

## CLAUSE NOTES

### *Custodial Inspector Bill 2016*

**Clause 1: Short title**

Cites the Bill as the *Custodial Inspector Bill 2016*.

**Clause 2: Commencement**

Provides for the Bill to commence on proclamation.

**Clause 3: Purpose of Act**

Provides that the purpose of the Act is to provide independent, proactive, preventative and systemic oversight of custodial centres by the Custodial Inspector.

**Clause 4: Interpretation**

Provides for a range of definitions, including the following definitions:

- 'correctional officer' is a correctional officer within the meaning of the *Corrections Act 1997*.
- 'custodial centre' is a prison within the meaning of the *Corrections Act 1997* and a detention centre. However, it does not include a place located within a police station or court cell complex.
- 'detainee' is a person, other than a prisoner, who is lawfully held in a custodial centre. This definition is deliberately broad as it is intended to capture any person (other than a prisoner) who is lawfully held in a custodial centre, regardless of which legislation they are held under.
- 'detention centre' is a detention centre within the meaning of the *Youth Justice Act 1997*.
- 'Inspector' is the Custodial Inspector who is appointed under section 5 of the Act.
- 'mandatory inspection' is an inspection carried out under section 12 of the Act.
- 'occasional inspection and review' is an inspection and review carried out under section 13 of the Act.
- 'officer of the Inspector' includes a person who is appointed or employed under section 10 of the Act, and a person to whom a function or power is delegated under section 9(b) of the Act. Persons referred to in section 10 are state service employees or officers. Whereas a person referred to in section 9(b) applies to any person or class of persons, regardless of whether they are State Service employees or officers or not. These persons may be outside experts who are called on to assist the Inspector.
- 'prisoner' is a person who is subject to an order of a court by which he or she is sentenced to a term of imprisonment and includes a person declared to be a dangerous

criminal under section 19 of the *Sentencing Act 1997*. This definition mirrors the definition which applies to a prisoner under the *Corrections Act 1997*.

- 'public authority' has the same meaning as in the *Ombudsman Act 1978*. This includes a State Service agency, the Police Service, a local authority, a body or authority that is established under an Act for a public purpose, a body or authority whose members or a majority of members are appointed by the Governor or a Minister, a person appointed to an office by the Governor or a Minister under an Act, a Government Business Enterprise, a State-owned company, the University of Tasmania, a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008* and any other prescribed body or authority to which any money is paid by way of appropriation from the Public Account or over which the Government or a Minister exercises control.
- 'responsible Minister' is the Minister responsible for the custodial centre, or in the case of services provided in a custodial centre or action taken by a public authority, the Minister to whom the Department responsible for the provision of those services or action taken, is responsible to.
- 'responsible Secretary' is the Secretary who is responsible for the custodial centre, or in the case of services provided in a custodial centre, the Secretary of the Department responsible for those services.
- 'Secretary' is the Secretary of the Department which is responsible for the administration of the Act.
- 'State service corrections employee' is a person, other than a correctional officer or probation officer, who is appointed or employed under section 5(2) of the *Corrections Act*.

#### **Clause 5**                      **Custodial Inspector**

Provides that the Governor may appoint a Custodial Inspector, and that the terms and conditions of the appointment are detailed in Schedule I of the Bill.

#### **Clause 6**                      **Functions**

Provides for the functions of the Inspector. These include:

- (a) Carrying out mandatory inspections of each custodial centre at least once every three years.
- (b) Carrying out an occasional inspection and review of any custodial centre at any time, of his or her own accord, or at the request of the responsible Minister.
- (c) Preparing and publishing guidelines and standards in relation to the conduct of inspections.
- (d) Reporting to the responsible Minister or Parliament on the various inspections carried out by the Inspector.
- (e) Reporting to the responsible Minister or Parliament on any particular issue or general matter relating to the functions of the Inspector, if the Inspector considers that it is in the interest of any person or in the public interest to do this.

- (f) Reporting to Parliament on any particular issue or general matter relating to the functions of the Inspector if requested by either House of Parliament or a Joint Standing Committee of Parliament.
- (g) Providing an annual report to Parliament.
- (h) Including in any report advice or recommendations that the Inspector thinks are appropriate. This includes but is not limited to information relating to the safety, custody, care, wellbeing and rehabilitation of prisoners and detainees, and information relating to education and programs to assist with the rehabilitation of prisoners and detainees.
- (i) Attending to any functions that are conferred or imposed on the Inspector under this Act or any other Act.

Guidelines and standards prepared and published under this clause may be amended as required.

#### **Clause 7 Independence of Inspector**

Provides that the Inspector must act independently, impartially and in the public interest.

#### **Clause 8 Powers**

Makes provision for a range of powers that can be exercised by the Inspector in the performance or execution of his or her functions under the Act. These include:

- (a) Visiting and examining any custodial centre, and any vehicle, equipment, container or other thing in the custodial centre, at any time that the Inspector thinks fit.
- (b) Obtaining full access to all documents, including health records, that are in the possession of a Department, public authority or any other body or person prescribed by the regulations. These documents must relate to any custodial centre or persons in custody, detained or residing at a custodial centre. The Inspector may make copies of, take extracts from, remove and retain those copies or extracts of those documents.
- (c) Obtaining information from any persons and in any manner the Inspector considers appropriate. This is a catch all provision which allows the Inspector to acquire relevant information that is not otherwise able to be acquired under any of the other powers.
- (d) Entering and examining any equipment or container outside a custodial centre which is used in connection with the custodial centre, and any vehicle which is used to transport prisoners or detainees. This power may be exercised at any time the Inspector thinks fit.
- (e) Referring matters which relate to a custodial centre to an appropriate agency for consideration or action.
- (f) Obtaining access to and communicating with persons in custody, detained or residing at a custodial centre.
- (g) Having the power to do all things necessary or convenient to be done in connection with the performance and exercise of his or her functions and powers under the Act.

#### **Clause 9 Delegation**

Provides that the Inspector may delegate any of his or her functions or powers under the Act, except for the power of delegation itself. The Inspector's powers may be delegated to any

State Service officer or employee made available to the Inspector, and a person or class of persons prescribed by the regulations. This will allow State service officers and employees and external experts to be appointed where this is considered necessary by the Inspector.

**Clause 10                    Appointment of staff**

Provides that persons may be appointed or employed subject to and in accordance with the provisions of the *State Service Act 2000* to enable the Inspector to perform and exercise his or her functions and powers.

Provides for the Inspector to make arrangements with the Secretary who is responsible for the administration of the Act, to make State Service officers and employees available to assist the Inspector.

State Service officers or employees made available may serve the Inspector in any capacity and in conjunction with their State Service employment.

**Clause 11                    Notification of ceasing to be staff of Inspector &c.**

Provides that where a person ceases to be a member of the staff of the Inspector or a person to whom a delegation is given under the Act (in other words, when the person ceases to be an officer of the Inspector), the Inspector is to notify the Secretary of the Department which is responsible for issuing identity cards under the Act of this fact, within 30 days of the person ceasing to be an officer of the Inspector.

**Clause 12                    Mandatory Inspections**

Provides that the Inspector is to inspect a custodial centre at least once every 3 years. This is called a mandatory inspection.

**Clause 13                    Occasional inspections and reviews**

Provides that, in addition to a mandatory inspection carried out under the Act, the Inspector may, at any time and on any number of occasions, also inspect and review any custodial centre or any aspect of a custodial centre. This is called an occasional inspection and review.

**Clause 14                    Inspection report**

Provides that the Inspector is required to prepare an inspection report on his or her findings which relate to a mandatory inspection.

Provides that the inspection report on a mandatory inspection may contain such advice or recommendations as the Inspector considers necessary or appropriate in the circumstances.

Provides that as soon as practicable after an inspection report on a mandatory inspection is completed, the Inspector is required to deliver a copy of it to the responsible Minister. The Minister is then required to table a copy of the report in each House of Parliament.

The responsible Minister may prepare a response to the inspection report on a mandatory inspection and provide it to the Inspector.

**Clause 15                    Inspector &c to provide identification**

Provides that the Secretary of the Department which is responsible for the administration of the Act, is to issue the Inspector with an identity card. Each officer of the Inspector is also

required to be issued with an identity card. This includes a person to whom a delegated power is given under the Act.

An identity card is to be in a form approved by the Secretary. As a minimum, the identity card must contain the name and a recent photograph of the person to whom it is issued.

When performing functions under the Act, the Inspector and an officer of the Inspector, are required to allow a prisoner, detainee, correctional officer, State Service corrections employee or member of the staff of a custodial centre to inspect his or her identity card.

When a person ceases to hold office as the Inspector, or to be an officer of the Inspector, the Secretary is required to take reasonable steps to either retrieve the identity card or to ensure that it has been properly disposed of.

#### **Clause 16                      Inspector's access to prisoners and detainees**

Provides that the Inspector is entitled to access to a prisoner or detainee at all reasonable times.

A person in charge of a custodial centre, a member of staff and any person providing services in a custodial centre, must allow the Inspector to conduct an interview with a prisoner or detainee out of the hearing of any other person.

A person in charge of a custodial centre, a member of staff and any person providing services in a custodial centre also must not copy, remove or read any correspondence from the prisoner or detainee to the Inspector, or from the Inspector to the prisoner or detainee, unless the relevant prisoner or detainee consents to this.

#### **Clause 17                      Inspector &c, may use recording equipment**

Provides that the Inspector and any officer of the Inspector may take photographs, films or audio or visual recordings as the Inspector considers necessary in the circumstances.

#### **Clause 18                      Reporting on occasional inspections and reviews**

Provides that the Inspector may, at any time, provide a report to responsible Minister on any matter relating to an occasional inspection and review. The report may contain advice or recommendations that the Inspector considers necessary or appropriate in the circumstances.

If, at any time after a report on an occasional inspection and review is provided to the responsible Minister, the Inspector considers that it necessary or appropriate to do so, he or she may table the report in each House of Parliament.

The responsible Minister may prepare a response to a report on an occasional inspection and review and provide it to the Inspector.

#### **Clause 19                      Opportunity to be heard**

Provides that the Inspector is not to make a report on a mandatory inspection or an occasional inspection and review that contains adverse or derogatory comments in respect of a person, unless certain things are done. This includes the Inspector giving the person a reasonable opportunity to appear before the Inspector or to make representations either orally or in writing.

Provides that the Inspector is not to make a report on a mandatory inspection or an occasional inspection and review that contains adverse or derogatory comments in respect of the department responsible for the custodial centre or the services provided in a custodial centre, unless certain things are done. This includes the Inspector giving the responsible Secretary and any relevant officer or employee of the responsible department, a reasonable opportunity to appear before the Inspector or to make representations either orally or in writing. The Inspector is also required to give a draft of the report to the responsible Secretary.

Provides that if, during or after a mandatory inspection or an occasional inspection and review, the Inspector believes that there is evidence of a breach of duty or misconduct on the part of the responsible Secretary or any officer or employee of a department, and that in the circumstances the evidence is of sufficient force to justify his or her doing so, the Inspector is to bring the evidence to the notice of the responsible Minister (in the case of the responsible Secretary) and in any other case to the notice of the responsible Secretary.

#### **Clause 20 Recommendations with respect to report**

Provides that the Inspector may make such recommendations in relation to a report on a mandatory inspection or an occasional inspection and review, that he or she considers necessary or appropriate in the circumstances.

Where the Inspector makes such a recommendation, he or she may request the responsible Secretary to notify him or her, within a specified time, of the steps that have been or are proposed to be taken to give effect to the recommendation, or if no such steps have been or are proposed to be taken, the reasons why they have not been taken or are not proposed to be taken.

Where the Inspector believes that no appropriate steps have been taken within a reasonable time, the Inspector may, after considering any written comments made by or on behalf of the responsible Secretary, send to the Premier and the responsible Minister, a copy of the recommendations and a copy of any comments.

#### **Clause 21 Public Interest Considerations**

Provides that the Inspector must not disclose information in a report to Parliament if, on balance, the public interest considerations against disclosure outweigh the public interest considerations in favour of disclosure.

There is a public interest consideration against disclosure if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) Prejudicing the supervision of, or facilitate the escape of, any person in lawful custody or detention.
- (b) Prejudicing the security, discipline or good order of any custodial centre.
- (c) Prejudicing national security within the meaning of the *National Security Information (Criminal and Civil Proceedings) Act 2004*.
- (d) Revealing or tending to reveal the identity of an informant or prejudicing the future supply of information from an informant.
- (e) Identifying or allow the identification of a person who is or was detained at a custodial centre or his or her relative.

- (f) Endangering or prejudicing any system or procedure for protecting the life, health or safety of any person who is in custody, detained or residing at a custodial centre.
- (g) Identifying or allowing the identification of a member of staff of the custodial centre, the Department, a public authority or any other body or person prescribed by the regulations, or endanger or prejudice any system or procedure for protecting the life, health or safety of a staff member or other person.

**Clause 22**                      **Schedule of inspections**

Provides that the Inspector may publish a schedule of dates on which he or she intends to carry out mandatory inspections or occasional inspections and reviews.

**Clause 23:**                      **Disclosure of Information**

Provides an offence for a person who is or has been the Inspector or an officer of the Inspector to directly or indirectly, make a record of, or disclose any information that was acquired in his or her official capacity and disclosed or obtained under the Act.

Provides that the offence above does not prevent the making of a record or disclosure of information where the making of the record or disclosure:

- (a) was reasonably required for the discharge of functions of the Inspector, or
- (b) was done with the approval of the responsible Secretary or the responsible Minister, in the case of information given by a staff member of a custodial centre or a department which provides a service in a custodial centre, or
- (c) was done with the approval of the governing body of a public authority or the Minister responsible for that public authority, in the case of information given by a member of a public authority, or
- (d) was done with the approval of the person by whom the information was given if that person is entitled or authorised to give the information, where the information is given in any other case.

The offence provision also does not prevent the Inspector from giving information relating to a matter which arises wholly or partly under the law of another State, Territory or the Commonwealth, to a person in that jurisdiction who performs functions similar to the functions performed by the Inspector under this Act.

The offence provision also does not prevent the Inspector from disclosing information to the Integrity Commission, coroner or Auditor-General if the information is relevant to the performance or exercise of the functions and powers of those persons or bodies.

Provides that the Inspector, an officer of the Inspector or a person who was in one of those roles, must not be compelled to disclose information to a court, or a person who is authorised by law or by consent of parties, to hear, receive and examine evidence. This applies in respect to information that was acquired in his or her official capacity and disclosed or obtained under the Act.

Provides an offence for a person to use or disclose any information for his or her benefit, or for the benefit of another person.

A reference to information includes the contents of a record, and a reference to the disclosure of information includes the delivery or giving of that record, a copy of it or any part of it, to a person.

**Clause 24: Offences against Inspector**

Provides an offence for a person to, without reasonable excuse, wilfully obstruct, hinder, resist or threaten the Inspector, or an officer of the Inspector in the performance of functions.

Provides an offence for a person to, without reasonable excuse, refuse or wilfully fail to comply with any lawful requirement of the Inspector or an officer of the Inspector.

Provides for an offence to wilfully make any false statement to mislead or attempt to mislead the Inspector or an officer of the Inspector.

**Clause 25: Annual report**

Provides that the Inspector is required to table an annual report relating to the operations of the Inspector in each House of Parliament, four months after the 30th June each year.

As a minimum, the annual report must include a description of the activities of the Inspector during that year as they relate to the Inspector's principal functions.

The annual report must also include an evaluation of the responses of relevant authorities to the recommendations of the Inspector, as well as any recommendations for changes to laws or for administrative action that the Inspector considers should be made.

**Clause 26: Exemption from Personal Information Protection Act 2004**

Provides that a person who is a personal information custodian, within the meaning of the *Personal Information Protection Act 2004*, does not contravene that Act simply by collecting, using, disclosing or otherwise dealing with information for the purposes of this Act.

**Clause 27: Request by responsible Minister**

Provides that the responsible Minister, on his or her own motion, may bring a matter to the attention of the Inspector and request the Inspector carry out an inspection of a custodial centre. This request is required to be in writing.

**Clause 28: Referral to Ombudsman**

Provides that matters which arise during a mandatory inspection or an occasional inspection and review, may be referred to the Ombudsman or another person or body that has functions under any Tasmanian law, or the laws of another State, Territory or the Commonwealth, if the Inspector believes that matter should be investigated by that person or body.

Such a referral does not affect the Inspector's powers under this Act.

**Clause 29: Sharing information with Ombudsman**

Provides that the Inspector may, at any time, give to the Ombudsman information obtained under this or any other Act, if the Inspector believes that the information relates to conduct that could be the subject of a complaint under the *Ombudsman Act 1978*.



**Clause 30: Inspector may require documents &c**

Provides that the Inspector may serve a notice on a person requiring that person to produce any document or thing in that person's possession or control which the Inspector considers is relevant to a mandatory inspection or an occasional inspection and review.

**Clause 31: Evidence &c**

Provides that the Crown is not entitled to prevent or obstruct records from being produced, or evidence from being given even if it would be entitled to do so if the inspection or review were a legal proceeding held before a court.

Provides that a person is not excused from giving information or producing a record or answering a question when required under the Act, on the ground that to do so would disclose legal advice furnished to a government department or other authority.

**Clause 32: Protection from liability**

Provides that anything done or omitted to be done under the Act, that is done in good faith by the Inspector or an officer of the Inspector, will not subject the Inspector or officer to any action, liability, claim or demand, and those persons do not incur any personal liability in relation to anything done or omitted to be done.

Where a civil liability would attach to the Inspector or an officer, it attaches to the Crown instead.

**Clause 33: Protection for provision of information**

Provides that a person who provides information under this Act does not commit an offence under any other Act where that offence imposes a duty to maintain confidentiality or any other restriction on the disclosure of information.

Provides that a person who provides information under this Act does not breach an obligation by way of oath, rule of law, practice or agreement that requires the person to maintain confidentiality or which restricts the disclosure of information.

**Clause 34: Regulations**

Provides that the Governor may make regulations for the purposes of the Act. Other standard provisions relating to regulations are also included.

**Clause 35: Administration of Act**

Provides that until other administrative arrangements are made under the *Administrative Arrangements Act 1990*, administration of the Act is assigned to the Minister for Corrections and the Department of Justice.

**Clause 36: Consequential amendments**

Provides that the legislation that is specified in Schedule 2 is amended as specified in that Schedule.

## Schedule I – Inspector

### Clause 1: Interpretation of Schedule

Provides for the following definitions:

- 'accumulation scheme' is that Tasmanian Accumulation Scheme established under the *Public Sector Superannuation Reform Act 1999*.
- 'complying superannuation scheme' is a complying superannuation fund as provided for by the law of the Commonwealth.
- 'contributory scheme' are the superannuation arrangements provided for by Part 5 of the *Retirement Benefits Regulations 2005*.
- 'Parliament' includes the Parliament of the Commonwealth or of any State or Territory.
- 'RSA' is a Retirement Savings Account within the meaning of the *Retirement Savings Account Act 1997* of the Commonwealth.

### Clause 2: Eligibility for appointment

Provides that a person must not be appointed as or carry out the role of Inspector if that person:

- (a) is or becomes a member of or a candidate for election to a House of Parliament in any State or Territory or in the Commonwealth; or
- (b) has been a member of a House of Parliament in any State or Territory or in the Commonwealth within the last 3 years.

Provides that a person may hold office as Inspector in conjunction with the office of Ombudsman.

### Clause 3: Acting Inspector

Provides that the Inspector is considered to be absent from his or her office if he or she is absent from duty, absent from Australia, is suspended from the office of Inspector or is otherwise unable to perform the functions of that office.

Provides that the Minister may appoint a person to act as Inspector during any or every period during which the Inspector is absent.

Provides that the person who is acting as Inspector is taken to be the Inspector, and that this Act and any other Act applies to that person as if he or she were the Inspector.

### Clause 4: Term of office

Provides that the Inspector may hold office for a period that is specified in the instrument of appointment. That period must not exceed 5 years but the person may be reappointed.

### Clause 5: Conditions of appointment

Provides that the Inspector is entitled to be paid the remuneration and allowances determined by the Governor.

Provides that if a State Service officer or employee is appointed as Inspector, that person is entitled to retain his or her existing and accruing rights as Inspector and that this is taken to be a continuation of service.

Provides that where a person ceases to be Inspector and reverts back to being a State Service officer or employee, the period of service as Inspector is taken to be service in the State Service for the purpose of determining his or her rights.

Provides that if certain conditions of appointment are not provided for in this Act, those conditions are determined by the instrument of appointment for the Inspector.

Provides that where a person is appointed as Inspector, he or she is not eligible to become a member of the contributory scheme, and the *Public Sector Superannuation Reform Act 1999* applies as if he or she were an employee, and he or she is to be a member of the accumulation scheme unless the following provision applies.

Provides that the Inspector may elect by notice in writing given to the Secretary, before or after commencing in that role, to become a member of a Retirement Savings Account, or a complying superannuation scheme other than the accumulation scheme.

Provides that if the Inspector has become a member of a Retirement Savings Account or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as Inspector, to become a member of the accumulation scheme.

Provides that the Inspector is entitled to employer superannuation contributions at the rate specified in the *Public Sector Superannuation Reform Act 1999*.

Provides that the previous four clauses do not apply to a person who, immediately before his or her appointment as Inspector, was a contributor to the contributory scheme.

**Clause 6: Resignation**

Provides that the Inspector may resign by signed notice given to the Governor.

**Clause 7: Suspension**

Provides that the Governor may suspend the Inspector from office if the Governor is satisfied of any of the following:

- The Inspector is physically or mentally incapable of continuing as Inspector.
- The Inspector is unable to perform the role adequately or competently.
- The Inspector has been convicted in Tasmania or elsewhere of an offence which is punishable by a term of imprisonment.
- The Inspector has become bankrupt, applied to take the benefit of the law for the relief of bankrupt or insolvent debtors, compounded with creditors or made an assignment of his or her remuneration or estate for their benefit.
- The Inspector has engaged in misconduct.

Provides that where the Inspector has been suspended from office, the Inspector is restored to office if a statement specifying the reasons for the suspension is not laid before each House of Parliament during the first 7 sitting days of that House following suspension, and each House of Parliament does not pass an address praying for the removal of the Inspector from office during the session in which, and within 30 sitting days after the statement is laid before it.

**Clause 8: Removal from office**

Provides that the Governor, on addresses from both Houses of Parliament, may remove the Inspector from office. The Inspector may not be removed from office unless this occurs.

**Clause 9: Filling a vacancy**

Provides that the Inspector vacates office if he or she dies, resigns or is removed from office in accordance with the previous clause.

Provides that the Governor may appoint a person to the vacant office of Inspector for the remainder of the Inspector's term of office.

**Clause 10: Defect does not invalidate appointment**

Provides that an appointment of a person as Inspector is not invalid simply because of a defect or irregularity in the appointment.

**Schedule 2 – Consequential amendments**

*Commissioner for Children and Young People Act 2016*

Amends section 17(2) of the *Commissioner for Children and Young People Act 2016* by inserting the words 'or the Custodial Inspector appointed under section 5 of the *Custodial Inspector Act 2016*' after 'Ombudsman'.

This amendment clarifies that the Commissioner for Children may refer any matter to the Custodial Inspector if the Commissioner thinks it appropriate to do so.

*Commissions of Inquiry Act 1995*

Provides that the offence provision relating to disclosure under section 23(1) of the Act does not apply in relation to any information collected for communication or communicated to the *Commission of Inquiry into Institutionalised Child Sexual Abuse* established on 4 March 2013.

*Corrections Act 1997*

Inserts a definition for Custodial Inspector and officer of the Inspector in the *Corrections Act 1997*.

Amends section 8(1) of the *Corrections Act 1997* to provide that information given to the Custodial Inspector for the purposes of the *Custodial Inspector Act 2016* is to be treated as confidential information under the *Corrections Act 1997*.

Amends section 11(1) of the *Corrections Act 1997* to provide that the Custodial Inspector or an officer of the Inspector may visit a prison at any reasonable time and a correctional officer and corrections employee must give full assistance to the Inspector and an officer.

Amends section 29(1)(l) of the *Corrections Act 1997* to provide that every prisoner and detainee has the right to send letters to and receive letters from the Custodial Inspector or an officer of the Inspector without those letters being opened by prison staff.

*Ombudsman Act 1978*

Inserts a definition for Custodial Inspector in the *Ombudsman Act 1978*.

Amends section 5(7) of the *Ombudsman Act 1978* to clarify that the Ombudsman may hold office as the Custodial Inspector in addition to the office of Ombudsman.

Amends section 26 of the *Ombudsman Act 1978* to clarify that the disclosure offence under section 26 of that Act does not prevent the disclosure of information to the Custodial Inspector if the information is relevant to the performance or exercise by the Custodial Inspector of his or her functions or powers.

*Public Interest Disclosures Regulations 2013*

Amends the *Public Interest Disclosures Regulations 2013* to prescribe the office of the Custodial Inspector under the *Custodial Inspector Act 2016* as a prescribed office for the purpose of section 41 of the *Public Interest Disclosures Act 2002*.

Section 41 of that Act provides that the Ombudsman, acting under the *Public Interest Disclosures Act 2002*, may refer a disclosed matter to the holder of a prescribed office to investigate if the Ombudsman considers it appropriate to do so.

*Right to Information Act 2009*

Inserts a definition for Custodial Inspector in the *Right to Information Act 2009*.

Amends section 6(1) of the *Right to Information Act 2009* to provide that the *Right to Information Act 2009* does not apply to information in the possession of the Custodial Inspector, or in the possession of a person whose services are provided for the purposes of assisting the Custodial Inspector unless the information relates to the administration of the office of the Custodial Inspector.

*Youth Justice Act 1997*

Inserts a definition for Custodial Inspector in the *Youth Justice Act 1997*.

Amends section 167A(1) of the *Youth Justice Act 1997* by clarifying that a person who discloses information to the Custodial Inspector for the purpose of the rehabilitation of a youth or a related purpose does not incur any criminal, civil or administrative liability and is not taken to have breached any rule of law or practice, taken to have broken any professional or other oath or code, standard or guideline of ethics or etiquette or be liable to condemnation or disciplinary action by any professional body or other person.