

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

Government Bill

Explanatory note

General policy statement

The Bill amends the Corrections Act 2004 (the **Act**), which provides the framework for how the corrections system operates, and includes detailed requirements for the operation of prisons in New Zealand.

The Bill also amends the Corrections Regulations 2005 (the **Regulations**), which expand on the principles in the Act and provide detailed operational rules about how to implement the Act to ensure the safe custody and effective management of prisoners.

Overview of Bill

The Bill's most substantive amendments will establish a clearer statutory basis for the safe, lawful, and humane management of a small group of prisoners who pose an extreme risk that the Department of Corrections (**Corrections**) manages in prison, and who the Bill refers to as designated-management prisoners (**DMPs**).

As segregation is likely to be a critical tool for the management of DMPs, the Bill will also introduce practical and fair changes across the prison network that apply to all prisoners, including DMPs, and will improve Corrections ability to protect public safety. Those changes are designed to better uphold prisoner rights and enable best-practice operations. Related changes include new provisions regarding minimum meaningful human contact requirements for all prisoners and an explicit prohibition against prolonged solitary confinement.

Additional amendments in the Bill will allow Corrections to apply to the High Court to destroy the property of a prisoner who has been designated as a terrorist entity if they die in custody, and will introduce new powers that allow Corrections to reduce

the risk of illicit use of prisoner trust accounts. Further changes of a more technical nature are also included.

The changes in the Bill are critical at this time to adapt to the increasingly complex prison environment and ensure Corrections can manage prisons safely.

Description of core components of Bill

Process to designate prisoner as DMP addresses monitoring entities' requests for greater transparency and natural justice, while ensuring clear statutory decision-making to justify higher level of custodial management for DMPs

At present, there is no specific legislative framework for the management of prisoners who pose an extreme risk to prison safety, public safety, or both, such as those who are currently accommodated within the Prisoners of Extreme Risk Unit (the **PERU**). Those prisoners are subject to a higher level of custodial management to minimise the risk of significant harm to staff, other prisoners, and the public. For example, their interactions with visitors are limited to non-contact visits, and they are mostly separated from each other to limit their ability to influence others to engage in unlawful activity, cause harm, or organise criminal activities. The current operational process for deciding which prisoners pose an extreme risk to prison safety, public safety, or both, and require management in the PERU has also been criticised by monitoring entities and prisoners themselves as lacking transparency.

The Bill aims to address those issues by establishing a new legislative process for the chief executive of Corrections to follow to designate a prisoner as a DMP, clarifying the effects of designation, and providing natural justice provisions to protect prisoner rights.

The new legislative process allows the chief executive to make both interim and final determinations about whether a prisoner should be designated as a DMP. Those determinations are based on a two-step test, which states that the person must pose an extreme risk to prison or public safety while in prison, and need a higher level of custodial management to manage this risk. In order to make a final determination, the chief executive must consider an advisory panel's recommendation and the information they considered, alongside any other information the chief executive considers relevant. Once the chief executive makes a final designation, this can last for up to two years.

To protect natural justice and prisoner rights, the Bill requires the chief executive to notify a prisoner as soon as is reasonably practicable when they are being considered for a designation as a DMP by the advisory panel. The prisoner, or their representative, may also provide any written information to inform the panel's recommendation. The prisoner has the right to receive written information regarding the reasons underpinning any decision to designate them as a DMP.

The Bill allows a prisoner to seek a review of the chief executive's decision to make a final designation designating the prisoner as a DMP. Additionally, the chief executive is required to review a prisoner's final designation if new and relevant information

comes to light, or there has been a change in circumstances that makes, or may make, the designation inappropriate or unnecessary.

To mitigate the effects of being managed in a more restrictive manner compared to the general prison population, the Bill provides DMPs with additional entitlements. Those additional entitlements include extending the phone call minimum entitlement to at least two hours per week for DMPs, and requiring DMPs to be placed in a cell with an adjacent yard which they have reasonable access to (unless an exception applies, such as the prisoner being detained in a Police jail).

Expanding Corrections' powers to use segregation as tool to prevent harm in response to increasingly complex risks posed by some prisoners to public safety

The current segregation powers in the Act focus on internal threats, such as violence, contraband, or disruption within prison. However, there is no segregation ground in the Act that explicitly authorises Corrections to segregate a prisoner to manage the risk that they may pose to public safety by arranging or encouraging serious harm or offending outside prison. In addition, there is no ground that explicitly authorises Corrections to segregate a prisoner to manage the risk that they will radicalise or recruit another prisoner to join an ideology that is likely to cause harm, an organised criminal group, or both. This means that the enduring risks of some prisoners (such as those currently in the PERU) are not sufficiently captured by the existing segregation criteria and public safety risks can emerge.

To address those issues, the Bill introduces new segregation grounds that allow prison managers to segregate a prisoner if they would otherwise commit an offence (other than an offence against discipline), recruit or radicalise others into an ideology that is likely to cause harm, or recruit others into an organised criminal group. Those new grounds apply to harm that occurs inside or outside the prison and to both direct or indirect harm (such as promoting, encouraging, or facilitating harm or offending).

Currently, the Act does not permit Corrections staff to vary the segregation status of a segregated prisoner from restricted association to denied association (and vice versa) without creating a new segregation direction. Those variations are necessary to allow Corrections staff to manage prisoners effectively and at the level of restriction that is appropriate for their risk level. To address this issue, the Bill allows prison managers to move segregated prisoners between restricted and denied association (and vice versa) within the same segregation direction. The Bill requires that if a variation is made, both the prisoner concerned and the chief executive must be promptly informed of the variation and the reasons for it. For segregation directions made under section 58 that have been reviewed by a Visiting Justice, the Bill also includes a requirement for the Visiting Justice to be notified in writing of any variation of the prisoner's status (and the reasons for this) at their next review of the prisoner's segregation direction.

The Bill also requires a prison manager to treat sections 58 and 59(1)(b) segregation directions as a single continuous period if a prisoner is removed from, and then returned to, the same direction within a five-day period (this is referred to as the 'five-

day rule'). This change creates operational efficiencies, and is important for the purposes of calculating review periods, reporting, and monitoring prisoners' circumstances over extended periods of segregation to better identify any risks of prolonged solitary confinement.

Introducing new meaningful human contact provisions to mitigate negative impacts of segregation on all prisoners' welfare

Prisoners who are subject to long periods of segregation are at risk of experiencing prolonged solitary confinement. Prolonged solitary confinement can negatively impact a prisoner's mental and physical welfare, which in turn can impact their ability to engage in rehabilitation programmes and successfully reintegrate into the mainstream prison population or wider society. Corrections has also received criticism from monitoring entities that there are insufficient safeguards in place to protect against prolonged solitary confinement from occurring.

To address the above issues and provide greater transparency for prisoners and monitoring entities, the Bill explicitly prohibits prolonged solitary confinement. To give effect to this prohibition and ensure prisoners receive a sufficient amount of meaningful human contact, the Bill introduces minimum meaningful human contact requirements for all prisoners. Those requirements state that prisoners must be given the opportunity to receive at least 10 hours of meaningful human contact in a 14-day period. This is partly based on the prohibition of prolonged solitary confinement in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the **Nelson Mandela Rules**).

To emphasise the importance of providing prisoners with more than the minimum 10 hours of meaningful human contact, the Bill also requires Corrections to take into consideration the desirability of providing prisoners with at least 14 hours of meaningful human contact in each week.

To better reflect international obligations and provide guidance to Corrections' staff on how meaningful human contact can be delivered in a prison setting, the Bill defines what constitutes meaningful human contact for all prisoners. The definition states that meaningful human contact is contact, by the prisoner with one or more other individuals (such as other prisoners, visitors, or staff) that—

- enables the prisoner's social interaction and stimulation by allowing the prisoner to talk to one or more individuals; and
- is more than fleeting or incidental contact (such as contact by staff during the delivery of food or medication); and
- can be face-to-face contact (including via an audiovisual link or physical barrier) or contact via a telephone call.

The Bill also includes exceptions to the minimum meaningful human contact requirements, such as if there is an emergency in the prison, if the security of the prison is threatened, or if the health and safety of any individual is threatened.

Making minor amendments to disposal and destruction of prisoner property provisions

The Bill amends the Act's disposal and destruction of prisoner property provisions to remove the requirement that a prisoner must be present if their property is destroyed. However, the Bill states that before destroying a prisoner's property, the prison manager must give the prisoner written notice of their decision to destroy the relevant item of property, and state a specified period for the prisoner to respond to that decision. This amendment better reflects the practicalities of operating prisons where it is not always feasible for prisoners to be present while their property is being destroyed.

Protecting public safety by enabling property of prisoner who has been designated as terrorist entity to be destroyed upon their death

In some situations, the property of a prisoner who has been designated as a terrorist entity (under the Terrorism Suppression Act 2002) may cause harm if it is released into the community. The Bill allows Corrections to apply to the High Court for an order to authorise the destruction of the property of a prisoner upon their death, if the prisoner has been a designated terrorist entity. This change prevents the prisoner's property from being circulated in the community.

Introducing provisions into Act and Regulations to reduce risk of illicit use of prisoner trust accounts

Prisoners in the PERU and across the prison network have used prisoner trust accounts to intimidate and influence other prisoners and for money laundering purposes. For this reason, the Bill strengthens Corrections' ability to more actively manage prisoner trust accounts to prevent illicit activity from occurring. The Bill empowers the chief executive to set requirements such as balance and spending limits for the operation of prisoner trust accounts, which must be renewed within every five-year period. To complement those changes in the Act, the Bill also amends the Regulations to enable prison managers to decide whether to accept deposits and prevent withdrawals from prisoner trust accounts on specified grounds.

Those changes will enable the chief executive to have greater oversight of prisoner transactions to minimise the risk of prisoner-to-prisoner intimidation, financial coercion, and other illicit activities (such as money laundering) relating to prisoner trust accounts.

Miscellaneous amendments to better align with Corrections' operations

The Bill also makes some minor and technical amendments to clarify existing provisions in the Act. Those amendments are to—

- correct wrong cross-references in sections 102(2) and 171(2) of the Act, following changes in the Corrections Amendment Act 2024; and
- make a technical amendment to the Regulations relating to the use of risk assessments for remand prisoners. This is to give better effect to Cabinet's policy intent from March 2025 to manage remand prisoners in accordance with

their assessment only where it is practicable to do so. This amendment will ensure a stronger distinction between the drafting in the Regulations relating to sentenced prisoners' management in accordance with security classifications; and

- make technical amendments to the Regulations to clarify when provisions apply to prisoners at-risk of self-harm, as opposed to prisoners segregated under different grounds.

Departmental disclosure statement

The Department of Corrections is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2026&no=243>

Regulatory impact statement

The Department of Corrections produced the following 2 regulatory impact statements, on 4 March 2025 and 17 June 2025, to help inform the main policy decisions taken by the Government relating to the contents of this Bill:

- Improving safety in prisons and supporting operational practice:
- Framework for the management of extreme threat prisoners.

Copies of those regulatory impact statements can be found at—

- https://www.corrections.govt.nz/resources/policy_and_legislation/ris_framework_for_the_management_of_extreme_threat_prisoners
- https://www.corrections.govt.nz/__data/assets/pdf_file/0007/62872/Regulatory_Impact_Statement_Improving_safety_in_prisons_and_supporting_operational_practice.pdf
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 relates to commencement. Most of the Bill (when enacted) comes into force on the day after Royal assent. But *sections 17 to 19*, which make amendments to the Corrections Act 2004 relating to minimum meaningful human contact and to outgoing telephone calls, come into force 12 months later. The operation of the amendments relating to designated-management prisoners, and to segregation, is also affected by *new Part 2* of Schedule 1AA (inserted by *clause 24*).

Part 1

Amendments to Corrections Act 2004

Clause 3 provides that *Part 1* amends the Corrections Act 2004 (the **Act**).

Amendments relating to definitions

Clause 4 amends section 3(1), which is an interpretation provision that sets out definitions. The amendments insert the following new definitions:

- **designated-management prisoner**, which means a person who is subject to an in-force interim or final designation made under *new section 52A*;
- **designated-management prisoner cell**, which means a cell that has been designated as a designated-management prisoner cell under *new section 52M*;
- **organised criminal group**, which is defined in *new section 3AA* for the purposes of *new section 58(1)(e)*;
- **Panel**, which means the Designated-Management Prisoner Advisory Panel established by *new Schedule 1AB*.

Clause 5 inserts *new section 3AA*, which defines an **organised criminal group** for the purposes of *new section 58(1)(e)*.

Amendments relating to designated-management prisoners

Clause 6 amends section 10, which lists matters that the chief executive must not delegate to any staff member of a prison. The amendments add, to that list,—

- 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 *new section 46A*;
- any power, function, or duty conferred or imposed on the chief executive under any of *new sections 52A to 52M* and *new Schedule 1AB* (which relate to designated-management prisoners).

Amendments relating to prisoners' property

Clause 7 replaces section 45, which is about destruction or disposal of prisoner property. Section 45(1) and (2) provides for an item of prisoner property to be destroyed or disposed of, in a manner approved by the prison manager, if—

- the prison manager considers the item to be one specified for destruction or disposal (for example, because it is dangerous or perishable); or
- the prison manager requires the item to be removed from the prison in accordance with regulations made under the Act, and the prisoner concerned fails to comply with that requirement reasonably promptly.

Section 45(3) requires that any destruction of a prisoner's property must be carried out in the prisoner's presence unless—

- destruction in the prisoner's presence is dangerous or impracticable; or

- the prisoner cannot be identified or located.

New section 45(3) removes that requirement (for prisoners to be present for the destruction of their property). It is usually, under section 45(3)(a), impracticable for prisoners to be present for that destruction.

New section 45(3) requires that, before any destruction of a prisoner's property is carried out under section 45, the prison manager must give the prisoner concerned—

- written notice of the prison manager's decision under *new section 45(1) or (2)* to destroy the relevant item of prisoner property;
- a specified period (*see new section 45(4)*) to respond to, complain about, or otherwise challenge that decision.

New section 45(4) requires a period specified under *new section 45(3)(b)* to be—

- as long as is reasonably practicable in the circumstances; but
- no longer than 14 days after the notice is given.

New section 45(5) ensures that *new section 45(3)* does not affect regulations under sections 200(1)(c) 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 *new section 45*.

Clause 8 inserts *new section 45AA*. *New section 45AA* relates to destruction or forfeiture of prisoner property. In particular, it relates to a harmful item of property of a prisoner who, on their death, was a terrorist entity.

New section 45AA(1) provides that *new section 45AA* applies to an item of property of a person (the **person**) if—

- the person died while the person was—
 - a prisoner who is in the legal custody under the Act of the chief executive (*see* section 38); or
 - temporarily released from custody under section 62; or
 - 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
- the person, on their death, was a terrorist entity; and
- the item of property is, on the person's death, held by or on behalf of the department.

New section 45AA(2) provides that 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—

- destruction of the item of property (if it is not trust account money); or
- forfeiture to the Crown of the item of property (if it is trust account money).

New section 45AA(3) requires the application to be made by originating application in the manner provided by the High Court Rules 2016 and to be made on notice to—

- the representative of the person; and
- any other person, or other people, that the court may direct.

New section 45AA(4) empowers the court, on an application under *new section 45AA*, and if satisfied that the item is, or is likely to be, a harmful item of property, to make an order authorising—

- destruction of the item of property (if it is not trust account money); or
- forfeiture to the Crown of the item of property (if it is trust account money).

New section 45AA(5) defines the following terms used in *new section 45AA*: harmful item of property, item of property, representative, returned, terrorism, terrorist entity, and trust account money.

Clause 9 amends section 46, which is about a trust account and purchasing system for prisoners.

Clause 9(1) amends section 46(1). The amendment deletes “belonging to prisoners” to reflect better that a particular prisoner has only a beneficial, and so not a legal, interest in money held exclusively for that prisoner in a trust account.

Clause 9(2) replaces section 46(2) to make it clear that a trust account must be operated and maintained not only in the prescribed manner, but also in accordance with all applicable requirements imposed by rules made under *new section 46A*.

Clause 9(3) inserts *new section 46(4A)*. Section 46(4)(b) provides that, if a prisoner dies while in legal custody, any trust account money held exclusively for that prisoner must be paid to the executor or administrator of the prisoner’s estate. *New section 46(4A)* ensures that section 46(4)(b) applies to money only if—

- the chief executive has decided not to apply for an order for forfeiture to the Crown of the money under *new section 45AA*; or
- an application made for an order for forfeiture to the Crown of the money under *new section 45AA* has been finally determined (including any rehearing, retrial, or appeal) and declined.

Clause 10 inserts *new section 46A* (rules about operation of trust account).

New section 46A(1) requires the chief executive, in respect of all corrections prisons, to make rules imposing requirements for the following:

- the operation of 1 or more trust accounts in which money is held exclusively for a particular prisoner:
- any money that is held exclusively for a particular prisoner within the 1 or more trust accounts.

New section 46A(2) gives examples of requirements that may be imposed by the rules.

New section 46A(3) ensures that 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—

- the application of the requirement to the trust account or money is inconsistent with a provision of the principal Act, of any regulations made under the principal Act, or of any other legislation; or
- 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—
 - relate to meeting the prisoner's rehabilitative, reintegrative, humanitarian, or health needs; and
 - justify the requirement not applying to the trust account or money.

New section 46A(4) requires the chief executive to ensure that a review of the rules is completed—

- in the 5 years after the commencement of *new section 46A*; and
- in the 5 years after each review completed under *new section 46A*.

New section 46A(5) ensures that the rules are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). In particular, *see* regulations 7(a) and (b)(i) and 8 of the Legislation (Publication) Regulations 2021.

Amendments relating to designated-management prisoners

Clause 11 amends section 47, which requires a security classification to be assigned to a prisoner who is subject to a sentence of imprisonment for a term exceeding 3 months. Section 47(3)(b) requires the prisoner's security classification to be reviewed—

- at least once in every 6 months, unless an exemption from this requirement is prescribed; or
- whenever there is a significant change in the prisoner's circumstances.

New section 47(3A) provides that section 47(3)(b) (and therefore each of its requirements to review the classification) does not apply while the prisoner is a designated-management prisoner (as defined in section 3(1)).

New section 47(4)(aaa) ensures that there is a significant change in the prisoner's circumstances, for the purposes of section 47(3)(b)(ii), if the prisoner's interim or final designation as a designated-management prisoner expires or is revoked.

Clause 12 inserts *new sections 52A to 52M*, on designated-management prisoners.

New section 52A(1) provides that the chief executive may make an interim designation or a final designation designating as a designated-management prisoner a person who—

- is an eligible person (as defined in *new section 52B*); and
- meets the test for designation (*see new sections 52C to 52F*).

New section 52A(2) ensures that a designation under *new section 52A* must also comply with related sections (namely, *new sections 52G to 52J*).

New section 52B(1) provides that, in *new 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:

- 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 the Act of the chief executive;
- a person who is subject to an extradition request made by, or to, New Zealand.

New section 52B(2) provides that, in *new section 52A(1)(a)*, **eligible person**, for a final designation, means a person who is for the time being in the legal custody under the Act of the chief executive.

New section 52C sets out the test for designation. A person meets the test for designation under *new section 52A(1)(b)* only if the chief executive is satisfied on reasonable grounds that—

- the person, while in the legal custody under the 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 (*see new sections 52D and 52E*); and
- restrictive management is necessary to manage effectively that risk (*see new sections 52F and 52L*).

New section 52D(1) ensures that, for the purposes of *new section 52C(a)*, a person is taken, while in the legal custody under the Act of the chief executive (including, without limitation, during any temporary removal from prison) or during any temporary release from that legal custody, to pose extreme risk to prison or public safety if the person, while in that custody or during that release or removal, poses an extreme risk of all or any of the following conduct:

- committing any serious offence (for example, any serious offence that is a serious sexual or violent offence);
- disrupting severely a prison's safety, security, or good order;
- committing any offence against the Terrorism Suppression Act 2002;
- 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.

New section 52D(2) ensures that *new section 52D(1)(a) to (d)* applies whether any specified conduct—

- 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):

- 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:
- would occur, in whole or in part, in or outside the prison:

New section 52D(3) ensures that *new section 52D* does not limit the generality of *new section 52C(a)*.

New section 52E(1) provides that, for the purposes of *new 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 *new section 52C(b)*) involves a high degree of likelihood of—

- that conduct happening; or
- that conduct, if it happens, causing a severe degree of harm; or
- both of the things specified in *new section 52E(1)(a)* and *(b)*.

New section 52E(2) ensures that *new section 52E* does not limit the generality of *new sections 52C(a)* and *52D*.

New section 52F applies when the chief executive is considering, for the purposes of *new section 52C(b)*, whether restrictive management is necessary to manage effectively the extreme risk mentioned in *new section 52C(a)*. *New section 52F* requires the chief executive to consider—

- the types of management necessary to manage effectively that risk; and
- the levels of restrictiveness of the types of management necessary to manage effectively that risk; and
- the effect of an in-force designation under *new section 52L*.

New section 52G(1) requires the chief executive, before making or renewing an interim designation under *new section 52A*, to comply with the requirements in *new section 52G(2)* and *(3)*.

New section 52G(2) requires the chief executive to ensure that the Panel under *new Schedule 1AB* has been, or will be, requested by the chief executive to make a recommendation under *clause 2 of new Schedule 1AB*.

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

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

New section 52H applies when the chief executive is deciding to make or replace, or to not make or replace, a final designation under *new section 52A*.

New section 52H(2) requires the chief executive to request, and to take into account,—

- the recommendation of the Panel under *clause 2 of new Schedule IAB* (inserted by *clause 25*); and
- the information that the Panel considered in making that recommendation.

New section 52H(3) permits the chief executive to 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.

New section 52I provides for notice of specified matters to be given, as soon as is reasonably practicable, to the person affected.

New section 52J provides for the duration of a designation (when it comes into force and expires) and when it may be renewed and replaced.

New section 52K relates to the review of an in-force final designation. *New section 52K(1)* requires the department to inform the chief executive if, after an in-force final designation is made, or reviewed under *new section 52K*, the department becomes aware that either or both of the following developments has or have occurred:

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

New section 52K(2) provides that, if informed by the department and satisfied that either or both of those developments has or have occurred, the chief executive must—

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

New section 52K(3) provides that, if satisfied, on their own initiative, or on a request by the designated person to conduct a review under that subsection, that either or both of those developments has or have occurred, the chief executive must—

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

New section 52K(4) provides that, in a review under *new section 52K(2) or (3)* and in any related amendment, revocation, or revocation and replacement of an in-force final designation, the chief executive—

- must request, and take into account, the recommendation of the Panel and the information considered by the Panel in making that recommendation; and
- may take into account any other advice or information that the chief executive considers relevant to that decision.

New section 52L relates to the effect of an in-force designation (restrictive management and entitlements).

New section 52L(1) requires a designated-management prisoner to be—

- promptly placed by the prison manager in a designated-management prisoner cell, except to the extent that the prisoner is already, or becomes,—
 - a prisoner who is subject to an in-force direction under *new section 60(1)(b)* (to assess or ensure mental health) who under *new section 61(1)* must instead be provided with accommodation that—
 - has items and features prescribed by regulations made under the Act; and
 - meets standards prescribed by regulations made under the Act; or
 - 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
- otherwise restrictively managed (*see new sections 52C(b) and 52F*) in a way that is consistent with the prisoner's—
 - designation as a designated-management prisoner; and
 - case management plan required by section 51.

New section 52L(2) ensures, however, that *new section 52L(1)* does not apply while a designated-management prisoner is—

- detained in a Police jail under section 34; or
- detained in any prison, hospital, Police station, or other place authorised under section 35(1) or (2).

New section 52L(3) gives examples of the management (other than the required placement) mentioned in *new section 52L(1)*.

New section 52L(4) provides that a designated-management prisoner—

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

New section 52L(5) ensures that *new section 52L(4)* does not limit—

- section 69 (minimum entitlements); or

- *new section 69A* (minimum meaningful human contact).

New section 52M(1) and (2) permits the prison manager to designate a cell as a designated-management prisoner cell. *New section 52M(3)* requires a designated-management prisoner cell to—

- have items and features prescribed by regulations made under the principal Act; and
- meet standards prescribed by regulations made under that Act.

New section 52M(4) and (5) permits the chief executive to designate a cell as a designated-management prisoner cell even though the cell does not meet the requirements in *new section 52M(3)*.

Clause 13 amends section 54(1), which sets out reasons why a prisoner may be transferred by the chief executive from one prison to another. *New section 54(1)(fa)* states the reason that a transfer is to implement *new section 52L* as required by the prisoner's designation as a designated-management prisoner, or is otherwise to give effect to, or to enable management of the prisoner consistent with, that designation.

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

Clause 14 replaces sections 57 to 61, and the cross-heading above section 57, with *new sections 57, 58, 59, 59A, and 61*, and a new cross-heading above *new section 57*.

Denial or restriction of opportunity to associate with other prisoners

The new cross-heading above section 57 refers to a prisoner's *opportunity* (rather than a prisoner's *ability*) to associate with other prisoners.

Limits on denial or restriction

New section 57 re-enacts section 57, but adds *new section 57(2)*, which provides that a direction given under *new 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.

Security, good order, safety, or preventing offending, radicalising, or recruiting to ideology or organised criminal group

Section 58 is about segregation for security, good order, or safety.

New section 58(1) re-enacts section 58(1), but adds *new section 58(1)(c) to (e)*.

New section 58(1)(a) to (e) enables the prison manager to direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if, in the opinion of the manager, any of the following apply:

- the security, or good order, of the prison would otherwise be endangered or prejudiced:

- the safety of another prisoner, or of another person, or of both, would otherwise be endangered:
- offences (other than offences against discipline) would otherwise be committed:
- 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:
- a prisoner or another person would otherwise be recruited into an organised criminal group (as defined in *new section 3AA*).

New section 58(1A) ensures that *new section 58(1)(a) to (e)* applies whether any specified outcome—

- would be brought about by the prisoner directly or indirectly (for example, 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):
- 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:
- would occur, in whole or in part, in or outside the prison.

New section 58(1B) provides that a direction given under *new section 58(1)* must, under *new 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.

New section 58(2A) ensures that the prison manager may, at any time while a direction under *new section 58(1)* is in force (and without revoking and replacing it), vary the direction in line with *new section 58(1)* and—

- from one that restricts association to one that denies association; or
- from one that denies association to one that restricts association.

New section 58(2B) ensures that a variation under *new section 58(2A)* is part of, and must be read with, the direction concerned.

New section 58(2C) ensures that, if a variation is made under *new section 58(2A)*,—

- the prisoner concerned must promptly be given the reasons in writing for the variation; and
- the chief executive must promptly be informed of the variation and the reasons for it; and
- the variation must, if it affects a direction that continues in force because of a direction under *new section 58(3)(d)(ii) or (e)*, also be notified, with the reasons for the variation, in writing to a Visiting Justice in the next review of that direction under *new section 58(3)(e)*.

New section 58(4) ensures that review periods in *new section 58(3)(c), (d)(i) and (ii) and (e)* are subject to *new section 59A*.

Protective custody

Section 59 is about segregation for protective custody.

New section 59(1A) provides that a direction given under *new section 59(1)(a) or (b)* must, under *new 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.

New section 59(2)(c) ensures that a direction given under *new section 59(1)(a)* 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 prison manager is satisfied that it is no longer in the best interests of that prisoner.

New section 59(3A) ensures that the prison manager may, at any time while a direction under *new section 59(1)(a) or (b)* is in force (and without revoking and replacing the direction), vary the direction in line with *new section 59(1)(a) or (b)* and—

- from one that restricts association to one that denies association; or
- from one that denies association to one that restricts association.

New section 59(3C) ensures that, if a variation is made under *new section 59(3A)* to a direction given under *new section 59(1)(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;
- 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 *new section 59(1)(b)* without that prisoner's consent if *new section 59(1)(b)* applies.

New section 59(5) ensures that review periods in *new section 59(4)(c) and (d)* are subject to *new section 59A*.

Review under section 58 or 59 if replacement directions

New section 59A(1) ensures that *new section 59A* applies if the prison manager—

- gives a direction under *new section 58(1)* (the **replaced direction**)—
 - in respect of a prisoner; and
 - that is revoked or expires; and
- gives 1 or more other directions under *new section 58(1)* (the **replacement directions**) each of which—
 - is given in respect of the prisoner; and

- 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
- restricts or denies association (whether the replaced direction, or an earlier replacement direction, at that time also restricted or denied association).

New section 59A(2) ensures that *new section 59A* also applies if the prison manager—

- gives a direction under *new section 59(1)(b)* (the **replaced direction**)—
 - in respect of a prisoner; and
 - that is revoked or expires; and
- gives 1 or more other directions under *new section 59(1)(b)* (the **replacement directions**) each of which—
 - is given in respect of the prisoner; and
 - 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
 - restricts or denies association (whether the replaced direction, or an earlier replacement direction, at that time also restricted or denied association).

New section 59A(3) provides that, if *new section 59A* applies, the prison manager must promptly give the prisoner concerned—

- the reasons in writing for the latest replacement direction (as required by *new section 58(2)(a) or 59(3)(a)*); and
- a notice in writing summarising the effect of *new section 59A*.

New section 59A(4) ensures that *new section 59A* applies only for the purposes of calculating each of the following review periods:

- the 14-day period in *new section 58(3)(c) or 59(4)(c)*;
- the 1-month period in *new section 58(3)(d)(i)*;
- the 3-month period in *new section 58(3)(d)(ii) or (e) or 59(4)(d)*.

New section 59A(5) requires that, 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—

- starts when the replaced direction starts to take effect; and
- is the sum of, and counted including any gaps between, the periods that the replaced direction and replacement directions are in force.

New section 59A(6) provides that *new section 59A(7)* applies if—

- the replaced direction and replacement directions must under *new section 59A* be taken to be in force for a single relevant period; and

- a review period in *new section 59A(4)(a), (b), or (c)* ends during a gap between the periods that the replaced direction and replacement directions are in force.

New section 59A(7) requires the review to which the review period relates to be started and completed as soon as is reasonably practicable after the latest replacement direction is made.

New section 59A(8) ensures that *new section 59A(7)* overrides any contrary provision of the Act.

Medical oversight

Section 60 is about segregation for medical oversight.

New section 60(1A) provides that before a health centre manager makes a recommendation under *new section 60(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.

New section 60(1B) provides that a direction given under *new section 60* must, under *new 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.

New section 60(2A) provides that the prison manager may, at any time while a direction under *new section 60* is in force (and without revoking and replacing it), vary the direction in line with *new section 60(1)* if the variation made is one that the health centre manager of the prison recommends is desirable for the reasons set out in *new section 60(1)(a) or (b)*, and the variation made varies the direction—

- from one that restricts association to one that denies association; or
- from one that denies association to one that restricts association.

New section 60(2B) provides that, before a health centre manager makes a recommendation under *new section 60(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.

New section 60(2C) provides that a variation under *new section 60(2A)* is part of, and must be read with, the direction concerned.

New section 60(2D) ensures that, if a variation is made under *new section 60(2A)*,—

- the prisoner concerned must promptly be given the reasons in writing for the variation; and
- the chief executive must promptly be informed of the variation and the reasons for it.

Accommodation if in-force direction under section 58, 59, or 60

New section 61 replaces section 61 (accommodation to be provided if segregation direction in force). The amendments are to ensure that section 61—

- applies only to the accommodation of a prisoner who is subject to an in-force segregation direction under new section 58, 59, or 60; and
- applies to a designated-management prisoner only if the prisoner is subject to an in-force direction under *new section 60(1)(b)* (to assess or ensure mental health) (*see also new sections 52L(1)(a)(i) and 52M*).

Prisoners at risk of self-harm

Clause 15 amends section 61B (initial steps that prison manager and health centre manager must take in respect of at-risk prisoner). The amendment is to make it clear that section 61B applies to an at-risk prisoner (whether or not the at-risk prisoner is subject to in-force segregation direction under any of *new sections 58 to 60 and 61CA*, is a designated-management prisoner (*see new section 52L(1)(a)(ii)*), or is both).

Clause 16 replaces section 61CA, which is about the prison manager directing that an at-risk prisoner's association with other prisoners be restricted or denied.

New section 61CA(1A) re-positions section 61CA(6), which makes it clear that more than 1 direction may be given under *new section 61CA* while an at-risk management plan is in effect for the prisoner.

New section 61CA(1B) requires that, before a health centre manager makes a recommendation under *new section 61CA(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).

New section 61CA(2) provides that a direction under *new section 61CA* 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.

New section 61CA(2A) provides that a direction under *new section 61CA(1)* must, under *new 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.

New section 61CA(7A) provides that the prison manager may, at any time while a direction under *new section 61CA* is in force (and without revoking and replacing it), vary the direction under *new section 61CA(4) and (5)(b)* in line with *new section 61CA(1) and (2)* if the variation made is one that the health centre manager of the prison recommends is desirable to address the at-risk prisoner's risk of self-harm, and the variation made varies the direction—

- from one that restricts association to one that denies association; or
- from one that denies association to one that restricts association.

New section 61CA(7B) provides that the direction as varied under *new section 61CA(7A)* must, under *new 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.

New section 61CA(7C) requires that, before a health centre manager makes a recommendation under *new section 61CA(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).

New section 61CA(7D) ensures that a variation under *new section 61CA(7A)* (and *new section 61CA(4) and (5)(b)*) is part of, and must be read with, the direction concerned.

New section 61CA(7E) ensures that, if a variation is made under *new section 61CA(7A)*, as required by *new section 61CA(3)(a) and (b)*,—

- the prisoner concerned must promptly be given the reasons in writing for the variation; and
- the chief executive must promptly be informed of the variation and the reasons for it.

New section 61CA(7F) ensures that *new section 61CA(7A) to (7E)* does not limit the generality of the power of variation in *new section 61CA(4)*.

Amendments relating to minimum meaningful human contact

Clause 17 amends section 69, which specifies minimum entitlements.

New section 69(7) ensures that section 69 does not limit *new section 69A* (minimum meaningful human contact).

Clause 18 inserts *new section 69A* (minimum meaningful human contact).

New section 69A(1) provides that *new section 69A* sets out a rule for minimum meaningful human contact. The rule is based on the prohibition of prolonged solitary confinement in the Nelson Mandela Rules (*see* Rules 43(1)(b) and 44). While based on that prohibition, the rule differs deliberately, as follows:

- the rule is based on contact over each 14-day period (not each day);
- the rule requires a prisoner to be given the opportunity to receive at least 10 hours of meaningful human contact in each 14-day period, whereas, for the purposes of the prohibition on prolonged solitary confinement in Rule 43(1)(b) of the Nelson Mandela Rules—*see* Rule 44 of those Rules:
 - “solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact”;
 - “prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days”.

New section 69A(2) sets out the rule: a prisoner must be given the opportunity to receive at least 10 hours of meaningful human contact in each 14-day period.

new section 69A(3) requires that, 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.

New section 69A(4) provides that **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—

- enables the prisoner's social interaction and stimulation by enabling the prisoner to talk with the 1 or more other individuals:
- is more than fleeting or incidental to contact for other purposes (for example, during delivery of food or medication):
- is offered under *new section 69A(5)* and is any of the following:
 - face-to-face contact, for example,—
 - via an audiovisual link; or
 - in person via a physical barrier (for example, a physical barrier that is, or includes, glass or mesh); or
 - in person and not via a physical barrier:
 - contact by telephone call.

New section 69A(5) provides that in deciding, for the purposes of *new section 69A(4)(c)*, what kind of contact is offered under *new section 69A*, relevant factors are—

- availability of reasonably suitable spaces and facilities:
- that meaningful human contact can occur in the cell, or self-care unit, in which the prisoner is placed:
- that it is desirable for the prisoner to have a mix of contact of all of the different kinds specified in *new section 69(4)(c)(i) and (ii)*:
- in particular, that it is desirable for the prisoner not to have contact only by telephone call (as specified in *new section 69A(4)(c)(ii)*):
- 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:
- all or any circumstances specified in *new section 69A(6)(a) to (d)*:
- any other factors that do or may affect that decision.

New section 69A(6) states exceptions to the rule in *new section 69A(2)*. The exceptions are that a prisoner may be denied, for a period of time that is reasonable in the circumstances, the minimum contact under *new section 69A(2)* if—

- there is an emergency in the prison; or
- the security of the prison is threatened; or
- the health centre manager of the prison concerned considers that the health of the prisoner is threatened; or
- the safety of the prisoner or of any other person is threatened.

New section 69A(7) makes it clear that *new section 69A* does not limit section 69 (minimum entitlements).

Amendment relating to designated-management prisoners

Clause 19 amends section 77, which relates to a prisoner's minimum entitlement to make outgoing telephone calls.

New section 77(3) ensures that 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.

New section 77(3A) provides that 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.

Correcting wrong cross-references

Clause 20 amends section 102 (reporting of unauthorised items discovered, certain searches, and placement in dry cells) to correct wrong cross-references.

Clause 21 amends section 171 (reporting responsibilities) to correct a wrong cross-reference.

Amendments relating to prisoners' property

Clause 22 amends section 201 (regulations relating to good management of corrections system).

Section 201(c) relates to regulations (relating to good management of the corrections system) made under section 200(1)(a). Section 201(c) ensures that those regulations may include (without limitation) provisions regulating the opening of bank accounts (that is, trust accounts required by section 46) into which money intended for a prisoner may be deposited, regulating the operation of those trust accounts (including deposits into them and withdrawals or other payments from them), and the closing of those trust accounts.

New section 201(c) re-enacts section 201(c) to make clear that it relates to bank accounts (that is, trust accounts required by section 46).

Clause 23 inserts *new section 201A*.

New section 201A applies, under *new section 201A(1)*, to regulations—

- made under section 200(1)(a) and *new section 201(c)*; and
- regulating the operation of trust accounts required by section 46.

New section 201A(2) ensures that the regulations may authorise the prison manager to refuse to approve a deposit, or to prevent a withdrawal, based on grounds prescribed in the regulations applying to the transaction.

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

Transitional, savings, and related provisions

Clause 24 amends Schedule 1AA, which contains transitional, savings, and related provisions. *New Part 2* of Schedule 1AA contains transitional, savings, and related provisions for the amendment Act arising from this Bill.

Amendment relating to designated-management prisoners

Clause 25 inserts *new Schedule 1AB*, which relates to the Designated-Management Prisoner Advisory Panel (*see new sections 52G and 52H*, inserted by *clause 12*). *New Schedule 1AB* contains provisions on the following matters:

- the establishment of the Panel:
- the function of the Panel:
- the membership of the Panel:
- the Panel's chairperson and acting chairperson:
- meetings and recommendations of the Panel:
- information that the Panel must consider in deciding its recommendation:
- the term of appointment, and reappointment, of members of the Panel:
- remuneration and expenses for members of the Panel:
- Panel member not employed in service of Crown for stated purposes:
- the immunity of members of the Panel.

Part 2**Amendments to Corrections Regulations 2005**

Clause 26(1) provides that *Part 2* amends the Corrections Regulations 2005. However, *clause 26(2)* provides that *clauses 29 and 30* amend regulation 25 of the Corrections Amendment Regulations 2025.

Amendments relating to prisoners' property

Clause 27 revokes regulation 41(2), which imposes a requirement that the manager of a prison ensure that the amount of money held for a particular prisoner in a trust account does not exceed the maximum amount (if any) permitted to be held for a particular prisoner in the trust account by a rule. The requirement is subject to legislation that requires an amount of money greater than that maximum amount to be held on behalf of a prisoner in that account. The requirement is also subject to an exception when the manager is satisfied that there are special circumstances justifying the holding of a greater amount in that account on behalf of a prisoner. Regulation 41(2) is revoked because it is replaced by requirements in rules made under *new section 46A* of the Act.

Clause 28 replaces regulation 42 (trust account deposits and withdrawals) with *new regulations 42 and 42A*.

New regulation 42 is about trust account deposits. *New regulation 42(1) and (2)* re-enacts regulation 42(1). *New regulation 42(3)* authorises the prison manager to refuse to approve a deposit into a trust account in respect of a particular prisoner if the prison manager is satisfied that all or any of the following prescribed grounds apply to the transaction:

- the transaction is likely to adversely affect all or any of the following:
 - the security, good order, or discipline of the prison:
 - the safety or welfare of any prisoner:
 - public safety, including the safety or welfare of any individual:
 - the maintenance of the law:
- the transaction is likely to constitute an offence:
- the transaction is inconsistent with any requirements imposed by rules made under *new section 46A* of the Act.

New regulation 42A is about trust account withdrawals. *New regulation 42A(1)* re-enacts regulation 42(2). *New regulation 42A(2)* authorises the prison manager to prevent a withdrawal (in respect of a prisoner with the prisoner's approval) under *new regulation 42A(1)(b)* if the prison manager is satisfied that all or any of the following prescribed grounds apply to the transaction:

- the transaction is likely to adversely affect all or any of the following:
 - the security, good order, or discipline of the prison:
 - the safety or welfare of any prisoner:
 - public safety, including the safety or welfare of any individual:
 - the maintenance of the law:
- the transaction is likely to constitute an offence:
- the transaction is inconsistent with any requirements imposed by rules made under *new section 46A* of the Act.

Amendments relating to designated-management prisoners

Clause 29 amends regulation 43A (as set out in regulation 25 of the Corrections Amendment Regulations 2025), which requires that a remand prisoner be placed and managed in a way that is consistent with the remand prisoner's assigned risk category. The amendments ensure that regulation 43A—

- applies only while the remand prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner; and
- requires the remand prisoner's placement and management to be informed by (that is, decided after considering all relevant considerations, including, without limitation) the remand prisoner's risk category.

Clause 30 amends regulation 43F (as set out in regulation 25 of the Corrections Amendment Regulations 2025). The amendment requires a remand prisoner's risk category to be reviewed if the interim or final designation of the remand prisoner as a designated-management prisoner expires or is revoked.

Clause 31 amends regulation 44. The amendment ensures that the requirement that a prisoner be placed and managed in a way that is consistent with the prisoner's assigned security classification applies only while the prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.

Clause 32 inserts *new Part 5B*, which prescribes, for designated-management prisoner cells,—

- mandatory items and features (*see new section 52M(3)(a)* of the Corrections Act 2004 and *new regulation 52O(1)* and *new Part AA of Schedule 2* of the Corrections Regulations 2005); and
- mandatory standards (*see new section 52M(3)(b)* of that Act and *new regulation 52O(2)* of those regulations).

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

Clause 33 amends the Part 6 heading (segregation of prisoners). The amendment makes clear that Part 6 also contains provisions about—

- at-risk cells; and
- at-risk prisoners (whether or not under a segregation direction).

Clause 34 amends regulation 53. This regulation ensures that Part 6 applies to authorise segregation only under a segregation direction (as defined in regulation 3). The amendments make clearer the purpose and effect of regulation 53.

Clause 35 amends regulation 57 (mandatory items, features, and standards for segregation accommodation and at-risk cells). The amendments are as follows:

- regulation 57(1) is amended to make it clear that regulation 57(1) does not apply to an at-risk cell (because the items and features that an at-risk cell must have are prescribed instead by regulation 57(2));
- regulation 57(2) is amended to make it clear that it applies to at-risk cells whether or not they are used to accommodate prisoners subject to a segregation direction, designated-management prisoners, or both (*emphasis added*);
- regulation 57(3) is amended to insert accurate cross-references.

Amendment relating to designated-management prisoners

Clause 36 replaces regulation 65AAA (case management plans for certain prisoners) with—

- *new regulation 65AAA* (case management plans for certain prisoners):

- a cross-heading (designated-management prisoners):
- *new regulation 65AAB* (designated-management prisoners: opportunities to reduce restrictive management).

New regulation 65AAA re-enacts regulation 65AAA, which also applies to, and requires a case management plan to be devised under section 51 of the Act for, every prisoner who is—

- sentenced to imprisonment for a term of more than 2 months; or
- in custody on remand for a continuous period of more than 2 months.

New regulation 65AAA(2A) requires the case management plan for every designated-management prisoner to 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—

- opportunities for that prisoner's rehabilitation:
- constructive activities:
- reintegration planning.

New regulation 65AAA(3) requires the case management plan to be reviewed whenever there is a significant change in the prisoner's circumstances.

New regulation 65AAA(4) ensures that a significant change in the prisoner's circumstances, in *new regulation 65AAA(3)*, includes, without limitation, when the interim or final designation of the prisoner as a designated-management prisoner expires or is revoked.

New regulation 65AAB requires the prison manager to 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.

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

Clause 37 amends regulation 67 (facilities for cells and self-care units). *New regulation 67(6)* ensures that regulation 67 does not apply to—

- cells used to accommodate prisoners subject to a segregation direction:
- transit cells:
- at-risk cells.

Clause 38 amends regulation 183 (prison to contact nominated person) to ensure that the regulation applies if a young prisoner is an at-risk prisoner.

Transitional, savings, and related provisions

Clause 39 amends Schedule 1AA, which contains transitional, savings, and related provisions. *New Part 2* of Schedule 1AA contains transitional, savings, and related provisions for the amendment Act arising from this Bill.

Amendments relating to designated-management prisoners

Clause 40 amends Schedule 2, which sets out items and features of cells for segregated prisoners and prisoners at risk of self-harm. *New Part AA* of Schedule 2 prescribes mandatory items and features of designated-management prisoner cells (*see also new regulation 52O* inserted by *clause 32*).

Hon Mark Mitchell

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

Government Bill

Contents

		Page
1	Title	5
2	Commencement	5
Part 1		
Amendments to Corrections Act 2004		
3	Principal Act	5
<i>Amendments relating to definitions</i>		
4	Section 3 amended (Interpretation)	5
5	New section 3AA inserted (Meaning of organised criminal group)	5
	3AA Meaning of organised criminal group	5
<i>Amendments relating to designated-management prisoners</i>		
6	Section 10 amended (Delegation of powers and functions of chief executive)	7
<i>Amendments relating to prisoners' property</i>		
7	Section 45 replaced (Disposal and destruction of prisoner property)	7
	45 Destruction or disposal of prisoner property: general	7
8	New section 45AA inserted (Destruction or forfeiture of prisoner property: harmful item of property of prisoner who, on their death, was terrorist entity)	8
	45AA Destruction or forfeiture of prisoner property: harmful item of property of prisoner who, on their death, was terrorist entity	8
9	Section 46 amended (Trust account and purchasing system for prisoners)	10

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

10	New section 46A inserted (Rules about operation of trust account)	11
	46A Rules about operation of trust account	11
	<i>Amendments relating to designated-management prisoners</i>	
11	Section 47 amended (Security classifications)	12
12	New sections 52A to 52M and cross-heading inserted	12
	<i>Designated-management prisoners</i>	
	52A Interim or final designation	12
	52B Meaning of eligible person	13
	52C Test for designation	13
	52D Person taken to pose extreme risk to prison or public safety	13
	52E Risk taken to be extreme risk	14
	52F Restrictive management to manage effectively extreme risk	14
	52G Further requirements for interim designation	14
	52H Further requirements for final designation	15
	52I Notice to person affected	15
	52J Duration and renewal or replacement	16
	52K Review of in-force final designation	17
	52L Effect of in-force designation (restrictive management and entitlements)	18
	52M Designation of designated-management prisoner cell	19
13	Section 54 amended (Reasons for transfer)	20
	<i>Amendments relating to segregation (denial or restriction of opportunity to associate)</i>	
14	Sections 57 to 61 and cross-heading above section 57 replaced	20
	<i>Denial or restriction of opportunity to associate with other prisoners</i>	
	57 Limits on denial or restriction	20
	58 Segregation for security, good order, safety, or preventing offending, radicalising, or recruiting to ideology or organised criminal group	20
	59 Segregation for protective custody	22
	59A Review under section 58 or 59 if replacement directions	24
	60 Segregation for medical oversight	27
	61 Accommodation if in-force direction under section 58, 59, or 60	28
15	Section 61B amended (Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner)	29
16	Section 61CA replaced (Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied)	29

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

61CA	Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied	29
	<i>Amendments relating to minimum meaningful human contact</i>	
17	Section 69 amended (Minimum entitlements)	31
18	New section 69A inserted (Minimum meaningful human contact)	31
69A	Minimum meaningful human contact	31
	<i>Amendment relating to designated-management prisoners</i>	
19	Section 77 amended (Outgoing telephone calls)	33
	<i>Correcting wrong cross-references</i>	
20	Section 102 amended (Reporting of unauthorised items discovered, certain searches, and placement in dry cells)	33
21	Section 171 amended (Reporting responsibilities)	33
	<i>Amendments relating to prisoners' property</i>	
22	Section 201 amended (Regulations relating to good management of corrections system)	33
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)	33
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	34
	<i>Transitional, savings, and related provisions</i>	
24	Schedule 1AA amended	34
	<i>Amendment relating to designated-management prisoners</i>	
25	New Schedule 1AB inserted	35
Part 2		
Amendments to Corrections Regulations 2005		
26	Principal regulations	35
	<i>Amendments relating to prisoners' property</i>	
27	Regulation 41 amended (Trust accounts in respect of prisoners)	35
28	Regulation 42 replaced (Trust account deposits and withdrawals)	35
42	Trust account deposits	35
42A	Trust account withdrawals	36
	<i>Amendments relating to designated-management prisoners</i>	
29	Regulation 43A amended (Principles of risk assessment for remand prisoners)	36
30	Regulation 43F amended (Duty to review risk category)	37

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

31	Regulation 44 amended (Principles of security classification)	37
32	New Part 5B inserted	37
Part 5B		
Designated-management prisoner cells		
52O	Mandatory items, features, and standards for designated-management prisoner cells	37
<i>Amendments relating to segregation (denial or restriction of opportunity to associate)</i>		
33	Part 6 heading amended	38
34	Regulation 53 amended (Application)	38
35	Regulation 57 amended (Mandatory items, features, and standards for segregation accommodation and at-risk cells)	38
<i>Amendment relating to designated-management prisoners</i>		
36	Regulation 65AAA replaced	38
65AAA	Case management plans for certain prisoners	38
<i>Designated-management prisoners</i>		
65AAB	Designated-management prisoners: opportunities to reduce restrictive management	39
<i>Amendments relating to segregation (denial or restriction of opportunity to associate)</i>		
37	Regulation 67 amended (Facilities for cells and self-care units)	39
38	Regulation 183 amended (Prison to contact nominated person)	40
<i>Transitional, savings, and related provisions</i>		
39	Schedule 1AA amended	40
<i>Amendments relating to designated-management prisoners</i>		
40	Schedule 2 amended	40
Schedule 1		
New Part 2 inserted into Schedule 1AA of Corrections Act 2004		
Schedule 2		
New Schedule 1AB inserted into Corrections Act 2004		
Schedule 3		
New Part 2 inserted into Schedule 1AA of Corrections Regulations 2005		
Schedule 4		
Amendments to Schedule 2 of Corrections Regulations 2005		

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 **subsection (3)**.

Exceptions: 12 months after Royal assent

(3) **Sections 17 to 19** (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. 10

Part 1

Amendments to Corrections Act 2004

3 Principal Act

15

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** 20

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 **section 58(1)(e)** 25

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

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

After section 3, insert:

3AA Meaning of organised criminal group 30

(1) In **section 58(1)(e)**, **organised criminal group** means a group of 3 or more people who have as their objective, or one of their objectives,—

- (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 5
- (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— 10
- (a) engaging in that offence or conduct; or
- (b) doing any thing that forms part of engaging in that offence or conduct. 15
- (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— 20
- (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— 25
- (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)**. 30
- (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 35
- (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)** 5
- (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” with “The”.
- (2) After section 10(e), insert: 10
- (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 15
- (3) In section 10, insert as subsection (2):
- (2) 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. 20

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**
- Prison manager considers item to be one specified for destruction or disposal* 25
- (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 30
- (c) inflammable; or
- (d) alcohol; or
- (e) a controlled drug (within the meaning of the Misuse of Drugs Act 1975); or
- (f) objectionable; or 35
- (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—
- (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.

5

Written notice of decision to destroy item

- (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.

10

- (4) A period specified under **subsection (3)(b)** must be—

15

- (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)(c) 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.

20

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

25

After section 45A, insert:

45AA Destruction or forfeiture of prisoner property: harmful item of property of prisoner who, on their death, was terrorist entity

Item of property to which this section applies

30

- (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

35

	special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992); and	
	(b) the person, 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.	5
	<i>Application to High Court for order authorising destruction of item</i>	
(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	10
	(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	15
	(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—	
	(a) destruction of the item of property (if it is not trust account money); or	20
	(b) forfeiture to the Crown of the item of property (if it is trust account money).	
	<i>Definitions</i>	
(5)	In this section,—	
	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:	25
	(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):	30
	(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:	
	(d) further harm to (for example, further trauma to or further stress for) victims of criminal acts or terrorism committed by the person:	35

(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)	
item of property , of a person who is or was a prisoner, includes, without limitation, all trust account money (if any) of that person	5
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	
(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	10
(c) in any other case, the person's next of kin (if known to, or reasonably able to be ascertained by, the department)	
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):	15
(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	20
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)	25
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	30
(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)	
(1) In section 46(1), delete “belonging to prisoners”.	35
(2) Replace section 46(2) with:	
(2) A trust account must be operated and maintained—	
(a) in the prescribed manner; and	

(b)	in accordance with all applicable requirements imposed by rules made under section 46A .	
(3)	After section 46(4), insert:	
(4A)	However, subsection (4)(b) applies to money only if—	
(a)	the chief executive has decided not to apply for an order for forfeiture to the Crown of the money under section 45AA ; or	5
(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.	
10	New section 46A inserted (Rules about operation of trust account)	10
	After section 46, insert:	
46A	Rules about operation of trust account	
(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:	15
(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:	20
(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:	25
(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:	
(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:	30
(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—	35

- (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
- (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
 - (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)

Amendments relating to designated-management prisoners 15

11 Section 47 amended (Security classifications)

- (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)).
- (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

After section 52, insert:

Designated-management prisoners 25

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—
 - (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**.

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: 5

- (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.

Final designation

(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. 10

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— 15

- (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 (*see sections 52D and 52E*); and 20
- (b) restrictive management is necessary to manage effectively that risk (*see sections 52F and 52L*).

52D Person taken to pose extreme risk to prison or public safety

(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 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 30

- (a) committing any serious offence (for example, any serious offence that is a serious sexual or violent offence):
- (b) disrupting severely a prison's safety, security, or good order:
- (c) committing any offence against the Terrorism Suppression Act 2002:
- (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. 35

(2) **Subsection (1)(a) to (d)** applies whether any specified conduct—

<p>(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):</p> <p>(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:</p> <p>(c) would occur, in whole or in part, in or outside the prison.</p> <p>(3) This section does not limit the generality of section 52C(a).</p> <p>52E Risk taken to be extreme risk</p> <p>(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—</p> <p>(a) that conduct happening; or</p> <p>(b) that conduct, if it happens, causing a severe degree of harm; or</p> <p>(c) both of the things specified in paragraphs (a) and (b).</p> <p>(2) This section does not limit the generality of sections 52C(a) and 52D.</p> <p>52F Restrictive management to manage effectively extreme risk</p> <p>(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 risk mentioned in section 52C(a).</p> <p>(2) The chief executive must consider—</p> <p>(a) the types of management necessary to manage effectively that risk; and</p> <p>(b) the levels of restrictiveness of the types of management necessary to manage effectively that risk; and</p> <p>(c) the effect of an in-force designation under section 52L.</p> <p>52G Further requirements for interim designation</p> <p><i>When requirements in this section apply</i></p> <p>(1) Before making or renewing an interim designation under section 52A, the chief executive must comply with the requirements in this section.</p> <p><i>Request that Panel make recommendation on final designation</i></p> <p>(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.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
---	--

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 the chief executive is deciding to make or replace, or to not make or replace, a final designation **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.

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
- (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

(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 (<i>see clause 6(a) of Schedule 1AB</i>); and	5
(h)	written notice of, and of the reasons for, the outcome of a review under section 52K(2) or (3) .	
52J	Duration and renewal or replacement	10
	<i>When interim or final designation comes into force</i>	
(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	15
(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.	
	<i>When interim designation ends and may be renewed</i>	20
(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—	
(i)	earlier ceases to be remanded in custody; or	
(ii)	is earlier released on parole; or	25
(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—	30
(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—	35
(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—
 - (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).

52K Review of in-force final designation

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

- (1) The department must inform the chief executive if, after an in-force final designation is made, or reviewed under this section, the department 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 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.

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

- (3) If satisfied, on their own initiative, or on a request by the designated person 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.

Process for review

- (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	
(b)	may take into account any other advice or information that the chief executive considers relevant to that decision.	5
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,—	10
(i)	a prisoner who is subject to an in-force direction under section 60(1)(b) (to assess or ensure mental health) who under section 61 must instead be provided with accommodation that—	
(A)	has items and features prescribed by regulations made under this Act; and	15
(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	20
(b)	otherwise restrictively managed (<i>see sections 52C(b) and 52F</i>) in a way that is consistent with the prisoner's—	
(i)	designation as a designated-management prisoner; and	25
(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).	30
<i>Examples of restrictive management (other than required placement)</i>		
(3)	Examples of the management (other than the required placement) mentioned in subsection (1) are greater possible use of the following:	
(a)	restrictions on being issued with, or allowed to keep, authorised property:	35
(b)	restrictions on freedom of movement within the prison:	

<ul style="list-style-type: none"> (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. 	5
<i>Entitlements</i>	
<ul style="list-style-type: none"> (4) A designated-management prisoner— <ul style="list-style-type: none"> (a) must be provided with reasonable access to a cell-adjacent yard— <ul style="list-style-type: none"> (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): (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— <ul style="list-style-type: none"> (a) section 69 (minimum entitlements); or (b) section 69A (minimum meaningful human contact). 	10 15 20
52M Designation of designated-management prisoner cell	
<i>Prison manager designation of cell that meets requirements</i>	
<ul style="list-style-type: none"> (1) The prison manager may designate a cell as a designated-management prisoner cell. (2) The designation— <ul style="list-style-type: none"> (a) must be in writing; and (b) may be revoked at any time. 	25
<i>Required items, features, and standards</i>	
<ul style="list-style-type: none"> (3) A designated-management prisoner cell must— <ul style="list-style-type: none"> (a) have items and features prescribed by regulations made under this Act; and (b) meet standards prescribed by regulations made under this Act. 	30
<i>Chief executive designation of cell that does not meet requirements</i>	
<ul style="list-style-type: none"> (4) However, the chief executive may, despite subsections (1) to (3), designate a cell as a designated-management prisoner cell— <ul style="list-style-type: none"> (a) even though the cell does not comply with subsection (3); and 	35

(b)	if satisfied that it is not reasonably practicable for the cell to comply with subsection (3) .	
(5)	The designation—	
(a)	must be in writing; and	
(b)	must specify the period to which the designation applies; and	5
(c)	must specify any conditions on which the designation is made; and	
(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:	10
<i>Amendments relating to segregation (denial or restriction of opportunity to associate)</i>		
14	Sections 57 to 61 and cross-heading above section 57 replaced	15
	Replace sections 57 to 61 and the cross-heading above section 57 with:	
<i>Denial or restriction of opportunity to associate with other prisoners</i>		
57	Limits on denial or restriction	
	<i>Limits on denial or restriction only in accordance with Act or regulations</i>	
(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.	20
<i>Directions must not be more restrictive than reasonably necessary</i>		
(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.	25
58	Segregation for security, good order, safety, or preventing offending, radicalising, or recruiting to ideology or organised criminal group	
	<i>Direction</i>	30
(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:	
(a)	the security, or good order, of the prison would otherwise be endangered or prejudiced:	35

- (b) the safety of another prisoner, or of another person, or of both, would otherwise be endangered:
- (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: 5
- (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— 10
- (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):
- (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: 15
- (c) would occur, in whole or in part, in or outside the prison.
- (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. 20
- (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)**: 25
- (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— 30
- (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. 35
- (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
- (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)**. 5

Revocation, expiry, and review and continuation, of direction

- (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: 10
 - (b) may be revoked at any time by the chief executive or a Visiting Justice:
 - (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— 15
 - (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: 20
 - (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.

Review periods

- (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). 25

59 Segregation for protective custody

Direction

- (1) The prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if— 30
 - (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 35
 - (b) the prison manager is satisfied that—
 - (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.

Direction must not be more restrictive than reasonably necessary

- (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. 5

Direction under subsection (1)(a) ineffective unless, before or after giving of direction, prisoner concerned gives consent in writing to giving of direction

- (2) If a direction is given under **subsection (1)(a)**,— 10
 - (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:
 - (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: 15
 - (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. 20

Prisoner concerned must promptly be given reasons in writing, etc, for direction under subsection (1)(b)

- (3) If a direction is given under **subsection (1)(b)**,— 25
 - (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.

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— 30
 - (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. 35
- (3C) If a variation is made under **subsection (3A)** to a direction given under **subsection (1)(a)**,—

- (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. 5
- (3D) If a variation is made under **subsection (3A)** to a direction given under **subsection (1)(b)**,—
- (a) the prisoner concerned must promptly be given the reasons in writing for the variation; and 10
- (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)* 15
- (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: 20
- (c) expires after 14 days unless, before it expires, the chief executive directs that it continue in force:
- (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. 25
- Review periods*
- (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**
- This section applies only if specified direction replaced in specified way* 30
- (1) This section applies if the prison manager—
- (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— 35
- (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). 5
- (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
- (ii) that is revoked or expires; and 10
- (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 15
- (iii) restricts or denies association (whether the replaced direction, or an earlier replacement direction, at that time also restricted or denied association).
- Reasons for latest replacement direction and notice of effect of this section* 20
- (3) If this section applies, the prison manager must promptly give the prisoner concerned—
- (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. 25
- Purposes for which this section applies*
- (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)**; 30
- (c) the 3-month period in **section 58(3)(d)(ii) or (e) or 59(4)(d)**.
- Directions (whether or not continuous) taken to be single relevant period*
- (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— 35
- (a) starts when the replaced direction starts to take effect; and

- (b) is the sum of, and counted including any gaps between, the periods that the replaced direction and replacement directions are in force.

Example

Directions taken to be single relevant period

The replaced direction is in force 1 to 10 March (inclusive). 5

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: 10
- 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)**. 15

When review must start if review period ends during gap between directions

- (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. 20

Example

Review period ends during gap between directions

The replaced direction is in force 1 to 10 March (inclusive). 25

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—

- starts at the beginning of 1 March: 30
- 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)**.

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. 35

- (8) **Subsection (7)** overrides any contrary provision of this Act.

60	Segregation for medical oversight	
	<i>Direction (if health centre manager of prison recommends one is desirable)</i>	
(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:	5
	(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.	10
	<i>Direction must not be more restrictive than reasonably necessary</i>	
(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.	15
	<i>Prisoner concerned must promptly be given reasons in writing, etc</i>	
(2)	If a direction is given under this section,—	20
	(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.	
	<i>Variation of direction from restricting to denying association, or vice versa</i>	25
(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—	30
	(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.	35
(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,—	

(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.	
	<i>Revocation of direction</i>	5
(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.	10
	<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.	15
(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.	20
61	Accommodation if in-force direction under section 58, 59, or 60	
(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	25
(b)	meets standards prescribed by regulations made under this Act.	
(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) (<i>see also sections 52L(1)(a)(i) and 52M</i>).	30
(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 :	
(b)	differ depending on whether the direction was issued under section 58, 59, or 60 :	35
(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)”. 5

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:

61CA Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied 10

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—

- (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 15
- (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*). 20

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. 25

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. 30

At-risk prisoner to be promptly informed in writing of reasons for direction, etc

(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 35
- (b) the chief executive is promptly informed in writing of the direction, and any variation of the direction, and the reasons for it.

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—
- (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
 - (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).
- 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 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.
- (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).
- (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—
- (a) the at-risk prisoner is promptly given the reasons in writing for the variation; and
 - (b) the chief executive is promptly be informed of the variation and the reasons for it.

(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. 5

(9) As part of the visit referred to in **subsection (8)**, the registered health professional must consider and advise the health centre manager—

(a) of any matters relevant to the continuing justification for a direction under this section; and 10

(b) whether the prisoner's at-risk assessment should be reviewed.

Amendments relating to minimum meaningful human contact

17 Section 69 amended (Minimum entitlements)

(1) In section 69(1)(i), after “section 77(3)”, insert “or **(3A)**”. 15

(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: 20

69A Minimum meaningful human contact

What section does

(1) This section sets out a rule for minimum meaningful human contact.

Rule prohibiting prolonged solitary confinement

(2) A prisoner must be given the opportunity to receive at least 10 hours of meaningful human contact in each 14-day period. 25

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. 30

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— 35

- (a) enables the prisoner's social interaction and stimulation by enabling the prisoner to talk with the 1 or more other individuals:
- (b) is more than fleeting or incidental to contact for other purposes (for example, during delivery of food or medication):
- (c) is offered under **subsection (5)** and is any of the following: 5
- (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 10
- (C) in person and not via a physical barrier:
- (ii) contact by telephone call.
- Determining what kind of contact is offered under this section to prisoner*
- (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: 15
- (b) that meaningful human contact can occur in the cell, or self-care unit, in which the prisoner is placed:
- (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)**): 20
- (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:
- (f) all or any circumstances specified in **subsection (6)(a) to (d)**: 25
- (g) any other factors that do or may affect that decision.
- Exceptions*
- (6) A prisoner may be denied, for a period of time that is reasonable in the circumstances, the minimum contact under **subsection (2)** if— 30
- (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* 35
- (7) This section does not limit section 69 (minimum entitlements).

Amendment relating to designated-management prisoners

19 Section 77 amended (Outgoing telephone calls)

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. 5
- (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.

Correcting wrong cross-references 10

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

In section 102(2),—

- (a) replace “section 98(3)(a)” with “section 98D(1)”; and
- (b) replace “section 98(9)” with “section 98F”. 15

21 Section 171 amended (Reporting responsibilities)

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

Amendments relating to prisoners' property

22 Section 201 amended (Regulations relating to good management of corrections system) 20

Replace section 201(c) with:

- (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: 25

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) 30

After section 201, insert:

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 manager— 10
- (a) to refuse to approve a deposit into a trust account in respect of a particular prisoner if—
 - (i) the regulations require the manager's approval for the transaction; and 15
 - (ii) the 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—
 - (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 20
 - (ii) the prison manager is satisfied that grounds prescribed in the regulations apply to the transaction. 25

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.

Transitional, savings, and related provisions 30**24 Schedule 1AA amended**

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (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

10

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

- (3) The amendments made by **sections 29 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)

20

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 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 prison manager may refuse to approve a deposit into a trust account in respect of a particular prisoner if the 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.	
42A Trust account withdrawals	5
(1) Money may be withdrawn from the trust account only if—	
(a) it has been wrongly credited to the account; or	
(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.	10
(2) However, the prison manager may prevent a withdrawal (in respect of a prisoner with the prisoner's approval) under subclause (1)(b) if the prison manager is satisfied that all or any of the following prescribed grounds apply to the transaction:	
(a) the transaction is likely to adversely affect all or any of the following:	15
(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:	20
(c) the transaction is inconsistent with any requirements imposed by rules made under section 46A of the Act.	

Amendments relating to designated-management prisoners

29 Regulation 43A amended (Principles of risk assessment for remand prisoners)	25
(1) Before regulation 43A(1) (as set out in regulation 25 of the Corrections Amendment Regulations 2025), insert:	
<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:	30
<i>Remand prisoner placement and management consistent with risk category</i>	
(2) A requirement in subclause (3) applies—	
(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	35

<p>(c) only while the remand prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.</p> <p>(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.</p>	5	
<p>30 Regulation 43F amended (Duty to review risk category)</p> <p>In regulation 46F (as set out in regulation 25 of the Corrections Amendment Regulations 2025), insert as subclauses (2) and (3):</p>		
<p>(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.</p> <p>(3) Subclause (2) does not limit the generality of subclause (1)(a) and (b)(ii).</p>	10	
<p>31 Regulation 44 amended (Principles of security classification)</p>		
<p>(1) Before regulation 44(1), insert:</p> <p style="padding-left: 2em;"><i>Classification at lowest level for prisoner's safe and secure management</i></p> <p>(2) Replace regulation 44(2) with:</p> <p style="padding-left: 2em;"><i>Prisoner placement and management consistent with classification</i></p> <p>(2) A requirement in subclause (3) applies—</p> <p style="padding-left: 4em;">(a) to a prisoner who has been assigned a security classification; and</p> <p style="padding-left: 4em;">(b) only to the extent that complying with it is practicable (having regard to the availability of accommodation and other resources); and</p> <p style="padding-left: 4em;">(c) only while the prisoner is not, and so is not subject to placement and other restrictive management as, a designated-management prisoner.</p> <p>(3) The prisoner must be placed and managed in a way that is consistent with the prisoner's security classification.</p>	15	
<p>32 New Part 5B inserted</p> <p>After regulation 52N, insert:</p>		
<p>Part 5B</p> <p>Designated-management prisoner cells</p>		30
<p>52O Mandatory items, features, and standards for designated-management prisoner cells</p> <p>(1) Cells used to accommodate designated-management prisoners must have the items and features specified in Part AA of Schedule 2.</p>		

- (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.

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

5

33 Part 6 heading amended

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

34 Regulation 53 amended (Application)

- (1) In the heading to regulation 53, replace “**Application**” with “**Part applies to authorise segregation only under segregation direction**”. 10
- (2) In regulation 53, replace “made under any of sections 58 to 60 of the Act” with “(as defined in regulation 3)”.

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

15

- (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)”. 20

Amendment relating to designated-management prisoners

36 Regulation 65AAA replaced

Replace regulation 65AAA with:

65AAA Case management plans for certain prisoners

Application

25

- (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— 30
- (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 35

<ul style="list-style-type: none"> (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 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. 	5
<i>Additional requirements: every designated-management prisoner</i>	
<p>(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—</p> <ul style="list-style-type: none"> (a) opportunities for that prisoner's rehabilitation: (b) constructive activities: (c) planning for the reintegration of that prisoner into the community. 	10 15
<i>Review</i>	
<ul style="list-style-type: none"> (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. 	20
<i>Designated-management prisoners</i>	
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.	25
<i>Amendments relating to segregation (denial or restriction of opportunity to associate)</i>	
37 Regulation 67 amended (Facilities for cells and self-care units)	30
Replace regulation 67(6) with:	
<ul style="list-style-type: none"> (6) This regulation does not apply to— <ul style="list-style-type: none"> (a) cells used to accommodate prisoners subject to a segregation direction: (b) transit cells: (c) at-risk cells. 	35

38 Regulation 183 amended (Prison to contact nominated person)

- (1) After regulation 183(1)(a), insert:
 - (aa) an at-risk prisoner; or
- (2) In regulation 183(3)(a) and (b), after “the prisoner’s segregation”, insert “, placement in an at-risk cell (*see* section 61B(a) of the Act),”. 5

*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. 10

*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	
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 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 (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— (a) started before commencement, and is in force immediately before commencement; or (b) starts on or after commencement.
8	Application of segregation amendments
(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.
(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 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.	
9	Application of minimum meaningful human contact amendments	
	New sections 69(7) and 69A apply, after commencement, only to—	5
(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.	
10	Application of designated-management prisoner amendments	
(1)	New sections 3(1), 47, 54, 52A to 52M , 69, 77, and new Schedule 1AB apply, after commencement, only to—	10
(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.	
(2)	This clause is subject to clause 11 (transitional provisions for designated-management prisoner amendments).	15
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—	
(a)	appointing members of the Panel:	20
(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.	25
(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—	
(a)	earlier ceases to be remanded in custody; or	
(b)	is earlier released on parole; or	30
(c)	earlier ceases to be serving a sentence of imprisonment.	
(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.	35

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)—
(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.
(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.
(2)	The Panel must include—
(a)	1 member who is appointed as chairperson; and
(b)	1 or more acting chairpersons (each of whom is a member who may be able to act as the chairperson if the chairperson is unavailable); and
(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
(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 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. 5

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. 10
- (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. 15
- (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. 20

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:

- (a) any written information or written submissions provided by, or on behalf of, the person: 25
- (b) any information provided in any oral hearings under **clause 5(3)**:
- (c) the person's current and historical segregation status (if any):
- (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): 30
- (f) the person's current and previous convictions, sentences, or other dispositions, including (without limitation) sentencing notes and pre-sentence reports:
- (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: 35
- (h) any other relevant and available information relating to—
- (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:	
(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.	5
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.	
(2)	A member continues in office despite the expiry of the member's term of office until—	10
(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.	15
(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.	20
(6)	The chief executive may at any time remove a member from office for just cause.	
(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.	25
(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.	
9	Panel member not employed in service of Crown for stated purposes	30
	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.	
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.	35

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	10
commencement , in relation to a provision of the amendment Act, means the commencement of the provision.	
(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	20
(b) starts on or after commencement.	
10 Application of designated-management prisoner and designated-management prisoner cell amendments	
New regulations 43A, 43F, 44, new Part 5B, new regulations 65AAA and 65AAB , and new Schedule 2 apply, after commencement, only to—	25
(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.	
11 Application of amendments relating to segregation	
The new Part 6 and new regulations 53, 57, 67, and 183 apply, after commencement, only to—	30
(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.	

Schedule 4
Amendments to Schedule 2 of Corrections Regulations 2005

s 40

In the Schedule 2 heading, after “**Items and features**”, insert “**of designated-management 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	