—	35
	(iv) other matters specified by the Commissioner,	36
[67]	Section 197(2)(g)	37
	Omit “offenders.” from section 197(2)(f). Insert instead—	38
	offenders,	39

(g)	other functions prescribed by the regulations.	1
[68]	Section 233A	2
	Insert after section 233—	3
233A	Governor’s directions	4
(1)	The governor of a correctional centre may give a direction, not inconsistent with the Commissioner’s instructions issued under section 235B, with respect to the administration of this Act in relation to the centre and must ensure a record is kept of the direction.	5 6 7 8
(2)	A correctional officer must, while employed within a correctional centre, comply with directions given by the governor of the centre, whether or not the directions are given under this section.	9 10 11
(3)	A departmental officer must, while on the premises of a correctional centre, comply with directions given by the governor of the centre, whether or not the directions are given under this section.	12 13 14
[69]	Section 234 Commissioned and non-commissioned correctional officers	15
	Insert “and departmental officers” after “ranking of correctional officers” in section 234(5).	16
[70]	Section 234(5)	17
	Insert “, departmental officers” after “to correctional officers”.	18
[71]	Section 235B	19
	Omit the section. Insert instead—	20
235B	Commissioner’s instructions	21
(1)	The Commissioner may issue an instruction to the staff of Corrective Services NSW, including correctional officers, in relation to the management and control of Corrective Services NSW.	22 23 24
(2)	An instruction must be consistent with the following—	25
(a)	this Act,	26
(b)	the regulations made under this Act,	27
(c)	the <i>Government Sector Employment Act 2013</i> ,	28
(d)	the regulations and rules made under the <i>Government Sector Employment Act 2013</i> .	29 30
(3)	Correctional officers and departmental officers must comply with the Commissioner’s instructions.	31 32
(4)	The Commissioner may amend or revoke instructions.	33
[72]	Section 235E Functions of community corrections field officers	34
	Insert after section 235E(1)—	35
(1A)	The Commissioner may appoint a person who, in the Commissioner’s opinion, is suitably qualified and of suitable character to exercise the functions of a community corrections field officer.	36 37 38
(1B)	A person appointed under this section, except for a Public Service employee, is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Commissioner for the person.	39 40 41

[73] Section 236AA	1
Insert after section 236—	2
236AA Officers presumed to be aware of obligations	3
For the purposes of taking action under the <i>Government Sector Employment Act 2013</i> , section 68 or 69, a correctional officer or departmental officer is presumed to be aware of the officer’s obligations under this Act and the regulations.	4 5 6 7
Note— Correctional officers and departmental officers are employed under and subject to the <i>Government Sector Employment Act 2013</i> .	8 9
[74] Section 236B Chief Executive, Justice Health, to have access to correctional centres, offenders and medical records	10 11
Insert at the end of the section—	12
(2) The regulations may provide for the following—	13
(a) the way medical records are to be kept at a correctional centre,	14
(b) persons who may have access to the records.	15
(3) The Chief Executive, Justice Health and Forensic Mental Health Network may make guidelines in relation to the matters specified in subsection (2) and the regulations may provide for the effect of the guidelines, including any exceptions to the guidelines.	16 17 18 19
[75] Section 236I Regulations	20
Insert after section 236I(g)—	21
(g1) the approval by the Commissioner of analytical laboratories for the purposes of testing of correctional staff,	22 23
[76] Section 236I(h)	24
Insert “including for analysis to be carried out and a report to be provided in accordance with procedures directed by the Commissioner,” after “non-invasive samples,”.	25 26
[77] Section 236P Definitions	27
Omit “sexual conduct or other” from section 236P(1), definition of <i>intimate relationship</i> .	28
[78] Section 236P(1), definition of “pre-existing relationship as a couple”	29
Insert in alphabetical order—	30
<i>pre-existing relationship as a couple</i> means a continuing relationship as a couple that existed—	31 32
(a) for a relationship with an inmate—before the inmate entered into custody, and	33 34
(b) for a relationship with a person subject to a community-based order—before the person subject to the community-based order commenced serving the sentence.	35 36 37
[79] Section 236P(1), definition of “sexual conduct”	38
Omit “or other conduct”. Insert instead “or other physical conduct”.	39
[80] Section 236Q Misconduct offence	40
Omit section 236Q(1). Insert instead—	41

(1)	A correctional employee is guilty of an offence if the correctional employee engages in—	1
	(a) sexual conduct or	2
	(b) an intimate relationship with an inmate.	3
	Maximum penalty—20 penalty units or imprisonment for 2 years, or both.	4
(1A)	A correctional employee who is in a pre-existing relationship as a couple with an inmate is guilty of an offence if the correctional employee—	5
	(a) engages in sexual conduct with the inmate, or	6
	(b) continues to engage in an intimate relationship with the inmate and the relationship—	7
	(i) causes a risk or potential risk to the safety or security of a correctional centre or correctional complex or to good order and discipline within a correctional centre or correctional complex, or	8
	(ii) compromises the proper administration of a sentence.	9
	Maximum penalty—20 penalty units or imprisonment for 2 years, or both.	10
(1B)	A correctional employee, other than an employee referred to in subsection (2), is guilty of an offence if—	11
	(a) the correctional employee and another person engage—	12
	(i) in sexual conduct, or	13
	(ii) an intimate relationship, and	14
	(b) the other person is subject to a community-based order, and	15
	(c) the conduct or relationship compromises the proper administration of a community-based order.	16
	Maximum penalty—20 penalty units or imprisonment for 2 years, or both.	17
(1C)	It is not relevant for the purposes of subsection (1B) whether or not the correctional employee is in a pre-existing relationship as a couple with the other person.	18
[81]	Section 236Q(2)	19
	Omit “an inmate or person”. Insert instead “a person”.	20
[82]	Section 236Q(2)	21
	Omit “an inmate or subject”. Insert instead “subject”.	22
[83]	Section 267 Research	23
	Insert “, and having the functions prescribed by,” after “in accordance with” in section 267(3).	24
[84]	Section 283 Regulations	25
	Omit section 283(1)(d)(ii). Insert instead—	26
	(ii) requiring, or authorising the Minister to require, a person to show evidence to back a claim that the person is a victim or an interested person.	27
[85]	Schedule 5 Savings, transitional and other provisions	28
	Insert at the end of the schedule, with appropriate part and clause numbering—	29

Part	Provision consequent on enactment of Crimes (Administration of Sentences) Amendment Act 2024	1 2 3
	Warrants of commitment	4
	The amendment made to section 72 extends to warrants for the commitment of inmates issued before the commencement of the amendment.	5 6

Schedule 2	Amendment of other Acts	1
2.1	Law Enforcement Conduct Commission Act 2016 No 61	2
	Section 38 Complaints made by prisoners	3
	Omit the note. Insert instead—	4
	Note— See the <i>Crimes (Administration of Sentences) Act 1999</i> and the regulations made under that Act in relation to the way a prisoner may send a letter.	5 6
2.2	Police Act 1990 No 47	7
	Section 127 Complaints made by prisoners	8
	Omit the note. Insert instead—	9
	Note— See the <i>Crimes (Administration of Sentences) Act 1999</i> and the regulations made under that Act in relation to the way a prisoner may send a letter.	10 11
2.3	Terrorism (Police Powers) Act 2002 No 115	12
	Section 26ZGA Contacting chaplain	13
	Omit section 26ZGA(3)(a), note.	14