



Corrections Amendment Act 2013

Public Act 2013 No 5
Date of assent 4 March 2013
Commencement see section 2

Contents

	Page
1 Title	3
2 Commencement	3
Part 1	
Amendments to Corrections Act 2004	
3 Principal Act amended	3
4 Interpretation	4
5 Delegation of powers and functions of chief executive	4
6 Visiting Justices	5
7 New section 19A inserted	5
19A Health centre managers	5
8 New section 20 substituted	5
20 Medical officers	5
9 Manager may make rules for prison	5
10 Certain information to be given to recently received prisoners	6
11 Authorised property	6
12 Standard conditions of issue and transfer of issued items	6
13 New section 45A inserted	6
45A Rules about authorised property	6
14 Segregation for purpose of medical oversight	7
15 New section 66A inserted	8
66A Self-employment	8
16 Earnings of employed prisoner	8

17	Application of money	9
18	Minimum entitlements	9
19	Diet	10
20	Use of force	10
21	Restraint of prisoners	10
22	Definition of strip search	10
23	Search of prisoners and cells	11
24	Interpretation	12
	103A Interpretation	12
25	General considerations relating to mail	12
26	Opening of mail	12
27	Reading of correspondence	12
28	New section 109 substituted	12
	109 Mail between prisoners, official agencies, and members of Parliament	13
29	Mail between prisoners and legal advisers	13
30	Restrictions on disclosure of mail	13
31	Destruction of recordings	13
32	Prisoner may be required to submit to drug or alcohol test	14
33	Obligations of persons carrying out procedure	14
34	Offences by prisoners relating to drugs and alcohol	14
35	Offences committed by persons while on temporary release from custody under section 62	15
36	Powers of hearing adjudicator in relation to offences against discipline	15
37	Powers of Visiting Justice in relation to offences by prisoners	15
38	New heading and section 165 substituted	16
	<i>Health records</i>	
	165 Health records	16
39	New heading and section 179AA inserted	16
	<i>Status of certain rules and regulations relating to smoking in prisons</i>	
	179AA Status of certain rules and regulations relating to smoking in prisons	16
40	New heading and section 189D inserted	17
	<i>Information associated with seized electronic communication devices</i>	
	189D Chief executive may require electronic communications company to provide information to access contents of seized device	17

41	Matters to be included in annual report	18
42	New sections 199AA and 199AB inserted	18
	199AA Delegation of powers and functions of chief executive to contractor	18
	199AB Delegation of powers and functions of chief executive to subcontractor	19
43	Reporting responsibilities	19
44	Accommodation and access	20
45	Monitors to report on certain matters	20
46	Regulations relating to safe custody of prisoners	20
Part 2		
Amendment to Courts Security Act 1999		
47	Amendment to Courts Security Act 1999	21
Part 3		
Amendments to Smoke-free Environments Act 1990		
48	Amendments to Smoke-free Environments Act 1990	21

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Corrections Amendment Act 2013.
- 2 Commencement**
 - (1) Section 1, this section, sections 4(2) and (3), 32, 34(2) and (3), 39, and 41 to 46, and Part 3 come into force on the day after the date on which this Act receives the Royal assent.
 - (2) The rest of this Act comes into force on the day that is 3 months after the date on which it receives the Royal assent.

Part 1

Amendments to Corrections Act 2004

- 3 Principal Act amended**
This Part amends the Corrections Act 2004.

4 Interpretation

- (1) Section 3(1) is amended by repealing the definition of **authorised property** and substituting the following definition:
“**authorised property** means property that is declared by rules made under section 45A as property that may be issued to a prisoner”.
- (2) The definition of **unauthorised item** in section 3(1) is amended by inserting the following paragraphs after paragraph (b):
“(ba) tobacco;
“(bb) any equipment used for smoking tobacco or any other substance.”.
- (3) Paragraph (f) of the definition of **unauthorised item** in section 3(1) is amended by inserting after “section 129(a)” “, section 129(aa),”.
- (4) Paragraph (fa) of the definition of **unauthorised item** in section 3(1) is amended by inserting “or dilute or contaminate” after “tamper with”.
- (5) Section 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:
“**health centre manager** means a person appointed as a health centre manager under section 19A and who is a medical practitioner or a nurse
“**nurse** means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions”.

5 Delegation of powers and functions of chief executive

- (1) Section 10 is amended by inserting the following paragraph after paragraph (e):
“(ea) the power to reconsider a prisoner’s security classification under section 48(2); or”.
- (2) Section 10 is amended by repealing paragraph (g) and substituting the following paragraphs:

- “(g) the power to grant approvals under sections 66(5)(a) and 66A(2) (which relate to the types and conditions of work in which prisoners will be employed); or
- “(ga) the power to approve an employee for the purposes of any regulations made under this Act; or”.

6 Visiting Justices

Section 19(4)(f) is repealed.

7 New section 19A inserted

The following section is inserted after section 19:

“19A Health centre managers

- “(1) For every prison (not being a contract prison or Police jail), the chief executive must appoint, under the State Sector Act 1988, a health centre manager.
- “(2) A contractor must appoint a health centre manager for every contract prison managed by that contractor.
- “(3) Each health centre manager must be a medical practitioner or a nurse.
- “(4) Every health centre manager is responsible for ensuring the provision of health care and treatment to prisoners.”

8 New section 20 substituted

Section 20 is repealed and the following section substituted:

“20 Medical officers

- “(1) The chief executive must ensure that every prison (other than a Police jail) has a sufficient number of medical officers to meet prisoners’ needs for medical care and medical treatment.
- “(2) Every contractor must ensure that every contract prison managed by that contractor has a sufficient number of medical officers to meet prisoners’ needs for medical care and medical treatment.
- “(3) Each medical officer must be a medical practitioner.”

9 Manager may make rules for prison

- (1) Section 33(1) and (2) are amended by inserting “, subject to subsection (6),” after “may”.

- (2) Section 33 is amended by adding the following subsection:
“(6) No rules may be made under this section that relate to matters for which rules must or may be made under section 45A.”

10 Certain information to be given to recently received prisoners

Section 42(1) is amended by inserting “, rules about authorised property made under section 45A,” after “section 33”.

11 Authorised property

- (1) Section 43 is amended by repealing subsection (1) and substituting the following subsection:
“(1) A prisoner may be issued with, or allowed to keep, authorised property subject to—
“(a) any condition set out in rules made under section 45A; and
“(b) any special conditions imposed by the prison manager relating to the use of the property; and
“(c) the condition described in section 44(1).”
- (2) Section 43(3)(c) is amended by adding “or rules made under section 45A”.

12 Standard conditions of issue and transfer of issued items

- (1) Section 44(1) is amended by omitting “section 43(1)(a)” and substituting “section 43(1)(c)”.
- (2) Section 44(2)(a) is amended by omitting “regulations made under this Act” and substituting “rules made under section 45A”.
- (3) Section 44(2)(c) is amended by omitting “regulations made under this Act” and substituting “rules made under section 45A”.

13 New section 45A inserted

The following section is inserted after section 45:

“45A Rules about authorised property

- “(1) The chief executive—

- “(a) must, in respect of all corrections prisons, make rules declaring the items of property that prisoners may be issued with or allowed to keep; and
 - “(b) may make rules imposing conditions that attach to an item of property so declared; and
 - “(c) must publish the rules on an Internet site; and
 - “(d) must make the rules available for public inspection free of charge and for purchase at a reasonable price; and
 - “(e) must give notice in the *Gazette* whenever rules are made or amended under this section, stating—
 - “(i) the Internet site on which the rules are published; and
 - “(ii) the place where the rules can be inspected; and
 - “(iii) the place where the rules can be purchased.
- “(2) The Commissioner of Police—
- “(a) must, in respect of all Police jails, make rules declaring the items of property that prisoners may be issued with or allowed to keep; and
 - “(b) may make rules specifying conditions that attach to an item of property so declared; and
 - “(c) must arrange for the rules to be made available and published in accordance with subsection (1)(c) to (e).
- “(3) Rules made under subsection (1) or (2) are deemed to be regulations for the purposes of the Regulations (Disallowance) Act 1989 but not for the purposes of the Acts and Regulations Publication Act 1989.”

14 Segregation for purpose of medical oversight

- (1) Section 60(1) is amended by omitting “a medical officer” and substituting “the health centre manager”.
- (2) Section 60 is amended by inserting the following subsection after subsection (1):
 - “(1A) Before a health centre manager makes a recommendation under subsection (1) that relates to a matter outside his or her scope of practice, he or she must consult a medical practitioner whose scope of practice includes that matter.”
- (3) Section 60(4) is amended by omitting “medical officer” and substituting “health centre manager”.

- (4) Section 60(5) is repealed and the following subsections are substituted:
- “(5) While a direction under this section is in force, the health centre manager must, unless he or she is satisfied that it is not necessary in the circumstances, ensure that a registered health professional visits the prisoner concerned—
- “(a) at least once per day; or
- “(b) if the prisoner is assessed to be at risk of self-harm, at least twice per day.
- “(6) In this section, **scope of practice** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003.”

15 New section 66A inserted

The following section is inserted after section 66:

“66A Self-employment

- “(1) Every prisoner (other than a prisoner who is only awaiting trial or on remand or who is detained under the Immigration Act 2009) may, subject to the prison manager’s approval, be self-employed while in custody and be employed in that work within the prison or outside the prison in which he or she is detained.
- “(2) The prison manager must not approve a prisoner to be self-employed under this section unless the work—
- “(a) is of a kind described in subsection (3) that is approved by the chief executive; and
- “(b) is done under the conditions approved by the chief executive.
- “(3) The work referred to in subsection (2) is work that is intended to provide the prisoner with work experience or to assist his or her rehabilitation or reintegration into the community.
- “(4) Any work in which a prisoner is employed under this section must be carried out in accordance with any prescribed requirements.”

16 Earnings of employed prisoner

Section 67(2) is repealed and the following subsections are substituted:

- “(2) Every prisoner described in subsection (4) must pay to the chief executive to the credit of the prisoner, at the times that the chief executive directs, those sums on account of his or her earnings in that employment that the chief executive determines.
- “(3) A person who receives money on behalf of a prisoner engaged in self-employment must, after deducting any commission, pay to the chief executive to the credit of the prisoner, those sums on account of the prisoner’s earnings in that employment that the chief executive determines.
- “(4) Subsections (2) and (3) apply to a prisoner who is—
- “(a) temporarily released from custody under section 62 to engage in self-employment; or
 - “(b) engaged in self-employment at the prison.”

17 Application of money

- (1) Section 68(a) is amended by inserting “or self-employment” after “employment”.
- (2) Section 68(b) is amended by inserting “or self-employment” after “employment”.
- (3) Section 68 is amended by inserting the following paragraph after paragraph (b):
 - “(ba) the cost of the prisoner’s detention for each week during which he or she is allowed, at any time, to engage in self-employment while in the custody of the chief executive, but not exceeding the weekly rate fixed by the Minister.”

18 Minimum entitlements

Section 69(4) is amended by inserting the following paragraph before paragraph (a):

- “(aa) may be denied, for not more than 2 consecutive days at a time, the minimum entitlement referred to in subsection (1)(a) if—
 - “(i) the prisoner has been temporarily released from custody or temporarily removed from prison under section 62 or removed for judicial purposes under section 65; and

“(ii) in the opinion of the prison manager, it is not practicable to provide the entitlement during the times the prisoner is in the prison.”.

19 Diet

- (1) Section 72(1) is amended by omitting “that complies with any drinking water standards for the time being issued by the Ministry of Health or in force under any enactment” and substituting “must be made available to every prisoner whenever he or she needs it”.
- (2) Section 72(3) is amended by inserting “or health centre manager” after “medical officer”.

20 Use of force

Section 83(3) is amended by omitting “prescribed” and substituting “authorised”.

21 Restraint of prisoners

Section 87(5) is repealed and the following subsections are substituted:

- “(5) A prison manager may authorise the use of a mechanical restraint on a prisoner for more than 24 hours only if, in the opinion of a medical officer, continued restraint is necessary to protect the prisoner from self-harm.
- “(5A) An authorisation under subsection (5) must—
- “(a) be in writing; and
 - “(b) specify the type of restraint to be used; and
 - “(c) specify the time during which the prisoner is to be kept under restraint; and
 - “(d) include a record of the medical officer’s opinion that the restraint is necessary to protect the prisoner from self-harm.”

22 Definition of strip search

- (1) Section 90(2) is amended by repealing paragraph (f) and substituting the following paragraph:
 - “(f) with his or her legs spread apart, bend his or her knees until his or her buttocks are adjacent to his or her heels:”.

- (2) Section 90 is amended by repealing subsections (3) and (4) and substituting the following subsection:
- “(3) Authority to conduct a strip search—
- “(a) includes the authority to conduct a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, ears, and anal and genital areas; but
 - “(b) does not authorise the insertion of any instrument, device, or thing into any orifice of those kinds.”

23 Search of prisoners and cells

- (1) Section 98(6)(b) is amended by adding “after the prisoner is temporarily released from custody”.
- (2) Section 98(7) is amended by repealing paragraph (b) and substituting the following paragraph:
- “(b) on the return of the prisoner to the prison—
- “(i) after the prisoner has been outside the prison in the control of an officer, probation officer, or staff member who is not an officer; but
 - “(ii) not if the prisoner is returning to the prison from work; and”.
- (3) Section 98 is amended by inserting the following subsections after subsection (7):
- “(7A) Every prisoner who is subject to a direction under section 60(1)(b) because of risk of self-harm must be required to undergo a strip search conducted by an officer—
- “(a) when the prisoner is first placed in a segregation area pursuant to the direction; and
 - “(b) each time the prisoner is returned to the segregation area after the prisoner has been in a part of the prison that is used by prisoners who are not subject to a segregation direction.
- “(7B) In this subsection and subsection (7A),—
- “**segregation area** means any confined area of the prison for the accommodation of prisoners who are subject to a segregation direction
 - “**segregation direction** means any direction under section 60.”

- (4) Section 98(8)(a) is amended by inserting “dilute, contaminate, or otherwise” after “may”.
- (5) Section 98(8)(b) is amended by inserting “dilution, contamination, or” after “such”.

24 Interpretation

Section 103A is repealed and the following section substituted:

“103A Interpretation

In this section and in sections 104 to 110A, unless the context otherwise requires, **authorised person** means—

- “(a) a prison manager; or
- “(b) a staff member authorised by the manager, in writing, to read correspondence for the purpose of section 107.”

25 General considerations relating to mail

Section 104 is amended by omitting “authorised officers” and substituting “staff members”.

26 Opening of mail

Section 106 is amended by repealing subsection (2) and substituting the following subsection:

- “(2) Any mail to or from a prisoner that is to be opened or examined must be opened and examined by a staff member in the presence of 1 other staff member.”

27 Reading of correspondence

- (1) Section 107(1) is amended by omitting “officer” and substituting “person”.
- (2) Section 107(2) is amended by omitting “officer” and substituting “person”.

28 New section 109 substituted

Section 109 is repealed and the following section substituted:

“109 Mail between prisoners, official agencies, and members of Parliament

A staff member must not open any mail and an authorised person must not read any correspondence and a prison manager must not withhold any mail that—

- “(a) is from a prisoner to an official agency; or
- “(b) is from a prisoner to a member of Parliament and is addressed to that member at Parliament; or
- “(c) is from an official agency or member of Parliament to a prisoner, and accompanied by a covering letter addressed to the prison manager stating that the agency or member of Parliament is acting in an official capacity in respect of the prisoner.”

29 Mail between prisoners and legal advisers

- (1) Section 110 is amended by repealing subsection (1) and substituting the following subsection:

“(1) A staff member must not open any mail and an authorised person must not read any correspondence and a prison manager must not withhold any mail between a prisoner and his or her legal adviser, unless authorised to do so under any of subsections (2) to (6).”

- (2) Section 110(2) is amended by omitting “An authorised officer” and substituting “A staff member”.

30 Restrictions on disclosure of mail

- (1) Section 110A(a) is amended by omitting “authorised officer” in each place where it appears and substituting “authorised person”.

- (2) Section 110A(b) is amended by omitting “officer” and substituting “authorised person”.

31 Destruction of recordings

Section 120 is amended by repealing subsection (1) and substituting the following subsections:

- “(1) The chief executive must take all practicable steps to ensure that every recording of a prisoner call held by the chief executive is destroyed or completely erased,—

- “(a) not later than 2 years after the call was made unless the chief executive has within that time considered that the information contained in the recording is likely to be—
 - “(i) required for the purposes of an investigation into an offence or possible offence; or
 - “(ii) required for the purposes of an investigation into the possibility that an offence may be committed in the future; or
 - “(iii) required for evidence in a prosecution or possible prosecution for an offence, or in disciplinary proceedings, or in proceedings against a prisoner for a disciplinary offence; or
 - “(iv) required to be disclosed under the Privacy Act 1993; or
 - “(b) within a time prescribed in regulations (being a time not later than 2 years after the call was made) if any circumstances prescribed in regulations apply.
- “(1A) If a recording of a prisoner call is held by the chief executive for any reason specified in subsection (1)(a), the chief executive must, as soon as he or she is satisfied that the information contained in the recording is no longer likely to be required for that reason, take all practicable steps to ensure the recording is destroyed or completely erased.”

32 Prisoner may be required to submit to drug or alcohol test

- (1) Section 124(1) is amended by inserting “and subject to any limitations prescribed by regulations” after “subsection (2)”.
- (2) Section 124(2)(a) is amended by omitting “believes” and substituting “suspects”.

33 Obligations of persons carrying out procedure

Section 125(a)(iii) is amended by inserting “dilute, contaminate, or otherwise” after “offence to”.

34 Offences by prisoners relating to drugs and alcohol

- (1) Section 129(a) is amended by inserting “or health centre manager” after “medical officer”.

- (2) The heading to section 129 is amended by omitting “**and alcohol**” and substituting “**, alcohol, and smoking**”.
- (3) Section 129 is amended by inserting the following paragraph after paragraph (a):
 - “(aa) smokes tobacco or any other substance inside a prison; or”.
- (4) Section 129 is amended by repealing paragraph (c) and substituting the following paragraph:
 - “(c) does any of the following in respect of any sample required to be supplied (whether by that prisoner or any other prisoner) in accordance with a prescribed procedure:
 - “(i) consumes, administers, or supplies any substance with intent to dilute or contaminate the sample:
 - “(ii) otherwise tampers with the sample.”

35 Offences committed by persons while on temporary release from custody under section 62

Section 130(1) is amended by inserting “or health centre manager” after “medical officer”.

36 Powers of hearing adjudicator in relation to offences against discipline

- (1) Section 133(3)(a) is amended by inserting “all or any” before “privileges”.
- (2) Section 133 is amended by inserting the following subsection after subsection (3):

“(3A) The hearing adjudicator must take into account the prisoner’s circumstances before imposing any forfeiture or postponement of privileges under subsection (3)(a).”

37 Powers of Visiting Justice in relation to offences by prisoners

- (1) Section 137(3)(a) is amended by inserting “all or any” before “privileges”.
- (2) Section 137 is amended by inserting the following subsection after subsection (3):

“(3A) The Visiting Justice must take into account the prisoner’s circumstances before imposing any forfeiture or postponement of privileges under subsection (3)(a).”

38 New heading and section 165 substituted

The heading above section 165 and section 165 are repealed and the following heading and section substituted:

“Health records

“165 Health records

“(1) Every medical officer must ensure that an adequate record of the health care or treatment provided by that officer to a prisoner at a prison is maintained and kept securely and not treated as part of the prison records for that prisoner or former prisoner, as the case may be.

“(2) Every health centre manager must ensure that—

“(a) an adequate record of the health care or treatment provided to a prisoner at a prison is maintained; and

“(b) full health records (including dental records of prisoners or former prisoners at the prison) are kept securely; and

“(c) the health record of any prisoner or former prisoner at the prison is not treated as part of the prison records of that prisoner or former prisoner, as the case may be.”

39 New heading and section 179AA inserted

The following heading and section are inserted after section 179:

“Status of certain rules and regulations relating to smoking in prisons

“179AA Status of certain rules and regulations relating to smoking in prisons

“(1) On and from 12 February 2013, the following rules and regulations must be treated as if they were made after Part 3 of the Corrections Amendment Act 2013 came into force:

“(a) any rule made before 12 February 2013 by a prison manager under section 33 that forbids prisoners to smoke tobacco or any other substance, or forbids prisoners to possess tobacco or any tobacco-related item; and

“(b) regulations 4 and 6 of the Corrections Amendment Regulations 2012.

“(2) On and from 12 February 2013, no proceedings may be brought against the Crown questioning the validity of any rules or regulations referred to in subsection (1).

“(3) Nothing in this section affects proceedings commenced before 12 February 2013 to the extent that any relief sought or granted in those proceedings relates only to the period before 12 February 2013.”

40 New heading and section 189D inserted

The following heading and section are inserted after section 189C:

“Information associated with seized electronic communication devices

“189D Chief executive may require electronic communications company to provide information to access contents of seized device

“(1) This section applies if an electronic communication device is seized under section 150 and the chief executive believes, on reasonable grounds, that it is necessary for the detection or investigation of an offence under this Act to examine the contents of the device.

“(2) If this section applies, the chief executive may by notice in writing require an electronic communications company to provide information, to the extent that it is stored by the company in the ordinary course of its business, that will enable the chief executive to access the contents of the device (for example, information that will unlock or unblock the device).

“(3) The department must pay for the actual and reasonable costs (if any) incurred by an electronic communications company in providing information required under this section.

“(4) In this section,—

“**contents of the device** includes any information on the device or stored on or by the device

“**electronic communications company** means any person who provides any service in New Zealand that enables or

facilitates electronic communication devices to communicate with each other.”

41 Matters to be included in annual report

Section 190(3)(a)(i) is amended by omitting “section 199D(2) and (3)” and substituting “section 199D(1A), (2), and (3)”.

42 New sections 199AA and 199AB inserted

The following sections are inserted after section 199:

“199AA Delegation of powers and functions of chief executive to contractor

- “(1) Without limiting sections 41 and 42 of the State Sector Act 1988, but subject to section 10 of this Act, the chief executive may delegate to a contractor or an employee of a contractor, either generally or particularly, any of the functions or powers of the chief executive under this Act.
- “(2) Subject to any general or special directions given or conditions imposed by the chief executive, a contractor or an employee of a contractor to whom any functions or powers are delegated may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.
- “(3) A contractor or an employee of a contractor who has been delegated any functions or powers under subsection (1) may with the prior written approval of the chief executive delegate those functions or powers to an employee of the contractor.
- “(4) A contractor or an employee of a contractor who appears to act under a delegation is presumed to be acting in accordance with its terms and conditions in the absence of evidence to the contrary.
- “(5) A delegation made under this section is revocable at any time in writing and until it is revoked continues in force according to its tenor, despite the fact that the chief executive by whom it was made may have ceased to hold office, and continues to have effect as if made by the successor in office of that chief executive.
- “(6) A delegation under this section does not affect the exercise of any function or power by the chief executive or the responsi-

bility of the chief executive for the actions of any person acting under the delegation.

“199AB Delegation of powers and functions of chief executive to subcontractor

- “(1) Without limiting sections 41 and 42 of the State Sector Act 1988, but subject to section 10 of this Act, the chief executive may delegate to a subcontractor referred to in section 199C or an employee of that subcontractor, either generally or particularly, any of the functions or powers of the chief executive under this Act.
- “(2) Subject to any general or special directions given or conditions imposed by the chief executive, a subcontractor or employee of that subcontractor to whom the functions or powers are delegated may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.
- “(3) A subcontractor or an employee of a subcontractor who has been delegated any functions or powers under subsection (1) may with the prior written approval of the chief executive delegate those functions or powers to an employee of the subcontractor.
- “(4) A subcontractor or an employee of a subcontractor who appears to act under a delegation is presumed to be acting in accordance with its terms and conditions in the absence of evidence to the contrary.
- “(5) Section 199AA(5) and (6) apply to a delegation under this section.”

43 Reporting responsibilities

Section 199D is amended by inserting the following subsections after subsection (1):

- “(1A) A contractor must, at any intervals (not exceeding 4 months) that are determined by the chief executive, report in writing to the chief executive on—
- “(a) the exercise of any functions, duties, or powers delegated under sections 199AA and 199A to the contractor or an employee of the contractor; and

“(b) the exercise of any functions, powers, or duties by an employee of the contractor who is an approved employee within the meaning of any regulations made under this Act.

“(1B) A subcontractor referred to in section 199C must, at any intervals (not exceeding 4 months) that are determined by the chief executive, report in writing on the exercise of any functions, duties, or powers, delegated under section 199AB to the subcontractor or employee of that subcontractor.”

44 Accommodation and access

Section 199F is amended by inserting the following subsection after subsection (2):

“(2A) Every contractor must ensure that any monitor has free and unfettered access to the following persons, but only during their work hours:

- “(a) all employees of the contractor who—
 - “(i) are not staff members of the contract prison managed by that contractor; and
 - “(ii) are exercising, in respect of that prison, the functions and powers of the chief executive or the contractor under a delegation; and
- “(b) all employees of the contractor who are approved employees (within the meaning of any regulations made under this Act).”

45 Monitors to report on certain matters

Section 199G(1)(i) is amended by omitting “section 199D(2) or (3)” and substituting “section 199D(1A), (2), or (3)”.

46 Regulations relating to safe custody of prisoners

Section 202 is amended by inserting the following paragraph after paragraph (m):

- “(ma) prescribing limitations on when a prisoner may be required to submit to a prescribed procedure under section 124.”

Part 2**Amendment to Courts Security Act 1999****47 Amendment to Courts Security Act 1999**

- (1) This section amends the Courts Security Act 1999.
- (2) Section 25(1)(b) is amended by inserting “or officers” after “security officers”.

Part 3**Amendments to Smoke-free Environments Act 1990****48 Amendments to Smoke-free Environments Act 1990**

- (1) This section amends the Smoke-free Environments Act 1990.
- (2) The definition of **prison** in section 2(1) is repealed.
- (3) The definition of **workplace** in section 2(1) is amended by repealing paragraph (e)(vi).
- (4) Section 6A is repealed.

Legislative history

14 October 2011	Introduction (Bill 330–1)
28 February 2012	First reading and referral to Law and Order Committee
28 June 2012	Interim report of Law and Order Committee
2 October 2012	Reported from Law and Order Committee (Bill 330–2)
12 February 2013	Second reading
13 February 2013	Committee of the whole House (Bill 330–3)
26 February 2013	Third reading
4 March 2013	Royal assent

This Act is administered by the Department of Corrections.
