



House of Representatives

Supplementary Order Paper

Tuesday, 11 May 2004

Corrections Bill

Proposed amendments

Stephen Franks, in Committee, to move the following amendments:

Clause 3

To omit the definition of **sentence of imprisonment** (lines 31 to 35 on page 12).

Clause 6(1)

To omit paragraphs (c) to (g), and substitute the following paragraphs:

- (c) prison is for punishment and conditions of imprisonment should not undermine the community's interest in ensuring that a sentence denounces crime:
- (d) prisoners should not be able to gamble that the rewards of crime will exceed the likely punishment cost to them:
- (e) prisoners must be kept safe and provided with adequate food, rest, shelter and sanitation for health:
- (f) time in prison may not be made unpleasant by allowing corrections staff or prisoners to bully or assault prisoners, or otherwise to abuse their lawful authority:
- (g) rehabilitation is a proper objective of management of prisons, but it is subordinate to the other purposes of imprisonment:

Clause 19

either:

To omit subclauses (2), (5), and (6).

Or:

To add the following subclauses:

- (7) A person appointed to perform the duties of a Visiting Justice under **subsection (2)** is described as and has the title of 'Hearing Officer'.
- (8) Any person (including the chief executive) aggrieved by the exercise or non-exercise of powers set out in **subsection (3)** by a Hearing Officer (a Visiting Justice who is not a District Judge) may request a review or rehearing by a District Court Judge who is a Visiting Justice.
- (9) In, and as a consequence of, a review or rehearing under **subsection (8)** the District Court Judge may exercise any of the powers set out in **subsection (3)** but—
 - (a) so as to discourage exercise of the right to a review or rehearing under **subsection (8)** other than on the basis of a good faith belief by the person requesting it that the grounds are good for a change in outcome; and
 - (b) other than for the purposes of **paragraph (a)**, not disturbing an existing decision or outcome other than for material or substantial injustice.

Clauses 185 and 186

To omit clauses 185 and 186 (lines 7 to 17 on page 122), and substitute the following clauses:

185 Who may manage prisons

- (1) A prison may be managed by—
 - (a) the Crown;
 - (b) a person who, under a management contract entered into under section 4A of the Penal Institutions Act 1954 before the commencement of this section, is required to manage a contract prison;
 - (c) a person who, under a management contract entered into under **section 186**, is permitted to manage a prison.
- (2) No prison may be managed by any person (other than the Crown) except under a management contract.

186 New management contracts may be entered into

- (1) The chief executive may, with the prior written consent of the Minister, from time to time on behalf of the Crown, enter into any contract with any person for the management of a specified prison or prisons, by that person instead of the Crown.

Clause 194

To omit clause 194 (lines 27 to 35 on pages 126, and lines 1 and 2 on page 127), and the heading above that clause and substitute the following heading and clause:

Management of prisons under contract

194 Existing management contracts may be extended

The chief executive may, on behalf of the Crown, agree to an extension of the term of any management contract entered into

under section 4A of the Penal Institutions Act 1954, and in force at the commencement of this section, under which a contractor is to manage a prison.

Clause 196

To omit paragraph (e), and substitute the following paragraph:

Explanatory note

The amendments proposed for clause 6 are designed to render the Corrections Bill more consistent with the Sentencing Act 2002, by ensuring that the purposes of punishment are reflected in the objectives of prison management.

The amendments proposed to clause 19 are designed to reduce the risks of appointment of persons who will get too close to management, and fail to be as independent as they should be. The term “Justice” in their title connotes a high level of independence, but the appointment power does not uphold it. The amendments protect the word “Justice” so that it applies only to people who have judicial status.

The amendments to clauses 185 and 186 are designed to ensure that private management of prisons remains a tool available to the Minister and to the Department of Corrections.
