

Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

The bill would amend the Corrections Act 2004 and associated regulations in five main ways. The most substantive change would be to establish a statutory framework for the safe and humane management of a small group of prisoners who pose an extreme risk. Such prisoners are held in the Prisoners of Extreme Risk Unit (the PERU) at Auckland Prison.

Under the bill, the chief executive of the Department of Corrections would be able to designate a person as a DMP (designated-management prisoner) if they consider that the person poses an extreme risk to prison or public safety while in custody and that a higher level of custodial management is needed to manage that risk. The bill would establish clear processes for managing these prisoners, designed to uphold their rights.

The bill would also expand the existing segregation powers by introducing new grounds for segregating a prisoner if they are considered likely to recruit others into organised criminal groups or ideologies where this would be likely to result in harm.

Another change, affecting all prisoners, would be to enable frontline staff to vary the segregation status of prisoners more easily between restricted and denied association. This would enable prisoners to have as much contact with others as can be safely managed according to the risk they pose.

The bill would introduce new meaningful human contact provisions to reduce the harmful effects of limited social interaction for a small number of prisoners who are managed in more restrictive environments. It would prohibit prolonged solitary confinement and provide for minimum meaningful human contact requirements for all prisoners (at least 10 hours of meaningful human contact over a 14-day period).

The bill would enable Corrections to apply to the High Court for an order authorising the destruction of a designated terrorist entity's personal property after their death. It would also introduce measures to reduce the illicit use of prisoner trust accounts for purposes such as intimidating or influencing other prisoners, laundering money, or receiving proceeds of crime.

Background to the bill

The bill is intended to respond to some of the concerns raised by the Ombudsman in his report under OPCAT (the United Nations' Optional Protocol to the Convention Against Torture) titled *Report on an examination of the Prisoners of Extreme Risk Unit under the Crimes of Torture Act 1989*.¹ The Ombudsman highlighted several problems with the treatment of people held in the PERU, including oppressive living conditions and prolonged solitary confinement. He also called for transparency and independent oversight of the process by which prisoners are placed in the PERU.

In his report, the Ombudsman recommended that Corrections:

- stop the use of the PERU operating model
- end prolonged solitary confinement of people in the PERU
- ensure that any specialist unit guarantees the safe, humane, transparent, and fair management of people in custody.

The bill would address some of the Ombudsman's concerns. However, in his submission on the bill, the Ombudsman stated that it would legitimise the PERU operating model and embed overly restrictive practices that would affect a much wider cohort of prisoners. The Ombudsman expressed concern that the new segregation grounds are ill-defined and vague. He told us that the measures to mitigate the harms of prolonged solitary confinement "fall well below international standards of treatment and set a low bar for the level of human contact prisoners are entitled to".

The Ombudsman stated that the new DMP regime is based on a subjective and broad assessment of risk. He said the type of risk posed and the restrictive conditions imposed do not appear to be closely connected. Further, he considers that the DMP decision-making process is not sufficiently robust, nor is there an explicit reference to rehabilitation pathways or exit criteria.

¹ Ombudsman, Report on an examination of the Report on an examination of the Prisoners of Extreme Risk Unit under the Crimes of Torture Act 1989.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Commencement

Clause 2 states when the bill's provisions would come into force. While most sections would come into force on the day after Royal assent, clause 2(3) specifies some exceptions that would come into force 12 months after Royal assent. We recommend inserting subclause (2A) to specify that new sections 70(3A) to (8) would come into force 6 months after Royal assent. This would align with the DMP provisions coming fully into operation 6 months after commencement.

Disposal and destruction of prisoner property

At present, section 45 of the Act empowers Corrections to destroy or dispose of a prisoner's property in certain circumstances, including if it is dangerous, alcohol, or a health hazard. Clause 7 would replace section 45 by removing an existing requirement for the prisoner to be present for the disposal of property. The new section would require a prison manager to give written notice of the decision and provide an appeal process for a prisoner to challenge the decision.

We note that dangerous, perishable, and hazardous items tend to be discarded immediately when an offender arrives at prison or when intercepted through incoming mail. We consider that it would not be practicable to provide written notice to a prisoner about the decision to destroy this type of property and to allow 14 days for their response, as proposed in new section 45.

The Act also allows Corrections to destroy or dispose of a prisoner's property where a prisoner has failed to remove it after being requested to do so. In these circumstances, procedural protections already exist, including regulation 35 of the Corrections Regulations 2005.

Given that the changes in proposed new section 45 are either not practicable or provisions already exist, we recommend amending proposed new section 45 by removing subsections (3), (4), and (5).

Destruction or forfeiture of property if prisoner was a terrorist

Clause 8 would insert new section 45AA so that the chief executive could apply for a court order to destroy property belonging to a person who, on their death, was a terrorist entity or (if it is trust account money) forfeited to the Crown.

We consider that the bill does not address a scenario where a terrorist entity designation may be lifted, but the prisoner remains in prison and dies there. A terrorist entity designation may be revoked or not renewed, for example, if the prisoner becomes incapacitated due to a degenerative disease. We think that in this scenario the prisoner's property could still pose a risk of harm by virtue of belonging to that once-designated terrorist entity. We recommend broadening the scope of this provision so it

would cover a prisoner who was designated a terrorist entity at any point in their life, rather than just at the time of their death.

At present, section 46(4)(b) of the Act stipulates that any money held in trust for a prisoner who dies in custody must be paid to the executor or administrator of the prisoner's estate. We recommend amending clause 9 of the bill so that if the prisoner was a terrorist entity, section 46(4)(b) would only apply if the money was not being forfeited to the Crown. That is, any money would only be paid to a deceased terrorist's estate if the Crown chose not to apply for forfeiture or applied and was declined by the courts.

Security classifications

Section 47 of the Act requires that every prisoner who is subject to a sentence of more than 3 months must be assigned a security classification that reflects the level of risk they pose. The security classification must be reviewed at least once every 6 months.

As introduced, clause 11 would amend section 47 to specify that when a DMP holds a security classification, it would not need to be reviewed every 6 months. We understand the intention is that a designated-management prisoner would be managed in line with their designation as a DMP, rather than according to a security classification. This is because a prisoner's security classification might not capture the risks they pose relating to ideological influence, manipulation, radicalisation, or organised criminal activity.

We think that the bill should make the policy intent clearer. We recommend amending clause 11 by inserting new section 47(2) to specify that no security classification is to be assigned to a DMP who has been sentenced to a term of imprisonment exceeding 3 months.

We acknowledge submitters' views that removing the security classification process for a DMP might have the effect of removing the pathway by which a prisoner could demonstrate progress and access rehabilitation. We note that the bill as introduced does not remove the classification requirement for other prisoners. But we think this requirement should be made clearer. We recommend inserting new section 47(2A) to require a security classification for any prisoner sentenced for more than 3 months if they ceased to be a DMP, provided they continued to be subject to a sentence of imprisonment for a term exceeding 3 months.

Duty to carry out risk assessment and review risk category of a remand prisoner

Part 2 of the Corrections Amendment Regulations 2025, which is due to come into force in September 2028, will establish the risk categories for remand prisoners (new regulations 43A–43K). Clause 29 of the bill would amend new regulation 43A to ensure that the principles of risk assessment for remand prisoners would not apply to a DMP. We consider that a similar change should be made in new regulation 43B (duty to carry out risk assessment of remand prisoner). Therefore, we recommend

inserting clause 29A to amend new regulation 43B to specify that the new regulation would not apply to a DMP.

New regulation 43F (duty to review risk category) will require that the risk category assigned to a higher-risk remand prisoner be reviewed every 6 months. Clause 30 would amend new regulation 43F by requiring that a remand DMP's risk category only be reviewed if their designation expires or has been revoked. For consistency, we recommend amending clause 30, new regulation 43F(1) by inserting "other than a remand prisoner who is a designated-management prisoner" to specify that the mandatory 6-month review does not apply to a DMP who has already been assigned into a risk category.

Membership of DMP Advisory Panel

New section 52A(1) would enable the chief executive to make an interim or a final designation of a person as a DMP. Their decision would be informed by the DMP Advisory Panel's recommendation. Several submitters commented on the perceived risk and appropriateness of the chief executive making interim or final designation decisions. They suggested that such decisions should be made by an independent decision-maker.

We consider that the chief executive is the most appropriate person to make an interim or final designation, because it is an administrative decision that falls within their mandate. Nevertheless, we agree with submitters that there should be a degree of independence in this process. We recommend amending proposed new Schedule 1AB (inserted by clause 25) to specify that the chairperson or an acting chairperson of the new DMP Advisory Panel must be independent of Corrections.

Information the Panel must consider in deciding its recommendation

Proposed new Schedule 1AB relates to the DMP Advisory Panel. Clause 6 of the new Schedule specifies the information that the panel would need to consider when considering a person for designation. We note that it does not specify information relating to how Corrections has previously managed the prisoner or what risks need to be managed. We recommend inserting paragraphs (aaa) and (aab) so the advisory panel would also need to consider how the department has managed the prisoner in the past and is currently managing them, and the current risks posed by the prisoner.

Test for designation

New section 52C would establish a two-step test for designating a person as a DMP. The chief executive would need to be satisfied on reasonable grounds that the prisoner poses an extreme risk to prison or public safety, and that restrictive management is necessary to manage that risk.

We note that the term "prison or public safety" is not used in the Act. For consistency, we recommend amending proposed new section 52C(a) to reflect existing wording in the Act, by stating that the prisoner would need to pose an extreme risk to "public safety, safety of prisoners, safety of staff members or employees or visitors, or prison

safety or security". We also recommend amending new section 52D to reflect this amendment.

The second part of the test to designate a prisoner as a DMP would require the chief executive to be satisfied on reasonable grounds that a more restrictive type of management is necessary to manage the prisoner's risk. We recommend amending proposed section 52C(b) to "extreme risk" rather than just "risk", as the purpose of the test is to identify a prisoner who poses an extreme risk.

Person taken to pose extreme risk to prison or public safety

New section 52D would specify the type of conduct considered to pose an extreme risk for the purposes of new section 52C(a). We understand that new section 52D was deliberately framed to capture a wide range of conduct, including direct and indirect action taken to cause harm. We are aware that some of the highest risk a prisoner can pose is influencing others to cause harm without themselves acting directly. Although new section 52D appears to capture a wide range of conduct, we consider that it needs to be read alongside new sections 52C and 52E. Together, sections 52C and 52E would act as safeguards in establishing whether the threshold of extreme risk has been met.

We understand that new section 52D(1) is designed to cover a wide range of serious offences, but note that the only example given is a serious sexual or violent offence. We recommend amending section 52D(1)(a) to make it clear that "serious offence" could also capture drug offending, money laundering, the trading or trafficking of illicit goods, human trafficking, and offences under the Terrorism Suppression Act 2002.

Given that we propose including offences under the Terrorism Suppression Act under section 52D(1)(a), we recommend removing section 52D(1)(c), which refers to that Act separately.

We are aware that new section 52D(1) is intended to apply to a person linked to transnational organised crime, but we do not think that this cohort of prisoners is adequately covered by paragraphs (a) to (d). Therefore, we recommend inserting new paragraph (c) to mirror the grounds in clause 14, new section 58(1)(e): "recruiting a prisoner or another person into an organised criminal group".

We note that the bill as introduced uses the term "ideology" rather than "violent extremist ideology" or "extremist ideology" because these terms are not defined in New Zealand law. Nevertheless, we consider that new section 52D(1)(d) is intended to capture terrorism and violent extremism. We recommend inserting new section 52D(2A) to make it clear that harm to a person who is radicalised or recruited to an ideology includes harm to that person through their participation in, or involvement with, terrorism, violent extremism, or both. We note that the term "violent extremism" appears in the Intelligence and Security Act 2017 and in the Terrorism Suppression Act 2002.

New section 58 would introduce an additional segregation power that would allow a prison manager to direct that the opportunity of a prisoner to associate with other pris-

oners be restricted or denied. One of the grounds on which a prison manager could restrict or deny the ability to associate with others would be if they believed a prisoner or another person would be radicalised or recruited to an ideology that would likely result in harm. In line with our proposed addition of new section 52D(2A), we recommended amending section 58 by inserting new subsection (1AA) to define “harm” in similar terms.

Risk taken to be extreme risk

New section 52E provides more detail about what would constitute an extreme risk for the purposes of sections 52C(a) and 52D. As introduced, the risk (if not managed restrictively) would involve a high likelihood of that conduct happening, or that conduct causing a severe degree of harm, or both.

We recognise that “likelihood” might imply a narrow measurable standard as opposed to a broad assessment of risk. We think the use of “real risk” would better reflect the risk assessments made by the DMP Advisory Panel and the chief executive, and be more consistent with other decisions about a prisoner’s management. We, therefore, recommend amending section 52E(1) to state that “an extreme risk of conduct includes a real risk of”.

Records of reasons for interim or final designation

New section 52I would provide for natural justice rights for the person being considered for a designation, and prisoners who are already DMPs. We recommend amending new section 52I(1) to set out more clearly the information that must be given to an interim or final designated prisoner.

As introduced, proposed new section 52I(e) would require the chief executive to give the person a written summary of the reasons why an interim or final designation was made designating that person. In line with our proposed rearrangement of section 52I, we recommend amending it to specify that the requirement for a written summary would apply to both an interim DMP (new section 52I(1)(a)) or a final DMP (new section 52I(1)(c)(ii)). In the interests of transparency, we recommend inserting new section 52IA to require the chief executive to maintain records of the reasons why a designation was made.

Further requirements for final designation

Under new section 52H, before the chief executive decides whether to make or replace a final designation, they would be required to request and take into account the DMP Advisory Panel’s recommendation and the information it had considered. The Ombudsman submitted that the Panel should provide reasons for its recommendation to the chief executive, and those reasons should be made available to the prisoner being considered for DMP status.

We agree with the Ombudsman that there should be greater transparency of the designation process for a prisoner who is subject to a designation decision. We consider that transparency of the chief executive’s decision is especially important because

they make the final designation decision, and may consider any other advice or information that has not been made available to the Panel. In addition, the chief executive is not bound by the recommendation of the Panel when making their decision.

To increase transparency of the decision-making process, we recommend the following amendments:

- in Schedule 1AB, insert new clause 5(3A) to specify that the Panel's recommendation must be recorded and must include details of the Panel's members, the reasons why the Panel made its recommendation, and if the Panel was split, any other recommendation and reasons for it
- insert section 52I(1)(c) to specify that a person who has been designated as a DMP would be provided a copy of the DMP Advisory Panel's recommendation, including a summary of details required by clause 5(3A)(b) and (c) of Schedule 1AB
- insert section 52H(4) to require the chief executive to record their reasons for departing, to any extent, from the Panel's recommendation.

Designation decisions may not be delegated

Clause 6 would amend section 10 to specify the decisions and responsibilities that the chief executive may not delegate to prison staff. We recommend amending section 10 so the chief executive's designation-making powers for DMPs are non-delegable, which would reflect the seriousness of designation decisions. We recommend a narrow exception to this provision, where the chief executive has an actual or potential conflict of interest regarding a DMP.

Communication assistance for person affected

We recognise that a prisoner must be able to understand information provided to them under new section 52I and be able to engage in the designation process or a review of a designation. Section 52I as introduced only refers to a "written notice" or a "written summary". We think this might disadvantage a prisoner with literacy or communication difficulties and limit their access to natural justice. We recommend inserting new section 52IB stating that if the chief executive or a staff member is aware that a DMP has difficulties with verbal or written communication, they must ensure that the person is provided with adequate communication assistance to understand and participate in the designation process or a review of a designation.

Duration and renewal or replacement

New section 52J specifies when an interim or final designation could come into force, how long it could last for, and when they could be renewed and replaced. We understand that the proposed provisions in subsection (2)(a) and (b) are intended to provide that an interim designation would end if a person is released from prison, whether because they have been remanded at large (released with no restrictions or conditions) or released on bail, parole, or at the end of their sentence.

We consider that if these provisions are interpreted strictly, there is a risk that the interim designation might end if a person has completed their sentence but remains in custody because of active charges before the courts. For this reason, we recommend amending section 52J(2)(a) and (b) by specifying that an interim designation would only end if the person is released from prison for the reasons in new section 52J(2)(a). It would, however, remain in place if the prisoner remains in the legal custody of the chief executive. We recommend consequential amendments to new section 52J(a) and Schedule 1, clause 11(2).

Review of in-force final designation

New section 52K provides for a review by the chief executive of an in-force final designation. New section 52K(1) would require the department to inform the chief executive of any new information relevant to the designation or a change in a factor on which the designation is based.

We recognise that, to be able to inform the chief executive's review process, a prison manager needs to be aware of the details of the chief executive's decision to designate a person as a DMP. We recommend amending section 52K by inserting subsection (1AAA) to require the chief executive to promptly provide the relevant prison manager with copies of a decision to designate a person as a DMP, including information identifying all factors on which the designation is based. This amendment would enable a relevant prison manager to identify situations where circumstances have changed in accordance with new section 52K(1).

We note that under new section 52K(3), the chief executive must review an in-force final designation if they are satisfied, on their own initiative or on a written request by a DMP, that developments make the designation unnecessary or inappropriate. We consider that, in the interests of natural justice, whenever a DMP challenges their designation, a prison manager should be required to provide this information to the chief executive as soon as practicable. Therefore, we recommend amending section 52K by inserting new subsection (3A) to require a relevant prison manager to promptly forward to the chief executive a written request from a DMP to review their designation.

Timeliness regarding designation process

New section 52I would require the chief executive to give a prisoner written notice in a timely manner when they are considering designating the prisoner as a DMP. We consider that this should not be the case if there are reasonable grounds to believe that doing so would compromise public safety, the health and safety of any prisoner, or prison safety, security, and good order. We recommend inserting section 52I(2) and (3) to this effect.

Under section 52I(g), the Panel would be required to consider any written information or submission provided by, or on behalf of, the prisoner who is being considered for a final designation. We think there should be a specified timeframe for the prisoner to provide any information to the Panel. We recommend amending section 52I and clause 6(a) of new Schedule 1AB so a prisoner would be given at least 14 days to

provide a written submission or information to the Panel to consider before it makes its recommendation.

Timeframes for reviewing designation

As introduced, new section 52K could enable a DMP to seek a review of a designation for vexatious reasons. This could impose an administrative burden on the chief executive to consider whether a review is required or not. We recommend inserting section 52K(3AA) to limit a DMP's request to review their designation only once within 6 months.

Under new section 52K, the chief executive would need to be satisfied that a review of an in-force designation is necessary. We consider that the bill should specify a timeframe for determining whether a review is needed. We recommend inserting new section 52K(2A) and (3B) to allow the chief executive 28 days to decide whether a review is needed.

If the chief executive decides a review is merited, we consider that the review should be completed within a further 28 days after deciding to review the designation, with a single 14-day extension, if needed. We recommend inserting section 52K(5) and (6) accordingly.

We consider that the recommended new provisions for the chief executive's timeframes should include an additional safeguard. We propose inserting new section 52J(4) and (5) to provide that a designation would expire if the chief executive does not meet either timeframe.

Effect of in-force designation (restrictive management and entitlements)

New section 52L provides for the effect of an in-force designation (restrictive management and entitlements). We note that "restrictive management" is a new statutory concept, and consider that this term should not be defined exhaustively, as restrictions might vary according to individual risk. However, we think that the bill should make clear that this legislation does not create new types of restrictions. Any restrictions must be imposed under existing statutory powers.

We recommend amending new section 52L(1)(b) and (3) to state that these are examples of more restrictive management (other than the required placement) and are subject to the relevant statutory powers and duties in the Act and Regulations. In addition, we recommend deleting section 52L(3)(b) because a restriction of freedom of movement is not a characteristic of a restrictive environment.

Physical exercise minimum entitlement

On 24 June 2026, while we were considering the bill, Cabinet agreed to additional amendments relating to the daily exercise entitlement.² Some of us are disappointed that we did not have an opportunity to consider these changes during the public submission process.

The Act requires that prisoners be provided with at least one hour of physical exercise each day, which may be taken in the open air if weather permits. This provision is based on rule 23(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

We are aware that custodial staff sometimes face operational situations where it is not reasonably practicable or safe to allow prisoners daily exercise. Any exception to the exercise entitlement for a prisoner is recorded by custodial staff. We understand that more than half of the recorded exceptions relate to emergency, security, or health and safety reasons under section 69(2) of the Act. The reasons for the remaining recorded exceptions are unclear. We accept that a decision to not provide the physical exercise entitlement might be necessary in some circumstances. However, we consider that the absence of clear statutory parameters and safeguards might result in inconsistent decision making and limited scrutiny of these decisions.

For this reason, we recommend amending the bill to strengthen the safeguards for all physical exercise exceptions, including existing exceptions. These new safeguards would build upon, or modify, existing exceptions in section 69 of the Act.

Denial of physical exercise entitlement

We recommend inserting new clauses 17(1B) and 17(1C) to specify additional circumstances where the exercise entitlement could be denied. In proposed clause 17(1B), new section 69(4)(aaa) would provide that a prisoner may be denied the minimum entitlement to physical exercise for no more than 2 consecutive days. The entitlement could only be denied if, after taking all reasonable steps to provide the entitlement, the prison manager believes on reasonable grounds that it is not reasonably practicable to do so. The grounds would be a current and a real risk to prison security, the health or safety of any person or both, or the prisoner being transferred between prisons.

Proposed new section 69(4)(aab) would add grounds for denying the entitlement where it is not reasonably practicable to provide it because the prisoner is awaiting, or is being provided with, medical or other health-related assessment or treatment in or outside the prison. We accept that in instances of serious illness or injury, or during an extreme mental health episode, it would not be appropriate to require a prison manager to offer daily exercise to a prisoner.

Safeguards regarding denial of entitlement to exercise

The High Court made a *mandamus* order in December 2025 that the chief executive is legally required to ensure that prisoners receive their minimum entitlement to physical exercise under the Corrections Act.³ In light of this ruling, we consider that there should be stronger statutory protections relating to denial of the daily exercise entitlement.

² Cabinet Economic Policy Committee, ECO-26-MIN-0112, 24 June 2026.

We recommend amending the bill by inserting clause 17(1D), new sections 69(4A) and 69(4B), that would introduce approval, recording, and monitoring safeguards. New section 69(4A) would require any denial of a prisoner's entitlement to be approved in advance by the prison manager, or their delegate, unless it is not reasonably practicable to do so. The prison manager or their delegate would also be required to record the denial clearly, to facilitate national monitoring and analysis.

New section 69(4B) provides that, where it is not practicable for the prison manager or their delegate to approve a denial in advance, it must be approved or discontinued by them as soon as reasonably practicable. In this event, the prison manager or their delegate would be required to record the denial clearly, along with the reason(s) why it was not reasonably practicable for them to approve it in advance, to facilitate national monitoring and analysis.

Minimum meaningful human contact

Clause 18 would insert new section 69A, which would establish minimum requirements for meaningful human contact for all prisoners. Proposed section 69A(1) describes what the new section does. We think there should be a sharper distinction between the rule prohibiting prolonged solitary confinement and other requirements regarding minimum meaningful human contact. We recommend amending section 69A(1) accordingly.

Rule prohibiting prolonged solitary confinement

We recommend inserting new subsections (1A) and (1B) in section 69A. New subsection (1A) would introduce a new rule prohibiting prolonged solitary confinement, while new subsection (1B) would define the terms for "prolonged solitary confinement" and "solitary confinement". These new definitions would mirror those in rule 44 of the Mandela Rules.

Other entitlements to minimum meaningful human contact

New section 69A(2) would introduce minimum meaningful human contact requirements for all prisoners. It would require a prisoner to be given the opportunity to receive at least 10 hours of meaningful human contact in each 14-day period.

We are aware that the intention of this new provision is to prevent prolonged solitary confinement. However, we consider that, as introduced, this provision could be complied with in a way that still would lead to a prisoner going for more than 15 consecutive days without meaningful human contact. This could occur because of the timing of when that contact is provided. For example, if a prisoner received the required 10 hours at the beginning of one 14-day period and then not again until the end of the

³ A *mandamus* (from the Latin, "we command") is a court order that requires a government official or entity to perform an act it is legally required to perform as part of its official duties, or to refrain from performing an act the law forbids it from doing. *D v AG* [2025] NZHC 4028.

following 14-day period (a 28-day period), staff might consider that they had technically satisfied the requirement. But the prisoner would have gone more than 15 consecutive days without meaningful human contact.

We recommend amending proposed new section 69A(2) to specify that a prisoner must have the opportunity to receive at least 10 hours of meaningful human contact in a time period of 14 consecutive days. As an additional safeguard, we also recommend inserting section 69A(2A) so a prisoner must be given the opportunity to receive at least 2 hours of meaningful human contact in a time period of 7 consecutive days. This new entitlement would align with the existing minimum telephone entitlement for a DMP, who must have the opportunity to make at least 2 hours of telephone calls each week.

Duty to take into account that at least 14 hours of contact each week desirable

As introduced, new section 69A(3) would require Corrections to take into account the desirability of enabling prisoners to have at least 14 hours of meaningful human contact each week. We recommend removing this provision because we think it is more appropriate for this aspiration to be incorporated into operational policy and procedures, rather than legislation.

Definition of “meaningful human contact”

New section 69A(4) defines “meaningful human contact” as contact with one or more individuals that enables social interaction and stimulation, is more than fleeting or incidental, and may occur face-to-face or by telephone call. We recommend some amendments to clarify this definition. In particular, we propose broadening it to encompass non-verbal interactions rather than just talking with another individual. For example, we consider that two prisoners playing basketball, even without explicitly talking to each other, is likely to constitute meaningful human contact.

Determining what kind of contact is offered to a prisoner

New section 69A(5) would require decision-makers to consider factors when determining the type of meaningful human contact that could be offered to a prisoner. Relevant factors in paragraphs (c) and (e) include the desirability for the prisoner to have a mixture of different kinds of contact, and for a prisoner's preferences to be taken into account.

Nevertheless, we consider it important that a prisoner's preferences be considered while balancing operational realities. We recommend removing paragraph (e) and inserting new section 69A(5A) to require that the prisoner be asked, if practicable, whether they have any preferences relating to types of contact. These preferences, if any, would need to be considered alongside operational, safety, security, and resource considerations. We recommend removing paragraph (c) as this is unnecessary when paragraph (d) indicates that meaningful human contact should extend beyond telephone calls.

Additional recording requirement

We note that prison staff are required to maintain records for prisoner management and statutory compliance. In the interests of transparency and good record-keeping, we recommend inserting new section 69A(5B). Our proposed amendment would require a prison manager to record how a prisoner's entitlements to meaningful human contact would be facilitated if they have been segregated under sections 58, 60, or 61CA for a period of more than 14 consecutive days.

Open air component for exercise

Section 70 of the Act states that a prisoner may have at least 1 hour of exercise every day and it may be taken in the open air if the weather permits. We are aware that prison infrastructure, staffing, and prisoner needs determine how this entitlement is provided. Some prisoners may need to exercise individually or in small groups because of separation requirements, risk management, or non-association arrangements. Some prison sites have large open-air yards, while other sites have smaller enclosed yards, including cell-adjacent yards. High-security exercise yards include security features, such as mesh roofs where walls are less than five metres high.

The Act does not specify what exercise in the open air means. We recommend addressing this gap by inserting clause 18A, which would insert new section 70(3). This new section would specify that areas used for exercise could have security features, such as solid walls, bars, or mesh, and may but need not have overhead features (for example, all or any of overhead bars, overhead mesh, and roofing features). This would make it clear that security and roofing features do not detract from a prisoner's ability to exercise in the open air.

Alongside the bill's other provisions, we consider it important to ensure that the Act gives prisoners appropriate access to exercise yards for their entitlement to daily exercise. We recommend inserting section 70(8) to define what a single-prisoner yard means to align with the changes we recommend below.

We are aware that DMPs and some segregated prisoners could be held in cells with a single-prisoner yard where they can exercise. A single-prisoner yard, however, is small compared to other types of exercise areas and might not give a prisoner enough room to do certain types of exercise. We consider that a DMP or other prisoners who exercise in a single-prisoner yard should be given the opportunity to access an exercise yard that is larger than a single-prisoner yard.

For these reasons, we recommend amending clause 18A to insert new section 70(4), (5), and (6). New subsections (4) and (5) would state that a DMP, or any other prisoner, who has exercised in a single-prisoner yard for 15 or more consecutive days (whether or not they are segregated for all or any of those 15 days), may exercise in a single-prisoner yard provided they also receive regular opportunities to exercise in a larger yard. We also recommend inserting section 70(3A) to enable any other prisoner to take physical exercise in a single-prisoner yard or a larger yard if they are not a DMP, nor any other prisoner, to whom new section 70(4) applies.

New section 70(6) would specify that new sections 70(4)(b) and 70(5) would not apply if:

- exercising in a larger yard is likely to affect negatively the prisoner's or another's health and safety; or
- the prisoner is separated from others for disciplinary reasons; or
- the prisoner is segregated for medical reasons or is at risk of self-harm; or
- all of those reasons or any combination of them applies.

As an additional safeguard, we recommend inserting section 70(7) so a prison manager or their delegate would be required to record clearly when they do not provide regular exercise in a larger yard as required by new subsection 70(5). They would also be required to record clearly the reasons for not doing so as permitted under new section 70(6). This would facilitate national monitoring and analysis.

Outgoing telephone calls

Clause 19 would amend section 77, which relates to a prisoner's minimum entitlement to make outgoing telephone calls. The amendments would allow every prisoner who is not a DMP to make at least 1 outgoing telephone call per week that is at least 5 minutes long. Meanwhile, a DMP would be allowed to make at least 1 or more outgoing telephone calls whose duration is at least 2 hours.

We support these proposed amendments to the Act, but we note that neither the Act nor the bill defines what constitutes a telephone call. We recommend inserting clause 19(2), new section 77(8) to define a "telephone facility" as any telephone system or audio link that a prisoner has access to inside a prison. Our proposed amendment would also specify that an audiovisual link that a prisoner is permitted to use could count as a telephone facility.

We recommend a corresponding amendment to section 69A(4)(c)(ii) to specify that meaningful human contact includes telephone calls made by any "telephone facility" under section 77(1) or (2) and (8)(a). This proposed amendment would, however, exclude the use of any audiovisual link referred to in new section 77(8)(b).

Regulations regulating operation of prisoner trust accounts

Clause 23 would insert new section 201A. It would provide that regulations that regulate the operation of trust accounts may authorise a manager of a prison (which may, but need not, be the manager of the prison in which the prisoner is detained) to refuse to approve a deposit, or to prevent a withdrawal, if they are satisfied that prescribed grounds apply to the transaction. Proposed new section 201A(2)(b) states that a prison manager could prevent a withdrawal from a trust account for a particular prisoner with the prisoner's approval if the prison manager is satisfied that grounds prescribed in the regulations apply to the transaction. We consider that a prison manager should not have to obtain the approval of a prisoner to prevent a withdrawal from a trust account if a prison manager is satisfied that the grounds have been met. We recommend amending new section 201A(2)(b) by removing the consent provision.

Clause 28 would amend regulations 42 and 42A of the Corrections Regulations 2005, which relate to trust account deposits and withdrawals. The proposed amendments would give a manager of a prison (which may, but need not, be the manager of the prison in which the prisoner is detained) the power to approve and decline deposits and withdrawals from trust accounts. We consider that there might be situations where the prison manager who is best placed to approve or decline a transaction is not the prison manager of the prison where the prisoner is located. Therefore, we recommend amending regulations 42 and 42A so any prison manager could approve and decline transactions.

Prison to contact nominated person

Clause 38 would amend regulation 183 of the Corrections Regulations 2005 (prison to contact nominated person) by stating that the regulation would apply to an at-risk prisoner. We note that if a young person is designated as a DMP, they are also likely to be subject to a segregation direction. In many cases, this would result in a nominated person being notified. We are aware, however, that a DMP designation and segregation directions are decisions made independently of one another. Therefore, we recommend amending clause 38 to require Corrections to notify a nominated person when a young person is designated as a DMP.

Transitional, savings, and related provisions

Schedule 1 of the bill would insert new Part 2 in Schedule 1AA of the Act. We recommend amending proposed new Part 2 by inserting new clauses 8A and 9A to specify which prisoners would be affected by the physical exercise amendments and the telephone facility definition amendment.

Green Party of Aotearoa New Zealand differing view

The Greens oppose this bill in its current form as it fails to meet international standards for its treatment of solitary confinement. Whilst we are supportive of the intention to improve minimum entitlements for prisoners, we cannot support a bill which fails to comply with international standards such as the United Nations Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

We strongly felt that throughout the select committee process, the affirmation of minimum entitlements in law were guided by what level of compliance is operationally possible within Corrections, as opposed to what evidence says around rehabilitation, meaningful human contact, human rights, and international conventions.

We note that this bill has been drafted off the back of Corrections' ongoing non-compliance with the minimum entitlements of all prisoners legislated under the Corrections Act 2004, leading to a *mandamus* order being issued by the High Court to the chief executive of Corrections in late 2025, which requires the chief executive to uphold their legal responsibilities and duties.

Ombudsman recommendation to close PERU

We consider that the recommendations made by the Chief Ombudsman's 2024 Optional Protocol to the Convention Against Torture (OPCAT) report should be accepted in their entirety, including the recommendation to stop the use of the PERU operating model, and remove operational control of the unit from the Persons of Extreme Risk Directorate, without delay.

Whilst improvements to prisoner entitlements are positive, we do not support the continued use, and expansion of, an operating model that was designed to be used in only the most extreme cases. The PERU was established in response to a specific incident and offender, the Christchurch Mosques attacks terrorist. This unit now risks encompassing a range of prisoners outside the intended scope, such as those with large organised crime networks. We are concerned that this framework legitimises and entrenches a model based on heightened restriction and isolation, which evidence shows us increases the likelihood of prolonged solitary confinement and other rights breaches.

Inconsistent with international standards

We support this bill formally bringing the corrections system in line with international standards for prolonged solitary confinement; however, this bill intentionally differs from the international standards for solitary confinement. Under Rule 44 of the Mandela Rules, solitary confinement refers to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Rule 45.1 states solitary confinement shall be used only in exceptional cases as a last resort and for as short a time as possible.

Under this bill, prisoners in the PERU will be given the opportunity to receive at least 10 hours of meaningful human contact in each 14-day period. This intentionally differs from the Mandela Rules and includes contact by telephone call as a qualifying definition for meaningful human contact—an interaction that is intended to protect a person from the psychological and neurological harms of isolation. A telephone call is insufficient to fulfil this protective goal for extreme risk prisoners and must be amended.

We also felt that this bill has selectively chosen to define outdoor yards to fit their infrastructure reality as opposed to meeting the standards and intentions behind outdoor exercise providing an opportunity for fresh air, ventilation, and natural light—all of which are critical to rehabilitation and ease re-integration into society, which is where some people in the PERU will inevitably end up, **which is why it is so important that we uphold evidence and international conventions when people are in our custody** so that we do not entrench a model that breeds recidivism and increased hostility and aggression because people have been subject to solitary confinement.

Appendix

Committee process

The Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill was referred to this committee on 28 April 2026.

We called for submissions on the bill with a closing date of 10 June 2026. We received and considered submissions from 52 interested groups and individuals. We heard oral evidence from 19 submitters.

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Department of Corrections. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Tom Rutherford (Chairperson from 2 July 2026)

Hon Andrew Bayly (Chairperson and member until 1 July 2026)

Jamie Arbuckle

Carl Bates

Camilla Belich

Tākuta Ferris

Paulo Garcia (from 1 July 2026)

Rima Nakhle

Dan Rosewarne

Todd Stephenson

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Dr Tracey McLellan and Tamatha Paul participated in some of our consideration of this bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Corrections (Management of Prisoners,
and Prisoners' Property) Amendment Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Mark Mitchell

Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Corrections (Management of Prisoners, and Prisoners' Property) Amendment Act **2026**.
- 2 Commencement** 5
General rule: day after Royal assent
(1) This Act comes into force on the day after Royal assent.
(2) **Subsection (1)** is subject to **subsections (2A) and (3)**.
Exception: 6 months after Royal assent
(2A) **Section 18A(2)** (which inserts **section 70(3A) to (8)** of the Corrections Act 2004, relating to physical exercise) comes into force 6 months after Royal assent. 10
Exceptions: 12 months after Royal assent
(3) **Sections 17~~to~~(1) and (2), 18, and 19(1)** (which make amendments to the Corrections Act 2004 relating to minimum meaningful human contact and to outgoing telephone calls) come into force 12 months after Royal assent. 15

Part 1
Amendments to Corrections Act 2004

- 3 Principal Act** 20
This Part amends the Corrections Act 2004.
Amendments relating to definitions
- 4 Section 3 amended (Interpretation)**
In section 3(1), insert in their appropriate alphabetical order:
designated-management prisoner means a person who is subject to an in-force interim or final designation made under **section 52A** 25
designated-management prisoner cell means a cell that has been designated as a designated-management prisoner cell under **section 52M**

organised criminal group is defined in **section 3AA** for the purposes of **sections 52D(1)(c) and 58(1)(e)**

Panel means the Designated-Management Prisoner Advisory Panel established by **Schedule 1AB**

5 New section 3AA inserted (Meaning of organised criminal group) 5

After section 3, insert:

3AA Meaning of organised criminal group

- (1) In **sections 52D(1)(c) and 58(1)(e)**, **organised criminal group** means a group of 3 or more people who have as their objective, or one of their objectives,— 10
- (a) obtaining a material benefit from the commission of 1 or more offences that are punishable by imprisonment for a term of 4 years or more; or
 - (b) obtaining a material benefit from conduct outside New Zealand that, if it occurred in New Zealand, would constitute the commission of 1 or more offences that are punishable by imprisonment for a term of 4 years or more; or 15
 - (c) the commission of 1 or more serious violent offences; or
 - (d) conduct outside New Zealand that, if it occurred in New Zealand, would constitute the commission of 1 or more serious violent offences.
- (2) In **subsection (1)**, **obtaining a material benefit from** the commission of any offence or from any conduct means obtaining, directly or indirectly, any privilege, pecuniary advantage, property, or other valuable consideration of any kind for— 20
- (a) engaging in that offence or conduct; or
 - (b) doing any thing that forms part of engaging in that offence or conduct. 25
- (3) In **subsection (1)**, **serious violent offence** means any offence—
- (a) that is punishable by a period of imprisonment for a term of 7 years or more; and
 - (b) where the conduct constituting the offence involves— 30
 - (i) loss of a person's life or serious risk of loss of a person's life; or
 - (ii) serious injury to a person or serious risk of serious injury to a person; or
 - (iii) serious damage to property in circumstances endangering the physical safety of any person; or
 - (iv) perverting the course of justice, where the purpose of the conduct is to prevent, seriously hinder, or seriously obstruct the detection, investigation, or prosecution of any offence— 35

- (A) that is punishable by a period of imprisonment for a term of 7 years or more; and
- (B) that involved, involves, or would involve conduct of the kind referred to in any of **subparagraphs (i) to (iii)**.
- (4) For the purposes of **subsection (1)**, a group of persons is capable of being an organised criminal group whether or not—
- (a) some of the persons in the group are subordinates or employees of others in the group; or
- (b) only some of the people involved in the group at a particular time are involved in the planning, arrangement, or execution at that time of any particular action, activity, or transaction; or
- (c) the membership of the group changes from time to time.
- Compare: 1961 No 43 ss 2(1) (definitions of obtain a material benefit and serious violent offence), 98A; 2009 No 8 s 5A

Amendments relating to designated-management prisoners

6 Section 10 amended (Delegation of powers and functions of chief executive)

- (1) In section 10, replace “Despite anything in clauses 2 to 4 of Schedule 6 of the Public Service Act 2020 or in any other provision of this Act or of any other enactment, the chief executive must not delegate to any staff member of a prison—” with “The chief executive must not, under any power of delegation, delegate to any staff member of a prison—”.
- (2) After section 10(e), insert:
- (eaa) any power, function, or duty to make, amend, revoke, revoke and replace, or ensure review of, rules (about the operation of a trust account) made under **section 46A**; or
- ~~(eab) any power, function, or duty conferred or imposed on the chief executive under any of **sections 52A to 52M** and **Schedule 1AB** (which relate to designated management prisoners); or~~
- (3) In section 10, insert as subsections (2) to (4):
- (2) The chief executive must not, under any power of delegation, delegate to any person any power, function, or duty conferred or imposed on the chief executive under any of **sections 52A to 52M** and **Schedule 1AB** (which relate to designated-management prisoners).
- (3) However, the chief executive may, under any power of delegation, delegate any power, function, or duty to which **subsection (2)** applies if—
- (a) the chief executive has an actual or potential conflict of interest if they exercise or perform the power, function, or duty; and

- (b) the delegation is reasonably required to ensure that the power, function, or duty is exercised or performed unaffected by that actual or potential conflict of interest.
- (24) This section applies despite anything in—
- (a) clauses 2 to 4 of Schedule 6 of the Public Service Act 2020; or
- (b) any other provision of this Act or of any other legislation.

5

Amendments relating to prisoners' property

7 Section 45 replaced (Disposal and destruction of prisoner property)

Replace section 45 with:

- 45 Destruction or disposal of prisoner property: general** 10
- Prison manager considers item to be one specified for destruction or disposal*
- (1) An item of prisoner property may be destroyed or disposed of in a manner approved by the prison manager if the prison manager considers the item to be—
- (a) a dangerous item or substance; or
- (b) a health hazard; or
- (c) inflammable; or
- (d) alcohol; or
- (e) a controlled drug (within the meaning of the Misuse of Drugs Act 1975); or
- (f) objectionable; or
- (g) perishable.
- Failure to comply with requirement that item be removed from prison*
- (2) An item of prisoner property may be destroyed or disposed of in a manner approved by the prison manager if— 25
- (a) the prison manager requires the item to be removed from the prison in accordance with any regulations made under this Act; and
- (b) the prisoner concerned fails to comply with that requirement reasonably promptly.
- Written notice of decision to destroy item* 30
- ~~(3) Before any destruction of a prisoner's property is carried out under this section, the prison manager must give the prisoner concerned—~~
- ~~(a) written notice of the prison manager's decision under **subsection (1) or (2)** to destroy the relevant item of prisoner property;~~
- ~~(b) a specified period to respond to, complain about, or otherwise challenge that decision.~~ 35

- (4) ~~A period specified under **subsection (3)(b)** must be—~~
 (a) ~~as long as is reasonably practicable in the circumstances; but~~
 (b) ~~no longer than 14 days after the notice is given.~~
~~Regulations about asking for written acknowledgment of property register entry~~
- (5) ~~**Subsection (3)** does not affect regulations under sections 200(1)(e) and 202(d) requiring that the prisoner be asked for written acknowledgement of any entry in, or amendment to any existing entry in, the property register, and that describes fully all items of property destroyed under this section.~~

8 New section 45AA inserted (Destruction or forfeiture of prisoner property: harmful item of property of prisoner who, before or on their death, was terrorist entity)

After section 45A, insert:

- 45AA Destruction or forfeiture of prisoner property: harmful item of property of prisoner who, before or on their death, was terrorist entity**
- Item of property to which this section applies*
- (1) This section applies to an item of property of a person (the **person**) if—
- (a) the person died while the person was—
 - (i) a prisoner who is in the legal custody under this Act of the chief executive (*see* section 38); or
 - (ii) temporarily released from custody under section 62; or
 - (iii) liable to be detained in the legal custody of another person, or remanded to a hospital, under other legislation (for example, as a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992); and
 - (b) the person, at any time before or on their death, was a terrorist entity; and
 - (c) the item of property is, on the person's death, held by or on behalf of the department.
- Application to High Court for order authorising destruction of item*
- (2) The chief executive may, if satisfied that the item of property is, or is likely to be, a harmful item of property, apply to the High Court for an order authorising—
- (a) destruction of the item of property (if it is not trust account money); or
 - (b) forfeiture to the Crown of the item of property (if it is trust account money).
- (3) The application must be made by originating application in the manner provided by the High Court Rules 2016 and must be made on notice to—

	(a) the representative of the person; and	
	(b) any other person, or other people, that the court may direct.	
	<i>Court's power to make order authorising destruction or forfeiture to Crown</i>	
(4)	On an application under this section, the court may, if satisfied that the item is, or is likely to be, a harmful item of property, make an order authorising—	5
	(a) destruction of the item of property (if it is not trust account money); or	
	(b) forfeiture to the Crown of the item of property (if it is trust account money).	
	<i>Definitions</i>	
(5)	In this section,—	10
	harmful item of property means an item of property that, if returned, would, or is likely to, result in dealing with the item that is or includes all or any of the following harmful outcomes:	
	(a) an offence against section 9 of the Terrorism Suppression Act 2002 (prohibition on dealing with property of, or derived or generated from property of, designated terrorist entity):	15
	(b) promoting or encouraging hostility towards any group of persons on 1 or more of the grounds specified in section 21 of the Human Rights Act 1993:	
	(c) promoting, encouraging, or facilitating criminal acts or terrorism:	20
	(d) further harm to (for example, further trauma to or further stress for) victims of criminal acts or terrorism committed by the person:	
	(e) prejudice to the security or defence of New Zealand, or to the international relations of the Government of New Zealand, arising from all or any of the outcomes specified in paragraphs (a) to (d)	25
	item of property , of a person who is or was a prisoner, includes, without limitation, all trust account money (if any) of that person	
	representative , of a person, means—	
	(a) the executor or administrator of the person's estate (if known to, or reasonably able to be ascertained by, the department); or	30
	(b) a person nominated by the person as a contact person (if the executor or administrator of the person's estate is not known to, or reasonably able to be ascertained by, the department); or	
	(c) in any other case, the person's next of kin (if known to, or reasonably able to be ascertained by, the department)	35
	returned , in relation to an item of property of a person, means that the item is made available, in any way, by the department, to either or both of the following (whether they are in or outside New Zealand):	
	(a) a representative:	

(b) any 1 or more members of the public (whether they obtain the item of property apart from, or directly or indirectly through, a representative) terrorism means a terrorist act as defined in section 5(1) of the Terrorism Suppression Act 2002 terrorist entity means— (a) a designated terrorist entity as defined in section 4(1) of the Terrorism Suppression Act 2002; or (b) a member of a group or organisation that is a designated terrorist entity (as so defined) trust account money, in relation to a person who is or was a prisoner, means all money (if any) held exclusively for that person in a trust account and to be paid,— (a) under section 46(3), to the prisoner when the prisoner is discharged from a prison; or (b) under section 46(4)(b), to the executor or administrator of the prisoner's estate if the prisoner dies while in legal custody.	
9 Section 46 amended (Trust account and purchasing system for prisoners)	5
(1) In section 46(1), delete “belonging to prisoners”.	
(2) Replace section 46(2) with:	
(2) A trust account must be operated and maintained—	10
(a) in the prescribed manner; and	
(b) in accordance with all applicable requirements imposed by rules made under section 46A.	15
(3) After section 46(4), insert:	
(4A) However, subsection (4)(b) applies to money <u>held exclusively for a prisoner who is a person to whom section 45AA applies</u> only if—	20
(a) the chief executive has decided not to apply for an order for forfeiture to the Crown of the money under section 45AA; or	
(b) an application made for an order for forfeiture to the Crown of the money under section 45AA has been finally determined (including any rehearing, retrial, or appeal) and declined.	25
10 New section 46A inserted (Rules about operation of trust account)	30
After section 46, insert:	
46A Rules about operation of trust account	35
(1) The chief executive must, in respect of all corrections prisons, make rules imposing requirements for the following:	

- (a) the operation of 1 or more trust accounts in which money is held exclusively for a particular prisoner:
 - (b) any money that is held exclusively for a particular prisoner within 1 or more trust accounts.
- (2) Examples of requirements that may be imposed by rules made under this section include requirements relating to all or any of the following: 5
 - (a) how money may be deposited into, or withdrawn from, a trust account in which money is held exclusively for that prisoner:
 - (b) who may deposit money into the trust account:
 - (c) the maximum amount of money that may be held in the trust account exclusively for that prisoner: 10
 - (d) maximum amounts of money that may be deposited into the trust account in a single transaction or over a specified period, or both, to be held exclusively for the particular prisoner in the trust account:
 - (e) other requirements for deposits of money into the trust account: 15
 - (f) maximum amounts of money held exclusively for the particular prisoner in the trust account that may be withdrawn from the trust account in a single transaction or over a specified period, or both:
 - (g) other requirements for withdrawals of money from the trust account.
- (3) A requirement imposed by the rules applies to the operation of a trust account and to any money that is held exclusively for a particular prisoner within the trust account, unless— 20
 - (a) the application of the requirement to the trust account or money is inconsistent with a provision of this Act, of any regulations made under this Act, or of any other legislation; or 25
 - (b) the rules provide that the requirement does not apply to the trust account or money if the prison manager is satisfied that there are special circumstances that—
 - (i) relate to meeting the prisoner's rehabilitative, reintegrative, humanitarian, or health needs; and 30
 - (ii) justify the requirement not applying to the trust account or money.
- (4) The chief executive must ensure that a review of the rules is completed—
 - (a) in the 5 years after the commencement of this section; and
 - (b) in the 5 years after each review completed under this section.
- (5) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements) 35

Amendments relating to designated-management prisoners

11 Section 47 amended (Security classifications)

(1AAA) After section 47(1), insert:

(2) Despite subsection (1), the chief executive must also ensure that no security classification is assigned to a prisoner who is— 5

(a) a prisoner who is subject to a sentence of imprisonment for a term exceeding 3 months; and

(b) a designated-management prisoner.

(2A) Despite **subsection (2)**, the chief executive must also ensure that a security classification is assigned to a prisoner who— 10

(a) is a prisoner who is subject to a sentence of imprisonment for a term exceeding 3 months; and

(b) was, but has ceased to be, a designated-management prisoner.

(1) After section 47(3), insert:

(3A) Subsection (3)(b) does not apply while the prisoner is a designated-management prisoner (as defined in section 3(1)). 15

(2) Before section 47(4)(a), insert:

(aaa) the prisoner's interim or final designation as a designated-management prisoner expires or is revoked; or

12 New sections 52A to 52M and cross-heading inserted 20

After section 52, insert:

Designated-management prisoners

52A Interim or final designation

Power to make, renew, or replace designation

(1) The chief executive may make an interim designation or a final designation designating as a designated-management prisoner a person who— 25

(a) is an eligible person (as defined in **section 52B**); and

(b) meets the test for designation (*see* **sections 52C to 52F**).

Designation must also comply with related sections

(2) This section is subject to **sections 52G to 52J**. 30

52B Meaning of eligible person

Interim designation

(1) In **section 52A(1)(a)**, **eligible person**, for an interim designation, means a person who the chief executive is satisfied on reasonable grounds is either or both of the following: 35

	(a) a person who is, or will in the next 7 days be, a person who is for the time being in the legal custody under this Act of the chief executive:	
	(b) a person who is subject to an extradition request made by, or to, New Zealand.	
	<i>Final designation</i>	5
(2)	In section 52A(1)(a) , eligible person , for a final designation, means a person who is for the time being in the legal custody under this Act of the chief executive.	
52C	Test for designation	
	A person meets the test for designation under section 52A(1)(b) only if the chief executive is satisfied on reasonable grounds that—	10
	(a) the person, while in the legal custody under this Act of the chief executive (including, without limitation, during any temporary removal from prison) or during any temporary release from that legal custody, poses an extreme risk to prison or public safety, <u>safety of prisoners, safety of staff members or employees or visitors, or prison safety or security</u> (see sections 52D and 52E); and	15
	(b) restrictive management is necessary to manage effectively that <u>extreme risk</u> (see sections 52F and 52L).	
52D	Person taken to pose extreme risk to prison or public safety, <u>safety of prisoners, safety of staff members or employees or visitors, or prison safety or security</u>	20
(1)	For the purposes of section 52C(a) , a person, while in the legal custody under this Act of the chief executive (including, without limitation, during any temporary removal from prison) or during any temporary release from that legal custody, poses an extreme risk to prison or public safety, <u>safety of prisoners, safety of staff members or employees or visitors, or prison safety or security</u> if the person, while in that custody or during that temporary release, poses an extreme risk of all or any of the following conduct:	25
	(a) committing any serious offence <u>under a law of New Zealand or of, or of any State, territory, province, or other part of, another country</u> (for example, any serious offence that is a serious sexual or violent offence, serious drug offence, serious money laundering offence, serious illicit goods trading or trafficking offence, serious human trafficking offence, or serious offence against the Terrorism Suppression Act 2002):	30
	(b) disrupting severely a prison's safety, or security, or good order :	35
	(e) committing any offence against the Terrorism Suppression Act 2002:	
	<u>(c) recruiting a prisoner or another person into an organised criminal group (as defined in section 3AA):</u>	

- (d) radicalising, or recruiting to an ideology, another person, if the radicalisation or ideology is likely to result in harm to that radicalised or recruited other person, 1 or more other persons, or both.
- (2) **Subsection (1)(a) to (d)** applies whether any specified conduct—
- (a) would be brought about by the prisoner directly or indirectly (for example, indirectly by aiding, abetting, inciting, counselling, procuring, promoting, encouraging, or facilitating another person (even if not a person under control or supervision) to bring it about): 5
- (b) would involve endangering or prejudicing the security or safety of, committing an offence against, recruiting, or radicalising or recruiting, another person who is, or is not, a person under control or supervision: 10
- (c) would occur, in whole or in part, in or outside the prison.
- (2A) In subsection (1)(d), harm to a person who is radicalised or recruited to an ideology includes, without limitation, harm caused to that person through their participation in, or involvement with, terrorism, violent extremism, or both. 15
- (3) This section does not limit the generality of **section 52C(a)**.
- 52E Risk taken to be extreme risk**
- (1) For the purposes of **section 52C(a) or 52D**, ~~a person is taken to pose an extreme risk of conduct if the person poses a risk that (if not managed restrictively as provided in section 52C(b)) involves a high degree of likelihood of~~ includes a real risk of— 20
- (a) that conduct happening; or
- (b) that conduct, if it happens, causing a severe degree of harm; or
- (c) both of the things specified in **paragraphs (a) and (b)**.
- (2) This section does not limit the generality of **sections 52C(a) and 52D**. 25
- 52F Restrictive management to manage effectively extreme risk**
- (1) This section applies when the chief executive is considering, for the purposes of **section 52C(b)**, whether restrictive management is necessary to manage effectively the extreme risk mentioned in **section 52C(a)**.
- (2) The chief executive must consider— 30
- (a) the types of management under this Act (other than sections 52A to 52M) necessary to manage effectively that risk; and
- (b) the levels of restrictiveness of the types of management under this Act (other than sections 52A to 52M) necessary to manage effectively that risk; and 35
- (c) the effect of an in-force designation under **section 52L**.

52G Further requirements for interim designation

When requirements in this section apply

- (1) Before making or renewing an interim designation under **section 52A**, the chief executive must comply with the requirements in this section.

Request that Panel make recommendation on final designation

- (2) The chief executive must ensure that the Panel has been, or will soon be, requested by the chief executive to make a recommendation under **clause 2 of Schedule 1AB**.

Person should be subject to effects of interim designation

- (3) The chief executive must be satisfied that the person should be subject to the effects of an in-force interim designation (*see* **section 52L**) until whichever occurs first of the following:

- (a) a final designation is made or replaced and comes into force in respect of the person (*see* **section 52J(2)(c)(i)**); or
- (b) the chief executive decides not to make or replace a final designation in respect of the person (*see* **section 52J(2)(c)(ii)**).

52H Further requirements for final designation

When this section applies

- (1) This section applies ~~when~~ if the chief executive is deciding to make or replace, or to not make or replace, a final designation under **section 52A**.

Panel's recommendation and information Panel considered in making it

- (2) The chief executive must request, and take into account,—
- (a) the recommendation of the Panel; and
- (b) the information that the Panel considered in making that recommendation.

Other relevant advice or information

- (3) The chief executive may take into account any other advice or information (for example, about the expected placement and management of the person) that the chief executive considers relevant to that decision.

Duty to record reasons for departing from Panel's recommendation

- (4) The chief executive must record their reasons for departing, to any extent, from the Panel's recommendation.

52I Notice to person affected

~~The chief executive must, as soon as is reasonably practicable, give a person—~~

- (a) ~~written notice that the Panel has been, or will soon be, requested to recommend that the chief executive make or not make a final designation designating the person as a designated management prisoner; and~~

- ~~(b) a written summary of the reasons why a recommendation of the Panel has been, or will soon be, requested in respect of the person; and~~
- ~~(c) information to the effect that, in making the Panel's recommendation, the Panel must consider any written information or written submissions provided by, or on behalf of, the person (see **clause 6(a) of Schedule 1AB**); and~~ 5
- ~~(d) a written copy of any interim designation or final designation made designating the person as a designated management prisoner; and~~
- ~~(e) a written summary of the reasons why any interim designation or final designation was made designating the person as a designated management prisoner; and~~ 10
- ~~(f) written notice that the chief executive is to review under **section 52K(2) or (3)** an in force final designation designating the person as a designated management prisoner; and~~
- ~~(g) information to the effect that, in making the Panel's recommendation on a review under **section 52K(2) or (3)**, the Panel must consider any written information or written submissions provided by, or on behalf of, the person (see **clause 6(a) of Schedule 1AB**); and~~ 15
- ~~(h) written notice of, and of the reasons for, the outcome of a review under **section 52K(2) or (3)**.~~ 20

Information to be given as soon as is reasonably practicable

- (1) The chief executive must, as soon as is reasonably practicable, give a person—

Interim designation

- (a) a written copy of any interim designation made designating the person as a designated-management prisoner, together with a written summary of the reasons why that interim designation was made; and 25

Panel recommendation relating to final designation

- (b) the following information relating to the Panel and a final designation:
 - (i) written notice that the Panel has been, or will soon be, requested to recommend that the chief executive make or not make a final designation designating the person as a designated-management prisoner; and 30
 - (ii) a written summary of the reasons why a recommendation of the Panel has been, or will soon be, requested in respect of the person; and 35
 - (iii) information to the effect that, in making the Panel's recommendation, the Panel must consider any written information or written submissions provided by, or on behalf of, the person before a reasonable deadline specified for the purpose (see **clause 6(a) of Schedule 1AB**); and 40

Final designation made and related information

(c) a written copy of any final designation made designating the person as a designated-management prisoner, together with—

(i) a copy of the Panel's recommendation in respect of the person, including, without limitation, a summary of the details required by clause 5(3A)(b) and (c) of Schedule 1AB; and

(ii) a written summary of the reasons why that final designation was made; and

Review of in-force final designation

(d) the following information relating to a review under section 52K(2) or (3) of an in-force final designation:

(i) written notice that the chief executive is to review under section 52K(2) or (3) an in-force final designation designating the person as a designated-management prisoner; and

(ii) information to the effect that, in making the Panel's recommendation on a review under section 52K(2) or (3), the Panel must consider any written information or written submissions provided by, or on behalf of, the person before a reasonable deadline specified for the purpose (see clause 6(a) of Schedule 1AB); and

(e) written notice of, and of the reasons for, the outcome of a review under section 52K(2) or (3).

Exception if real risk to public safety, health or safety, or prison safety, security, or good order

(2) However, subsection (3) applies if the chief executive believes on reasonable grounds that giving any information mentioned in subsection (1) as soon as is reasonably practicable would create a real risk of affecting adversely all or any of the following:

(a) public safety;

(b) the health or safety of either or both of the following:

(i) the prisoner;

(ii) any other person at a prison (for example, any staff member, employee, or visitor);

(c) a prison's safety, security, or good order.

(3) The chief executive must (despite subsection (1)) give the information to which subsection (2) applies as soon as is consistent with managing effectively the risk mentioned in subsection (2).

52IA Records of reasons for interim or final designation

- (1) The chief executive must maintain records of the reasons why any interim designation or final designation was made designating the person as a designated-management prisoner.
- (2) This section does not affect or limit the Public Records Act 2005.

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52IB Communication assistance for person affected

- (1) This section applies if the chief executive or a staff member of a prison knows that a person—
 - (a) may be, is, or has been, subject to an interim designation or a final designation designating the person as a designated-management prisoner; and
 - (b) has difficulties with verbal or written communication (for example, in communicating orally, or in reading and writing).
- (2) The chief executive or staff member must ensure that the person is provided with adequate communication assistance to help enable the person to—
 - (a) understand information provided to the person under **section 52I**; and
 - (b) understand, and communicate effectively in, any hearings of an oral statement under **clause 5(3) of Schedule 1AB**; and
 - (c) compose, approve, and provide written information or written submissions under **clause 6(a) of Schedule 1AB**; and
 - (d) compose a written request for a review under **section 52K(3)**.

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52J Duration and renewal or replacement

When interim or final designation comes into force

- (1) An interim designation or a final designation comes into force—
 - (a) on a day that—
 - (i) is, or is after, the day after the designation is made; and
 - (ii) is stated in the designation as the day on which it comes into force; or
 - (b) if the person concerned is not in the legal custody under this Act of the chief executive on the day stated under **paragraph (a)**, on the day on which the person later becomes a person in that legal custody.

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When interim designation ends and may be renewed

- (2) An interim designation made in respect of a person—
 - (a) expires 28 days after it comes into force (unless it comes into force after it is renewed), unless it is earlier revoked or the person earlier ceases to be in the legal custody of the chief executive, for example, because the person—
 - (i) earlier ceases to be remanded in custody; or

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- (ii) is earlier released on parole; or
 - (iii) earlier ceases to be serving a sentence of imprisonment; and
 - (b) may be renewed, once only, in respect of the same person, for a further 14 days, to continue their interim designation after it would otherwise end and until a decision is made about whether to make, or to replace, a final designation in respect of the person, unless the renewed designation is earlier revoked or the person earlier ceases to be in the legal custody of the chief executive, for example, because the person—
 - (i) earlier ceases to be remanded in custody; or
 - (ii) is earlier released on parole; or
 - (iii) earlier ceases to be serving a sentence of imprisonment; and
 - (c) ceases to have effect under this paragraph if—
 - (i) a final designation is made and comes into force in respect of the person to whom the interim designation applies; or
 - (ii) the chief executive decides not to make a final designation in respect of that person.
- When final designation ends and may be replaced*
- (3) A final designation made in respect of a person—
- (a) expires after the period (not exceeding 2 years after it comes into force) stated in it as the period after which it expires, unless it is earlier revoked or the person earlier ceases to be in the legal custody of the chief executive, for example, because the person—
 - (i) earlier ceases to be remanded in custody; or
 - (ii) is earlier released on parole; or
 - (iii) earlier ceases to be serving a sentence of imprisonment; and
 - (b) may be replaced by 1 or more later final designations made in respect of the same person (based on the same, or a different, risk).
- When final designation ends if chief executive does not meet applicable deadline*
- (4) An in-force final designation made in respect of a person expires at the applicable deadline under **section 52K(2A) or (3B)** if the chief executive fails to comply with that deadline.
- When final designation ends if review not completed by applicable deadline*
- (5) An in-force final designation made in respect of a person expires at the applicable deadline under **section 52K(5) or (6)** if the in-force final designation is the subject of a review under **section 52K(2) or (3)** that—
- (a) commences; and

(b) is not completed by the applicable deadline under **section 52K(5) or (6).**

52K Review of in-force final designation

Designation to be copied to relevant prison manager

(1AAA) After an in-force final designation is made, or reviewed under this section, the chief executive must promptly copy to a relevant prison manager the following:

- (a) the designation (as made, or as reviewed under this section); and
- (b) information identifying all factors on which the designation is based.

If chief executive is informed by department, and is satisfied, of developments

(1) ~~The department~~ A relevant prison manager must inform the chief executive if, after an in-force final designation is made, or reviewed under this section, the ~~department~~ relevant prison manager becomes aware that either or both of the following developments has or have occurred:

- (a) new information relevant to the designation has become available and makes, or may make, the designation unnecessary or inappropriate;
- (b) a change in a factor on which the designation is based has occurred and makes, or may make, the designation unnecessary or inappropriate.

(2) If informed by ~~the department~~ a relevant prison manager, and satisfied, that either or both of those developments has or have occurred, the chief executive must—

- (a) review the in-force final designation; and
- (b) in the light of the review, decide whether (and, if so, how) to amend, revoke, or revoke and replace that designation.

(2A) If informed on a day by a relevant prison manager of either or both of those developments, the chief executive must decide within the following 28 days whether they are satisfied that either or both of those developments has or have occurred.

If chief executive is satisfied, on own initiative or on request, of developments

(3) If satisfied, on their own initiative, or on a written request by the designated ~~person~~ management prisoner to conduct a review under this subsection, that either or both of those developments has or have occurred, the chief executive must—

- (a) review the in-force final designation; and
- (b) in the light of the review, decide whether (and, if so, how) to amend, revoke, or revoke and replace that designation.

(3AA) Despite **subsection (3)**, a designated-management prisoner may not make a written request under **subsection (3)** if a written request for a review of the in-force final designation that applies to the prisoner was considered, as a con-

	sequence of an earlier written request under subsection (3) , within the previous 6 months.	
(3A)	<u>A relevant prison manager who becomes aware of a written request by the designated-management prisoner to conduct a review under subsection (3) must ensure that the request is forwarded promptly to the chief executive.</u>	5
(3B)	<u>If informed on a day by a relevant prison manager of a written request by the designated-management prisoner, the chief executive must decide within the following 28 days whether they are satisfied that either or both of those developments has or have occurred.</u>	
	<i>Process for review</i>	10
(4)	In a review under subsection (2) or (3) and in any related amendment, revocation, or revocation and replacement of an in-force final designation, the chief executive—	
	(a) must request, and take into account, the recommendation of the Panel and the information considered by the Panel in making that recommendation; and	15
	(b) may take into account any other advice or information that the chief executive considers relevant to that decision.	
(5)	<u>A review under subsection (2) or (3) must be completed within 28 days after the day on which the chief executive has decided that they are satisfied that either or both of those developments has or have occurred, and so must, under that subsection, carry out the review.</u>	20
(6)	<u>However, the chief executive may, if in their opinion it is reasonably necessary to do so, extend the deadline under subsection (5), once only, and for a further 14 days.</u>	25
52L	Effect of in-force designation (restrictive management and entitlements)	
	<i>Restrictive management to manage effectively extreme risk</i>	
(1)	A designated-management prisoner must be—	
	(a) promptly placed by the prison manager in a designated-management prisoner cell, except to the extent that the prisoner is already, or becomes,—	30
	(i) a prisoner who is subject to an in-force direction under section 60(1)(b) (to assess or ensure mental health) <u>and</u> who under section 61 must instead be provided with accommodation that—	
	(A) has items and features prescribed by regulations made under this Act; and	35
	(B) meets standards prescribed by regulations made under this Act; or	

- (ii) an at-risk prisoner who under section 61B(a) must instead be placed in an at-risk cell or alternative accommodation that the prison manager considers adequate to protect the prisoner from self-harm; and
- (b) otherwise restrictively managed (*see sections 52C(b) and 52F*) under this Act (other than **sections 52A to 52M**) in a way that is consistent with the prisoner's—
 - (i) designation as a designated-management prisoner; and
 - (ii) case management plan required by section 51.
- (2) However, **subsection (1)** does not apply while a designated-management prisoner is—
 - (a) detained in a Police jail under section 34; or
 - (b) detained in any prison, hospital, Police station, or other place authorised under section 35(1) or (2).

Examples of restrictive management (other than required placement)
- (3) Examples of the management (other than the required placement) under this Act (other than **sections 52A to 52M**) mentioned in **subsection (1)** are greater possible use of the following:
 - (a) restrictions on being issued with, or allowed to keep, authorised property:
 - ~~(b) restrictions on freedom of movement within the prison;~~
 - (c) limits on the periods for which the cell or unit in which the designated-management prisoner is placed is, or may be, unlocked:
 - (d) regulation and approval of visits by private visitors:
 - (e) monitoring, collecting, using, and disclosing prisoner communications and information sources for an intelligence purpose.

Entitlements
- (4) A designated-management prisoner—
 - (a) must be provided with reasonable access to a cell-adjacent yard—
 - (i) for a cell in which the prisoner is placed; and
 - (ii) if, and only if, it is a mandatory item or feature of that cell under regulations made under **section 52M(3)(a)**; and
 - (b) must not have the prisoner's opportunity to associate with other prisoners denied or restricted, except in accordance with this Act or regulations made under this Act (for example, under all or any of **sections 58, 59, 60, and 61CA**); and
 - (c) is entitled under section 69(1)(i) to make outgoing telephone calls, as provided for in **section 77(3A)**.

- (5) **Subsection (4)** does not limit—
- (a) section 69 (minimum entitlements); or
 - (b) **section 69A** (minimum meaningful human contact).
- 52M Designation of designated-management prisoner cell**
- Prison manager designation of cell that meets requirements* 5
- (1) The prison manager may designate a cell as a designated-management prisoner cell.
- (2) The designation—
- (a) must be in writing; and
 - (b) may be revoked at any time. 10
- Required items, features, and standards*
- (3) A designated-management prisoner cell must—
- (a) have items and features prescribed by regulations made under this Act; and
 - (b) meet standards prescribed by regulations made under this Act. 15
- Chief executive designation of cell that does not meet requirements*
- (4) However, the chief executive may, despite **subsections (1) to (3)**, designate a cell as a designated-management prisoner cell—
- (a) even though the cell does not comply with **subsection (3)**; and
 - (b) if satisfied that it is not reasonably practicable for the cell to comply with **subsection (3)**. 20
- (5) The designation—
- (a) must be in writing; and
 - (b) must specify the period to which the designation applies; and
 - (c) must specify any conditions on which the designation is made; and 25
 - (d) may be revoked at any time.
- 13 Section 54 amended (Reasons for transfer)**
- After section 54(1)(f), insert:
- (fa) to implement **section 52L** as required by the prisoner's designation as a designated-management prisoner, or otherwise to give effect to, or to enable management of the prisoner consistent with, that designation: 30
- Amendments relating to segregation
(denial or restriction of opportunity to associate)*
- 14 Sections 57 to 61 and cross-heading above section 57 replaced**
- Replace sections 57 to 61 and the cross-heading above section 57 with: 35

Denial or restriction of opportunity to associate with other prisoners

57 Limits on denial or restriction

Limits on denial or restriction only in accordance with Act or regulations

- (1) The opportunity of a prisoner to associate with other prisoners must not be denied or restricted, except in accordance with this Act or regulations made under this Act. 5

Directions must not be more restrictive than reasonably necessary

- (2) A direction given under **section 58(1), 59(1)(a) or (b), 60, or 61CA** must not be more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision. 10

58 Segregation for security, good order, safety, or preventing offending, radicalising, or recruiting to ideology or organised criminal group

Direction

- (1) The prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if, in the manager's opinion, any of the following apply: 15
- (a) the security, or good order, of the prison would otherwise be endangered or prejudiced:
 - (b) the safety of another prisoner, or of another person, or of both, would otherwise be endangered: 20
 - (c) offences (other than offences against discipline) would otherwise be committed:
 - (d) a prisoner or another person would otherwise be radicalised, or recruited to an ideology, and that would likely result in harm to that radicalised or recruited other person, 1 or more other persons, or both: 25
 - (e) a prisoner or another person would otherwise be recruited into an organised criminal group (as defined in **section 3AA**).
- (1A) **Subsection (1)(a) to (e)** applies whether any outcome specified— 30
- (a) would be brought about by the prisoner directly or indirectly (by aiding, abetting, inciting, counselling, procuring, promoting, encouraging, or facilitating another person (even if not a person under control or supervision) to bring it about): 30
 - (b) would involve endangering or prejudicing the security or safety of, committing an offence against, or radicalising or recruiting, another person who is, or is not, a person under control or supervision: 35
 - (c) would occur, in whole or in part, in or outside the prison.

- (1AA) In **subsection (1)(d)**, **harm** to a person who is radicalised or recruited to an ideology includes, without limitation, harm caused to that person through their participation in, or involvement with, terrorism, violent extremism, or both.
- (1B) A direction given under **subsection (1)** must, under **section 57(2)**, not be more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision. 5
- (2) If a direction is given under **subsection (1)**,—
- (a) the prisoner concerned must promptly be given the reasons in writing for the direction and any subsequent direction under **subsection (3)(c)**: 10
 - (b) the chief executive must promptly be informed of the direction and the reasons for it.
- Variation of direction from restricting to denying association, or vice versa*
- (2A) The prison manager may, at any time while a direction under **subsection (1)** is in force (and without revoking and replacing it), vary the direction in line with **subsection (1)** and— 15
- (a) from one that restricts association to one that denies association; or
 - (b) from one that denies association to one that restricts association.
- (2B) A variation under **subsection (2A)** is part of, and must be read with, the direction concerned. 20
- (2C) If a variation is made under **subsection (2A)**,—
- (a) the prisoner concerned must promptly be given the reasons in writing for the variation; and
 - (b) the chief executive must promptly be informed of the variation and the reasons for it; and 25
 - (c) the variation must, if it affects a direction that continues in force because of a direction under **subsection (3)(d)(ii) or (e)**, also be notified, with the reasons for the variation, in writing to a Visiting Justice at the time of the next review of that direction under **subsection (3)(e)**.
- Revocation, expiry, and review and continuation, of direction* 30
- (3) A direction under **subsection (1)**—
- (a) must be revoked by the prison manager if there ceases to be any justification, under **subsection (1)**, for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners:
 - (b) may be revoked at any time by the chief executive or a Visiting Justice: 35
 - (c) expires after 14 days unless, before it expires, the chief executive directs that it continue in force:
 - (d) if it continues in force because of a direction under **paragraph (c)**, must—

	(i)	be reviewed by the chief executive at intervals of not more than 1 month:	
	(ii)	expire after 3 months unless a Visiting Justice directs that it continue in force:	
	(e)	if it continues in force because of a direction under paragraph (d)(ii) , must be reviewed by a Visiting Justice at intervals of not more than 3 months.	5
		<i>Review periods</i>	
(4)		Review periods in subsection (3)(c), (d)(i) and (ii), and (e) are subject to section 59A (review under section 58 or 59 if replacement directions).	10
59		Segregation for protective custody	
		<i>Direction</i>	
(1)		The prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if—	
	(a)	the prisoner requests that the prisoner's opportunity to associate be restricted or denied and the manager considers, having regard to any information supplied by the prisoner or otherwise available to the manager, that it is in the best interests of the prisoner to give that direction; or	15
	(b)	the prison manager is satisfied that—	20
	(i)	the safety of the prisoner has been put at risk by another person; and	
	(ii)	there is no reasonable way to ensure the safety of the prisoner otherwise than by giving that direction.	
		<i>Direction must not be more restrictive than reasonably necessary</i>	25
(1A)		A direction given under subsection (1)(a) or (b) must, under section 57(2) , not be more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision.	
		<i>Direction under subsection (1)(a) ineffective unless, before or after giving of direction, prisoner concerned gives consent in writing to giving of direction</i>	30
(2)		If a direction is given under subsection (1)(a) ,—	
	(a)	the direction is ineffective unless, either before or after the giving of the direction, the prisoner concerned gives that prisoner's consent in writing to the giving of the direction:	35
	(b)	the direction ceases to have effect if the prisoner concerned withdraws that prisoner's consent to the giving of the direction, but the prison manager may give a further direction under subsection (1)(b) without that prisoner's consent if subsection (1)(b) applies:	

- (c) the direction ceases to have effect if the prisoner concerned has not withdrawn that prisoner's consent to the giving of the direction and it is revoked by the prison manager because the prisoner manager is satisfied that it is no longer in the best interests of that prisoner.
- Prisoner concerned must promptly be given reasons in writing, etc, for direction under **subsection (1)(b)*** 5
- (3) If a direction is given under **subsection (1)(b)**,—
- (a) the prisoner concerned must promptly be given the reasons in writing for the direction, and any subsequent direction under **subsection (4)(c)**:
- (b) the chief executive must promptly be informed of the direction and the reasons for it. 10
- Variation of direction from restricting to denying association, or vice versa*
- (3A) The prison manager may, at any time while a direction under **subsection (1)(a) or (b)** is in force (and without revoking and replacing it), vary the direction in line with **subsection (1)(a) or (b)** and— 15
- (a) from one that restricts association to one that denies association; or
- (b) from one that denies association to one that restricts association.
- (3B) A variation under **subsection (3A)** is part of, and must be read with, the direction concerned.
- (3C) If a variation is made under **subsection (3A)** to a direction given under **subsection (1)(a)**,— 20
- (a) the variation is ineffective unless, either before or after the giving of the direction, the prisoner concerned gives that prisoner's consent in writing to the making of the variation:
- (b) the direction ceases to have effect if the prisoner concerned withdraws that prisoner's consent to the giving of the direction, but the prison manager may give a further direction under **subsection (1)(b)** without that prisoner's consent if **subsection (1)(b)** applies. 25
- (3D) If a variation is made under **subsection (3A)** to a direction given under **subsection (1)(b)**,— 30
- (a) the prisoner concerned must promptly be given the reasons in writing for the variation; and
- (b) the chief executive must promptly be informed of the variation and the reasons for it.
- Revocation, expiry, and review and continuation, of direction given under **subsection (1)(b)*** 35
- (4) If a direction is given under **subsection (1)(b)**, the direction—

(a)	must be revoked by the prison manager if there ceases to be any justification, under subsection (1)(b) , for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners:	
(b)	may be revoked, at any time, by the chief executive:	
(c)	expires after 14 days unless, before it expires, the chief executive directs that it continue in force:	5
(d)	must, if it continues in force because of a direction under paragraph (c) , be reviewed by the chief executive at intervals of not more than 3 months.	
	<i>Review periods</i>	10
(5)	Review periods in subsection (4)(c) and (d) are subject to section 59A (review under section 58 or 59 if replacement directions).	
59A	Review under section 58 or 59 if replacement directions	
	<i>This section applies only if specified direction replaced in specified way</i>	
(1)	This section applies if the prison manager—	15
(a)	gives a direction under section 58(1) (the replaced direction)—	
(i)	in respect of a prisoner; and	
(ii)	that is revoked or expired; and	
(b)	gives 1 or more other directions under section 58(1) (the replacement directions) each of which—	20
(i)	is given in respect of the prisoner; and	
(ii)	takes effect at, or at any time in the 5 days after, the time that the replaced direction, or an earlier replacement direction, is revoked or expires; and	
(iii)	restricts or denies association (whether the replaced direction, or an earlier replacement direction, at that time also restricted or denied association).	25
(2)	This section also applies if the prison manager—	
(a)	gives a direction under section 59(1)(b) (the replaced direction)—	
(i)	in respect of a prisoner; and	30
(ii)	that is revoked or expires; and	
(b)	gives 1 or more other directions under section 59(1)(b) (the replacement directions) each of which—	
(i)	is given in respect of the prisoner; and	
(ii)	takes effect at, or at any time in the 5 days after, the time that the replaced direction, or an earlier replacement direction, is revoked or expires; and	35

	(iii) restricts or denies association (whether the replaced direction, or an earlier replacement direction, at that time also restricted or denied association).	
	<i>Reasons for latest replacement direction and notice of effect of this section</i>	
(3)	If this section applies, the prison manager must promptly give the prisoner concerned—	5
	(a) the reasons in writing for the latest replacement direction (as required by section 58(2)(a) or 59(3)(a)) ; and	
	(b) a notice in writing summarising the effect of this section.	
	<i>Purposes for which this section applies</i>	10
(4)	This section applies only for the purposes of calculating each of the following review periods:	
	(a) the 14-day period in section 58(3)(c) or 59(4)(c) :	
	(b) the 1-month period in section 58(3)(d)(i) :	
	(c) the 3-month period in section 58(3)(d)(ii) or (e) or 59(4)(d) .	15
	<i>Directions (whether or not continuous) taken to be single relevant period</i>	
(5)	For those purposes only, the replaced direction and replacement directions must (even if there are any gaps between the periods they are in force) be taken to be in force for a single relevant period that—	
	(a) starts when the replaced direction starts to take effect; and	20
	(b) is the sum of, and counted including any gaps between, the periods that the replaced direction and replacement directions are in force.	
	Example	
	<i>Directions taken to be single relevant period</i>	
	The replaced direction is in force 1 to 10 March (inclusive).	25
	A replacement direction is in force 15 to 18 March (inclusive).	
	A replacement direction is in force 20 March to 5 June (inclusive).	
	The directions must, for the purposes for which this section applies, be taken to be in force for a single relevant period that—	
	• starts at the beginning of 1 March:	30
	• is 92 days long (10 days + 4 days + 78 days), excluding the gaps:	
	• is 97 days long, including the gaps (11 to 14 and 19 March):	
	• ends at the close of 5 June:	
	• is at least the 3-month review period in section 58(3)(d)(ii) or (e) or 59(4)(d) .	35
	<i>When review must start if review period ends during gap between directions</i>	
(6)	Subsection (7) applies if—	

- (a) the replaced direction and replacement directions must under this section be taken to be in force for a single relevant period; and
- (b) a review period in **subsection (4)(a), (b), or (c)** ends during a gap between the periods that the replaced direction and replacement directions are in force.

5

Example

Review period ends during gap between directions

The replaced direction is in force 1 to 10 March (inclusive).

A replacement direction is in force 16 to 19 March (inclusive).

The directions must, for the purposes for which this section applies, be taken to be in force for a single relevant period that—

10

- starts at the beginning of 1 March:
- is 14 days long (10 days + 4 days), excluding the gap:
- is 19 days long, including the gap (11 to 15 March):
- ends at the close of 19 March:
- is at least the 14-day review period in **section 58(3)(c) or 59(4)(c)**.

15

That 14-day review period ends during the gap (11 to 15 March).

- (7) The review to which the review period relates must be started and completed as soon as is reasonably practicable after the latest replacement direction is made.
- (8) **Subsection (7)** overrides any contrary provision of this Act.

20

60 Segregation for medical oversight

Direction (if health centre manager of prison recommends one is desirable)

- (1) A prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if the health centre manager of the prison recommends that a direction of this kind is desirable for either or both of the following reasons:

25

- (a) in order to assess or ensure the prisoner's physical health, except against the risk of self-harm:
- (b) in order to assess or ensure the prisoner's mental health.

- (1A) Before a health centre manager makes a recommendation under **subsection (1)** that relates to a matter outside their scope of practice, they must consult a registered health professional whose scope of practice includes that matter.

30

Direction must not be more restrictive than reasonably necessary

- (1B) A direction given under this section must, under **section 57(2)**, not be more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision.

35

	<i>Prisoner concerned must promptly be given reasons in writing, etc</i>	
(2)	If a direction is given under this section,—	
(a)	the prisoner concerned must promptly be given the reasons for the direction in writing:	
(b)	the chief executive must promptly be informed of the direction and the reasons for it.	5
	<i>Variation of direction from restricting to denying association, or vice versa</i>	
(2A)	The prison manager may, at any time while a direction under this section is in force (and without revoking and replacing it), vary the direction in line with subsection (1) if the variation made is one that the health centre manager of the prison recommends is desirable for the reasons set out in subsection (1)(a) or (b) , and the variation made varies the direction—	10
(a)	from one that restricts association to one that denies association; or	
(b)	from one that denies association to one that restricts association.	
(2B)	Before a health centre manager makes a recommendation under subsection (2A) that relates to a matter outside their scope of practice, they must consult a registered health professional whose scope of practice includes that matter.	15
(2C)	A variation under subsection (2A) is part of, and must be read with, the direction concerned.	
(2D)	If a variation is made under subsection (2A) to a direction given under this section,—	20
(a)	the prisoner concerned must promptly be given the reasons in writing for the variation; and	
(b)	the chief executive must promptly be informed of the variation and the reasons for it.	25
	<i>Revocation of direction</i>	
(3)	A direction under this section continues in force while the prisoner continues to be detained in the prison unless the prison manager or the chief executive revokes it.	
(4)	The prison manager may not revoke a direction under this section unless the health centre manager advises that there has ceased to be any justification, under subsection (1) , for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners.	30
	<i>Visits by registered health professional</i>	
(5)	While a direction under this section is in force, the health centre manager must, unless they are satisfied that it is not necessary in the circumstances, ensure that a registered health professional visits the prisoner concerned at least once a day.	35

- (6) As part of the visit referred to in **subsection (5)**, the registered health professional must consider and advise the health centre manager of any matters relevant to a review of the continuing justification for a direction under this section.
- 61 Accommodation if in-force direction under section 58, 59, or 60** 5
- (1) A prisoner who is subject to an in-force direction under **section 58, 59, or 60** must be provided with accommodation that—
- (a) has items and features prescribed by regulations made under this Act; and
 - (b) meets standards prescribed by regulations made under this Act. 10
- (1A) This section applies to a designated-management prisoner only if the prisoner is subject to an in-force direction under **section 60(1)(b)** (to assess or ensure mental health) (*see also sections 52L(1)(a)(i) and 52M*).
- (2) Those items, features, and standards may—
- (a) differ from the items and features provided in, or the standards required to be met for, accommodation for prisoners who are not subject to a direction under **section 58, 59, or 60**: 15
 - (b) differ depending on whether the direction was issued under **section 58, 59, or 60**: 20
 - (c) differ depending on the particular reason for the issue of a direction under any of those sections.
- 15 Section 61B amended (Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner)**
- In section 61B, after “an at-risk prisoner”, insert “(whether or not the at-risk prisoner is subject to an in-force segregation direction under any of **sections 58 to 60 and 61CA**, is a designated-management prisoner (*see section 52L(1)(a)(ii)*), or is both)”. 25
- 16 Section 61CA replaced (Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied)**
- Replace section 61CA with: 30
- 61CA Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied**
- Direction (if health centre manager of prison recommends one is desirable)*
- (1) A prison manager may direct that the opportunity of an at-risk prisoner to associate with other prisoners be restricted or denied if— 35
- (a) the health centre manager of the prison recommends that a direction of that kind is desirable to address the prisoner's risk of self-harm; and
 - (b) the prison manager has confirmed the prisoner's at-risk assessment.

- (1A) More than 1 direction may be given under this section while an at-risk management plan is in effect for the prisoner.
- (1B) Before a health centre manager makes a recommendation under **subsection (1)** that relates to a matter outside their scope of practice, they must consult a registered health professional whose scope of practice includes that matter (*see also* section 61G on the manager giving advice). 5
- Direction restrictions or denial must be necessary for safety of at-risk prisoner*
- (2) The direction may restrict or deny the at-risk prisoner's opportunity to associate with other prisoners only to the extent that the restrictions or denial of opportunity are necessary for the safety of the at-risk prisoner. 10
- Direction must not be more restrictive than reasonably necessary*
- (2A) A direction under this section must, under **section 57(2)**, be no more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and the at-risk prisoner.
- At-risk prisoner to be promptly informed in writing of reasons for direction, etc* 15
- (3) If the prison manager gives a direction under this section, the prison manager must ensure that—
- (a) the at-risk prisoner is promptly informed in writing of the reasons for the direction, and any variation of the direction; and
- (b) the chief executive is promptly informed in writing of the direction, and any variation of the direction, and the reasons for it. 20
- Revocation or variation of direction: general*
- (4) The prison manager or chief executive may, at any time, revoke or vary a direction under this section.
- (5) However, the prison manager may not— 25
- (a) revoke a restriction on, or the denial of, the opportunity of the at-risk prisoner to associate with other prisoners under this section unless the health centre manager advises that there has ceased to be any justification, under **subsections (1) and (2)**, for the restriction or denial of opportunity; or 30
- (b) vary a restriction unless the prison manager has taken into account the advice of the health centre manager.
- (7) If the direction is not earlier revoked under **subsection (4)**, a prison manager must revoke a direction under this section when an at-risk management plan for the prisoner ends under section 61F(2). 35
- Variation of direction from restricting to denying association, or vice versa*
- (7A) The prison manager may, at any time while a direction under this section is in force (and without revoking and replacing it), vary the direction under **subsections (4) and (5)(b)** in line with **subsections (1) and (2)**, if the variation made is one that the health centre manager of the prison recommends is 40

- desirable to address the at-risk prisoner's risk of self-harm, and the variation made varies the direction—
- (a) from one that restricts association to one that denies association; or
 - (b) from one that denies association to one that restricts association.
- (7B) The direction as varied under **subsection (7A)** must, under **section 57(2)**, be no more restrictive than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and the at-risk prisoner. 5
- (7C) Before a health centre manager makes a recommendation under **subsection (7A)** that relates to a matter outside their scope of practice, they must consult a registered health professional whose scope of practice includes that matter (*see also* section 61G on the manager giving advice). 10
- (7D) A variation under **subsection (7A)** (and **subsections (4) and (5)(b)**) is part of, and must be read with, the direction concerned.
- (7E) If a variation is made under **subsection (7A)** to a direction given under this section, the prison manager must (as required by **subsection (3)(a) and (b)**) ensure that— 15
- (a) the at-risk prisoner is promptly given the reasons in writing for the variation; and
 - (b) the chief executive is promptly ~~be~~-informed in writing of the variation and the reasons for it. 20
- (7F) **Subsections (7A) to (7E)** do not limit the generality of the power of variation in **subsection (4)**.
Visits by registered health professional
- (8) While a direction under this section is in force, the health centre manager must, unless the health centre manager is satisfied that it is not necessary in the circumstances, ensure that a registered health professional visits the prisoner concerned at least once a day. 25
- (9) As part of the visit referred to in **subsection (8)**, the registered health professional must consider and advise the health centre manager— 30
- (a) of any matters relevant to the continuing justification for a direction under this section; and
 - (b) whether the prisoner's at-risk assessment should be reviewed.
- Amendments relating to physical exercise and minimum meaningful human contact* 35
- 17 Section 69 amended (Minimum entitlements)**
- (1) In section 69(1)(i), after “section 77(3)”, insert “or **(3A)**”.
- (1B) Before section 69(4)(aa), insert:

- (aaa) may be denied, for not more than 2 consecutive days at a time, the minimum entitlement referred to in subsection (1)(a) if, after having taken all reasonable steps to provide the entitlement, the prison manager believes on reasonable grounds that any of the following circumstances apply, and have the effect that, in the opinion of the prison manager, it is not reasonably practicable to provide the entitlement: 5
- (i) there exists a current and real risk to prison security, the health or safety of any person, or both (for example, because of the carrying out of reasonable and lawful searches anywhere in the prison); or
 - (ii) the prisoner is being transferred between prisons: 10
- (aab) may be denied, for a period of time that is reasonable in the circumstances, the minimum entitlement referred to in subsection (1)(a) if, in the opinion of the prison manager, it is not reasonably practicable to provide the entitlement because the prison manager believes on reasonable grounds that the prisoner is awaiting, or is being provided with, medical, or other health-related, assessment or treatment (for example, dental assessment or treatment) at the health centre or at another location in or outside the prison: 15
- (1C) In section 69(4)(aa)(i), after “temporarily removed from prison under section 62”, insert “(other than to obtain medical, or other health-related, assessment or treatment)” 20
- (1D) After section 69(4), insert:
- (4A) A denial under subsection (2)(a) or (b) or **(4)(aaa), (aab)**, or (aa) of a prisoner’s entitlement under subsection (1)(a) must be— 25
- (a) approved in advance by the prison manager, or by the prison manager’s delegate, unless it is not reasonably practicable to do so (for example, because of unplanned prison or unit search operations, or unplanned medical appointments); and 25
 - (b) recorded clearly by the prison manager, or by the prison manager’s delegate, in order to facilitate national monitoring and analysis by the department of every denial of any of those kinds. 30
- (4B) A denial under subsection (2)(a) or (b) or **(4)(aaa), (aab)**, or (aa) of a prisoner’s entitlement under subsection (1)(a), and that it is impracticable for the prison manager, or the prison manager’s delegate, to approve in advance under **subsection (4A)(a)**, must be— 35
- (a) approved or discontinued by them as soon as is reasonably practicable; and
 - (b) recorded clearly by them, along with a record of the reasons why it was not reasonably practicable for them to approve it in advance, in order to facilitate national monitoring and analysis by the department of every denial of any of those kinds. 40

(2) After section 69(6), insert:

(7) This section does not limit **section 69A** (minimum meaningful human contact).

18 New section 69A inserted (Minimum meaningful human contact)

After section 69, insert:

5

69A Minimum meaningful human contact

What section does

(1) This section sets out a rule ~~for prohibiting prolonged solitary confinement, and also sets out other entitlements to minimum meaningful human contact.~~

Rule prohibiting prolonged solitary confinement

10

(1A) A prisoner must not be subjected to prolonged solitary confinement.

(1B) For the purposes of **subsection (1A)**,—

prolonged solitary confinement means solitary confinement for a time period in excess of 15 consecutive days

solitary confinement means the confinement of a prisoner for 22 hours or more a day without the opportunity to receive meaningful human contact.

15

Other entitlements to minimum meaningful human contact

(2) A prisoner must be given the opportunity to receive at least 10 hours of meaningful human contact in ~~each 14 day~~ a time period of 14 consecutive days.

(2A) A prisoner must be given the opportunity to receive at least 2 hours of meaningful human contact in a time period of 7 consecutive days.

20

~~*Duty to take into account that at least 14 hours of contact each week desirable*~~

(3) ~~In managing a prisoner, the department (for example, the prison manager and a staff member of a prison) must take into account that, while not an entitlement, it is still desirable that the prisoner be given the opportunity to receive at least 14 hours of meaningful human contact in each week.~~

25

Meaningful human contact

(4) In this Act, **meaningful human contact**, for a prisoner, means contact by the prisoner with 1 or more other individuals (whether other prisoners, visitors, officers, or others) that—

30

(a) enables the prisoner's social interaction and stimulation by enabling the prisoner to engage with (for example, talk with) the 1 or more other individuals:

(b) is more than fleeting or incidental to contact for other purposes, whether or not the contact occurs in the course of another activity (for example, during delivery of food or medication):

35

(c) is offered under **subsection (5)** and is any of the following:

- (i) face-to-face contact, for example,—
 - (A) via an audiovisual link; or
 - (B) in person via a physical barrier (for example, a physical barrier that is, or includes, glass or mesh); or
 - (C) in person and not via a physical barrier: 5
 - (ii) contact by telephone call, made by any telephone facility provided for the use of prisoners under section 77(1) or (2) and **(8)(a)** (and so excluding any audiovisual link referred to in **section 77(8)(b)**). 10
- Determining what kind of contact is offered under this section to prisoner* 10
- (5) In deciding, for the purposes of **subsection (4)(c)**, what kind of contact is offered under this section, relevant factors are—
- (a) the availability of reasonably suitable spaces and facilities:
 - (b) that meaningful human contact can occur in the cell, or self-care unit, in which the prisoner is placed: 15
 - ~~(c) that it is desirable for the prisoner to have a mix of contact of all of the different kinds specified in **subsection (4)(c)(i) and (ii)**:~~
 - (d) in particular, that it is desirable for the prisoner not to have contact only by telephone call (as specified in **subsection (4)(c)(ii)**):
 - ~~(e) that it is desirable for the prisoner to be asked how the prisoner would prefer to have meaningful human contact, and for any preferences the prisoner expresses in response to be taken into account:~~ 20
 - (f) all or any circumstances specified in **subsection (6)(a) to (d)**:
 - (g) any other factors that do or may affect that decision.
- (5A) In deciding, for the purposes of **subsection (4)(c)**, what kind of contact is offered under this section,— 25
- (a) the prisoner must, if practicable, be asked if they have any preferences relating to what kind of contact is offered under this section; and
 - (b) the prisoner's preferences (if any) must be taken into account alongside operational, safety, security, and resource considerations. 30
- (5B) If the prisoner's opportunity to associate with other prisoners has been denied or restricted in accordance with **section 58, 60, or 61CA** for a period of more than 14 consecutive days, then the prison manager must record how the prisoner's entitlements under this section will be facilitated. 35
- Exceptions*
- (6) A prisoner may be denied, for a period of time that is reasonable in the circumstances, the minimum contact under **subsection (1A), (2), or (2A)** if—
- (a) there is an emergency in the prison; or

- (b) the security of the prison is threatened; or
- (c) the health centre manager of the prison concerned considers that the health of the prisoner is threatened; or
- (d) the safety of the prisoner or of any other person is threatened.

Relationship with minimum entitlements

- (7) This section does not limit section 69 (minimum entitlements).

Compare: United Nations Standard Minimum Rules for the Treatment of Prisoners, Rules 43(1)(b) and 44

18A Section 70 amended (Exercise)

- (1) After section 70(2), insert:

- (3) The prisoner takes the physical exercise referred to in subsection (1) in the open air for the purposes of subsection (2) even if the prisoner takes that physical exercise in an area (for example, in a yard) that—

- (a) has security features (for example, solid walls, bars, or mesh); and
- (b) may, but need not, have overhead features (for example, all or any of overhead bars, overhead mesh, and roofing features (for example, partial roofing)).

- (2) After **section 70(3)**, insert:

- (3A) The physical exercise referred to in subsections (1) to **(3)** is sufficiently provided to a prisoner (other than a designated-management prisoner, or any other prisoner, to whom **subsection (4)** applies) if that physical exercise is provided to that prisoner—

- (a) in a single-prisoner yard; or
- (b) in an exercise yard that is larger than a single-prisoner yard.

- (4) The physical exercise referred to in subsections (1) to **(3)** is sufficiently provided to a designated-management prisoner, or to any other prisoner, who has been provided with exercise in a single-prisoner yard for 15 or more consecutive days (whether or not that designated management prisoner's, or other prisoner's, opportunity to associate with other prisoners has been denied or restricted in accordance with this Act or regulations made under this Act for all or any of those 15 or more consecutive days) if—

- (a) that physical exercise is provided to that prisoner in a single-prisoner yard; and
- (b) the condition in **subsection (5)** is also complied with, unless that condition does not apply under **subsection (6)**.

- (5) The condition mentioned in **subsection (4)(b)** is that the prisoner also receives regular opportunities to take that physical exercise in an exercise yard that is larger than a single-prisoner yard.

- (6) For the purposes of **subsection (4)(b)**, the condition mentioned in **subsection (5)** does not apply if the prison manager is satisfied that—
- (a) the opportunity to use an exercise yard that is larger than a single-prisoner yard for that physical exercise is likely to affect negatively the health or safety of the prisoner, any other person, or both; or 5
 - (b) the prisoner is, for all or any of the 15 or more consecutive days mentioned in **subsection (4)**, segregated under **section 60**, or **61CA**, or both; or
 - (c) the prisoner must be separated from other prisoners in order to comply with a penalty imposed on the prisoner for an offence against discipline; or 10
 - (d) all of **paragraphs (a) to (c)** apply, or a combination of any of them applies.
- (7) The prison manager, or the prison manager's delegate, must record clearly when they rely on an exception in **subsection (6)(a) to (d)** (and therefore, under **subsection (4)(b)**, do not comply with the condition in **subsection (5)**), in order to facilitate national monitoring and analysis by the department of reliance on the exceptions in **subsection (6)(a) to (d)**. 15
- (8) A **single-prisoner yard**, in this section, means a yard that—
- (a) is designed for use only by a single prisoner; and 20
 - (b) may, but need not, be adjacent to the cell in which the prisoner is held or placed.

*Amendments relating to designated-management prisoners
and outgoing telephone calls*

- 19 Section 77 amended (Outgoing telephone calls)** 25
- (1) Replace section 77(3) with:
- (3) Every prisoner who is not a designated-management prisoner is entitled to make per week at least 1 outgoing telephone call whose duration is at least 5 minutes.
- (3A) Every prisoner who is a designated-management prisoner is entitled to make per week at least 1 or more outgoing telephone calls whose duration (as the 1 call, or as the 2 or more calls combined) is at least 2 hours. 30
- (2) After section 77(7), insert:
- (8) In this section, a **telephone facility**—
- (a) means any telephone system, or audio link, that under **subsection (1) or (2)** every corrections prison, or Police jail, must have for prisoners to make telephone calls; but 35

- (b) includes any audiovisual link, whether inside or outside a prison, that a particular prisoner is permitted to use by a person under whose control or supervision the particular prisoner is.

Prisoners' information and education needs

19A New cross-heading above section 78 inserted

5

Above section 78, insert:

Prisoners' information and education needs

Correcting wrong cross-references

20 Section 102 amended (Reporting of unauthorised items discovered, certain searches, and placement in dry cells)

10

In section 102(2),—

- (a) replace “section 98(3)(a)” with “section 98D(1)”; and
(b) replace “section 98(9)” with “section 98F”.

21 Section 171 amended (Reporting responsibilities)

In section 171(2)(e), replace “sections 98 and 101” with “sections 98 to 98F and 101”.

15

Amendments relating to prisoners' property

22 Section 201 amended (Regulations relating to good management of corrections system)

Replace section 201(c) with:

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- (c) regulating the opening of bank accounts (that is, trust accounts required by section 46) into which money intended for a particular prisoner may be deposited, regulating the operation of those trust accounts (including deposits into them and withdrawals or other payments from them), and regulating the closing of those trust accounts:

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23 New section 201A inserted (Regulations regulating operation of prisoner trust accounts may authorise prison manager to refuse to approve deposit, or to prevent withdrawal, if satisfied that prescribed grounds apply to transaction)

After section 201, insert:

30

201A Regulations regulating operation of prisoner trust accounts may authorise prison manager to refuse to approve deposit, or to prevent withdrawal, if satisfied that prescribed grounds apply to transaction

Regulations to which this section applies

- (1) This section applies to regulations— 5
- (a) made under sections 200(1)(a) and **201(c)**; and
 - (b) regulating the operation of trust accounts required by section 46.

Regulations may authorise prison manager to refuse to approve deposit, or to prevent withdrawal, if satisfied that prescribed grounds apply to transaction

- (2) The regulations may regulate the operation of those trust accounts by authorising ~~the prison~~ a manager of a prison (which may, but need not, be the manager of the prison in which the prisoner is detained)— 10

- (a) to refuse to approve a deposit into a trust account in respect of a particular prisoner if—
 - (i) the regulations require ~~the~~ a prison manager's approval for the transaction; and 15
 - (ii) ~~the~~ a prison manager is satisfied that grounds prescribed in the regulations apply to the transaction:

- (b) to prevent a withdrawal from a trust account in respect of a particular prisoner if— a prison manager is satisfied that grounds prescribed in the regulations apply to the transaction. 20

- ~~(i) the withdrawal is in respect of a prisoner and with the prisoner's approval (not because money has been wrongly credited to the account, or is withdrawn in accordance with requirements in, or in regulations made under, this Act); and 25~~
- ~~(ii) the prison manager is satisfied that grounds prescribed in the regulations apply to the transaction.~~

Regulations may also regulate operation in any other way, or other ways

- (3) **Subsection (2)** does not limit the generality of the power under sections 200(1)(a) and **201(c)** for the regulations to regulate in any other way or ways the operation of trust accounts required by section 46. 30

Transitional, savings, and related provisions

24 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and 35
- (b) make all necessary consequential amendments.

Amendment relating to designated-management prisoners

25 New Schedule 1AB inserted

After Schedule 1AA, insert the **Schedule 1AB** set out in **Schedule 2** of this Act.

Part 2

5

Amendments to Corrections Regulations 2005

26 Principal regulations

Corrections Regulations 2005

- (1) This Part amends the Corrections Regulations 2005.

Corrections Amendment Regulations 2025

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- (2) However, **sections 29, 29A, and 30** amend regulation 25 of the Corrections Amendment Regulations 2025.

- (3) The amendments made by **sections 29, 29A, and 30** form part of Part 4A of the Corrections Regulations 2005 for the purposes of clause 7 of Schedule 1AA of those regulations (Risk categories assigned to remand prisoners before commencement of Part 4A).

15

Amendments relating to prisoners' property

27 Regulation 41 amended (Trust accounts in respect of prisoners)

Revoke regulation 41(2).

28 Regulation 42 replaced (Trust account deposits and withdrawals)

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Replace regulation 42 with:

42 Trust account deposits

- (1) No money may be deposited into a trust account in respect of a particular prisoner detained in a prison unless ~~the manager of the prison~~ a manager of a prison (which may, but need not, be the prison in which the prisoner is detained) gives approval for the deposit.

25

- (2) **Subclause (1)** is subject to regulation 43(1) (which requires earnings paid to a prisoner under section 66(3) of the Act to be deposited into the trust account).

- (3) ~~The~~ A prison manager may refuse to approve a deposit into a trust account in respect of a particular prisoner if ~~the~~ a prison manager is satisfied that all or any of the following prescribed grounds apply to the transaction:

30

- (a) the transaction is likely to adversely affect all or any of the following:
- (i) the security, good order, or discipline of the prison:
 - (ii) the safety or welfare of any prisoner:

	(iii) public safety, including the safety or welfare of any individual:	
	(iv) the maintenance of the law:	
	(b) the transaction is likely to constitute an offence:	
	(c) the transaction is inconsistent with any requirements imposed by rules made under section 46A of the Act.	5
42A	Trust account withdrawals	
(1)	Money may be withdrawn from the trust account only if <u>a manager of a prison (which may, but need not, be the prison in which the prisoner is detained) is satisfied that—</u>	
	(a) it has been wrongly credited to the account; or	10
	(b) it is withdrawn in respect of a prisoner with the prisoner's approval; or	
	(c) it is withdrawn in accordance with regulation 43(2) or section 46(3) or 68 of the Act.	
(2)	However, the <u>a</u> prison manager may prevent a withdrawal (in respect of a prisoner with the prisoner's approval) under subclause (1)(b) if the <u>a</u> prison manager is satisfied that all or any of the following prescribed grounds apply to the transaction:	15
	(a) the transaction is likely to adversely affect all or any of the following:	
	(i) the security, good order, or discipline of the prison:	
	(ii) the safety or welfare of any prisoner:	20
	(iii) public safety, including the safety or welfare of any individual:	
	(iv) the maintenance of the law:	
	(b) the transaction is likely to constitute an offence:	
	(c) the transaction is inconsistent with any requirements imposed by rules made under section 46A of the Act.	25

Amendments relating to designated-management prisoners

29	Regulation 43A amended (Principles of risk assessment for remand prisoners)	
(1)	Before regulation 43A(1) (as set out in regulation 25 of the Corrections Amendment Regulations 2025), insert:	30
	<i>Lowest risk category for remand prisoner's safe and secure management</i>	
(2)	Replace regulation 43A(2) (as set out in regulation 25 of the Corrections Amendment Regulations 2025) with:	
	<i>Remand prisoner placement and management consistent with risk category</i>	
(2)	A requirement in subclause (3) applies—	35
	(a) to a remand prisoner who has been assigned a risk category; and	

- (b) only to the extent that complying with it is practicable (having regard to the availability of accommodation and other resources); and
- (c) only while the remand prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.
- (3) The placement and management of the remand prisoner must be informed by (that is, decided after considering all relevant considerations, including, without limitation) the remand prisoner's risk category.

29A Regulation 43B amended (Duty to carry out risk assessment of remand prisoner)

After regulation 43B(1) (as set out in regulation 25 of the Corrections Amendment Regulations 2025), insert:

- (1A) However, subclause (1) applies to a remand prisoner who has been remanded in custody in any corrections prison for a continuous period of 14 days only while the prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.

30 Regulation 43F amended (Duty to review risk category)

- (1) In regulation 43F (as set out in regulation 25 of the Corrections Amendment Regulations 2025), after "The risk category assigned to a remand prisoner", insert "other than a remand prisoner who is a designated-management prisoner".
- (2) In regulation ~~46F~~43F (as set out in regulation 25 of the Corrections Amendment Regulations 2025), insert as subclauses (2) and (3):
- (2) For the purposes of subclause (1)(a) and (b)(ii), a significant change in the remand prisoner's circumstances that could impact the risk category assigned to them occurs if the interim or final designation of the remand prisoner as a designated-management prisoner expires or is revoked.
- (3) **Subclause (2)** does not limit the generality of subclause (1)(a) and (b)(ii).

31 Regulation 44 amended (Principles of security classification)

- (1) Before regulation 44(1), insert:
Classification at lowest level for prisoner's safe and secure management
- (2) Replace regulation 44(2) with:
Prisoner placement and management consistent with classification
- (2) A requirement in **subclause (3)** applies—
 - (a) to a prisoner who has been assigned a security classification; and
 - (b) only to the extent that complying with it is practicable (having regard to the availability of accommodation and other resources); and

- (c) only while the prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.
- (3) The prisoner must be placed and managed in a way that is consistent with the prisoner's security classification.

32 New Part 5B inserted

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After regulation 52N, insert:

Part 5B Designated-management prisoner cells	
52O Mandatory items, features, and standards for designated-management prisoner cells	10
(1) Cells used to accommodate designated-management prisoners must have the items and features specified in Part AA of Schedule 2 .	
(2) The prison manager must ensure that the items and features specified in Part AA of Schedule 2 that are provided for use in, or form part of, a cell to which this regulation applies are maintained in good working order.	15

*Amendments relating to segregation
(denial or restriction of opportunity to associate)*

33 Part 6 heading amended

In the Part 6 heading, after “**Segregation of prisoners**”, insert “, **at-risk cells, and at-risk prisoners**”.

20

34 Regulation 53 amended (Application)

- (1) In the heading to regulation 53, replace “**Application**” with “**Part applies to authorise segregation only under segregation direction**”.
- (2) In regulation 53, replace “made under any of sections 58 to 60 of the Act” with “(as defined in regulation 3)”.

25

35 Regulation 57 amended (Mandatory items, features, and standards for segregation accommodation and at-risk cells)

- (1) In regulation 57(1), after “Cells”, insert “(other than at-risk cells)”.
- (2) In regulation 57(2), after “At-risk cells”, insert “(whether or not they are used to accommodate prisoners subject to a segregation direction, designated-management prisoners, or both)”.
- (3) In regulation 57(3), replace “this regulation” with “subclause (1) or (2)”.

30

Amendment relating to designated-management prisoners

36 Regulation 65AAA replaced

Replace regulation 65AAA with:

65AAA Case management plans for certain prisoners

Application

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- (1) This regulation applies to every prisoner who is—
- (a) sentenced to imprisonment for a term of more than 2 months; or
 - (b) in custody on remand for a continuous period of more than 2 months.

Requirements: every prisoner

- (2) The case management plan devised for the prisoner under section 51 of the Act must—
- (a) be tailored to the individual prisoner and include an assessment of the needs, capacities, and disposition of the prisoner; and
 - (b) make provision for the safe, secure, and humane treatment of the prisoner; and
 - (c) outline how the prisoner can make constructive use of their time in the prison (including, in the case of a person sentenced to imprisonment, ways of addressing offending behaviour and preventing reoffending); and
 - (d) outline how the prisoner may, if appropriate, be prepared for eventual release from the prison and successful reintegration into the community; and
 - (e) be consistent with the resources available to the chief executive to manage the prisoner.

15

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Additional requirements: every designated-management prisoner

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- (2A) The case management plan for every designated-management prisoner must also reflect how that prisoner is provided (if it is appropriate, and to the extent that it is reasonable and practicable, in the circumstances) with—
- (a) opportunities for that prisoner's rehabilitation:
 - (b) constructive activities:
 - (c) planning for the reintegration of that prisoner into the community.

30

Review

- (3) The case management plan must be reviewed whenever there is a significant change in the prisoner's circumstances.
- (4) In **subclause (3)**, a significant change in the prisoner's circumstances includes, without limitation, when the interim or final designation of the prisoner as a designated-management prisoner expires or is revoked.

35

Designated-management prisoners

65AAB Designated-management prisoners: opportunities to reduce restrictive management

The prison manager must be able to demonstrate whether, and if so, how, opportunities are provided to a designated-management prisoner to reduce the level of restrictive management to which that prisoner is subject.

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*Amendments relating to segregation
(denial or restriction of opportunity to associate)*

37 Regulation 67 amended (Facilities for cells and self-care units)

Replace regulation 67(6) with:

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- (6) This regulation does not apply to—
- (a) cells used to accommodate prisoners subject to a segregation direction:
 - (b) transit cells:
 - (c) at-risk cells.

38 Regulation 183 amended (Prison to contact nominated person)

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- (1) After regulation 183(1)(a), insert:

(aaa) a designated-management prisoner; or
(aa) an at-risk prisoner; or

- (2) In regulation 183(3)(a) and (b), after “the prisoner’s segregation”, insert “, designation as a designated-management prisoner, placement in an at-risk cell (see section 61B(a) of the Act),”.

20

Transitional, savings, and related provisions

39 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

25

Amendments relating to designated-management prisoners

40 Schedule 2 amended

Amend Schedule 2 as set out in **Schedule 4** of this Act.

Schedule 1

New Part 2 inserted into Schedule 1AA of Corrections Act 2004

s 24

Part 2

Provisions relating to Corrections (Management of Prisoners, and Prisoners' Property) Amendment Act 2026 5

6 Interpretation

- (1) In this Part, unless the context otherwise requires,—
- amendment Act** means the Corrections (Management of Prisoners, and Prisoners' Property) Amendment Act 2026 10
- commencement**, in relation to a provision of the amendment Act, means the commencement of the provision.
- (2) In this Part,—
- (a) a reference to a **new** provision is one to that provision as amended, inserted, or replaced by the amendment Act; and 15
- (b) a reference to an **old** provision is one to that provision as in force immediately before it is so amended, inserted, or replaced.

7 Application of prisoners' property amendments

New sections 45, **45AA**, 46, **46A**, and **201(c)** apply, after commencement, only to, and to a trust account in which money is held exclusively for, a person whose legal custody as a prisoner— 20

- (a) started before commencement, and is in force immediately before commencement; or
- (b) starts on or after commencement.

8 Application of segregation amendments 25

- (1) **New sections 3A, 57, 58, 59, 59A, 60, and 61CA** apply, after commencement, only to—
- (a) a direction that is given under old sections 58, 59, 60, and 61CA before commencement, and that is in force immediately before commencement:
- (b) a direction that is given on or after commencement. 30
- (2) In particular, **new section 59A(5)** applies, after commencement, to a prisoner even if some or all of the relevant period determined under **new section 59A(5)** occurred before the commencement, so long as that period ends on or after the commencement.
- (3) However, for the first 12 months after commencement, the department may 35
comply with either of the following:

	(a) old sections 58, 59, 60, and 61CA as in force immediately before commencement; or	
	(b) new sections 3A, 57, 58, 59, 59A, 60, and 61CA.	
8A	<u>Application of physical exercise amendments</u>	
	New sections 69(2A), (4)(aaa) and (aab), and (4A) and 70(3A) to (8) apply, after commencement, only to—	5
	(a) <u>a prisoner whose legal custody started before commencement, and is in force immediately before commencement:</u>	
	(b) <u>a prisoner whose legal custody starts on or after commencement.</u>	
9	Application of minimum meaningful human contact amendments	10
	New sections 69(7) and 69A apply, after commencement, only to—	
	(a) a prisoner whose legal custody started before commencement, and is in force immediately before commencement:	
	(b) a prisoner whose legal custody starts on or after commencement.	
9A	<u>Application of telephone facility definition amendment</u>	15
	New section 77(8) applies, after commencement, only to—	
	(a) <u>a prisoner whose legal custody started before commencement, and is in force immediately before commencement:</u>	
	(b) <u>a prisoner whose legal custody starts on or after commencement.</u>	
10	Application of designated-management prisoner amendments	20
(1)	New sections 3(1), 47, 54, 52A to 52M, 54, 69, 77(3) and (3A) , and new Schedule 1AB apply, after commencement, only to—	
	(a) a prisoner whose legal custody started before commencement, and is in force immediately before commencement:	
	(b) a prisoner whose legal custody starts on or after commencement.	25
(2)	This clause is subject to clause 11 (transitional provisions for designated-management prisoner amendments).	
11	Transitional provisions for designated-management prisoner amendments	
(1)	The new provisions in clause 10 relating to designated-management prisoners apply, for the first 6 months after commencement, only for—	30
	(a) appointing members of the Panel:	
	(b) bringing into operation processes necessary or desirable to enable the Panel to perform its function after the end of those 6 months:	
	(c) enabling the chief executive to consider making in those 6 months an interim designation in respect of a person that commences on or after the end of those 6 months.	35

(2) An interim designation mentioned in **subclause (1)(c)** may expire up to 6 months after it comes into force (despite **new section 52J(2)(a)**), unless earlier revoked, or the person earlier ceases to be in the legal custody of the chief executive, for example, because the person—

- (a) earlier ceases to be remanded in custody; or
- (b) is earlier released on parole; or
- (c) earlier ceases to be serving a sentence of imprisonment.

5

(3) However, an expiry date under **subclause (2)**—

- (a) is available only for an interim designation made in the 12 months after commencement of the new provisions specified in **clause 10**; and
- (b) must be an expiry date no later than the end of those 12 months.

10

Schedule 2

New Schedule 1AB inserted into Corrections Act 2004

s 25

Schedule 1AB	
Designated-Management Prisoner Advisory Panel	
	ss 52A, 52G, 52H, 52I, 52K
1 Establishment of Panel	
The Designated-Management Prisoner Advisory Panel is established.	
2 Function of Panel	
(1) The function of the Panel is, when requested to do so, to make a recommendation that the chief executive (as the case requires)—	10
(a) make or replace or not make or replace a final designation designating a person as a designated-management prisoner; or	
(b) on a review, or the expiry, of an in-force final designation, amend, revoke, or replace, or not amend, revoke, or replace, the designation.	15
(2) The Panel's recommendation must be consistent with all provisions of sections 52A to 52M that apply to the chief executive's relevant decision.	
3 Membership of Panel	
(1) The Panel consists of members who are appointed by the chief executive by written notice.	20
(2) The Panel must include—	
(a) 1 <u>independent</u> member who is appointed as chairperson; and	
(b) 1 or more acting chairpersons (each of whom is an <u>independent</u> member who may be able to act as the chairperson if the chairperson is unavailable); and	25
(c) sufficient other members to enable the Panel to carry out its function efficiently and effectively.	
(3) Before appointing a person as a member, the chief executive must be satisfied that—	
(a) the person has suitable qualifications, knowledge or understanding, and ability, to help enable the Panel to perform its function; and	30
(b) members that have been, or are to be, appointed have collectively suitable qualifications, knowledge or understanding, and ability, to enable the Panel to carry out its function efficiently and effectively.	

(4)	<u>The following must be appointed as a member of the Panel who is independent from the Minister, the chief executive, every employee of the department, and every officer (an independent member):</u>	
(a)	<u>a member appointed as chairperson:</u>	
(b)	<u>a member appointed as an acting chairperson.</u>	5
4	Chairperson and acting chairperson	
(1)	A member appointed as chairperson, or as an acting chairperson, must be a barrister or solicitor of the High Court of not less than 7 years' practice.	
(2)	However, the member need not hold, at or after the time that their appointment as chairperson, or as an acting chairperson, is made or takes effect, a practising certificate as a barrister, or as a barrister and solicitor.	10
5	Meetings and recommendations of Panel	
(1)	The quorum necessary for any meeting of the Panel—	
(a)	is 5 members; and	
(b)	must include the chairperson or acting chairperson.	15
(2)	The recommendation of the majority of members in attendance at a meeting is the recommendation of the Panel (and, if those members are split evenly, the chairperson or acting chairperson has a casting vote).	
(3)	The Panel may come to a recommendation without hearing from any person, unless the Panel wishes to hear an oral statement from any person.	20
(3A)	<u>The Panel's recommendation must be recorded and must include—</u>	
(a)	<u>details of the Panel's members; and</u>	
(b)	<u>the reasons why the Panel made the Panel's recommendation; and</u>	
(c)	<u>if the Panel is split, any other recommendation that a member would make instead, and the reasons why that member would make it.</u>	25
(4)	The Panel's recommendation that the chief executive make or replace a final designation must include the recommended duration of the designation or replacement designation (which, under section 52J(3) , must not exceed 2 years after it comes into force).	
(5)	The Panel may regulate its own procedures not provided for by this Act.	30
6	Information Panel must consider in deciding its recommendation	
	In making the Panel's recommendation, the Panel must consider the following information in respect of the person considered for designation:	
(aaa)	<u>how the department has in the past managed, and is currently managing, the person as a prisoner:</u>	35
(aab)	<u>the current risks posed by the person as a prisoner that the department needs to manage:</u>	

(aac)	<u>any other relevant and available information relating to—</u>	
	(i) <u>the person's health and welfare; or</u>	
	(ii) <u>the likely impact of designation on their health and welfare:</u>	
(a)	any written information or written submissions provided by, or on behalf of, the person <u>before a reasonable deadline specified for the purpose (which must be at least 14 days after receipt by the person of the notice required to be given to them under section 52I(1)(b)(iii)):</u>	5
(b)	any information provided in any oral <u>hearings of an oral statement</u> under clause 5(3) :	
(c)	the person's current and historical segregation status (if any):	10
(d)	the person's current and historical risk assessment as a remand prisoner (if any):	
(e)	the person's current and historical security classification (if any):	
(f)	the person's current and previous convictions, sentences, or other dispositions, including (without limitation) sentencing notes and pre-sentence reports:	15
(g)	any current or potential charges against the person that have not yet resulted in any conviction, sentence, or other disposition, including (without limitation) sentencing notes and pre-sentence reports:	
(h)	any other relevant and available information relating to—	20
	(i) the person's health and welfare; or	
	(ii) the likely impact of designation on their health and welfare:	
(i)	any report—	
	(i) from the department to the Panel; and	
	(ii) about the Panel's recommendation:	25
(j)	any other information that is, or on the Panel's request is made, available to the Panel, and that it considers relevant to its recommendation.	
7	Term of appointment, and reappointment	
(1)	Every member of the Panel, including the chairperson, must be appointed for a term of 3 years or less.	30
(2)	A member continues in office despite the expiry of the member's term of office until—	
	(a) the member is reappointed; or	
	(b) the member's successor is appointed.	
(3)	A member who participates in a recommendation that is not complete on the date that the member ceases to be in office may complete the member's participation in the recommendation after that date and is, for that purpose, taken to be in office until the recommendation is complete.	35

(4)	Any member may be reappointed any number of times.	
(5)	A member may at any time resign from office by written notice to the chief executive.	
(6)	The chief executive may at any time remove a member from office for just cause.	5
(7)	The member is not entitled to compensation for loss of office.	
8	Remuneration and expenses	
(1)	Every member of the Panel must be paid fees and expenses in accordance with the fees framework.	
(2)	In this clause, the fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.	10
9	Panel member not employed in service of Crown for stated purposes	
	A person is not employed in the service of the Crown, for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956, merely as a result of being a member of the Panel.	15
10	Immunity of members	
	No member of the Panel is personally liable for any act or omission done in performance, or intended performance, of the Panel's function, unless the act or omission was done in bad faith.	20

Schedule 3
New Part 2 inserted into
Schedule 1AA of Corrections Regulations 2005

s 39

	Part 2	5
	Provisions relating to Corrections (Management of Prisoners, and Prisoners' Property) Amendment Act 2026	
8	Interpretation	
(1)	In this Part, unless the context otherwise requires,— amendment Act means the Corrections (Management of Prisoners, and Prisoners' Property) Amendment Act 2026 commencement , in relation to a provision of the amendment Act, means the commencement of the provision.	10
(2)	In this Part, a reference to a new provision is a reference to that provision as amended, inserted, or replaced by the amendment Act.	15
9	Application of prisoners' property amendments New regulations 42 and 42A apply, after commencement, only to, and to the prisoner trust account of, a person whose legal custody as a prisoner— (a) started before commencement, and is in force immediately before commencement; or (b) starts on or after commencement.	20
10	Application of designated-management prisoner and designated-management prisoner cell amendments New regulations 43A, <u>43B</u> , 43F, 44, new Part 5B , new regulations 65AAA and 65AAB , and new Schedule 2 apply, after commencement, only to— (a) a prisoner whose legal custody started before commencement, and is in force immediately before commencement: (b) a prisoner whose legal custody starts on or after commencement.	25
11	Application of amendments relating to segregation The new Part 6 <u>heading</u> and new regulations 53, 57, 67, and 183 apply, after commencement, only to— (a) a prisoner whose legal custody started before commencement, and is in force immediately before commencement: (b) a prisoner whose legal custody starts on or after commencement.	30

Schedule 4

Amendments to Schedule 2 of Corrections Regulations 2005

s 40

In the Schedule 2 heading, after “**Items and features**”, insert “**of designated-man-
agement prisoner cells and**”.

5

In the Schedule 2 heading, replace “rr 57, 59, 60, 61” with “rr **520**, 57, 59, 60, 61”.

In Schedule 2, before Part A, insert:

Part AA	
Items and features prescribed for designated- management prisoner cells	
Artificial lighting	
Automatic fire detector	
Bed	
Cell-adjacent yard that—	
• receives fresh air; and	15
• is attached to, and can be accessed directly from, the cell	
Desk with seating	
Fresh or conditioned air	
General power outlet	
Hand-washing facilities	20
Heating as appropriate for climatic conditions	
Intercom, alarm, or call button	
Privacy screening	
Reflective surface (such as polished stainless steel) for personal grooming	
Running potable water	25
Shelving	
Storage for authorised property	
Toilet	

**Corrections (Management of Prisoners,
and Prisoners' Property) Amendment Bill**

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