

## FACT SHEET

### ***Corrections (Miscellaneous Amendments) Bill 2016***

The *Corrections (Miscellaneous Amendments) Bill 2016* (the Bill) makes a range of amendments to the *Corrections Act 1997* (the Act) to improve its operation. The key amendments made by the Bill are as follows.

The Bill amends the Act to apply certain provisions of the Act to migration detainees who are required to be detained in a Tasmanian prison under the Commonwealth *Migration Act*, most of whom will have completed a term of imprisonment and be awaiting deportation. The Bill will allow the prison regime under the Act to apply to those migration detainees.

The Bill clarifies that correctional officers and State Service corrections employees must comply with all standing orders made by the Director under section 6(3) of the Act. A failure to comply with the standing orders may be dealt with as a breach of the State Service Code of Conduct.

The Bill provides that a person who ceases to hold appointment or employment as a correctional officer or State Service corrections employee must surrender to the Director all firearms and ammunition, and all items of identification, equipment, clothing, and insignia that were on issue to the person immediately before they ceased holding the appointment or employment. The Bill also provides that the Director may request the Commissioner of Police to apply for a warrant to enter, search and seize the relevant items. Certain requirements must be met before the Director requests a warrant.

The general search provisions under section 22 of the Act have been amended to make it clear that a corrections employee has the authority to search or examine, or search and examine any part of a prison, vehicle, equipment, container or other thing in the prison. Section 22 is also amended to clarify that a correctional officer or corrections employee who is conducting a search may also search a vehicle, equipment, container or other thing in the prison, and that those officers may employ such means that they believe on reasonable grounds to be necessary for the purpose, including but not limited to scanning devices and detection devices.

A new section 22A is inserted into the Act to clarify that a correctional officer or State Service corrections employee who is carrying out a formal search under section 20, or a search or examination or search and examination under section 22 of the Act, may be accompanied and assisted by a detector dog and a detector dog handler. The Bill also makes provision for a number of offences relating to use of detector dogs and indemnifies the Crown, a correctional officer, a corrections employee and detector dog handler, if a detector dog enters or is present at a prison, or initiates or inadvertently makes contact with a person or any person's possessions.

The Bill provides a power of arrest without warrant if a police officer believes on reasonable grounds that the person has committed offences against section 12 (visits), section 15 (exclusion of visitors for security reasons), section 18 (visitors to give

prescribed information), section 19 (Director may refuse or terminate visits for security reasons), section 22 (Search) and section 22A (use of detector dogs).

The Bill provides that the Director may allow a prisoner or detainee to hire equipment and items additional to the standard equipment and items which the prisoner or detainee are normally issued.

The Bill clarifies that a prisoner must not conduct a business in or from prison without the consent of the Director. The Bill also provides guidance to the Director as to when it may or may not be appropriate to provide consent.

The Bill provides that a prisoner or detainee must not make a change of name application without the consent of the Director. The Bill also provides guidance to the Director as to when it may or may not be appropriate to consent to a name change application. Prisoners and detainees are required to be notified of a decision, and in the case of a refusal to consent, the reason for the refusal.

The Bill clarifies that a correctional officer who is not a custodian of a person to whom a leave permit is granted, and who believes on reasonable grounds that the person has failed to comply or is likely to fail to comply with a condition or restriction of a leave permit, may return the person to a prison.

The Bill clarifies that a Tasmanian government health official may disclose to the Director health information about a prisoner or detainee as the Director reasonably requires for their treatment, care and rehabilitation.

The Bill also introduces into Schedule 1 of the Act, new prison offences which are established by these amendments, specifically offences for:

- striking, injuring, maiming or killing a detector dog without lawful excuse;
- impeding or interfering with a detector dog without lawful excuse;
- conducting a business in or from prison without the Director's consent; and
- making or causing or allowing the making of a change of name application without the Director's consent.

Schedule 1 is also amended by extending the prison offence of being in possession of unauthorised articles to detainees.