

FIRST PRINT

## PRISONS (SEGREGATION) AMENDMENT BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend section 22 of the Prisons Act 1952 to require a 3-monthly review in any case where a prisoner is segregated for more than 3 months.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day.

Clause 3 amends section 22 of the Prisons Act 1952.

Section 22 of the Prisons Act 1952 provides for the segregation of prisoners for their personal safety, the safety of other prisoners or prison officers, or the security, good order or discipline of the prison where the prisoners are in detention. Segregation of a prisoner may also be granted at the written request of the prisoner.

The Bill amends section 22 to provide that the Commissioner of Corrective Services may only extend a prisoner's segregation by up to 3 months at a time, and each time the extension must be for reasons of safety, security, order or discipline or based on a prisoner's written request. Both the original direction for segregation and any direction for extension are to be in writing and to include the grounds on which they are given.

The amendment to section 22 also makes it clear that a segregation direction can be given before a prisoner enters prison if it is likely that, on entry, there would be an immediate threat to safety, security, order or discipline.

With the introduction of what is, in effect, a review requirement in relation to continued segregation, the existing requirement (in section 22 (4)) that the Minister approve any period of segregation exceeding 6 months will be omitted. The existing requirement entails a degree of review at the outset of any period of continued segregation, but does not provide for any subsequent or periodic review.

Clause 4 is a transitional provision to ensure that the new system of segregation review and extension applies to all prisoners, whenever they entered prison.

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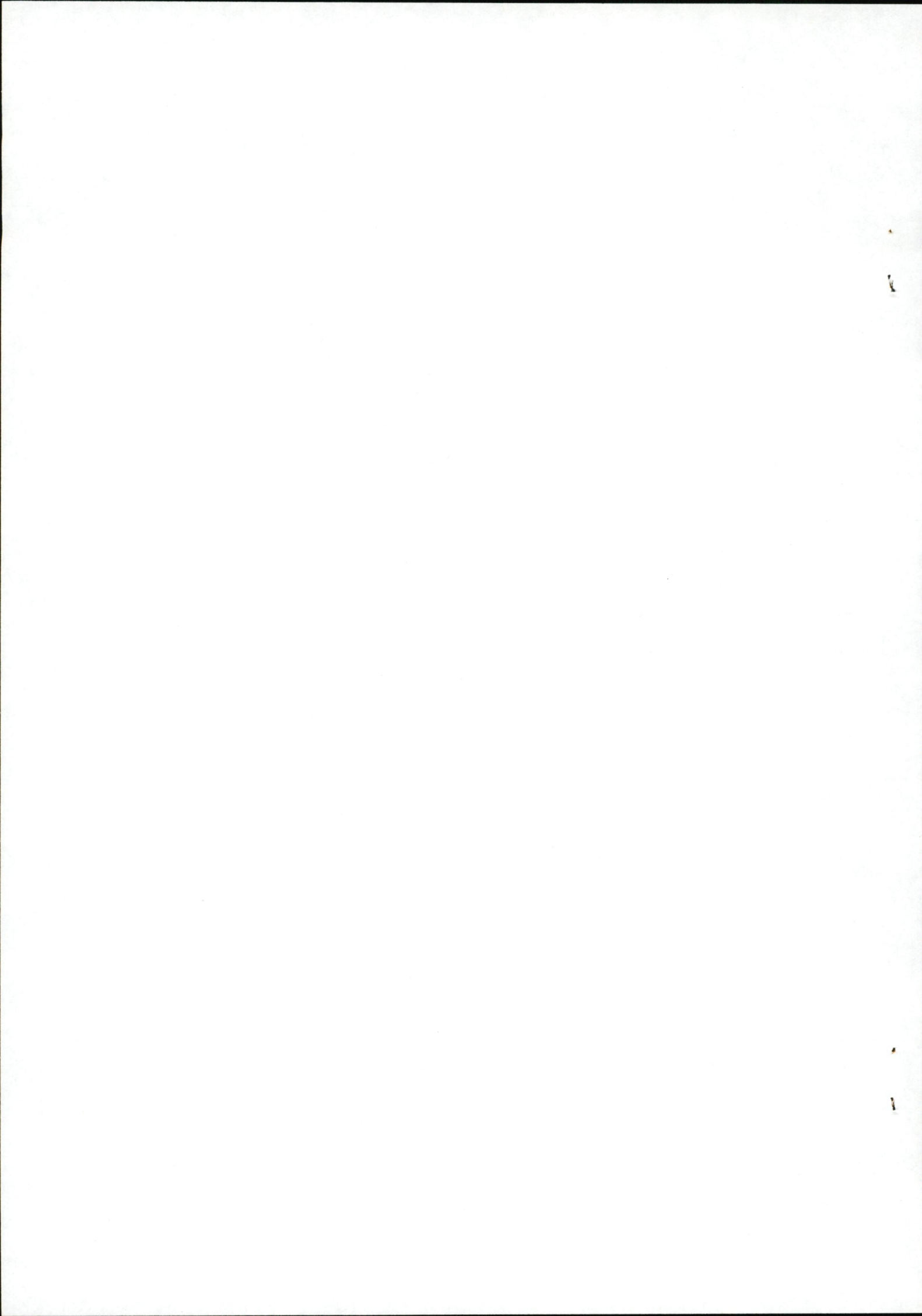
**PRISONS (SEGREGATION) AMENDMENT BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Amendment of Prisons Act 1952 No. 9, s. 22 (Segregation of prisoners)
  4. Transitional provision
-



**PRISONS (SEGREGATION) AMENDMENT BILL 1992**

NEW SOUTH WALES



No.           , 1992

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**A BILL FOR**

An Act to amend section 22 of the Prisons Act 1952 with respect to the segregation of prisoners.

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*Prisons (Segregation) Amendment 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Prisons (Segregation) Amendment Act 1992.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Prisons Act 1952 No. 9, s. 22 (Segregation of prisoners)**

3. Section 22 of the Prisons Act 1952 is amended:

10 (a) by omitting from subsection (1) the words "the continued association of a prisoner with other prisoners constitutes" and by inserting instead the words "the association of a prisoner with other prisoners constitutes or is likely to constitute";

15 (b) by omitting subsection (4) and by inserting instead the following subsections:

(4) The Commissioner must not direct that a prisoner be segregated for a continuous period exceeding 3 months, except as provided by this section.

20 (5) The Commissioner may direct, on one or more occasions, that the period of segregation of a prisoner be extended, but only if on each occasion the Commissioner has formed an opinion, or received a written request, as required under subsection (6). Extensions must not exceed 3 months at a time.

25 (6) Subsections (1) and (1A) apply to a direction for the extension of a period of segregation in the same way as they apply to a direction for segregation. However, a direction for the extension of a period of segregation of a prisoner need not be based on the same opinion or request as any earlier direction concerning the prisoner and may differ in its terms.

30 (7) A direction under this section must be in writing and must include the grounds on which it is given.

*Prisons (Segregation) Amendment 1992*

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**Transitional provision**

4. (1) Section 22 of the Prisons Act 1952, as amended by this Act, applies to:

- (a) persons who are prisoners; and
- (b) prisoners who are segregated,

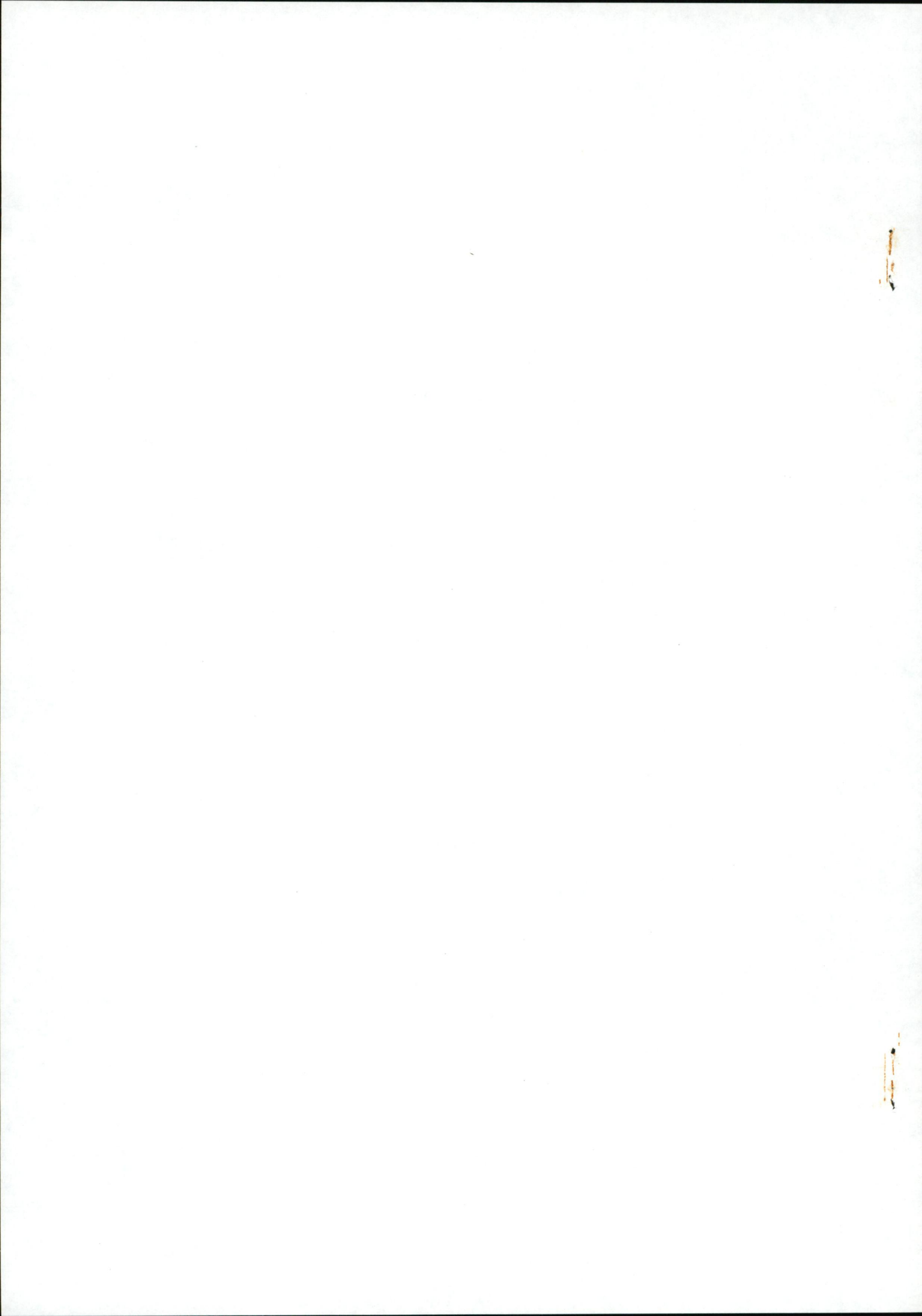
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before or after the commencement of the amendment.

(2) As soon as practicable after the commencement of this Act, the Commissioner of Corrective Services must decide whether to extend, in accordance with section 22 of the Prisons Act 1952, as amended by this Act, the period of segregation of each prisoner who, as at that commencement, has been segregated for a continuous period of more than 3 months.

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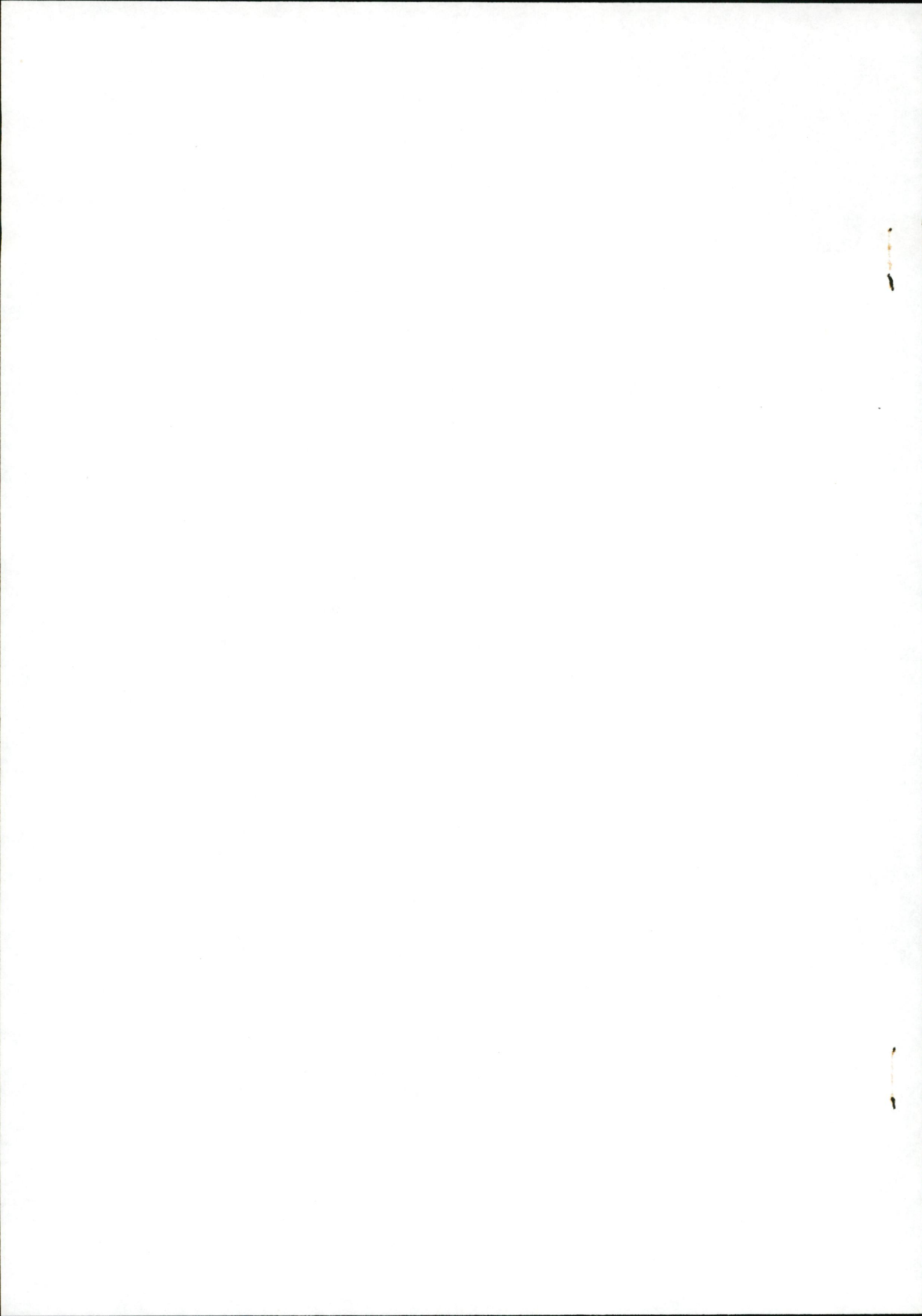
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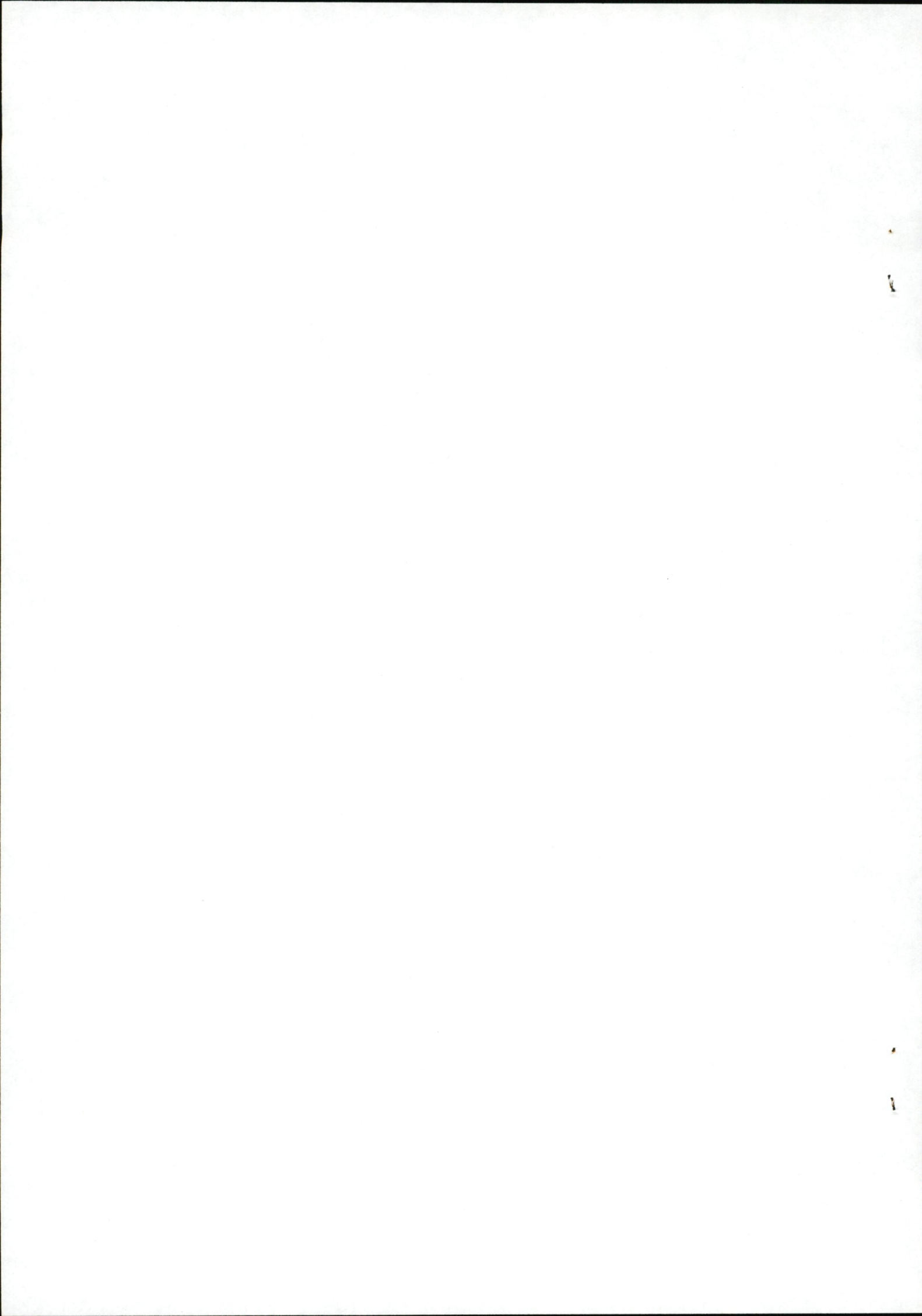
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