

Departmental Disclosure Statement

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

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill; and
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Marian Horan of the Department of Corrections.

The Department of Corrections certifies that to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

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Part One: 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.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p>The Office of the Ombudsman and Office of the Inspectorate have both conducted reviews into the Prisoners of Extreme Risk Unit (the PERU). Their findings have influenced the policy development for the Bill.</p> <p>Ombudsman, OPCAT Report, 'Report on an examination of the Prisoners of Extreme Risk Unit under the Crimes of Torture Act 1989', 17 December 2024, accessible at: https://www.ombudsman.parliament.nz/sites/default/files/2024-12/OPCAT%20Report%20-%20Prisoners%20of%20Extreme%20Risk%20Unit.pdf</p> <p>Office of the Inspectorate Te Tari Tirohia 'Prisoners of Extreme Risk Unit (PERU) Announced Inspection, July 2023, published 27 August 2024, accessible at: https://inspectorate.corrections.govt.nz/_data/assets/pdf_file/0005/57074/PERU_report_FIN_AL_for_publication_-_Redacted.pdf</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	YES
<p>Clause 18 of the Bill introduces new section 69A in the Corrections Act 2004, which establishes a provision for minimum meaningful human contact that applies to all prisoners across the network. This is based, in part, on the prohibition of prolonged solitary confinement contained in rules 43 and 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The Nelson Mandela Rules are not binding on the Crown, as they have not been ratified and incorporated into domestic legislation, but they are referenced in the Corrections Act under section five.</p> <p>The relevant rules in the United Nations Standard Minimum Rules for the Treatment of Prisoners, accessible at https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf</p>	

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO
<p>The Nelson Mandela Rules have not been ratified and formally incorporated into domestic legislation, so they are not binding on the Crown.</p>	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Two regulatory impact statements (RIS) informed policy decisions that led to this Bill:</p> <p>Department of Corrections, 'Regulatory Impact Statement: Framework for the management of extreme threat prisoners', 17 June 2025, which will be accessible at https://www.corrections.govt.nz/resources/policy_and_legislation/ris_framework_for_the_management_of_extreme_threat_prisoners and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/.</p> <p>Department of Corrections, 'Regulatory Impact Statement: Improving safety in prisons and supporting operational practice', 4 March 2025, accessible at https://www.corrections.govt.nz/data/assets/pdf_file/0007/62872/Regulatory_Impact_Statement_Improving_safety_in_prisons_and_supporting_operational_practice.pdf and https://www.regulation.govt.nz/our-work/regulatory-impact-statements/.</p>	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>The two regulatory impact statements identified above did not meet the threshold for receiving an independent opinion on the quality of the statements from the RIA Team based in the Ministry for Regulation.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>The June 2025 regulatory impact statement analyses the costs and benefits of the changes in the Bill and who is impacted by the changes, excluding prisoner trust accounts. The evidence certainty is low for these changes – see pages 54-58 of the June 2025 regulatory impact statement.</p> <p>The March 2025 regulatory impact statement analyses the costs and benefits of the changes to the prisoner trust account framework – see pages 68-69 of the March 2025 regulatory impact statement.</p>	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
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(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
<p>Currently, 16 prisoners are managed in the PERU and potentially subject to a higher level of custodial management as a prospective DMP. Benefits for DMPs, like the increased phone call entitlement, is dependent on Corrections resourcing the PERU effectively.</p> <p>The effectiveness of the amendments contained in the Bill, and the ability to implement the changes generally, are dependent on updates to operational policy, procedures and guidance for staff, as well as Corrections' resourcing. Please see pages 59-61 of the June 2025 regulatory impact statement.</p>	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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We have consulted relevant agencies to ensure the Bill is consistent with New Zealand's international obligations. This includes the Bill's meaningful human contact and prolonged solitary confinement provisions, which are based in part on the Nelson Mandela Rules.
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Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Māori are overrepresented in the prison population, comprising 52 percent of people in prison (primary ethnicity), but just 17 percent of the general population. As at 16 January 2026, 13 percent of prisoners housed in the PERU were Māori.

During public consultation, Corrections contacted Māori legal experts, and all of its iwi partners with whom there are have formal relationships, but no feedback was received.

Both the March and June 2025 regulatory impact statements assessed the proposals against a Māori specific criterion – 'addresses Māori needs and cultural perspectives' and 'contributes to better outcomes for Māori', respectively. This ensured Corrections refined the options effectively in line with the principles of the Treaty of Waitangi. For example, the analysis in the June 2025 regulatory impact statement shows that by requiring the chief executive to make a designation following a panel's recommendation would have a positive impact on Māori as it could potentially reduce any biases that could exist within Corrections.
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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Advice provided to the Attorney-General by the Ministry of Justice is expected to be available on the Ministry of Justice's website at:

https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/advice/

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
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Clause 8 introduces new section 45AA, which allows the chief executive to apply to the High Court for an order authorising the destruction or forfeiture of property (if trust account money) if the chief executive is satisfied that the property is or is likely to be harmful. This only applies to a person's property who, on their death, was designated a terrorist entity.

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry of Justice was consulted about all aspects of the policy process. This includes reviewing consultation versions of the regulatory impact statements, draft and final Cabinet papers, and drafting of the Bill. Ministry of Justice feedback was considered and incorporated as appropriate, throughout all stages.</p> <p>The Ministry of Justice suggested the following changes to the Bill.</p> <p>The first suggestion would have amended clause 12, which relates to section 52D(1)(d) – a person is taken to pose extreme risk to prison or public safety if they pose an extreme risk of “radicalising, or recruiting to an ideology, another person, in a way that is likely to result in harm to that radicalised or recruited other person” or one or more other people”. They proposed amending this so that the wording should only capture prisoners that pose a severe risk of harm as opposed to just harm.</p> <p>Corrections considers it important to retain the broader definition of harm to ensure the legislation provides us with the flexibility to capture emerging prisoner risks. This includes risks associated with ideologies that can cause harm within the prison environment and the wider public. The test, as drafted in the Bill, mitigates the risks of broad drafting, as while a prisoner might satisfy section 52(D(1) they also must also require more restrictive management under section 52F. During implementation of the Bill, Corrections will also ensure staff know how to clearly interpret these provisions.</p> <p>The Ministry of Justice also suggested removing section 52D(1)(d) entirely, and instead relying on section 52D(1)(a), (b), or (c) to capture the risks relating to harm from radicalisation. However, relying on the grounds in section 52D(1)(a), (b), or (c) could potentially lead to gaps in the DMP framework as these other grounds do not necessarily capture harm to others arising from radicalisation or recruitment to another ideology.</p> <p>Their final point was that the term ‘designation’ may cause confusion given the Terrorism Suppression Act 2002 uses the term ‘designated terrorist entity’ for a person or entity who has met the test for carrying out a terrorist act under section 5 of the Terrorism Suppression Act 2002. However, Corrections does not consider that the use of the term ‘designation’ or ‘Designated’ will cause confusion in the Department, the courts, or the wider justice sector given the terms largely apply in very different contexts.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>The Bill establishes a statutory process by which Corrections can assess prisoners who may pose an extreme risk to the prison system and may need to be designated and managed accordingly. This process will collect together and create new information sources about prisoners to support the decision-making process. This means that specific information relating to these prisoners will be considered by an advisory panel and Corrections’ chief executive, as detailed in clause 6 of Schedule 2 of the Bill. Prisoners will have an opportunity to disclose personal information for the process. All prisoner records will be subject to the same data management processes as other prisoner records.</p> <p>As DMPs are subject to a higher level of custodial management, under new section 52L(3), they may face greater use of Corrections’ powers to monitor, collect, use and disclose prisoner communications and information sources for intelligence purposes. In practice, for DMPs and those already in the PERU this may result in more intensive scrutiny of their communications and extra recording.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>In February 2025, the Office of the Privacy Commissioner (OPC) was sent the public consultation materials relating to many of the proposals in the Bill (excluding PTAs). They informed Corrections that they did not wish to submit at that time and that they would not make a submission on these proposals, but would like to be informed about decisions on which options would be implemented. They were not included during agency consultation.</p> <p>OPC was separately consulted on the proposals relating to PTAs and did not provide feedback on these proposals.</p> <p>Corrections will liaise with OPC as appropriate after Cabinet considers the Bill.</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>Public consultation on the proposals ran for six weeks over February to March 2025 (excluding PTAs as noted below). During consultation, Corrections received 26 written submissions from organisations, members of the public, and prisoners. Corrections discussed the proposals with 10 stakeholders and organisations, and met with four prisoners in the PERU.</p> <p>During consultation, submitters highlighted the importance of maintaining a human rights-based approach to the management of prisoners. In response to this, Corrections ensured proposals relating to decision-making better address the rights affirmed in the New Zealand Bill of Rights Act 1990, while carefully considering alignment with the Nelson Mandela Rules. This includes increased minimum entitlements for DMPs, and having a decision-making process for DMPs that is transparent and robust, and provides an opportunity for prisoners to input their views.</p> <p>Public consultation on proposals relating to PTAs ran from 19 August to 30 September 2024. There was consultation with prisoners on these proposals from 19 August to 14 October 2024. During consultation, Corrections received 28 submissions on PTAs. This included submissions from the Corrections Association of New Zealand, the Law Association, the Disabled Persons Assembly, and the South Auckland Bar Association.</p> <p>During consultation, there was broad support for tightening controls for PTAs, with recognition that these accounts can be used to support illicit activities. Many respondents agreed that there should be safeguards to prevent transactions where staff become aware of coercion or pressure on a prisoner to financially support another. Some submitters raised concern about staff having control over prisoners' funds, and suggested making it clearer about when and why transactions are declined. Most prisoners opposed further restrictions on trust account activities as they considered it would be more restrictive than necessary and lead to them finding other ways to undertake illicit activities. In response, clause 10 (new section 46A(3)(b)) creates a limited exceptions process that allows prisoners to store and access additional funds, or to make a transfer that may not otherwise be permitted. This is specifically in relation to rules the chief executive may make in the future.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
<p>The Bill's proposals have been tested with key operational staff working in prisons. For example, the staff managing the Prisoners of Extreme Risk unit were consulted throughout the policy process and during Bill drafting.</p>	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
For completeness, it is important to note that clause 8 of the Bill inserts section 45AA into the Act. This allows Corrections to apply to the High Court for an order to authorise the destruction of the property of a prisoner who was a terrorist entity upon their death, if the property is deemed to be harmful.	

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<p>The Bill gives the chief executive statutory powers to formally designate prisoners who pose an extreme threat while in prison to prison or public safety and manage them with greater restrictions. These prisoners become DMPs.</p> <p>The Bill specifies criteria for eligible prisoners and a legislative test that must be met for the chief executive to designate prisoners. The process requires the chief executive to consider advice from an advisory panel and for that panel and the chief executive to consider a range of documentation before making recommendations and decisions.</p> <p>As a further safeguard for prisoner rights, the Bill introduces natural justice provisions to ensure the prisoner is informed about the stages of the decision-making process for a DMP designation, can input into it, and ask Corrections for a review of the designation if the prisoner can demonstrate there have been changes relevant to their designation that make the designation unnecessary or inappropriate. Judicial review also remains an option for prisoners to use should they wish to challenge any part of their management.</p> <p>As DMPs are likely to experience increased restrictions in their interactions with other people, the Bill provides at least two hours of phone calls per week to enable them to maintain social connections. The Bill also requires them to have a cell-adjacent yard off their cell to which they must be given reasonable access.</p>	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Clause 10 inserts new section 46A into the Act, which requires the chief executive to make rules for all corrections prisons regarding the operation of prisoner trust accounts. It also imposes an obligation for the chief executive to review the rules every five years.</p> <p>New section 46A(2) lists examples of the kinds of rules that can be imposed, but the power is intended to be broad. The examples include requirements relating to any of the following:</p> <ul style="list-style-type: none"> • how money may be deposited into, or withdrawn from, a trust account in which money is held exclusively for that prisoner; • who may deposit money into the trust account; • the maximum amount of money that may be held in the trust account exclusively for that prisoner; • maximum amounts of money that may be deposited into the trust account in a single transaction, over a specified period, or both, to be held exclusively for the particular prisoner in the trust account; • other requirements for deposits of money into the trust account; • 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, over a specified period, or both; and • other requirements for withdrawals of money from the trust account. <p>This power is designed to prevent illicit activity, such as money laundering and prisoner intimidation, as it enables the chief executive to set more requirements for the operation of PTAs, particularly as new challenges or issues come to light over time.</p> <p>There are parameters around the requirements imposed under the rules. The requirements must be consistent with the Act and any corresponding regulations. However, the new provisions provide for exceptions to the new powers that enable prison managers to allow transactions. This can occur if the prisoner manager is satisfied that there are special circumstances to meet the prisoner’s rehabilitative, reintegrative, humanitarian, or health needs that justify one of the new requirements not applying to the prisoner’s trust account or money. The power to grant exceptions will only apply to rules that specifically say that this power applies.</p> <p>Clause 22 also clarifies existing powers in section 201(c), while clause 23 introduces section 201A to the Act to clarify and broaden the scope of the power to make regulations relating to PTAs.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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