



New South Wales

Detention Legislation Amendment (Prohibition on Spit Hoods) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend various Acts relating to the detention of persons to prohibit the use of spit hoods, which are coverings intended to be placed over a person's head to prevent the person from spitting on, or biting, another person. For the purposes of this Bill, a spit hood does not include a helmet designed to prevent self-harm, even if the helmet incorporates a part designed to stop spittle.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Children (Detention Centres) Act 1987 No 57

Schedule 1 prohibits the use of spit hoods by a juvenile justice officer, correctional officer and police officer in exercising functions under the *Children (Detention Centres) Act 1987*.

Schedule 2 Amendment of Crimes (Administration of Sentences) Act 1999 No 93

Schedule 2 prohibits a correctional officer or police officer exercising functions under the *Crimes (Administration of Sentences) Act 1999* from using a spit hood in the exercise of the functions.

Schedule 3 Amendment of Drug and Alcohol Treatment Act 2007 No 7

Schedule 3 provides that a person exercising functions under the *Drug and Alcohol Treatment Act 2007* must not use a spit hood in the exercise of the functions

Schedule 4 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 4 provides that a police officer or other detention officer exercising functions under the *Law Enforcement (Powers and Responsibilities) Act 2002* must not use a spit hood in the exercise of the functions.

Schedule 5 Amendment of Mental Health Act 2007 No 8

Schedule 5 provides that an authorised medical officer, or another person employed at a mental health facility, exercising functions under the *Mental Health Act 2007* must not use a spit hood in the exercise of the functions.

Schedule 6 Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

Schedule 6 amends the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* to ensure the prohibition on the use of spit hoods by an authorised medical officer, or another person, exercising functions under the *Mental Health Act 2007* also applies to forensic patients and correctional patients.