

1991—No. 84

**PRISONS ACT 1952—REGULATION**

(Relating to the functions of the Serious Offenders Review Board)

NEW SOUTH WALES



*[Published in Gazette No. 33 of 22 February 1991]*

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.

MICHAEL YABSLEY  
Minister for Corrective Services.

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**Commencement**

1. This Regulation commences on 6 March 1991.

**Amendments**

2. The Prisons (General) Regulation 1989 is amended:
  - (a) by inserting after the definition of “open institution” in clause 4 the following definition:

“**serious offender**” means a prisoner:

    - (a) who is serving a sentence of imprisonment for life; or
    - (b) who is serving any sentence which under section 13A (6) of the Sentencing Act 1989 replaces an original sentence of imprisonment for life; or
    - (c) who is subject to a minimum or fixed term of imprisonment greater than 3 years and who, in the opinion of the Director-General, should be managed by the Board; or
    - (d) who has been recommended by the sentencing court for management by the Board on the basis that the person is a serious offender; or

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- (e) who is for the time being classified as a Category E1 or E2 prisoner under clause 9A; or
  - (f) who has been convicted of murder and is subject to a minimum term and an additional term of imprisonment, or to a fixed term of imprisonment, in respect of the conviction;
- (b) by omitting from clauses 8 (3), (4), 12 (3), 15 (2) and 17 the words “serving a sentence of imprisonment for life or any sentence which under section 13A (6) of the Sentencing Act 1989 replaces an original sentence of imprisonment for life” wherever occurring and by inserting instead the words “who is a serious offender”;
  - (c) by omitting from clauses 12 (2) and 18 (1) (a) the words “serving sentences of imprisonment for life or any sentence which under section 13A (6) of the Sentencing Act 1989 replaces an original sentence of imprisonment for life” wherever occurring and by inserting instead the words “who are serious offenders”;
  - (d) by omitting clause 18 (6) and by inserting instead the following subclause:
    - (6) The classes of persons described in paragraphs (a)–(f) of the definition of “serious offender” in clause 4 are prescribed as classes of serious offenders for the purposes of section 61 (c) of the Act (offenders in respect of whom the Serious Offenders Review Board is to prepare reports).

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**EXPLANATORY NOTE**

The object of this Regulation is to require the Serious Offenders Review Board to prepare reports for the Offenders Review Board in respect of the release on parole of specified classes of serious offenders.

The Regulation also includes those serious offenders in the classes of prisoners in relation to which the Serious Offenders Review Board has other specified functions under the Prisons (General) Regulation 1989.

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