

# CLAUSE NOTES

## CORRECTIONS AMENDMENT BILL 2013

- Clause 1:** Short title
- Clause 2:** Commencement
- Clause 3:** Principal Act
- Clause 4:** Amends section 3 to clarify that the term 'prisoner' includes those persons declared as dangerous criminals, and to define the term 'State Service corrections employee', which is used to refer to the employees of the Tasmania Prison Service (TPS) who are not correctional or probation officers.
- Clause 5:** Inserts section 5A, to allow immediate temporary emergency appointments of interstate correctional and probation officers as local correctional and probation officers.
- Clause 6:** Amends section 8 to include State Service corrections employees in subsection (1)(g), being the part of the definition of confidential information that refers to the investigation of a breach or possible breach of the law by a prisoner or an employee of the TPS.
- Clause 7:** Amends section 10 to improve the provisions of the Official Visitors Scheme. Subclause (a) removes the requirement for each official

visitor to be appointed to a particular prison or prisons, so that any official visitor may visit any prison. Subclause (b) provides that an official visitor is to be appointed for a set period, by means of an instrument of appointment and paid remuneration as determined by the Minister. Subclause (c) further confirms that all official visitors may visit all prisons in the State. Subclause (d) establishes the role of the coordinating official visitor. Subclause (e) ensures each prison is still visited once a month or more by one or more official visitors. Subclause (f) includes a State service corrections employee in the list of persons with whose management the official visitor must not directly interfere. Subclause (g) permits the official visitor to report on the management of the State service employees of the TPS. Subsection (h) expands the requirements of the report to be given to the Minister after the end of every calendar year, and allows the Minister to request a report at other times. Subclause (i) includes a State Service corrections employee in the requirements for assistance and cooperation to be given to an official visitor.

**Clause 8:** Amends section 11 to include a State Service corrections employee in the requirements for assistance and cooperation to be given to a visiting judge, magistrate etc.

- Clause 9:** Amends section 18 to require members of the public who are visiting a prison to submit to the requests of a State Service corrections employee for information in the same way they must give information to a correctional officer.
- Clause 10:** Amends section 24 to include State Service corrections employees in the prohibition against bringing unauthorised things into a prison.
- Clause 11:** Amends section 29 to allow detainees to wear their own clothing in court only.
- Clause 12:** Amends section 33 to insert a new subsection to allow detainees to volunteer to perform work.
- Clause 13:** Amends section 34 to confirm that a prisoner or detainee who volunteers for work is entitled to be paid for that work, but that the TPS will not be liable for any costs associated with a prisoner working outside the TPS for a private person or entity.
- Clause 14:** Inserts two new Parts into the Act dealing with the use of force and the use of mechanical restraints not requiring force. Part 4A is based on Part 9.7 of the *ACT Corrections Management Act 2007*. It covers the management and

authorisation of use of force, the application of force, a list of the restraints or weapons that are suitable for use, a requirement for a medical examination after an incident involving use of force, and a requirement for the Director to keep a record of any incident that involves the use of force.

Part 4B is intended to cover those situations where preventative measures such as handcuffs are used with the acceptance of the prisoner to avoid the danger of escape or another breach of prison offences.

Director's standing orders will be made to support these provisions, confirming the approved restraints, the training to be given to the correctional officers and the procedures attached to specific categories of use or restraints and force.

**Clause 15:** Amends section 42 to extend the time periods governing leave permits from 'a number of absences within the period of 31 days but no one absence for more than 72 hours' to 'a number of absences within the period of 60 days but no one absence longer than a week'.

**Clause 16:** Amends section 61 to allow the State to recover costs for State owned property that is lost by a prisoner or detainee.

**Clause 17:** Amends schedule 1 to add to the list of prison offences the offence of recklessly or carelessly losing prison property.

**Clause 18:** Repeal provision