

House of Assembly—No 114

As laid on the table and read a first time, 8 June 2011

South Australia

**Correctional Services (Miscellaneous) Amendment
Bill 2011**

A BILL FOR

An Act to amend the *Correctional Services Act 1982*; and to make a related amendment to the *Summary Offences Act 1953*.

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Part 1—Amendment of *Summary Offences Act 1953*

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Correctional Services (Miscellaneous) Amendment Act 2011*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *the Chief Executive Officer*—delete the definition and substitute:

CE means the person holding or acting in the position of chief executive of the Department;

- (2) Section 4(1)—after the definition of *correctional institution* insert:

correctional services dog means a dog that has completed training of a kind approved by the CE for the purposes of this Act;

- (3) Section 4(1), definition of *designated condition*—delete the definition

- (4) Section 4(1)—after the definition of *prisoner* insert:

probation and parole hostel means premises declared by the Minister under section 17E to be a probation and parole hostel;

5—Amendment of section 5—Victims Register

Section 5—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

6—Amendment of section 7—Power of Minister and CE to delegate

Section 7—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

7—Amendment of section 9—CE's annual report

Section 9(1)—delete "Chief Executive Officer" and substitute:

CE

8—Amendment of section 22—Assignment of prisoners to particular correctional institutions

Section 22—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

9—Amendment of section 23—Initial and periodic assessment of prisoners

Section 23—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

10—Amendment of section 24—CE has custody of prisoners

Section 24—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

5 **11—Amendment of section 25—Transfer of prisoners**

Section 25—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

12—Amendment of section 27—Leave of absence from prison

10 (1) Section 27—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

(2) Section 27(4)—delete "member of the police force" and substitute:
police officer

15 **13—Amendment of section 27A—Interstate leave of absence**

(1) Section 27A—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

(2) Section 27A(2)(c)(ii)—delete "member of the police force" and substitute:
20 police officer

14—Amendment of section 28—Removal of prisoner for criminal investigation, attendance in court etc

(1) Section 28(2)—delete "manager of the correctional institution in which the prisoner is being detained" and substitute:

25 CE

(2) Section 28(4)—delete subsection (4) and substitute:

(4) If a prisoner—

(a) has been charged with an offence; or

(b) is suspected of—

30 (i) having committed an offence; or

(ii) having knowledge or information that might assist in the prevention or investigation of an offence,

35 the CE must, at the request of a police officer, release the prisoner into the custody of the police officer for the purposes of investigation of the offence, obtaining evidence as to the commission of the offence or identifying the prisoner as the person who committed the offence, in accordance with law.

15—Amendment of section 29—Work by prisoners

- (1) Section 29(1)—delete "manager" and substitute:

CE

- (2) Section 29(2)—delete "manager" wherever occurring and substitute in each case:

CE

- (3) Section 29(4)—delete "A manager" and substitute:

The CE

- (4) Section 29(5)—delete "manager" and substitute:

CE

16—Amendment of section 30—Prison education

Section 30—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

17—Amendment of section 31—Prisoner allowances and other money

- (1) Section 31(1)—delete "Minister with the approval of the Treasurer" and substitute:

CE

- (2) Section 31(2)—delete "Minister with the approval of the Treasurer" and substitute:

CE

- (3) Section 31(2a)—delete "Minister" and substitute:

CE

- (4) Section 31(2a)—delete ", at rates approved by the Treasurer,"

- (5) Section 31(2a)—delete "manager of the prison" and substitute:

CE

- (6) Section 31(3)—delete "Minister" and substitute:

CE

- (7) Section 31(4)—delete "manager of the prison" and substitute:

CE

- (8) Section 31(4a)—delete "manager of a prison" and substitute:

CE

- (9) Section 31(4b)—delete "manager of the prison" and substitute:

CE

- (10) Section 31(5)—delete "Minister" and substitute:

CE

- (11) Section 31(5a)—delete "The manager of a correctional institution" and substitute:

Subject to subsections (5b) and (5c), the CE

(12) Section 31—after subsection (5a) insert:

(5b) A person who has been released from prison may not, without the approval of the CE, within a period of 12 months of release from prison, give money to a prisoner or deposit money in any account kept in the name of a prisoner.

(5c) If a prisoner receives money in contravention of subsection (5b), the CE must make reasonable efforts to return the money to the person who made the payment.

(13) Section 31(6)—delete "manager of a correctional institution may, on the direction of the Chief Executive Officer," and substitute:

CE may

(14) Section 31(6)—delete "Chief Executive Officer" second occurring and substitute:

CE

(15) Section 31(6a)—delete "manager of a correctional institution" and substitute:

CE

(16) Section 31(6a)—delete "manager" second occurring and substitute:

CE

(17) Section 31(6a)—delete "calculated in accordance with the Minister's directions" and substitute:

determined by the CE

(18) Section 31(6c)—delete "manager" and substitute:

CE

(19) Section 31(7)—delete "manager of the correctional institution" and substitute:

CE

(20) Section 31(7)—delete "manager" second occurring and substitute:

CE

18—Substitution of section 32

Section 32—delete the section and substitute:

32—CE may sell items of personal use to prisoners

(1) The CE may sell any items of personal use or consumption that the CE thinks fit to prisoners.

(2) Withdrawals of money from any account held in the name of a prisoner, at the discretion of the CE in accordance with section 31, may be made for the purchase of items for sale under this section.

(3) The CE is authorised—

(a) in selling items under this section, to set prices that, in the opinion of the CE, reflect the costs associated with selling the items; and

- (b) if a surplus arises from time to time in selling items under this section, to retain the surplus and deposit it in the account established under section 32A.

32A—Prisoner Amenity Account

- 5 (1) The *Prisoner Amenity Account* is established.
- (2) The CE will be responsible for the administration of the account.
- (3) The account will consist of—
- 10 (a) any surplus deposited from time to time under section 32(3)(b); and
- (b) any other money that the CE thinks may be appropriately deposited in the account from time to time.
- (4) The CE may apply any money standing to the credit of the account towards the provision of amenities to prisoners.

19—Amendment of section 33—Prisoners' mail

- 15 (1) Section 33—delete "the manager" wherever occurring and substitute in each case:
the CE
- (2) Section 33(4)—delete "A manager" and substitute:
The CE
- (3) Section 33(7)—after paragraph (b) insert:
- 20 (ba) to the Health and Community Services Complaints Commissioner; or
- (4) Section 33(10)(c)—after "money" insert:
, subject to subsection (10a)
- (5) Section 33—after subsection (10) insert:
- 25 (10a) If a sum of money referred to in subsection (10)(c) is in a letter sent to a prisoner by a person who has been released from prison within a period of 12 months before the date of receipt of the letter, the CE must return the money to the sender.
- (6) Section 33(12)—delete "The manager" and substitute:
The CE
- 30 (7) Section 33(14), definition of *authorised officer*—delete "Chief Executive Officer" and substitute:
CE

20—Amendment of section 33A—Prisoners' goods

- 35 Section 33A—delete "Chief Executive Officer" wherever occurring and substitute in each case:
CE

21—Amendment of section 34—Prisoners' rights to have visitors

- (1) Section 34(1)—delete "A prisoner" and substitute:

Subject to this section, a prisoner

- (2) Section 34(2)—delete "A remand prisoner" and substitute:

Subject to this section, a remand prisoner

- (3) Section 34(3)—delete "The manager of a correctional institution" and substitute:

The CE

- (4) Section 34(3)(b)—delete "the manager" wherever occurring and substitute in each case:

the CE

- (5) Section 34—after subsection (3) insert:

- (4) The following restrictions apply to a visit to a prisoner (including a remand prisoner) under this section:

- (a) a person may not visit a prisoner unless the person provides such evidence as the CE thinks appropriate as to the person's identity;
- (b) a person who visits a prisoner may see and speak with the prisoner but is not permitted to touch the prisoner, unless the visit is part of a contact visiting program approved by the CE;
- (c) a person who has been released from prison may not, without the approval of the CE, within a period of 12 months of the person's release from prison, visit a prisoner;
- (d) a person under the age of 16 years may not, without the approval of the CE, visit a prisoner if any part of the imprisonment for which the prisoner was sentenced is in relation to a child sexual offence.

22—Insertion of section 35A

After section 35 insert:

35A—Power to monitor or record prisoner communication

- (1) Subject to this section, the CE may monitor or record a communication between a prisoner and another person.
- (2) The parties to a communication that may be monitored or recorded must, at the commencement of the communication, be informed of that fact.
- (3) The CE must not monitor or record a communication between a prisoner and—
- (a) a legal practitioner who represents the prisoner; or
- (b) the Ombudsman; or

(c) the Health and Community Services Complaints Commissioner; or

(d) a person or body of a class designated by the CE.

(4) The exemption under subsection (3) applies only if the CE has, before the communication occurs, authorised the communication.

(5) If a communication monitored or recorded under this section reveals information about an offence, the CE must give the information to the Commissioner of Police.

(6) In this section—

communication includes conversation and a message, and any part of a conversation or message, whether—

(a) in the form of—

(i) speech, music or other sounds; or

(ii) data; or

(iii) text; or

(iv) visual images, whether or not animated; or

(v) signals; or

(b) in any other form or in any combination of forms.

23—Amendment of section 36—Power to keep prisoner apart from other prisoners

Section 36—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

24—Amendment of section 37—Search of prisoners

(1) Section 37(1)—delete "manager of a correctional institution" and substitute:

CE

(2) Section 37(1)(a)—delete "the correctional institution" and substitute:

a correctional institution

(3) Section 37(1)(b)—delete "manager" and substitute:

CE

(4) Section 37(1a)—delete "manager of a correctional institution" and substitute:

CE

(5) Section 37(1a)—delete "manager" second occurring and substitute:

CE

(6) Section 37(1a)(a)—before "institution" first occurring insert:

correctional

25—Amendment of section 37AA—Drug testing of prisoners

- (1) Section 37AA—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

- 5 (2) Section 37AA(1)—delete "manager of a correctional institution" and substitute:

CE

- (3) Section 37AA(1)(a)—delete "the institution" and substitute:

a correctional institution

- (4) Section 37AA(1)(b)—delete "the institution" and substitute:

10 a correctional institution

- (5) Section 37AA(1)(c)—delete paragraph (c)

- (6) Section 37AA(1)(d)—delete "the correctional institution" and substitute:

a correctional institution

- (7) Section 37AA—after subsection (1) insert:

15 (1a) The manager of a correctional institution may require a prisoner to undergo a drug test—

(a) if the manager reasonably suspects that the prisoner has unlawfully used a drug; or

(b) in any other circumstance that the CE thinks fit.

20 **26—Amendment of section 37A—Release on home detention**

Section 37A—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

27—Amendment of section 37B—Authorised officers

25 Section 37B(2)—delete "Chief Executive Officer" and substitute:

CE

28—Amendment of section 37C—Revocation of release

- (1) Section 37C—delete "Chief Executive Officer" wherever occurring and substitute in each case:

30 CE

- (2) Section 37C(3)—delete "member of the police force" and substitute:

police officer

29—Amendment of section 38—Release of prisoner from prison or home detention

Section 38—delete "Chief Executive Officer" wherever occurring and substitute in each case:

5 CE

30—Amendment of section 39A—Delivery of property and money to prisoner on release

Section 39A—delete "Chief Executive Officer" and substitute:

CE

10 **31—Amendment of section 39B—Manner in which former prisoner's personal property is to be dealt with**

(1) Section 39B(1)—delete "manager of the correctional institution" and substitute:

CE

(2) Section 39B(2)—delete "manager of the correctional institution" and substitute:

15 CE

(3) Section 39B(2)(a)—delete "manager" wherever occurring and substitute in each case:

CE

(4) Section 39B(2)(b)—delete "manager" wherever occurring and substitute in each case:

CE

20 **32—Amendment of section 42A—Minor breach of prison regulations**

(1) Section 42A(1)—delete "manager of the correctional institution" and substitute:

CE

(2) Section 42A(1)—delete "manager" second occurring and substitute:

CE

25 (3) Section 42A(1)(d)—delete "manager" and substitute:

CE

(4) Section 42A(2)—delete "manager" wherever occurring and substitute in each case:

CE

(5) Section 42A(2)—delete "manager's" and substitute:

30 CE's

33—Amendment of section 43—CE may deal with breach of prison regulations

(1) Section 43(1)—delete "manager of the correctional institution" and substitute:

CE

(2) Section 43(2)—delete "manager" wherever occurring and substitute in each case:

35 CE

- (3) Section 43(3)—delete "manager" wherever occurring and substitute in each case:
CE

34—Amendment of section 44—CE may refer matter to Visiting Tribunal

- (1) Section 44(1)—delete "manager of a correctional institution" and substitute:
5 CE

- (2) Section 44(2)—delete "manager" and substitute:
CE

- (3) Section 44(4)—delete "manager" and substitute:
CE

10 **35—Amendment of section 45—Procedure at inquiry**

Section 45—delete "manager" wherever occurring and substitute in each case:
CE

36—Amendment of section 46—Appeal against penalty imposed by CE

- (1) Section 46(1)—delete "a manager" and substitute:
15 the CE

- (2) Section 46(4)(b)—delete "manager" and substitute:
CE

37—Repeal of section 49

Section 49—delete the section

20 **38—Amendment of section 50A—Prisoner must comply with conditions to which temporary leave of absence is subject**

Section 50A(1)—delete "Chief Executive Officer" and substitute:
CE

39—Amendment of section 51—Offences by persons other than prisoners

- 25 (1) Section 51—delete "manager" wherever occurring and substitute in each case:
CE

- (2) Section 51(1), penalty provision, (a)—delete paragraph (a) and substitute:

(a) in the case of an offence against paragraph (b) of this subsection where the prohibited item is—

30 (i) a controlled drug within the meaning of the *Controlled Substances Act 1984*; or

(ii) an item of a kind prescribed by the regulations for the purposes of this subparagraph—

imprisonment for 5 years;

40—Amendment of section 66—Automatic release on parole for certain prisoners

Section 66(2)—before paragraph (a) insert:

- 5 (aa) a prisoner if any part of the imprisonment for which the person was sentenced is in respect of an offence committed while the prisoner was on parole (the prisoner having been released on parole following application by the prisoner to the Board); or

41—Amendment of section 67—Release on parole by application to Board

- 10 (1) Section 67—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

- (2) Section 67(4)(f)(ii)—delete subparagraph (ii) and substitute:

- (ii) from the CE; and

42—Amendment of section 68—Conditions of release on parole

- 15 (1) Section 68(1)—delete subsection (1) and substitute:

- (1) The release on parole of a prisoner serving a sentence of life imprisonment—

- (a) is subject to each of the following conditions:

- 20 (i) a condition prohibiting the prisoner from committing any offence;
- (ii) a condition prohibiting the prisoner from possessing an offensive weapon unless the Board permits the prisoner to possess such a weapon and the prisoner complies with the terms and conditions of the permission;
- 25 (iii) until the expiration of the period of parole (or for such lesser period as may be specified in the order of the Governor under section 67)—a condition that the prisoner must—

- 30 (A) be under the supervision of a community corrections officer; and

- (B) obey the reasonable directions of the community corrections officer; and

- 35 (b) may be subject to any other condition recommended by the Board and approved by the Governor to be effective until the expiration of the period of parole (or for such lesser period as may be specified in the Governor's order), including a condition that—

- 40 (i) for the period of up to 1 year commencing on the day on which the prisoner is released—the prisoner must—

- 5 (A) reside at specified premises (including premises declared under this Act to be a probation and parole hostel or a prison); and
- (B) undertake at specified places such activities and programs as determined by the Board from time to time to assist in the reintegration of the prisoner into the community; and
- 10 (ii) the prisoner be monitored by use of an electronic device.

(1aa) The release on parole of a prisoner (other than a prisoner serving a sentence of life imprisonment)—

- (a) is subject to each of the following conditions:
- 15 (i) a condition prohibiting the prisoner from committing any offence;
- (ii) a condition prohibiting the prisoner from possessing an offensive weapon unless the Board permits the prisoner to possess such a weapon and the prisoner complies with the terms and conditions of the permission;
- 20 (iii) until the expiration of the period of parole (or such earlier date as is specified by the Board)—a condition that the prisoner must—
- 25 (A) be under the supervision of a community corrections officer; and
- (B) obey the reasonable directions of the community corrections officer; and
- (b) may be subject to any other condition (including a condition that the prisoner be monitored by use of an electronic device) to be effective until the expiration of the period of parole (or such earlier date as is specified by the Board).

(2) Section 68(1a)—after paragraph (c) insert:

- 35 (d) a condition requiring the prisoner, on making an application for employment, to provide the prospective employer with a report about the prisoner's criminal history.

(3) Section 68(3)—delete subsection (3)

43—Amendment of section 71—Variation or revocation of parole conditions

Section 71(4)—delete "that community corrections officer" and substitute:

40 the CE

44—Amendment of section 72—Discharge from parole of prisoners other than life prisoners

Section 72(2)—delete "that community corrections officer" and substitute:
the CE

5 **45—Repeal of section 73**

Section 73—delete the section

46—Amendment of section 74—Cancellation of release on parole by Board for breach of conditions

(1) Section 74(1)—delete subsection (1) and substitute:

10 (1) If the Board is satisfied that a person who has been released on parole has, while on parole, breached a condition of the parole, the Board may, by order, direct that the person serve in prison the balance of the sentence, or sentences, of imprisonment in respect of which the person was on parole, being the balance unexpired as at
15 the day on which the breach was committed.

(2) Section 74(2)—delete "that community corrections officer" second occurring and substitute:

the CE

(3) Section 74(4)—delete "(not being a designated condition)"

20 (4) Section 74—after subsection (5) insert:

(6) Any period for which the person is detained in custody or in prison after breaching the condition is to be counted as or towards the period that the person is liable to serve in prison under this section (and any date on which the sentence is to be taken to have
25 commenced will be fixed accordingly).

47—Amendment of section 74AA—Board may impose community service for breach of conditions

(1) Section 74AA(1)—delete "(not being a designated condition)"

(2) Section 74AA(4)(b)(ii)—delete "Chief Executive Officer" and substitute:

30 CE

48—Amendment of section 75—Automatic cancellation of parole on imprisonment for offence committed while on parole

Section 75—after subsection (2) insert:

35 (3) Any period for which the person is detained in custody or in prison after committing the offence is to be counted as or towards the period that the person is liable to serve in prison under this section (and any date on which the sentence is to be taken to have commenced will be fixed accordingly).

49—Substitution of section 76

Section 76—delete the section and substitute:

76—Apprehension etc of parolees on Board warrant

- 5
- (1) If the presiding member or deputy presiding member of the Board suspects on reasonable grounds that a person who has been released on parole may have breached a condition of parole, the presiding member or deputy presiding member may—
- 10
- (a) summon the person to attend before the Board; or
- (b) for the purpose of bringing the person before the Board, issue a warrant for the arrest of the person.
- (2) If a member of the Board (other than the presiding member or deputy presiding member) suspects on reasonable grounds that a person who has been released on parole may have breached a condition of parole—
- 15
- (a) the member may summon the person to attend before the Board; or
- (b) for the purpose of bringing the person before the Board, the member may apply to—
- 20
- (i) the presiding member or deputy presiding member of the Board for the issue of a warrant for the arrest of the person; or
- (ii) a magistrate for the issue of a warrant for the arrest of the person.
- (3) If a person fails to comply with a summons to attend before the Board issued under this section—
- 25
- (a) the Board may proceed to deal with the matter in the person's absence; or
- (b) for the purpose of bringing the person before the Board, the presiding member or deputy presiding member may issue a
- 30
- warrant for the arrest of the person.
- (4) A warrant issued under this section authorises the detention of the person in custody pending appearance before the Board.
- (5) A member of the Board may apply to a magistrate for a warrant for the arrest and return to prison of a person whose release on parole has been cancelled.
- 35
- (6) A magistrate must, on application under this section, issue a warrant for the arrest of a person or for the arrest and return to prison of a person (as the case may require) unless it is apparent, on the face of the application, that no reasonable grounds exist for the issue of the
- 40
- warrant.
- (7) The Board may, if it thinks there is good reason to do so, by order, cancel a warrant issued under this section that has not been executed.

76A—Apprehension etc of parolees on warrant of CE

- 5
- (1) If the CE suspects on reasonable grounds that a person who has been released on parole may have breached a condition of parole, the CE—
- (a) may issue a warrant for the arrest of the person; and
- (b) must, within 2 working days of issuing any such warrant, provide the Board with a written report on the matter.
- (2) A warrant issued by the CE under this section—
- 10 (a) authorises the detention of the person in custody; and
- (b) will expire at the end of the period of 5 working days after the day on which the report of the CE was provided to the Board.
- (3) The presiding member or deputy presiding member of the Board must consider a report of the CE within 5 working days after receipt and—
- 15 (a) issue a fresh warrant for the continued detention of the person pending appearance before the Board; or
- (b) cancel the warrant, order that the person be released from custody and, if appearance before the Board is required, issue a summons for the person to appear before the Board.
- 20 (4) If a warrant expires under subsection (2)(b) or a fresh warrant is not issued under subsection (3)(a), the person must be released from detention.

76B—Arrest of parolee by police officer

- 25 (1) A police officer may, without warrant, arrest a person who has been released on parole if the police officer suspects on reasonable grounds that—
- (a) the person has, while on parole, breached a condition of parole; and
- 30 (b) the person presents an imminent and serious risk to public safety.
- (2) If a person is arrested under subsection (1)—
- (a) the person must be taken to the nearest police station; and
- 35 (b) within 12 hours of the arrest—the presiding member or deputy presiding member of the Board (or, if neither of those members is available, the CE) must be notified of the arrest; and
- (c) as soon as is reasonably practicable after being so notified—the presiding member or deputy presiding member (or the CE) (as the case requires) must, by order, direct that the person—
- 40

- (i) be detained in a correctional institution pending attendance before the Board; or
- (ii) be released and summoned to attend before the Board; or
- (iii) be released from detention.

5

50—Amendment of section 77—Proceedings before Board

- (1) Section 77—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

10

- (2) Section 77(2)(b)—delete "member of the police force" and substitute:
police officer

51—Amendment of section 82—Unauthorised dealings with prisoners prohibited

- (1) Section 82(1)—delete "Chief Executive Officer" and substitute:

15

CE

- (2) Section 82(3)(b)—delete "member of the police force" and substitute:
police officer

52—Amendment of section 83—CE may make rules

- (1) Section 83(1)—delete "The manager of a correctional institution may, with the approval of the CE," and substitute:

20

The CE may

- (2) Section 83(1)—delete "the institution" and substitute:
a correctional institution

25

- (3) Section 83(2)—delete "A manager may, with the approval of the Chief Executive Officer," and substitute:

The CE may

53—Substitution of section 84

Section 84—delete the section and substitute:

84—Compliance with the execution of process

30

Subject to this Act, the CE and the manager of a correctional institution must comply with any order or direction lawfully given by an officer of a court or police officer for the purposes of the due execution of any process or order of a court or magistrate or issued otherwise pursuant to law.

35

54—Amendment of section 85—Execution of warrants

- (1) Section 85—delete "Chief Executive Officer" and substitute:

CE

- (2) Section 85—delete "justice" and substitute:
magistrate

55—Amendment of section 85A—Exclusion of persons from correctional institution

- 5 Section 85A—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

56—Amendment of section 85B—Power of search and arrest of non-prisoners

- (1) Section 85B(1)—delete "The manager of a correctional institution" and substitute:

10 The CE

- (2) Section 85B(1)(a)—delete "the institution" and substitute:

a correctional institution

- (3) Section 85B(2)—delete "the manager of the correctional institution" and substitute:

the CE

- 15 (4) Section 85B—delete "the manager" wherever occurring and substitute in each case:

the CE

- (5) Section 85B—after subsection (13) insert:

(14) To avoid doubt, a reference in this section to a correctional institution includes a reference to all of the land identified in a proclamation under section 18(1) relating to the institution.

20

57—Amendment of section 85C—Confidentiality

- (1) Section 85C—delete "divulge" and substitute:

disclose

- (2) Section 85C—after paragraph (b) insert:

25 (ba) if, in the opinion of the CE, it is necessary to disclose the information in order to avert a serious risk to public safety; or

- (3) Section 85C—after paragraph (e) insert:

or

(f) in accordance with subsection (2).

- 30 (4) Section 85C—after its present contents as amended by this clause (now to be designated as subsection (1)) insert:

(2) The Board must, in respect of a prisoner released on parole, notify the Commissioner of Police of—

(a) the place of residence of the parolee; and

35 (b) the conditions to which the release on parole is subject.

58—Insertion of section 85CA

After section 85C insert:

85CA—Disclosure of health information

(1) The—

(a) Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Health Care Act 2008*; and

(b) Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Mental Health Act 2009*,

must disclose to the CE such personal information about a prisoner as is reasonably required for the treatment, care or rehabilitation of the prisoner.

(2) Protocols or guidelines may be established for the purposes of this section.

(3) In this section—

personal information means information or an opinion, whether true or not, relating to a prisoner whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

59—Amendment of section 85D—Release of information to registered victims etc

Section 85D—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

60—Amendment of section 86—Prison officers may use reasonable force in certain cases

Section 86—delete "member of the police force" and substitute:
police officer

61—Insertion of sections 86A and 86B

After section 86 insert:

86A—Prison officer may carry prescribed weapon

(1) The CE may authorise an officer or employee of the Department to carry a prescribed weapon while on duty for purposes specified by the CE.

(2) An officer or employee authorised to carry a prescribed weapon under this section must comply with any requirements of the CE in relation to the handling, storage and responsible use of the weapon.

(3) In this section—

prescribed weapon means a weapon prescribed by the regulations for the purposes of this section.

86B—Use of correctional services dogs

5 (1) The CE may authorise an officer or employee of the Department to use a correctional services dog at a correctional institution or probation and parole hostel to assist in the maintenance of the good order or security of the institution or hostel.

10 (2) Without limiting subsection (1), a correctional services dog may be used for any of the following purposes:

(a) to carry out a search at a correctional institution or probation and parole hostel for any reason;

(b) to track an escaped prisoner;

15 (c) to patrol a correctional institution or probation and parole hostel;

(d) to restrain a prisoner;

(e) to assist a police officer in the execution of the police officer's functions at a correctional institution or probation and parole hostel.

62—Amendment of section 88B—Evidentiary provisions

(1) Section 88B—delete "Chief Executive Officer" and substitute:

CE

(2) Section 88B—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

25 (2) In any proceedings, an apparently genuine document purporting to be a certificate signed by the CE (or a delegate of the CE), and certifying that a dog used during a specified period for a specified purpose under section 86B within a specified area, or at a specified correctional institution, was a correctional services dog constitutes
30 proof, in the absence of proof to the contrary, of the matters so certified.

63—Amendment of section 89—Regulations

(1) Section 89(2)(g)—delete "manager of a correctional institution" and substitute:

CE

35 (2) Section 89(2)(i)—delete "members of the police force" and substitute:

police officers

(3) Section 89(3)(c)—delete "Chief Executive Officer" and substitute:

CE

Schedule 1—Related amendments

Part 1—Amendment of *Summary Offences Act 1953*

1—Amendment of section 15—Offensive weapons etc

Section 15(2a)—after paragraph (b) insert:

- 5 (ba) an officer or employee of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Correctional Services Act 1982*, who has possession of, or uses, a prohibited weapon for the purpose or in the course of his or her duties as such an officer or employee;