

SECOND READING SPEECH

CORRECTIONS AMENDMENT BILL 2013

In line with the platform of reforms currently being made to the Tasmanian Prison System, this Bill contains some of the amendments recommended by the review of the Corrections Act conducted by Mr Richard Bingham in 2008, and also enacts the recommendation regarding use of restraints from the *Risdon Prison Inquiry Report* prepared by Mr Mick Palmer and provided to me in March 2011.

This legislation is designed to advance Tasmania's adherence to the principle in Article 10 of the International Convention on Civil and Political Rights, that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". It covers a range of matters, some minor, and others more complex. The most serious matter addressed by this Bill is the insertion of new Parts specifically providing for appropriate use of force and mechanical restraints in Tasmanian prisons.

New Part 4A has been inserted on the recommendation of several commentators, including the Solicitor General. It states unequivocally that the use of force is a last resort and puts the onus on the Director of Prisons to put appropriate standing orders or operating procedures in place to ensure this is the case.

This new Part details the situations when force may be used, and the methods that may be employed. These amendments provide a consistent, limited framework for the use of force,

which includes the use of restraints or weapons, which will prevent arbitrary and punitive usage.

The Part also requires the Director to ensure that any use of force that involves the use of a restraint or weapon is proportionate to the circumstances and that any restraint or weapon is used by an appropriately trained officer in accordance with standing orders or a set operating procedure. New Part 4B covers the situation where a mechanical restraint is used without the application of force – for instance the practice of handcuffing prisoners when moving them around the prisons and in public places such as court precincts. Use of a restraint in these circumstances is usually accepted by the prisoner and does not require coercion on the part of the correctional officer.

Other important amendments in this Bill are the improvements to the Official Visitors Scheme. The Ombudsman is responsible for the administration of official visitors appointed under s10 of the Corrections Act and suggested that the prison official visitors scheme should more closely align with scheme used under the *Mental Health Act 1996*, which his office also administers.

The main amendments to the Scheme relate to streamlining the manner in which the official visitors are appointed, extending the term of their appointment, establishing the role of ‘coordinating official visitor’, and allowing the Minister to approve remuneration and allowances paid to official visitors.

The Bill also inserts a new section 5A to provide a legislative basis for a process that already occurs in times of emergency, albeit through a far more onerous and cumbersome process.

New section 5A will ensure that the Director is able to bring trained correctional and probation officers in from other States at very short notice to fill staffing gaps, where local staff are unavailable during an emergency. This amendment is necessary to provide for the order of the prison and the safety of other prison workers and prisoners.

Another amendment in the Bill is the insertion of references to 'State Service corrections employees'. There are a number of State Service employees employed at the prison who are not correctional officers. They work in such areas as policy and administration.

By including "State Service corrections employees" in specific parts of the Act, these employees will be afforded both the protections in the Act, and also become subject to some of the responsibilities for conduct under the Act. Examples of these include: the prohibition on an official visitor interfering with the management of a State service corrections employee, and the power of a State service corrections employee to require details from a visitor to the prison, as well as the requirement for a State service corrections employee to forfeit their position if they are found bringing unauthorised items into a prison.

The less complex amendments in this Bill include: cost recovery provisions for lost prisoner property; a provision to allow

detainees to be paid for work for which they volunteer; and an extension of the time limits on leave permits for prisoners attending programs or reintegration leave.