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The following Act was passed by Parliament on 11 January 2022 and assented to by the President on 8 February 2022:—

REPUBLIC OF SINGAPORE

No. 6 of 2022.

I assent.

HALIMAH YACOB,
President.
8 February 2022.



An Act to amend the Prisons Act, to validate certain appointments under that Act, and to make a related amendment to the Misuse of Drugs Act.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Prisons (Amendment) Act 2022 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Prisons Act is amended —

(a) by inserting, immediately before the definition of “basic condition”, the following definition:

““auxiliary police officer” means a person appointed as such under Part 9 of the Police Force Act 2004;”;

(b) by inserting, immediately after the definition of “Commissioner”, the following definition:

““controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1973;”;

(c) by deleting the word “the” in the definition of “Deputy Commissioner” and substituting the word “a”;

(d) by deleting the definition of “external placement order” and substituting the following definitions:

““employment preparation”, in relation to a prisoner, means the serving by the prisoner of the prisoner’s sentence of imprisonment in the place or places, outside the limits of any prison, specified in the employment preparation order for the purposes of enhancing a prisoner’s employability and facilitating the prisoner’s reintegration into society;

“employment preparation order” means an order of the Commissioner under section 59K;

“external placement”, in relation to a prisoner, means the serving by the prisoner of the prisoner’s sentence of imprisonment in the

place or places, outside the limits of any prison, specified in the external placement order;

“external placement order” means an order of the Commissioner under section 59B;

“home detention”, in relation to a prisoner, means the serving by the prisoner of the prisoner’s sentence of imprisonment in the place or places, outside the limits of any prison, specified in the home detention order for the purpose of facilitating a prisoner’s rehabilitation and reintegration into society;

“home detention order” means an order of the Commissioner under section 52;

“infectious disease” means any of the diseases specified in the First Schedule to the Infectious Diseases Act 1976 and includes any other disease —

(a) that is caused or is suspected to be caused by a micro-organism or any agent of disease;

(b) that is capable or is suspected to be capable of transmission by any means to human beings; and

(c) that a medical officer has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease;

“intoxicating substance” has the meaning given by section 2 of the Intoxicating Substances Act 1987;”;

(e) by deleting the words “16 years” in the definition of “juvenile” and substituting the words “18 years”;

- (f) by inserting, immediately after the word “Commissioner,” in the definition of “prison officer”, the word “any”; and
- (g) by inserting, immediately after the words “external placement order” in the definition of “prisoner”, the words “, an employment preparation order”.

Amendment of section 4

3. Section 4 of the Prisons Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsections:

“(1A) Where —

- (a) persons are likely to be arrested for one or more offences that arise from the same series of acts, whether or not those acts form the same transaction; and

- (b) the number of such arrested persons is likely to be large,

the Minister may, if the Minister considers it necessary to do so, by notification in the *Gazette*, appoint one or more places that are not police stations or court houses to be temporary lock-ups for a period not exceeding one month for the confinement of such arrested persons.

(1B) However, at the expiry of the period mentioned in subsection (1A), the Minister may, by notification in the *Gazette*, extend the period of appointment for further periods not exceeding one month at a time if the Minister is satisfied that the circumstances warrant it under that subsection.

(1C) A notification under subsection (1A) or (1B) must specify the period or the extension of the period (as the case may be) during which the place is appointed as a temporary lock-up.”;

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- (b) by inserting, immediately after subsection (2), the following subsections:

“(2A) A temporary lock-up appointed under subsection (1A), or the appointment of which is extended under subsection (1B), is not to be treated as a prison for the purposes of this Act or of the Registration of Criminals Act 1949 and regulations made under section 84 do not apply to such temporary lock-ups.

(2B) Every temporary lock-up appointed under subsection (1A) is a lock-up for the period appointed under subsection (1A) or extended under subsection (1B) for the purposes of this Act.”;

- (c) by inserting, immediately after the words “subsection (1)” in subsection (3), the words “, and to temporary lock-ups appointed under subsection (1A)”;
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- (d) by inserting, immediately after the word “detention” in the section heading, the words “, and temporary lock-ups”.

Amendment of section 20

4. Section 20 of the Prisons Act is amended —

- (a) by deleting the words “a Deputy Commissioner of Prisons and one or more” in subsection (1) and substituting the words “one or more Deputy Commissioners of Prisons,”;
- (b) by deleting the words “, Deputy Commissioner and of every” in subsection (2) and substituting the words “and of every Deputy Commissioner,”;
- (c) by deleting subsection (3) and substituting the following subsection:

“(3) Every Deputy Commissioner, Divisional Director and Cluster Commander may, subject to any direction that may be given by the Commissioner, exercise and perform all or any of the powers, duties and functions of the Commissioner under any provision of this Act or any other written law; and

any reference in the provisions of this Act or any written law to the Commissioner includes a reference to a Deputy Commissioner, a Divisional Director or a Cluster Commander.”; and

- (d) by deleting the words “, Deputy Commissioner, etc.” in the section heading and substituting the words “and other officers”.

Amendment of section 23

5. Section 23(2) of the Prisons Act is amended by deleting the words “the Deputy Commissioner and any” and substituting the words “any Deputy Commissioner.”.

Amendment of section 34

6. Section 34 of the Prisons Act is amended —

- (a) by inserting the word “and” at the end of subsection (3)(a);
(b) by deleting paragraphs (b) and (c) of subsection (3) and substituting the following paragraph:

“(b) be deemed to be a prison officer for the purposes of sections 69, 72 and 73.”; and

- (c) by deleting subsection (5).

Amendment of section 45

7. Section 45(2) of the Prisons Act is amended —

- (a) by deleting the words “suffering from leprosy” and substituting the words “suffering from an infectious disease”; and
(b) by deleting the words “his leprosy” and substituting the words “the infectious disease”.

Amendment of section 50B

8. Section 50B of the Prisons Act is amended by deleting subsection (5).

Amendment of section 50I

9. Section 50I(3) of the Prisons Act is amended by deleting the words “2 weeks” and substituting the words “3 weeks”.

Amendment of section 50V

10. Section 50V of the Prisons Act is amended by inserting, immediately after subsection (4), the following subsection:

“(5) The notice mentioned in subsection (4) must be served —

(a) by delivering it personally to the person; or

(b) by any other means that may be prescribed.”.

Amendment of section 51

11. Section 51 of the Prisons Act is amended by deleting the definitions of “home detention” and “home detention order”.

Amendment of section 54

12. Section 54 of the Prisons Act is amended —

(a) by inserting, immediately after paragraph (d) of subsection (1), the following paragraphs:

“(da) not consume any controlled drug or alcoholic beverage, or use or inhale any intoxicating substance;

(db) not have in the prisoner’s possession any controlled drug;”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(3) The order mentioned in subsection (2) must be served —

(a) by delivering it personally to the prisoner;
or

(b) by any other means that may be prescribed.”.

Amendment of section 56

13. Section 56(1) of the Prisons Act is amended by deleting the words “a disciplinary offence” wherever they appear and substituting in each case the words “any offence”.

Amendment of section 57

14. Section 57(1) of the Prisons Act is amended by deleting the words “a disciplinary offence” in paragraph (c) and substituting the words “any offence”.

Repeal and re-enactment of section 58

15. Section 58 of the Prisons Act is repealed and the following section substituted therefor:

“Suspension of home detention order

58. Where a prisoner subject to a home detention order is punished with any punishment under section 70(1)(a) or (b) (or both) or 71(1)(b) or (c) (or both), the prisoner’s home detention order may, unless revoked under section 57, be suspended for any of the following periods, starting on the date on which the prisoner is punished:

- (a) the period that the prisoner is confined in a punishment cell pursuant to an order under section 70(1)(a) or 71(1)(b);
- (b) the period of remission which is forfeited pursuant to an order under section 70(1)(b) or 71(1)(c);
- (c) the sum of the period for which the prisoner is ordered to undergo confinement under section 70(1)(a) or 71(1)(b) and the period of remission forfeited under section 70(1)(b) or 71(1)(c).”.

Amendment of section 59A

16. Section 59A of the Prisons Act is amended by deleting the definitions of “external placement” and “external placement order”.

Amendment of section 59D

17. Section 59D of the Prisons Act is amended —

(a) by inserting, immediately after paragraph (b) of subsection (1), the following paragraphs:

“(ba) must not consume any controlled drug or alcoholic beverage, or use or inhale any intoxicating substance;

(bb) must not have in the prisoner’s possession any controlled drug;” and

(b) by inserting, immediately after subsection (3), the following subsection:

“(4) The notice mentioned in subsection (3) must be served —

(a) by delivering it personally to the prisoner;
or

(b) by any other means that may be prescribed.”.

Amendment of section 59E

18. Section 59E(1) of the Prisons Act is amended by deleting the words “a disciplinary offence” wherever they appear and substituting in each case the words “any offence”.

Amendment of section 59F

19. Section 59F(1) of the Prisons Act is amended by deleting the words “a disciplinary offence” in paragraph (c) and substituting the words “any offence”.

Amendment of section 59G

20. Section 59G of the Prisons Act is amended —

(a) by deleting the words “section 70(1)(a) or (b) or section 71(1)(b) or (c) or both” and substituting the words “section 70(1)(a) or (b) (or both) or section 71(1)(b) or (c) (or both)”;

- (b) by deleting the word “shall” and substituting the word “may”; and
- (c) by deleting the words “the following period, starting from” and substituting the words “any of the following periods, starting on”.

New Part 6B

21. The Prisons Act is amended by inserting, immediately after section 59I, the following Part:

“PART 6B

EMPLOYMENT PREPARATION SCHEME

Interpretation of this Part

59J. In this Part, “Superintendent”, in relation to a prisoner, means the Superintendent of the prison from which the prisoner is released for employment preparation.

Employment preparation order

59K.—(1) Subject to section 59L, the Commissioner may, for the purposes of enhancing a prisoner’s employability and facilitating the prisoner’s reintegration into society, by order release a prisoner who is eligible for employment preparation for any one or both of the following purposes:

- (a) to be employed, in any place outside the limits of the prison in which the prisoner is detained, by any employer that may be specified in the order;
- (b) to participate, in any place outside the limits of the prison in which the prisoner is detained, in any educational or occupational training programme, or any other activity for the purpose of facilitating the prisoner to be gainfully employed, that may be specified in the order.

(2) An employment preparation order is valid for such period specified in the order, unless earlier revoked under section 59P(1) or suspended under section 59Q.

(3) The Commissioner may grant a prisoner mentioned in subsection (1) leave to return to the prisoner's place of residence, or any other place that the Commissioner may specify, after the prisoner has completed the prisoner's work, programme or activity for the day, at such times as the Commissioner may specify.

(4) The Commissioner may at any time revoke any leave granted to a prisoner under subsection (3).

Eligibility for employment preparation

59L.—(1) A prisoner is eligible to be released for employment preparation under section 59K if —

- (a) the prisoner has served not less than 14 days, or any other period that the Minister may prescribe by notification in the *Gazette*, of the prisoner's sentence of imprisonment; and
- (b) the Commissioner considers that the prisoner is suitable for employment preparation, having regard to the circumstances of the case, including the following factors:
 - (i) the prisoner's progress and response to rehabilitation in prison;
 - (ii) the prisoner's family support;
 - (iii) the risk of recidivism by the prisoner.

(2) For the purposes of subsection (1)(a), the total consecutive periods of imprisonment of whatever nature are to be treated as one sentence.

Conditions for employment preparation

59M.—(1) A prisoner subject to an employment preparation order who has not been granted leave under section 59K(3) to return to the prisoner's place of residence or any other place specified by the Commissioner must —

- (a) not leave the prison in which the prisoner is detained without the approval of the prison officer on duty or any other person authorised by the Commissioner for the purposes of this section (called in this section an authorised person);
- (b) not be absent, without good cause, from the prisoner's work with the employer, or from the prisoner's programme or activity, as specified in the employment preparation order;
- (c) return to the prison and report to the prison officer on duty or an authorised person immediately after completing the prisoner's work, programme or activity for the day;
- (d) provide a specimen of the prisoner's urine or hair for testing at such times as the prison officer on duty or an authorised person may require;
- (e) not consume any controlled drug or alcoholic beverage, or use or inhale any intoxicating substance;
- (f) not have in the prisoner's possession any controlled drug, alcoholic beverage or intoxicating substance;
- (g) not bring, or attempt by any means to introduce, into the prison any unauthorised article;
- (h) if required by the Commissioner, do all of the following to enable the electronic monitoring of the prisoner's whereabouts:
 - (i) wear any electronic transmitting device issued by the Commissioner on such part of the prisoner's body as the Commissioner may specify;
 - (ii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to the prisoner;
 - (iii) not tamper with any electronic monitoring device issued to the prisoner, or otherwise

prevent or obstruct the electronic monitoring of the prisoner's whereabouts; and

- (i) comply with any other conditions that the Commissioner may specify in the order.

(2) Where the prisoner has been granted leave under section 59K(3) to return to the prisoner's place of residence or any other place specified by the Commissioner, the prisoner subject to an employment preparation order must —

- (a) not be absent, without good cause, from the prisoner's work with the employer, or from the prisoner's programme or activity, as specified in the employment preparation order;
- (b) return to the prisoner's place of residence or any other place specified by the Commissioner immediately after completing the prisoner's work, programme or activity for the day;
- (c) not consume any controlled drug or alcoholic beverage, or use or inhale any intoxicating substance;
- (d) not have in the prisoner's possession any controlled drug;
- (e) present himself or herself to provide a specimen of the prisoner's urine or hair for testing at such times and at such places as the Commissioner may specify;
- (f) remain indoors at the prisoner's place of residence, or at any other place specified by the Commissioner, at the times specified by the Commissioner;
- (g) allow the Superintendent and any person authorised by the Superintendent to enter the prisoner's place of residence, or any other place the prisoner is required to remain at, to determine the prisoner's compliance with any condition of the employment preparation order or for any purpose relating to facilitating the prisoner's reintegration into society;

(h) do all of the following to enable the electronic monitoring of the prisoner's whereabouts:

- (i) wear any electronic transmitting device issued by the Commissioner on such part of the prisoner's body as the Commissioner may specify;
 - (ii) allow the Superintendent and any person authorised by the Superintendent to enter the prisoner's place of residence, or any other place the prisoner is required to remain at, to install, maintain, repair or retrieve any electronic monitoring device;
 - (iii) comply with all requirements to ensure the proper functioning of any electronic monitoring device issued to the prisoner, or installed at the prisoner's place of residence or any other place the prisoner is required to remain at;
 - (iv) comply with all reporting requirements imposed on the prisoner;
 - (v) not tamper with any electronic monitoring device issued to the prisoner or installed at the prisoner's place of residence, or any other place the prisoner is required to remain at, or otherwise prevent or obstruct the electronic monitoring of the prisoner's whereabouts; and
- (i) comply with any other conditions that the Commissioner may specify in the order.

(3) The Commissioner may at any time by order in writing served on a prisoner subject to an employment preparation order —

- (a) vary, cancel or add to any of the conditions specified in subsection (1) or (2); or
- (b) exempt the prisoner from any of the conditions specified in subsection (1) or (2).

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- (4) The order mentioned in subsection (3) must be served —
- (a) by delivering it personally to the prisoner; or
 - (b) by any other means that may be prescribed.

Effect of employment preparation order

59N. Where an employment preparation order is in force in respect of a prisoner, the prisoner —

- (a) is taken to be —
 - (i) serving the prisoner's sentence of imprisonment; and
 - (ii) in the lawful custody of the Superintendent; and
- (b) is entitled to earn remission in respect of the period of imprisonment which is served under the order.

Recall to prison

59O.—(1) If a Superintendent has reason to suspect that a prisoner has failed to comply with any of the conditions of an employment preparation order, or has committed any offence while being subject to an employment preparation order, the Superintendent may —

- (a) make any inquiry that is necessary to ascertain whether the prisoner has failed to comply with any of the conditions of the employment preparation order, or has committed any offence while being subject to the employment preparation order; and
- (b) recall the prisoner to prison pending the completion of the inquiry.

(2) The employment preparation order for a prisoner who is recalled to prison under subsection (1)(b) continues to be in force despite the fact that the prisoner is recalled to prison.

Revocation of employment preparation order

59P.—(1) If the Commissioner is satisfied after due inquiry that —

- (a) a prisoner has failed to return to prison after the prisoner has been recalled to prison under section 59O(1)(b);
- (b) a prisoner has failed to comply with any of the conditions of the employment preparation order;
- (c) a prisoner has committed any offence while being subject to an employment preparation order;
- (d) the whereabouts of a prisoner can no longer be electronically monitored at the prisoner's place of residence, or any other place the prisoner is required to remain at, under the conditions of the prisoner's employment preparation order;
- (e) a prisoner has for any reason ceased to be —
 - (i) employed under section 59K(1)(a); or
 - (ii) a participant in any educational or occupational training programme, or any such activity, as specified in the employment preparation order under section 59K(1)(b); or
- (f) it is necessary in the public interest to do so,

the Commissioner may revoke the employment preparation order in respect of that prisoner and recall the prisoner to prison, and the prisoner, if at large, is taken to be unlawfully at large.

(2) Upon the revocation of the employment preparation order under subsection (1), the prisoner must serve the unexpired part of the prisoner's sentence of imprisonment in prison.

Suspension of employment preparation order

59Q. Where a prisoner subject to an employment preparation order is punished with any punishment under section 70(1)(a) or (b) (or both) or section 71(1)(b) or (c) (or both), the prisoner's employment preparation order may, unless revoked under section 59P(1), be suspended for any of the following periods, starting on the date on which the prisoner is punished:

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- (a) the period that the prisoner is confined in a punishment cell pursuant to an order under section 70(1)(a) or 71(1)(b);
 - (b) the period of remission that is forfeited pursuant to an order under section 70(1)(b) or 71(1)(c);
 - (c) the sum of the period for which the prisoner is ordered to undergo confinement under section 70(1)(a) or 71(1)(b) and the period of remission forfeited under section 70(1)(b) or 71(1)(c).

Power to enter and search

59R. A police officer of or above the rank of Assistant Superintendent of Police, or a police officer authorised by the firstmentioned police officer, may —

- (a) enter and search a place without a warrant to effect the arrest of any prisoner who has failed to return to prison after —
 - (i) the prisoner has been recalled by the Superintendent under section 59O(1)(b); or
 - (ii) the Commissioner revokes the employment preparation order under section 59P(1); and
- (b) in order to effect an entrance into that place, break open any outer or inner door or window of that place if the police officer cannot otherwise obtain entry into that place.”.

Amendment of section 60

22. Section 60(2) of the Prisons Act is amended by inserting, immediately after the word “Commissioner,”, the word “any”.

Amendment of section 66

23. Section 66(4) of the Prisons Act is amended by deleting the word “drug” in paragraph (c) and substituting the words “controlled drug”.

Repeal and re-enactment of sections 72 and 73

24. Sections 72 and 73 of the Prisons Act are repealed and the following sections substituted therefor:

“Minor prison offences

72.—(1) The following are minor prison offences:

<i>Item</i>	<i>Minor prison offence</i>
1.	Talking during working hours, or talking loudly, laughing or singing at any time after having been ordered by a prison officer to desist.
2.	Quarrelling with any other prisoner.
3.	Secreting or possessing any unauthorised article, or possessing a greater quantity of any article than the prisoner is authorised to possess.
4.	Showing disrespect to any prison officer, official visitor or any person working, or providing rehabilitative and other related services, in the prison.
5.	Common assault or taking part in any attack on any other prisoner.
6.	Providing information (whether or not in response to any question) to any prison officer, official visitor, or any person working, or providing rehabilitative and other related services, in the prison that the prisoner knows or ought reasonably to know to be — <ul style="list-style-type: none"> (a) false in a material particular; or (b) misleading by reason of the omission of a material particular.
7.	Holding any communication (in writing, by word of mouth, or otherwise) with any person in disobedience of the regulations of the prison.

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8. Abetting the commission of any minor prison offence.
 9. Omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to a prison officer when called on to do so.
 10. Doing any act or using any language calculated to offend or insult any other prisoner, prison officer, official visitor or any person working, or providing rehabilitative and other related services, in the prison.
 11. Doing any act calculated to create any unnecessary alarm in the minds of the prisoners, prison officers or any other persons working, or providing rehabilitative and other related services, in the prison.
 12. Leaving the group to which the prisoner is attached, or the part of the prison in which the prisoner is confined, without the permission of a prison officer.
 13. Leaving the ward, the yard, the place in file, the seat or berth assigned to the prisoner, without the permission of a prison officer.
 14. Loitering about the yards or lingering in the wards when these are open.
 15. Omitting or refusing to march in file when moving about the prison or proceeding to or returning from work.
 16. Visiting the toilets without the permission of a prison officer or remaining there longer than is necessary.
 17. Refusing to eat the meals provided.

18. Eating or appropriating any food not assigned to the prisoner or taking from or adding to the portions assigned to other prisoners.
19. Removing without the permission of a prison officer food or drink from any place in a prison where meals are cooked, distributed or served, or disobeying any order as to the issue and distribution of food and drink.
20. Wilfully destroying food or drink or throwing it away without orders.
21. Introducing into food or drink anything likely to render it unpalatable or unwholesome.
22. Omitting or refusing to wear the attire given to the prisoner, or exchanging any portion of it for the attire of other prisoners, or losing, discarding, damaging or altering any part of it.
23. Removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the attire or person.
24. Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair.
25. Omitting or refusing to keep clothing, blankets, bedding, fetters or utensils clean, or disobeying any order as to the arrangement or disposition of such articles.
26. Tampering in any way with prison locks, lamps or lights or other property without orders.
27. Stealing the prison attire or any part of the prison kit of any other prisoner.
28. Committing a nuisance in any part of the prison.
29. Spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison.

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30. Wilfully soiling or befouling the toilets, washing or bathing places.
 31. Damaging the trees within the enclosure of the prison.
 32. Omitting or refusing to take due care of all prison property entrusted to the prisoner.
 33. Omitting or refusing to take due care of, or damaging, or misappropriating, the materials and implements entrusted to the prisoner for work.
 34. Omitting to report at once any loss, breakage or damage which the prisoner may have caused to prison property or implements.
 35. Manufacturing any article without the knowledge or permission of a prison officer.
 36. Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of the prisoner's own task.
 37. Appropriating any portion of the task performed by another prisoner.
 38. Mixing or adding any foreign substance to the materials issued for work.
 39. Cursing or swearing, or using indecent, violent, threatening or insulting language.
 40. Causing or omitting to assist in suppressing violence or insubordination of any kind.
 41. Immoral, disorderly or indecent behaviour.
 42. Omitting or refusing to help any prison officer in case of an attempted escape or of an attack upon such officer or upon any other person.
 43. Disobeying any lawful order of a prison officer.

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44. Defacing or damaging the walls, furniture or other property of the prison.
 45. Malingering.
 46. Any breach by a prisoner subject to a home detention order under section 52 of the conditions of the order other than conduct constituting an aggravated prison offence specified in section 73.
 47. Any breach by a prisoner subject to an external placement order under section 59B of the conditions of the order other than conduct constituting an aggravated prison offence specified in section 73.
 48. Any breach by a prisoner subject to an employment preparation order under section 59K of the conditions of the order other than conduct constituting an aggravated prison offence specified in section 73.
 49. Any other act, conduct, disorder or neglect to the prejudice of good order or discipline in the prison.

(2) The minor prison offences mentioned in subsection (1) (other than items 4, 6, 8, 10, 11, 43, 45, 46, 47 and 48 of the table) do not apply in relation to a prisoner who is serving his or her sentence of imprisonment in such place or places outside the limits of any prison.

Aggravated prison offences

73.—(1) The following are aggravated prison offences:

<i>Item</i>	<i>Aggravated prison offence</i>
1.	Mutiny.
2.	Escape or attempt to escape.
3.	Taking part in any assault or attack on any prison officer, official visitor or any person working, or

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- providing rehabilitative and other related services, in the prison.
4. Aggravated or repeated assault on any other prisoner.
 5. Wilful destruction of prison property.
 6. Wilfully causing to himself or herself any illness, injury or disability.
 7. Wilfully making a false or groundless accusation or complaint against any prisoner, prison officer, official visitor or any person working, or providing rehabilitative and other related services, in the prison.
 8. Any act constituting a minor prison offence under section 72, committed by one or more members or associates of a secret society in connection with the activities of the secret society, whether or not all the other members of the secret society are present.
 9. Repetition of any minor prison offence after having been twice punished for the same minor offence.
 10. Where a prisoner subject to a home detention order under section 52, an external placement order under section 59B or an employment preparation order under section 59K (called in this subsection the relevant order) is required under the conditions of the relevant order to allow the Superintendent or any person authorised by the Superintendent to enter the prisoner's place of residence, or any other place or places designated under the relevant order, the refusal by the prisoner to allow the entry, or obstructing or hindering the entry, of such person.

11. Any other act of gross misconduct or insubordination.
12. Abetting the commission of any aggravated prison offence.

(2) The aggravated prison offences mentioned in items 1, 4, 5 and 6 of the table in subsection (1) do not apply in relation to a prisoner who is serving his or her sentence of imprisonment in such place or places outside the limits of any prison.”.

Repeal of section 81 and new Part 8

25. Section 81 of the Prisons Act is repealed and the following Part substituted therefor:

“PART 8
GENERAL

Protection from personal liability

81. No liability shall lie personally against a prison officer or an auxiliary police officer who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

Power to obtain information

81A.—(1) A prison officer of or above the rank of sergeant may, for the purpose of assisting the Commissioner or Superintendent in making any inquiry under section 50X, 56, 57, 59E, 59F, 59O, 59P, 70 or 71 (as the case may be), by written notice require any person to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and information which —

- (a) relate to any matter specified by the prison officer; and
- (b) are —
 - (i) within the knowledge of that person; or

(ii) in the custody or under the control of that person.

(2) The power to require a person to provide any document or information under subsection (1) includes the power —

- (a) to require that person to provide an explanation of the document or information;
- (b) if the document or information is not provided, to require that person to state, to the best of the knowledge and belief of that person, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be authenticated and made available to the prison officer concerned in legible form.

(3) The prison officer is entitled without payment to keep for the purposes of the inquiry mentioned in subsection (1) any document or information, or any copy or extract thereof, provided to him or her under that subsection.

(4) A person who, without reasonable excuse, fails to do anything required of the person by a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500.

(5) To avoid doubt, for the purposes of subsection (4), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

(6) In this section, “document” means anything in which information of any description is recorded.”.

Amendment of section 84

26. Section 84(2) of the Prisons Act is amended —

- (a) by inserting, immediately after paragraph (e), the following paragraphs:

- “(ea) the imposition of a condition that before a prescribed person (or prescribed class of persons) visits or otherwise communicates with a prisoner, the person must give an undertaking not to publish or disseminate, or cause to be published or disseminated, any information contained in any communication between the person and prisoner that may affect the security or good order of the prison or incite the commission of any offence;
- (eb) the restriction of any correspondence between a prisoner and any prescribed person (or prescribed class of persons) by withholding the correspondence, or redacting any material contained in the correspondence, that may affect the security or good order of the prison or incite the commission of any offence;”;
- (b) by inserting, immediately after paragraph (l), the following paragraphs:
- “(la) without affecting paragraph (ka), the establishment of an advisory committee for the purpose of advising the Commissioner on the suitability of a prisoner to be released for employment preparation under Part 6B and its constitution, functions and procedures;
- (lb) the release of prisoners on employment preparation orders and the due administration of such orders, including the requirement for such prisoners to retain a proportion of the wages earned by the prisoners as compulsory savings;

(*lc*) in relation to the release of prisoners on external placement orders, home detention orders and employment preparation orders, the requirement for such prisoners to bear the costs of any prescribed expenses incurred by them when released on such orders;”.

Related amendment to Misuse of Drugs Act

27. The Misuse of Drugs Act is amended by inserting, immediately after section 38, the following section:

“Power to obtain information

38A.—(1) Where an inmate of an approved institution or a community rehabilitation centre has been granted leave for the purposes of the inmate’s employment, treatment or rehabilitation or to return to the inmate’s residence or other designated places, a prison officer of or above the rank of sergeant may, for any of the purposes in subsection (2), by written notice require any person to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and information which —

(*a*) relate to any matter specified by the prison officer;
and

(*b*) are —

(i) within the knowledge of that person; or

(ii) in the custody or under the control of that person.

(2) The purposes mentioned in subsection (1) are as follows:

(*a*) in respect of an approved institution mentioned in section 36(1)(*a*) — to assist the Commissioner of Prisons, or the person appointed under section 36(2) to be the superintendent of the approved institution, to ascertain if there has been any contravention or failure to comply with any condition imposed on an inmate

who is granted leave from that approved institution for the purpose of the inmate's employment, treatment or rehabilitation outside that approved institution or to return to the inmate's residence or other designated places;

- (b) in respect of a community rehabilitation centre — to assist the Commissioner of Prisons, or the person appointed under section 36A(2) to be the manager of the community rehabilitation centre, to ascertain if there has been any contravention or failure to comply with any condition imposed on an inmate who is granted leave from that community rehabilitation centre for the purpose of the inmate's employment, treatment or rehabilitation outside that community rehabilitation centre or to return to the inmate's residence or other designated places.

(3) The power to require a person to provide any document or information under subsection (1) includes the power —

- (a) to require that person to provide an explanation of the document or information;
- (b) if the document or information is not provided, to require that person to state, to the best of the knowledge and belief of that person, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be authenticated and made available to the prison officer concerned in legible form.

(4) The prison officer is entitled without payment to keep for the purposes in subsection (2) any document or information, or any copy or extract thereof, provided to him or her under that subsection.

(5) A person who, without reasonable excuse, fails to do anything required of the person by a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500.

(6) To avoid doubt, for the purposes of subsection (5), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

(7) In this section, “document” means anything in which information of any description is recorded.”.

Validation relating to section 4

28.—(1) Any person purportedly appointed as a Deputy Commissioner of Prisons before the date of commencement of section 4 of the Prisons (Amendment) Act 2022 is taken to have been validly appointed as a Deputy Commissioner of Prisons under section 20(1) of the Prisons Act as in force on that date.

(2) Any act or thing done under the Prisons Act by any person mentioned in subsection (1) is as valid, and is taken always to have been as valid, as it would have been if the act or thing had been done by a Deputy Commissioner of Prisons appointed or taken to have been appointed under section 20(1) of that Act as in force on the date of commencement of section 4 of the Prisons (Amendment) Act 2022.
