

Office of the Custodial Inspector Tasmania

Hostile Management Regime

Review 2026

The Office of the Custodial Inspector acknowledges Tasmanian Aboriginal people as the Traditional Custodians of lutruwita/Tasmania. We recognise their continuing connection to Land, Sea, Waterways, Sky, and Culture and pay our respects to Elders, past and present.

Content warning

This report includes descriptions of people's treatment and their reactions while being placed on an unsanctioned behavioural management regime. Some people may find this content distressing.

This report includes language that some may find offensive.

Cover photo: Photo of the entrance to the Franklin and Tamar units in the Risdon Prison Complex.

Office of the Custodial Inspector Tasmania

About this review

This report describes the Custodial Inspector's findings and recommendations resulting from a review of the Hostile Management Regime in the Risdon Prison Complex in Tasmania.

It is available in print or electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with other accessibility requirements. An Easy Read version of this report is available on our website.

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From the Custodial Inspector

When someone is deprived of their liberty, they are reliant on someone else to provide them with life's basic necessities such as food, clothing, bedding and toiletries to clean themselves. This report is about a regime where some Tasmania Prison Service (TPS) correctional officers withheld these basic necessities and more from people in custody. The treatment people in custody received on the regime was contrary to international and domestic law and the TPS's own policies.

The Hostile Management Regime was an unsanctioned response to challenging behaviour from some people in custody. The regime was not rehabilitative. It resulted in people in custody being treated and punished in a manner that was cruel, inhumane and degrading. As far as my inspection team can ascertain, at least 30 people in maximum security units were subjected to it between 2022 and 2024.

My inspection team spoke to 23 people who told us they were placed on this regime. People in custody told them about the physical pain and coldness of sleeping on a laminate-covered concrete floor while naked or wearing only a stiff canvas gown. They spoke about how degrading it was to have to lie down on the floor to receive meals. People spoke about how being placed on this regime made them feel worthless, affected their mental health and made them angrier than they were before.

My inspection team have examined in detail the breaches of human rights that our review uncovered. The existence of this regime, the environment it grew from and continued in, is unsurprising. Tasmanian reports published over many years have included numerous warnings about the way people in TPS behaviour management units are treated. The serious systemic issues underlying the way people are treated in high security settings in the TPS need to be addressed. These include key governance failures relating to internal oversight, accountability, training and an organisational culture that enabled the behaviour of some correctional staff to go unchecked.

If these systemic issues are not addressed, the risk of a similar regime occurring again is high. However, since this review started, my inspection team have observed some positive signs of improvement in the way challenging and dangerous behaviour is managed. The most promising is in the Risdon Prison Complex maximum security units. Therapeutic staff, in collaboration with correctional officers, are creating care plans to help address challenging behaviours in a way that is evidence based and humane. However, these improvements need to become permanent procedures included in TPS policy

documentation and based on an understanding of human behaviour and respect for fundamental human rights.

This review makes 10 recommendations to address the systemic issues identified. The Department of Justice's response to nine of the recommendations can be found at Appendix 4 – Department of Justice response. It supported the recommendations, with three being supported in part. The Minister for Justice, Corrections and Rehabilitation, in their response at Appendix 5 – Correspondence from the Minister for Justice, Corrections and Rehabilitation, supported in principle the remaining recommendation to Parliament.

Dr Grant Davies
Custodial Inspector

November 2026

Thank you

We would like to thank the people in custody who shared their experiences of the Hostile Management Regime. For many, these experiences were traumatic. We are grateful for their willingness to revisit those experiences to ensure that other people do not receive the same treatment.

We would like to thank the staff from the Tasmania Prison Service (TPS) who engaged with us. Their cooperation with the process was very welcome.

1 List of recommendations

Responses to the recommendations can be found in Appendix 4 – Department of Justice response and Appendix 5 – Correspondence from the Minister for Justice, Corrections and Rehabilitation.

Recommendation 1 *Director's Standing Order 1.24 Separate Confinement of Prisoners* should be reviewed to include consideration of individual needs and additional risk factors (including physical and mental health, disability, gender, age and culture) and the corresponding safeguards to be applied.	Page 28
Recommendation 2 Ensure people in the Franklin unit have access to the open air. In the interim, people housed in Franklin cells must have access to their individual exercise yards throughout the day.	Page 31
Recommendation 3 Tasmania Prison Service should implement a best-practice behaviour management model.	Page 51
Recommendation 4 Tasmania Prison Service review the conduct of staff involved in implementing, delivering and overseeing the Hostile Management Regime.	Page 53
Recommendation 5 Tasmania Prison Service update Operating Manuals to include strengthened inspection requirements for each senior staff member, including: • frequency (at least weekly) • speaking with people in custody, particularly those on separation orders • formal recording, including concerns identified and any related actions.	Page 54
Recommendation 6 Amend the *Corrections Act 1997* (Tas) to strengthen controls	Page 54

around separate confinement. These should include an independent review mechanism.

Recommendation 7

Tasmania Prison Service publish Director's Standing Orders and other policies online to increase transparency and accountability to the greatest degree possible. Page 56

Recommendation 8

Tasmania Prison Service provide staff, including supervisors, with specialised training that reflects the needs of people accommodated in the administrative segregation units. Page 57

Recommendation 9

The Department of Justice improve promotion and education about the *Public Interest Disclosures Act 2002* (Tas) for Tasmania Prison Service staff, including:

- creating a compulsory training unit on public interest disclosures for all uniformed and non-uniformed staff
- appointing and training public interest disclosure officers within the Tasmania Prison Service. Page 61

Recommendation 10

Tasmania Prison Service improve complaints process information, including:

- providing fulsome and accessible publicly available information about the internal complaints process;
- offering options for making complaints, including anonymity; and
- providing information about external complaint bodies. Page 63

2 Introduction

The Hostile Management Regime was created by some correctional staff who believed they needed an additional tool to manage challenging behaviours displayed by some people in custody. It was a documented process used in high security maximum units in the Risdon Prison Complex (RPC). It is set out in full in Appendix 1 – Hostile Management Reset Plan for Tamar/Franklin. People deemed hostile or who had committed serious prison offences were placed in a cell with no contents or basic necessities. Rights were removed and gradually returned to them over the course of seven days.

Tasmania Prison Service (TPS) has tried various approaches for managing people displaying challenging behaviours in its high security maximum units. This report considers the failings of the most recent approach between 2022 to 2024, which operated without any senior management oversight. The report highlights the human impacts TPS's failures can have on the dignity and wellbeing of people in their care.

When the high security Tamar unit was commissioned in 2006, it was intended to be a therapeutic environment for people in custody at Risdon Prison Complex. The unit would help people 'address problem behaviours' while receiving 'incentives and rewards for behavioural improvement'.[1] In reality, reports over the past 15 years have found the Tamar unit did not provide therapeutic interventions. Rather, people in custody had nearly all privileges removed and were subjected to inhumane practices.[2]

In 2024 a young man, still a teenager, shouted out to our inspection officers from his cell. He asked if we had heard about the 'Hostile Management Regime'. We had not. He told us he had been placed on the regime. He spoke about having no mattress and having to lie down on the ground before staff would open his cell hatch to give him his meals. We said we would make inquiries and contacted TPS. They wrote back to us confirming the regime existed, was unsanctioned and advised that it had been stopped after we raised the matter.

We were concerned about how this regime was able to become established and initiated a review under the *Custodial Inspector Act 2016* (Tas). This report details the findings of those inquiries. We found what the young man said was

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[1] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p25, 26.

[2] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p103; Palmer M (2011) Risdon Prison Complex inquiry, p25; Office of the Custodial Inspector (2019) Annual Report 2020-21, p25.

true and uncovered multiple practices and procedures that were cruel, inhuman and degrading.

We became aware of this regime in June 2024. This report is the culmination of two years' work and has been undertaken alongside the other functions of our office. Table 1 shows the timetable of this review.

Table 1. Review timetable

Action	Time period
Scoping, including fact finding with stakeholders	July 2024 - December 2024
Interviews with people in custody and analysis of interview information	March 2025 - August 2025
Examining and analysing information from the Custodial Information System	August 2025 - November 2025
Request sent to TPS for information about the regime	October 2025
Received information from TPS about the regime	November 2025
Analysis of TPS information	December 2025 - February 2026
Report writing	March 2026 - September 2026

The recommendations in the reports published over the last 15 years have provided the TPS opportunities to address the issues in the Tamar unit. This unit could have become what it was originally proposed to be – a unit where people in custody could receive the help they needed to address their behavioural issues.

However, we have not seen these issues addressed and this has caused harm to both people in custody and staff who work in the Tamar unit. My office has also observed the Franklin and Huon units in RPC being used as behavioural management units, a purpose for which they were never intended.

2.1 The Hostile Management Regime operated for years

Members of the TPS Senior Management Team advised us they were not aware of this documented regime and that it was not sanctioned by TPS. The regime's introduction did not comply with TPS processes for policy and

procedure development. This raises questions regarding how the regime was developed and implemented without Senior Management Team approval.

> Tasmania Prison Service defines **Senior Management Team** as Director of Prisons, Assistant Director of Prisons, General Managers, Assistant Directors and non-custodial Managers

> Tasmania Prison Service defines **senior staff** as Superintendents and non-uniformed managers and above

The Hostile Management Regime operated over two periods during 2022–2023 and 2023–2024 (Table 2). Appendix 3 – Processes used to conduct this review sets out the evidence sources we relied upon for this review. The regime stopped for a brief period in 2023 when a member of the TPS Senior Management Team discovered it and instructed it cease. Despite this instruction the regime was being used again four months later. It stopped again in July 2024 after we made inquiries. The then General Manager, when he wrote to all staff working in the relevant units on 29 July 2024, summarised the issues:

> To make things very clear – I am directing (have directed) that Hostile Management Plans cease being implemented, immediately.
>
> The practice was introduced through a process that was not endorsed and where no checks or balances were applied, no extant recommendations reviewed, no legislation or standing orders reference for compliance, or broadly consulted.
>
> …
>
> The practice of applying the Hostile Management Plans is not only unsafe, it is illegal and breaches a number of human rights and established international conventions. We may NOT remove a prisoner's normal bedding, items of clothing or standard cell contents such as hygiene items, towels, writing materials or access to a book to read, on the basis of poor behaviour. The use of the hostile plans is a punitive practice and does not provide a higher level of safety to staff, it simply says "I can take your things if you misbehave" – that is not how this unit needs to be operated.[3]

[3] Email from Risdon Prison Complex General Manager to Tamar and Franklin units' staff, 29 July 2024.

We were told by some TPS staff the Hostile Management Regime had always been in operation at RPC, although we have been unable to find any records in the Custodial Information System (CIS) before 2022.

Table 2. Months the Hostile Management Regime was in use during 2022-2024 (shaded areas show months where we found evidence of the regime in operation).

	2022	2023	2024
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

We heard the regime was used in the Tamar unit in Risdon Prison Complex (RPC). However, we have found information showing that people were also on the Hostile Management Regime in the Franklin and Huon units. The Franklin, Huon and Tamar units are used to house men in custody who need a higher level of supervision, as explained in Table 3.

Table 3. The purpose of the three behavioural management units in Risdon Prison Complex and the timeframes people may be accommodated in them

	Number of cells	Purpose of unit	Time accommodated in unit
Franklin unit	4	Disciplinary segregation for a serious offence or pending the outcome of a disciplinary process	Maximum of 30 days
Huon unit	18	Higher level of supervision for management of poor behaviour, but do not need to be placed in the Tamar unit	Shorter term, until person has demonstrated improved behaviour
Tamar unit	8	Highest level of supervision for consistent patterns of high-risk behaviour or a serious reason for initial separation	Longer term, until person has demonstrated improved behaviour

2.2 People on the Hostile Management Regime had committed serious prison offences

Custodial staff told us people in custody were placed on the Hostile Management Regime after having committed serious prison offences. To confirm this, we examined the information recorded in CIS, the data management system used by TPS at the time. People on the Hostile Management Regime were most commonly found guilty of one or more of the following:

- assaulting a correctional officer
- resisting or obstructing a correctional officer, or any other person who has authority in a prison, in the execution of his or her duties
- committing a nuisance or engaging in disorderly conduct
- committing any act contrary to the good order or maintenance of prison discipline or security
- using language or behaving in a manner that is indecent, insulting, insolent or threatening

Being placed on the Hostile Management Regime was not a sanctioned penalty as part of the TPS disciplinary process. The regime was an additional penalty action taken by some correctional officers after the TPS disciplinary process. There was no legal basis for the regime nor any evidence that it assisted in addressing these serious behavioural issues. No experts in human behaviour, such as psychologists, were involved in the process.

2.3 Some correctional officers removed all cell contents

The day a person was placed on the Hostile Management Regime was called day zero. The regime ran for another six days after day zero, making it a seven-day regime.

On day zero, a person had all cell supplies and items designed to occupy their time removed from their cell. The regular cell contents in maximum mainstream units include:

- mattress
- bedding (sheets, doona, pillow)
- towel
- 2 x prison issue clothing, socks and underwear
- toiletries
- television
- personal items, including photos, letters and canteen items
- books, magazines, pencil and paper pad.

The only item allowed in the cell on the regime was one or two canvas suicide and self-harm (SASH) blankets for bedding. None of the people we identified as being placed on the regime was specified on TPS systems as at risk of suicide or self-harm.

The first time the regime was operating, staff confiscated people's regular prison issued clothing and gave them a SASH gown to wear instead. The second time the regime was operating, people were allowed to keep their prison issued clothing.

2.4 Cell contents were then returned gradually

Removed items were returned to people, one by one, as they demonstrated 'compliance' with the Hostile Management Regime. If a person in custody did not show compliance at any point, they were reset to day zero and had to start the seven-day regime from the beginning. Any items that had been returned to them were removed once again. The regime did not define the standards of compliance and there were no modifications to the regime for people based on their individual circumstances.

People placed on the Hostile Management Regime also had other restrictions placed on them including no exercise time outside, no visits and no access to telephone calls. These restrictions can only be imposed following the TPS disciplinary process, which is subject to review. However, as the Hostile Management Regime was not an approved TPS policy or procedure, it operated outside this disciplinary process.

3 The Hostile Management Regime breached people's human rights

The conditions of the Hostile Management Regime were contrary to a number of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules).

The Nelson Mandela Rules outline international minimum standards for the treatment of people in custody. They provide guidance and set clear standards for prison staff on how to uphold safety, security and human dignity of people in custody.

We normally use our *Expectations on the treatment of people deprived of their liberty in adult custodial centres* to guide our inspections.[4] These Expectations are informed by the Nelson Mandela Rules and other international and domestic reference sources. For this review, we decided to only refer to the Nelson Mandela Rules when examining the basic and essential standards of treatment not being met on the regime.

3.1 People in custody were subject to cruel, inhuman or degrading treatment or punishment

Nelson Mandela Rule 1 states that:

> All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.[5]

Cruel or **inhuman** treatment is any action which causes serious mental or physical pain or suffering of a serious nature.

[4] Office of the Custodial Inspector (2025) Expectations on the treatment of people deprived of their liberty in adult custodial centres.

[5] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p2.

> **Degrading** treatment is any action which causes real and serious humiliation or demeans a person.

Evidence gathered during the review showed that people on the Hostile Management Regime were not treated with respect. They experienced cruel, inhuman and degrading treatment. They did not have their regular prison issue clothing to wear. They had to sleep on the floor, with only canvas suicide and self-harm (SASH) blankets to keep them warm despite no information indicating they were at risk of SASH. They had no toiletries to keep themselves clean. They did not have time out of their cells to exercise. They had nothing to do to occupy their time.

People on the regime told us how it made them feel:

> It was inhuman. It didn't just happen to one or two people, it was multiple people. It was disgusting.
>
> It was inhumane, they treated us like wild animals, like dogs.
>
> It was degrading and affected my mental health and self-worth. I felt like I was being treated like an animal.

3.2 People were placed in solitary confinement

People told us that they were in their cells for 23 or 24 hours a day, without access to telephone calls, letters or visits from their family and friends. This is contrary to Tasmania Prison Service (TPS) procedures for separation which ensure some basic entitlements are protected. They also had no direct contact with other people in custody. These experiences meet the definition of solitary confinement used in the Nelson Mandela Rules.

Nelson Mandela Rule 44 states that:

> For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for **22 hours or more** a day **without meaningful human contact.**[6] [Our emphasis]

This was in addition to the impact of ongoing lockdowns. We have discussed in past annual reports the impact of lockdowns in Risdon Prison Complex

[6] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p14.

maximum security units.[7] The Tamar, Huon and Franklin units are regularly locked down for a full day. If people on the regime were scheduled to have an hour out of their cell but the unit was locked down, they would not have been able to have their scheduled time out of cell.

3.2.1 People had no meaningful human contact

> **Meaningful human contact** is contact with family and peers that provides genuine social interaction and engagement.

Without meaningful contact with other people in custody, family or friends, People in solitary confinement were socially isolated. Their only regular, direct contact with other people was routine contact with staff. This contact was brief and procedural, for example, correctional staff providing meals or health staff providing daily medication. Some people in custody also had contact with Therapeutic Services staff, however this contact was limited and routine. Incidental or routine contact with correctional, health or Therapeutic Services staff does not represent meaningful contact and does not reduce the harmful impacts of people's solitary confinement experiences.[8]

Contact with family while people are under restrictive measures is detailed in Nelson Mandela Rule 43(3):

> Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.[9]

People in custody told us about not having contact with family and friends:

> Two weeks no phone calls. Asked for calls but not allowed.
>
> Couldn't get mail until off Hostile Management Regime, TPS held mail until then.

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[7] Office of the Custodial Inspector (2025), Annual Report 2024-25, p8-10; Office of the Custodial Inspector (2024), Annual Report 2023-24, p7-8; Office of the Custodial Inspector (2023), Annual Report 2022-23, p 25-27.

[8] Haney C (2019) Solitary Confinement, Loneliness, and Psychological Harm | Solitary Confinement: Effects, Practices, and Pathways toward Reform | Oxford Academic. Jules Lobel and Peter Scharff Smith (eds), p144.

[9] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p13.

> No phone calls for 30 days.

Access to telephone calls and visits can be removed as a penalty from people found guilty of prison offences, as outlined in *Director's Standing Order 1.23 Disciplinary Process* (DSO 1.23). DSO 1.23 states that access to personal telephone calls can be removed, but not telephone calls to their lawyer or the Ombudsman. Access to contact visits and to visits longer than 30 minutes can also be removed. However, people are still entitled to at least one 30 minute video conference call or non-contact visit a week, or three of these visits if on remand. Letters are not included in DSO 1.23 so the removal of the right to send and receive correspondence cannot be a disciplinary penalty.[10] People on the Hostile Management Regime had already received a penalty for their prison offence. Therefore, the Hostile Management Regime removing contact with friends and family was an additional penalty for those offences. No access to any telephone calls, visits or correspondence is contrary to the permitted penalties set out in DSO 1.23. It is also unlawful. Under s29 of the *Corrections Act 1997* (Tas) people in custody have the right to send and receive letters and the right to receive at least one 30 minute visit each week, or three visits if on remand.[11]

Without access to calls, letters or visits, people had no meaningful contact with their family or friends. Contact with family, friends and community positively influences the behaviour of people in custody and improves their chances of successful reintegration when released from prison.[12] No contact with family or friends removes that positive influence, which appears to be contrary to the Tamar unit's purpose of positively influencing and improving people's behaviour. The removal of meaningful contact is cruel and inhuman treatment and seems to have no purpose other than to punish people on the regime.

3.2.2 People were placed in prolonged solitary confinement

Nelson Mandela Rule 43(1) prohibits prolonged solitary confinement:

> In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

---

[10] Tasmania Prison Service (20 December 2024), *Director's Standing Orders 1.23 Disciplinary Process*, version 6.2.

[11] Subject to s29(2) which provides that the Director of Corrective Services may stop a whole or part of a letter if they reasonably believe it is a threat to prison security or may be of a threatening or harassing nature.

[12] Shalev S (2008) A Sourcebook on Solitary Confinement, Mannheim Centre for Criminology, London School of Economics and Political Science, p 46.

> …
>
> (b) Prolonged solitary confinement;[13]

Nelson Mandela Rule 44 states that:

> **…Prolonged solitary confinement** shall refer to solitary confinement for a time period in **excess of 15 consecutive days**.[14] [Our emphasis]

The Hostile Management Regime was a seven-day regime, however some people in custody told us that they had been on the regime for 28 days, 30 days and 51 days.

We examined the Custodial Information System (CIS) for 30 people we were aware were on the Hostile Management Regime. Appendix 3 – Processes used to conduct this review details how we identified people on the regime. Due to an absence of records, we do not know if there were more people on the Hostile Management Regime.

Information about being on the Hostile Management Regime was recorded on CIS for 15 of the 30 people. Information was recorded intermittently by staff. For example, at times there were several days between recorded information, including case notes. We reviewed all relevant information in CIS and confirmed that at least one person was on the regime for 20 consecutive days. However, we saw information indicating six other people were in the middle of the seven-day regime or had been 'reset', but with no information about the start date or end date so we could not confirm the duration of their time on the regime.

3.2.3 People were placed in indefinite solitary confinement

Nelson Mandela Rule 43(1) also prohibits indefinite solitary confinement:

> In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:
>
> (a) Indefinite solitary confinement; [15]

---

[13] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p13.

[14] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p14.

[15] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p13.

Indefinite solitary confinement is when a person is confined in a cell with no fixed end date. People told us they were not informed how long they would be on the regime. Added to this was the possibility of being 'reset' to day zero, meaning people had to start the regime from the beginning.

We found information in CIS showing at least nine people were 'reset' to day zero of the Hostile Management Regime. People were not told what actions would cause them to be reset. People told us when they were reset, they were only told they had not been compliant with the regime. 'Compliant' was not defined in the Hostile Management or Reset Plan for Tamar/Franklin (see Appendix 1 – Hostile Management Reset Plan for Tamar/Franklin) so seems to have been based on the individual assessments of some correctional officers.

Information from CIS show some reasons why people were reset:

> Refusing to lie on the ground [to receive meals] on several occasions
>
> Refused to comply [with direction to stand at the rear of the cell and face the wall] then punched the Perspex box through the hatch
>
> Verbal abuse and threats to staff via the intercom and yelling out
>
> Setting a fire in the [unit] hallway

There were examples in CIS of people being reset at several points during the regime, from as early as day one right up to day seven.

Because they might be reset, people did not know how long they would be on the regime and therefore separated from others. People cope better with separation when they know how long that separation will be. Where the length of separation or solitary confinement is not specified, it can cause serious negative effects on mental health.[16]

Recognising the effect that indefinite isolation has on people, we consider that people not knowing how long they would be separated from other people was cruel and inhuman.

It was also arguably unlawful. Section 29(p) of the *Corrections Act 1997* (Tas) states that people have the right to information about the rules and conditions which will govern their behaviour in custody. Not knowing how long they would be in solitary confinement, or why it could be extended was contrary to this right. Most relevantly, this right cannot have been complied with given the Hostile Management Regime being used to govern people's behaviour was contrary to approved TPS policy and procedures.

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[16] Shalev S (2008) A Sourcebook on Solitary Confinement, Mannheim Centre for Criminology, London School of Economics and Political Science (2008), p. 21.

3.2.4 Solitary confinement has a serious impact on wellbeing and this is compounded for Aboriginal people

The Australian Human Rights Commission notes the use of solitary confinement in Australian prisons is a significant concern as it can:

> …increase or exacerbate trauma, contribute to the deterioration of mental health and limit participation in rehabilitative programs, all of which increase the likelihood of prisoners struggling in prison and on their release.[17]

The Royal Commission into Aboriginal Deaths in Custody noted the extreme anxiety experienced by Aboriginal people in solitary confinement.[18] The report also noted in its recommendations that:

> …it is undesirable in the highest degree that an Aboriginal prisoner should be placed in segregation or isolated detention.[19]

Despite these additional risks, the *Director's Standing Order 1.24 Separate Confinement of Prisoners* (DSO 1.24)—which sets out how the Tasmania Prison Service manages separation—has no reference to Aboriginal people, who are over-represented in custodial settings. In Tasmania, Aboriginal people represent 5.4 per cent of the general population but over 25 per cent of the prison population.[20]

Aboriginal people were among the people placed on the Hostile Management Regime. We saw no evidence of additional support being provided. At a minimum, Aboriginal people in solitary confinement should be provided support such as welfare checks by Aboriginal Wellbeing Officers.

Access to Aboriginal Wellbeing Officers is limited in Tasmanian Prisons. Only 1.8 full-time equivalent Aboriginal Wellbeing Officers are available to assist all Aboriginal people in custody. This ratio is low given there are currently around

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[17] Australian Human Rights Commission, Current issues in prison management – submission to United Nations Special Rapporteur on Torture, 16 November 2023, p18

[18] Royal Commission into Aboriginal Deaths in Custody (1991), National Report Volume 3, p 334.

[19] Royal Commission into Aboriginal Deaths in Custody (1991), National Report Volume 3, p 334.

[20] Australian Bureau of Statistics (2022) Tasmania: Aboriginal and Torres Strait Islander population summary | Australian Bureau of Statistics, accessed 23 June 2026; Australian Bureau of Statistics (December 2025) 'Table 15: Prisoners, selected characteristics by state/territory 2025 [data set], Prisoners in Australia, 2025 | Australian Bureau of Statistics, accessed 23 June 2026.

260 Aboriginal people in custody in Tasmania. The Tasmanian Aboriginal Legal Service (TALS) delivers this service.

The TALS program started in early 2024. In the period preceding this, when the Hostile Management Regime was most active, the services specifically available for Aboriginal people in custody were limited to non-existent.

3.2.5 There was no evidence that the needs of people with disability were considered

We identified from CIS information that at least eight people with disability were placed on the Hostile Management Regime. Their disabilities were often identified in the initial screening process when entering custody and included neurodevelopmental, psychosocial and cognitive disabilities. We did not see any evidence that disability needs were considered when placing people on the Hostile Management Regime.

Nelson Mandela Rule 45 (2) states:

> The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.[21]

There is no reference in DSO 1.24 to disability, although it does specify that 'the safety of prisoners in separate confinement is paramount, and appropriate safeguards must be in place to protect physical and mental health'. This includes a health assessment within 24 hours of being placed in isolation.[22] *Director's Standing Order 1.23 Disciplinary Process* (DSO 1.23) outlines disciplinary processes and provides guidelines for separation to the Franklin, Huon or Tamar Units. DSO 1.23 does indicate that if a person has an intellectual disability, this must be a consideration when deciding an appropriate sanction. There is no mention of any other type of disability in DSO 1.23, including physical or cognitive disability.[23] *Director's Standing Order 2.13 Prisoners with Disabilities* includes considerations about accommodation but does not discuss separation.[24] There should be a requirement to consider disability needs before separation is authorised, including ensuring this information is brought to the attention of the authorising officer.

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[21] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p14.

[22] Whilst not relevant to this review as no women were identified as being put on the Hostile Management Regime, there is no specific reference to women in the DSO 1.24 and DSO 1.23 Disciplinary Process. There is a reference to health needs being considered in both DSOs. Rule 22 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok rules) specify that punishment by close confinement or disciplinary segregation should not be applied to pregnant women, women with infants and breastfeeding women in prison.

[23] Tasmania Prison Service (20 December 2024), *Director's Standing Orders 1.23 Disciplinary Process*, version 6.2.

[24] Tasmania Prison Service 31 August 2020, *Director's Standing Order 2.13 Prisoners with disabilities*, version 2.0.

Recommendation 1

***Director's Standing Order 1.24 Separate Confinement of Prisoners* should be reviewed to include consideration of individual needs and additional risk factors (including physical and mental health, disability, gender, age and culture) and the corresponding safeguards to be applied.**

3.3 Time out of cell for exercise was not given to some people

It is well-known that fresh air and exercise positively impact the mental health and wellbeing of people in custody.[25] This is especially important for people held in solitary confinement as exercise time is their only exposure to fresh air and access to the world outside their cell.[26]

Nelson Mandela Rule 23(1) states:

> Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.[27]

People in custody are also entitled to this right under s29(1)(a) of the *Corrections Act 1997* (Tas):

> …if not ordinarily engaged in outdoor work, the right to be in the open air for at least an hour each day if the facilities of the prison are suitable for allowing the prisoner or detainee to be in the open air.

Many people on the Hostile Management Regime told us they were not allowed daily time out of their cell for exercise. Some people were allowed one hour outside per day. This meant that people on the Hostile Management Regime were in their cells for 23 or 24 hours a day. We found some CIS information supporting these accounts such as the following case note:

> Inmate not eligible for walk due to current Hostile Management Regime level.

On the first version of the Hostile Management Regime, people seemed only to be allowed time out of cell from day four, five or six. The document outlining the second version of the regime (refer to Appendix 1 – Hostile Management Reset

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[25] Shalev S & Edgar K (2015) Deep Custody: segregation units and close supervision centres in England and Wales | Prison Reform Trust, p41.

[26] Shalev S (2008) A Sourcebook on Solitary Confinement, Mannheim Centre for Criminology, London School of Economics and Political Science, p 44.

[27] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p7.

Plan for Tamar/Franklin) states that on the second day, people were allowed to exercise for one hour in their individual Franklin exercise yard, which are attached to each cell. This seems to indicate that exercise was only available to people housed in Franklin unit, not Tamar or Huon units.

Having no time out of cell did not meet human rights requirements and is cruel and inhuman. It also appears not to have met the requirements of the *Corrections Act 1997* (Tas) and was therefore likely unlawful.

Another element of these legal requirements is that time out of cell should be 'in the open air'. However, exercise yards in segregation units are often small concrete enclosures, covered with metal mesh. Ideally, exercise yards should be large enough to allow people to exert themselves and contain appropriate equipment.[28]

In 2015, the Irish High Court ruled that to be categorised as 'open air', enclosed exercise yards must allow people to see the sky and feel the elements such as sun and rain.[29] Courts in two Australian jurisdictions have also considered this issue and ruled that some yards in custodial facilities in Victoria and the Australian Capital Territory did not constitute 'open air'.[30] The design of the yards considered in those two cases, with four concrete walls and a mesh roof, are comparable to the exercise yards in the Franklin unit.[31]

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[28] Shalev S (2008) A Sourcebook on Solitary Confinement, Mannheim Centre for Criminology, London School of Economics and Political Science, p 44.

[29] *Whelan v Governor of Mountjoy Prison* [2015] IEHC 273.

[30] *Marrogi v Secretary, Department of Justice and Community Safety & Ors (No 1)* [2026] VSC 4 [paragraph 80]; *Davidson v Director-General, Justice and Community Safety Directorate* [2022] ACTSC 83, [paragraphs 44, 315].

[31] *Marrogi v Secretary, Department of Justice and Community Safety & Ors (No 1)* [2026] VSC 4 [paragraphs 71-73, 76-79]; *Davidson v Director-General, Justice and Community Safety Directorate* [2022] ACTSC 83, [paragraph 44].



Figure 1. Franklin exercise yard seen from door to the unit corridor, the door into the person's cell and from inside the exercise yard looking up.

Each cell in the Franklin unit has its own exercise yard, so people are in their yard alone. These yards have solid walls and a roof that limits the view of the sky. They are small enough to be walked across in a few steps, and there is no exercise equipment. People in custody described these yards to us:

> If you did get outside time you'd walk in the little yard in Franklin—it's like a dog kennel, all caged in, no sunlight, no one to talk to, surrounded by steel walls.
>
> Cell is bigger than the cage [yard]. The cage is not suitable for an animal. It's covered in bird shit—it stinks, it's bad.

The exercise yards for the Tamar unit and the Huon unit are larger and contain basic exercise equipment. The bottom half of the walls are solid, while the upper section is wire mesh open to the sky and weather.



Figure 2. Tamar exercise yards showing presence of exercise equipment and view of the sky. Note rain on the ground in second figure.

Many people on the Hostile Management Regime did not receive time in the open air, either due to 24-hour confinement, or time in yards that may not meet the 'open air' requirement. This added to the physical and mental impacts of the regime. The physical environment of the Franklin yards needs to be improved to ensure people have access to the 'open air'.

Recommendation 2

Ensure people in the Franklin unit have access to the open air. In the interim, people housed in Franklin cells should have access to their individual exercise yards throughout the day.

3.4 People were not given a mattress for the first 24 hours or regular bedding for the first three days

As described in Some correctional officers removed all cell contents, people subjected to the Hostile Management Regime had almost all of their possessions removed. This included items needed for basic human functions and dignity, such as soap, toilet paper and bedding as well as personal belongings like photos of family and friends. People also had their mattress and bedding removed despite Nelson Mandela Rule 21, which states:

> Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding…[32]

People on the regime would receive a mattress after 24 hours if they had been 'compliant'. Their regular bedding (doona, pillow, pillowcase and sheets) would be given on day three if they continued to be compliant. For the first three days, their bedding was one or two canvas blankets which are used for people at risk of suicide and self-harm (SASH). None of the people we identified on the Hostile Management Regime had been identified as at risk of SASH.

People told us that without a mattress, they slept on the laminate-covered concrete floor. The alternative was the bed plinth, but these are corrugated (Figure 3). People told us that it was physically painful to sleep on the hard floor without a mattress or pillow; it hurt their back and hips. Many people talked about how cold it was and about rolling themselves in the canvas blankets to try to get comfortable and warm. In addition to physical discomfort, people told us the experience was cruel and felt degrading. As one person described it:

> Sleeping on the floor made you feel like shit.

[32] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p7.



Figure 3. Bed plinth (base) without mattress in Tamar unit (viewed from above)

One person on the Hostile Management Regime had a broken bone requiring a visit to the Royal Hobart Hospital for treatment on day zero (when normally he would have been in a cell with no mattress or regular clothing or bedding). On his return to Risdon Prison Complex, CIS notes indicated he was allowed to have 'a mattress and clothing at the request of Doctor, overriding Hostile Management Regime for the night'. It is concerning that someone needed to have a broken bone to receive their basic right of a mattress, bedding and clothing.

3.5 People were not given regular clothing for the first three days

Nelson Madela Rule 19 states:

> Every prisoner…shall be provided with an outfit of clothing…Such clothing shall in no manner be degrading or humiliating.[33]

The first time the Hostile Management Regime was operating, on day zero people were given a canvas suicide and self-harm (SASH) gown to wear instead of their regular clothing. This was in addition to the canvas blankets. The second time, people were allowed to have their regular clothing from day

[33] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p7.

zero.

SASH gowns are designed to prevent harm to oneself. They are made of canvas and are resistant to tearing to prevent the creation of ligatures. SASH gowns are sleeveless, fasten at the back with Velcro and are knee-length if sized correctly. Underwear can also be used to create ligatures and therefore is not worn underneath. The gowns provide minimal modesty and warmth for the wearer (Figure 4).



Figure 4. Front and side views of a Custodial Inspector inspection officer wearing a canvas gown.

We heard from some people that they were left naked in their cell with only two canvas blankets when they were first placed on the Hostile Management Regime. They waited several hours before being given a SASH gown. We are unsure why they had to wait. These gowns are easily accessible in the prison. We have inspected clean piles of them stored within a maximum unit in RPC.

One person told us how they felt with no clothes before they were given a SASH gown:

> When you've got no clothes, you feel like you've got no power. Being naked on the floor, clothes cut off, no explanation—I don't find it easy to express myself but yeah it took a toll. I just try to block it out as much as I can.

If people were 'compliant', on day three they were given regular clothing, which constituted trackpants, t-shirt, jumper, underwear and socks.

Director's Standing Order 2.01 Suicide and self-harm prevention (DSO 2.01)

states canvas SASH gowns 'should only be used when the severity of the risk [of SASH] warrants such actions'.[34] None of the people placed on the Hostile Management Regime had information in CIS indicating they were at risk of SASH. Therefore, making people wear a SASH gown was contrary to DSO 2.01. Our interviews with people in custody indicate they consider it was intended to have a negative psychological impact and it had that effect. For these reasons, we consider this practice was degrading and humiliating and therefore breached Nelson Mandela Rule 19.

3.6 People were not given toiletries for the first two days

Nelson Mandela Rule number 18(1) states:

> Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.[35]

People on the Hostile Management Regime were not allowed to have items to keep themselves clean.

For the first two days, people did not have a towel, soap, deodorant, toothbrush and toothpaste, or toilet paper. Once people had been 'compliant' for 48 hours, these items were given to them. If there was any perceived non-compliance from the person in custody, they would be reset to day zero. This meant that a person could go longer than two days without basic hygiene items.

Keeping clean was particularly difficult without toilet paper, soap or a towel; people told us they showered after using the toilet to clean themselves but had to drip-dry. Those who used their canvas blankets to dry themselves then had to sleep in and on damp blankets. The impact of being unclean was particularly severe for people who were given finger food (instead of the usual meals) and no cutlery. We heard that some people were deeply affected by the lack of hygiene:

> You're eating with your hands, but you've just wiped your arse with your hands—it's foul, made me feel fucking horrible.
>
> Not being able to wash [with soap] was the worst part.
>
> The worst thing was how dirty it was—hair all over the floor, dirty cell, not

[34] Tasmania Prison Service (26 December 2018), *Director's Standing Order 2.01 Suicide and self-harm prevention*, version 3.B.

[35] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p6.

> able to wash yourself.

The *Corrections Regulations 2018* clause 11 states a person in custody is responsible for their personal cleanliness and hygiene. The Hostile Management Regime deprived people of the items needed to meet this clause. It is hard to understand the removal of basic hygiene items as anything other than a means of humiliation and punishment.

3.7 Some people did not receive access to their regular meals

Nelson Mandela Rules 43(1)(d) states:

> In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment.
>
> The following practices, in particular, shall be prohibited:
>
> Corporal punishment or the **reduction of a prisoner's diet** or drinking water;[36]
>
> … [Our emphasis]

Staff breached this rule by reducing food provided to people on the Hostile Management Regime.

3.7.1 Some people did not receive their meals

Two people told us they did not receive their meals:

> One night when tea came round, [they] didn't feed me, because they said I was 'too hostile to be fed'.
>
> [Staff] would leave food outside [my cell], and say 'you're hostile', and they don't have to open the hatch if you're hostile.

The most common reason we saw in CIS for not providing meals was refusal by people to assume the 'surrender' position. This was recorded in CIS for three people:

> Prisoner has been polite however refuses to lie on the ground as per Hostile Management Regime. No food passed to prisoner.
>
> Prisoner stated that he will never lay down for his food, stated he would rather starve than lay down, and to pass that onto Superintendent.
>
> He [person in custody] was then directed to assume the surrender position again, he became non-compliant and threw a lump of faeces into the box. Hatch was closed and next service [meal] will be denied to

[36] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p13.

> ensure officers safety.

This information indicates that staff were not providing food because they were concerned about being assaulted if they opened cell doors or hatches when the person in custody was not in the surrender position.

We recognise the need for staff to feel and be safe in their workplace. The right to a safe workplace is legislated in the *Work Health and Safety Act 2012* (Tas). However, this does not override the basic right to food—both rights need to be met, which requires reasonable compromise. People in custody told us they found lying down humiliating but would have kneeled at the back of their cell to receive meals. Staff also had the option of using a Perspex box to cover the hatch to deliver meals and reduce the possibility of an assault by a person in custody. Instead, food was used as a means of control for people who did not comply with instructions. This denied food to people who had no other way to access it.

3.7.2 Some people only received finger food for their meals

People who are at risk of suicide and self-harm (SASH) may sharpen or mould cutlery into a tool for self-harm. To remove this hazard, they are given finger food and no cutlery. The finger food provided is rarely nutritious, for example, meat pies. Recognising this, the TPS specifies where possible, the preference is for people at risk of SASH to be provided normal meals.[37]

Nine people in custody told us they were given finger food for their meals while on the Hostile Management Regime. We confirmed on CIS that none of these people had been identified as at risk of SASH. As the name implies, people had to eat this food with their hands—but at the same time, had no access to basic hygiene items, including soap and toilet paper. Three people told us about their experience of being given finger food:

> Was given finger food—pies. Had to eat these with my hands and you've been wiping your arse with your hands—it's foul, made me feel fucking horrible, makes me feel sick talking about it.
>
> Food was finger food for the first few days. They'd punish you by taking it out of the wrapper and just putting it on a little bit of paper towel on the hatch, or sometimes not on anything—so it was sitting in the box that I've seen shivs on, blood, everything.
>
> Food was finger food like pies. They used food like a privilege—they gave you finger food as a punishment.

[37] Tasmania Prison Service (26 December 2018) *Director's Standing Order 2.01 Suicide and self harm prevention*, version 3.B.

Providing finger food to people who had not been identified as at risk of SASH and who could not maintain basic hand hygiene, seems to have no other purpose than to punish them.

3.8 People were given nothing to occupy their time until day three

Nelson Mandela Rule 105 states:

> Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.[38]

In Some correctional officers removed all cell contents we listed what people usually have access to in their cell. For the first three days on the regime, people had nothing in their cell to occupy their time. If people continued to be 'compliant', on day three they were allowed access to television and on day four they were allowed access to a book and paper and pencil.

People told us it was hard having nothing to occupy their time:

> We had nothing. It's not healthy to be in a cell with nothing [to do].
>
> No TV, nothing to do. Even if in solitary [Franklin unit] can have a pencil and paper or a book.

People in custody should be able to access programs and other recreational activities to usefully occupy their time and structure their day. Purposeful activities contribute to wellbeing and personal development and positively affects behaviour. The opposite is also true. A lack of things to do may lead to boredom and frustration and contribute to mental health issues and behaviours of concern, including increased violent behaviour.[39]

Again, removing recreational items appears to have had no purpose other than to add an additional punishment to disciplinary segregation. Indeed, the psychological impact of this may have contributed to the lack of 'compliance' that saw some people reset and remain on the regime beyond seven days.

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[38] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p31.

[39] Shalev S (2008) A Sourcebook on Solitary Confinement, Mannheim Centre for Criminology, London School of Economics and Political Science, p 44, 49; Association for the prevention of torture (2026) Recreational activities | APT accessed 25 February 2026.

3.9 People had to lay face down on the floor before any interaction

People in custody told us that they had to lie on the floor in the 'surrender' position before some correctional officers would open their cell hatch or door. People in custody described the position to us:

> You had to lay on the floor, face down, with your feet towards the door and your head towards the toilet. You had your hands on your head or in the small of your back, and your feet crossed over at the ankles with your legs bent up at the knee.
>
> To get food you had to lay on the ground like a dog. Head facing the back wall, hands on head, legs crossed and bent up. On the first three days I had to do that.
>
> If they came into the cell, I had to lie on the floor with my head pretty much next to the toilet, hands behind my back, legs crossed up in the air behind me.
>
> To get your food, you have to lay down on the floor with your hands behind your head. Then you get the food from the hatch, but you have to put it down and get back down on the floor again. You just feel like you're a dog.

People told us they had to do this even when they were naked or in pain from sleeping on the hard floor.

Information from CIS confirmed these accounts from people on the regime:

> Prisoner on Hostile Management Regime day 1. Prisoner was required to adopt the surrender position in which he complied.



Figure 5. (a) View of cell in Tamar unit from the door. Note edge of bed on the right and toilet at the back. (b) An illustration of a person in the surrender position.

After the Hostile Management Regime was stopped the second time, we asked the TPS Senior Management Team about the surrender position. They said the surrender position which is likely to have been used would not have been prone (lying face down). Given what we had heard from people in custody, we asked for more information and were told:

> The standard surrender position, as defined by the [TPS] Tactical Response Team, is a prone position. However, it has been observed that the Hostile Management Regime frequently utilised a modified kneeling surrender position. This modification involves the prisoner being directed to:
>
> - move to the rear of the cell
> - kneel facing the wall
> - interlock hands behind their head
> - cross their legs (ankle over ankle).

This contradicted what we heard from people in custody, who said they did have to kneel, but not until day four of the regime. At the start, they had to lay down prone in the surrender position. These accounts are consistent with a TPS document created by a correctional officer during the second version of the

regime (Appendix 1 – Hostile Management Reset Plan for Tamar/Franklin). It stated:

> Prisoners will be required to take up the surrender position prior to Tamar/Apsley staff entering the allocated cell up until the commencement of Day 3 at which time the Hostile Management Regime indicates a level of compliance has been achieved, prisoners beyond Day 3 of the Hostile Management Regime will then be required to move to the rear of the cell and kneel down on their knees with their hands behind their back in clear view facing away from Correctional Officers.

On balance, information we reviewed indicates people in custody were required to be in the surrender (prone) position for at least the first three days of the Hostile Management Regime.

The surrender (prone) position and the modified kneeling positions have different uses in TPS facilities. The prone position is a technique employed when people in custody are removed from their cell using force. The modified kneeling position is used to prevent assaults against staff through the cell door hatch, by limiting the person's ability to get up quickly and throw objects or liquids.

Corrections Regulations 2018 (Tas) clause 13 states:

> (1) A prisoner or detainee is to promptly obey any order given by a correctional officer.
> (2) If a prisoner or detainee is aggrieved by an order given by a correctional officer, he or she –
> a. is to obey that order; and
> b. may lodge a complaint in relation to that order.
> (3) A complaint is to be –
> a. in writing; and
> b. lodged with the Director.

This gives significant power to correctional officers and an obligation to ensure any orders they may make are fair, reasonable and in accordance with policy and procedures. Ordering all people on the Hostile Management Regime, regardless of their current level of risk, to assume the surrender position before their cell hatch or door would be opened seems neither fair nor reasonable and not supported by policy.

3.10 People were denied access to the Ombudsman

Nelson Mandela Rule number 56(3) states:

> Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison administration…or other competent authorities, including those

vested with reviewing or remedial power.[40]

We asked TPS if people on the Hostile Management Regime could contact the Ombudsman. Members of the TPS Senior Management Team confirmed that people in custody did not have access to a telephone for the first six days on the regime and they could not access pencil and paper. Therefore, people had no way of contacting external complaint bodies, including the Ombudsman. We requested information from Ombudsman Tasmania about this matter in September 2024. We were advised the office had received no complaints from people in custody about the regime itself or the conditions on the regime.[41]

We also asked TPS if they had received any complaints about the Hostile Management Regime. They confirmed they had no records of any complaints made about the regime.

People not being able to contact the Ombudsman to make a complaint during the Hostile Management Regime is in direct contradiction to Nelson Mandela Rule 56(3).

[40] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p17.

[41] Section 26(3B) of the *Ombudsman Act 1978* (Tas) provides for the sharing of information relevant to the exercise of the Custodial Inspector's functions or powers.

4 Tasmania Prison Service management response to the regime

In early 2023, Tasmania Prison Service (TPS) Senior Management Team became aware the Hostile Management Regime was operating. They directed the regime was to cease and later said:

> if a management program was required that it would need to be developed with more rigour and with strong approval and review processes in place.[42]

No members of staff, including the then Superintendent of the maximum units, were counselled or disciplined in 2023 regarding the introduction and running of this unsanctioned regime that violated human rights. TPS did not investigate the details of the regime or why it had been started.[43]

In 2024, after we received information from an adult teenager in custody, we asked TPS questions about the Hostile Management Regime. TPS Senior Management Team confirmed it existed and had previously been stopped in early 2023. They were not aware it had restarted. They instructed staff to cease using the regime, investigated the details of the regime and advised us of the following remedial actions:

- General Manager, Risdon Prison Complex, met with all staff who worked in the Franklin and Tamar units to discuss TPS expectations for humane treatment of people in custody and ensure they were all aware the Hostile Management Regime was to stop. The Director of Prisons sent a notice to all staff reinforcing this information.
- Superintendent, maximum units, was counselled (noting this was not the same Superintendent in place the first time the regime was in use).
- General Manager, Risdon Prison Complex, would take an active role in monitoring these units.
- The Tamar Franklin Operating Manual would be updated to state that 'hostile management plans' are not to be used, and that staff are required to use existing endorsed processes.[44]

The *Tamar Franklin Operating Manual* (Operating Manual) has not been

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[42] Letter from the Director of Prisons to Office of the Custodial Inspector, 19 July 2024, Re: Hostile Management Regimes.

[43] Office of the Custodial Inspector meeting with Senior Management Team, 29 July 2024, Re: Hostile Management Regimes.

[44] Letter from the Director of Prisons to Office of the Custodial Inspector, 19 July 2024, Re: Hostile Management Regimes.

updated with this change.[45] A member of the TPS Senior Management Team told us this was ultimately not considered necessary, as the Operating Manual does not instruct staff what not to do; staff are expected to follow the approved risk assessment in the Operating Manual. However, this risk assessment was detailed in the Operating Manual both times the Hostile Management Regime was in use.[46] It is apparent more is needed to ensure all correctional officers follow documented processes.

[45] Tasmania Prison Service (2024) Operating Manual Tamar and Franklin units, version 4.1, October 2024.

[46] Tasmania Prison Service (2022) Operating Manual Tamar and Franklin Units, version 3.3, September 2022.

5 Tasmania Prison Service has not historically managed hostile behaviour well

The environment that enabled the Hostile Management Regime to exist did not appear without warning. Since the Risdon Prison Complex (RPC) was commissioned in 2006, there have been issues with the operation of the Tamar unit.

The Tamar unit was intended to be the home of the Behavioural Management Program (BMP).[47] The BMP was a process:

> …that supports a continuum of privileges along which a prisoner/detainee moves according to their behaviour. Positive behaviours and attitudes see a prisoner/detainee move forward in the program and gain additional privileges, while negative behaviours and attitudes result in regression through the program and a resulting loss of privileges…Where possible, the program also involves prisoners/detainees being assessed from a therapeutic perspective and undergoing targeted therapeutic interventions aimed at addressing the attitudes and behaviours that saw them enter the BMP in the first place.[48]

The Tamar unit and BMP were intended to provide therapeutic intervention for people in custody, focused on addressing behaviours of concern and providing incentives and rewards for behavioural improvement.[49] Unfortunately, resourcing constraints restricted these aims[50]

5.1 Independent reports identified problems within the Tamar unit

The Office of the Ombudsman began an own motion investigation into the management of the Tamar Unit in 2008 following a number of complaints. They published their findings in the 2010 report *Risdon Prison Complex Tamar Unit and Behaviour Management Program* (Tamar Report). The Tamar Report acknowledged the need for a high-risk management unit within the Tasmanian

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[47] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p25.

[48] Tasmania Prison Service, Operating Model for Risdon Prison Complex behaviour management program, Version 3.0, June 2008.

[49]Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p25, 26.

[50] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p27.

custodial system. However, it also highlighted the lack of therapeutic interventions in the Tamar Unit and the inconsistencies and lack of transparency in the practical implementation of the BMP. The Tamar Report further noted a lack of formal process combined with a high level of managerial discretion regarding the segregation of people in custody meant 'there is nothing to prevent the problems which have arisen in the unit from arising again'.[51] Indeed, the Ombudsman wrote that:

> …in the absence of any meaningful therapeutic component, there is a strong argument that the Program is not about behaviour management but is rather all about discipline.[52]

The 2011 *Risdon Prison Complex Inquiry* (Palmer Report), conducted by Mick Palmer AO APM, noted it appeared little had changed since the Ombudsman's review.[53] The Palmer Report found the Tamar unit has:

> …taken nearly all privileges from prisoners and left them feeling they have nothing left to lose. This is both counter-productive to positive behaviour change and dangerous in that it is eliciting the very behaviour it is seeking to control.[54]

5.2 The Custodial Inspector highlighted the Tamar unit lacked an operating model and was failing to meet basic human rights

We noted in our *Custody Inspection Report 2018* that the Tamar unit had no operating model, nor had there been one for a significant period. The lack of operating model or other documentation meant staff did not have clear guidance about the purpose of the unit. This was demonstrated by correctional staff describing Tamar as a punishment or segregation unit, while the Tasmania Prison Service (TPS) considered its purpose to be behavioural management, not punishment.[55] The eventual establishment of an operating model was not sufficient to resolve concerns and appears to have been ignored in any event as the Hostile Management Regime was not in accordance with it.

Our *Custody Inspection Report 2018* noted the recommendations from the

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[51] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p103.

[52] Ombudsman Tasmania (2010), Risdon Prison Complex Tamar unit and behaviour management program, p44.

[53] Palmer M (2011) Risdon Prison Complex Inquiry, p113.

[54] Palmer M (2011) Risdon Prison Complex Inquiry, p25.

[55] Office of the Custodial Inspector (2019) Adult Custody Inspection Report 2019, p96.

Ombudsman's Tamar Report had either not been actioned by TPS at the time or the practices in the Tamar unit had reverted to previous practices. The report found many of the issues raised in the Tamar Report remained relevant and recommendations should be reviewed and actioned by TPS.[56] TPS supported the recommendations made in the *Custody Inspection Report 2018*.

Our *2020-21 Annual Report* noted that despite some positive changes following the Palmer Report, the Custodial Inspector was:

> increasingly concerned that the conditions in the Tamar unit have reverted to an inhumane environment with prisoners being held under unduly restrictive conditions…the situation in the Tamar unit is such that TPS is failing to meet a number of basic human rights.[57]

From the Tamar Report in 2010 onwards, there have been ongoing issues with the purpose of the Tamar unit and the management of challenging behaviour. The consistent consequence has been systemic failures to fulfil human rights obligations. Structural change is required to interrupt this pattern.

[56] Office of the Custodial Inspector (2019) Adult Custody Inspection Report 2019, p98.

[57] Office of the Custodial Inspector (2019) Annual Report 2020-21, p25.

6 The Hostile Management Regime was imposed on top of Tasmania Prison Service sanctioned processes

At the time the Hostile Management Regime was used to address challenging behaviours, there were already approved processes in place for this purpose. These included disciplinary procedures for specific incidents and the broader Behavioural Management Program (BMP). Tasmania Prison Service has not historically managed hostile behaviour well detailed the historical issues with behaviour management. The Hostile Management Regime arose in the context of these issues.

6.1 Some correctional officers imposed discipline outside of the authorised process

Tasmania Prison Service (TPS) has clear disciplinary processes for people in custody found guilty of prison offences. These are detailed in *Director's Standing Order 1.23 Disciplinary Process* (DSO 1.23), which is easily accessed and well-understood within the prison. Custodial staff implementing the Hostile Management Regime acted outside of DSO 1.23, imposing additional, unsanctioned punishment to the authorised disciplinary measures people had already received.

DSO 1.23 was in use during both versions of the Hostile Management Regime. Its purpose is to ensure people in custody are disciplined in a fair, just and humane manner proportionate to the seriousness of the offence. This reflects Nelson Mandela Rule 36:

> Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.[58]

DSO 1.23 outlines the disciplinary process to be applied based on the number and severity of offences. The range of possible penalties listed includes temporary loss of privileges such as access to canteen purchases and visits beyond minimum entitlements. It includes guidelines determining when separation to the Franklin Unit (the discipline unit) is an appropriate sanction. The guidelines mention possible referral following disciplinary separation to the

[58] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016, p11.

Huon or Tamar units for administrative segregation, another type of separation which includes the BMP.

Separating people who have committed offences, the most severe disciplinary measure available, helps reduce or prevent violence by imposing higher security conditions and minimising contact with staff or other people in custody.[59] This includes handcuffing when outside of cell and limited or no interaction with others in exercise yards. This type of disciplinary separation is strictly limited to a maximum of 30 days. DSO 1.23 also includes an appeal process in which people can request an investigation or hearing outcome be reviewed by a more senior officer.

In the context of the inherent power imbalance between custodial staff and people in custody, these formal disciplinary processes constitute an essential safeguard. The disproportionate and inhumane disciplinary actions staff imposed via the Hostile Management Regime, by contrast, were neither formally authorised nor scrutinised and people in custody had no avenue for appeal.

6.2 The behaviour management program was failing

In addition to the disciplinary separation discussed in Section 6.1, DSO 1.23 provides for a person to be placed on further administrative segregation due to challenging behaviour. While segregation reduces challenging behaviour by limiting contact with others, segregation alone has no significant effect on future behaviour.[60] People in segregation who have access to behaviour modification programs show reduced future violence.[61]

The TPS-sanctioned behaviour management program involves the High Risk Assessment Team (HRAT). The HRAT was preceded by the BMP. It comprises a multidisciplinary team including the Superintendent maximum units, Correctional Supervisors maximum units and staff from the Therapeutics Service Unit and the Rehabilitation and Reintegration team.

HRAT's purpose is to help people address challenging behaviours, lower risk

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[59] Meyers, T. J., Testa, A., & Wright, K. A. (2021). Managing violence: In-prison behavior associated with placement in an alternative disciplinary segregation program, p1. *American Journal of Criminal Justice*. https://doi.org/10.1007/s12103-021-09634-9

[60] Meyers, T. J., Testa, A., & Wright, K. A. (2021). Managing violence: In-prison behavior associated with placement in an alternative disciplinary segregation program, p5. *American Journal of Criminal Justice*. https://doi.org/10.1007/s12103-021-09634-9

[61] Meyers, T. J., Testa, A., & Wright, K. A. (2021). Managing violence: In-prison behavior associated with placement in an alternative disciplinary segregation program, pp6-7. *American Journal of Criminal Justice*. https://doi.org/10.1007/s12103-021-09634-9

levels and return to the general prison population at the earliest appropriate time. It aims to achieve these goals by developing and administering individualised behavioural support plans and interventions.[62] The HRAT was active during both iterations of the Hostile Management Regime and still operates in the behavioural management units. It was responsible for overseeing some, but not all, of the people who were also subjected to the regime.

Research detailing best practice in custodial behavioural management programs notes that time spent in administrative segregation should be as productive as possible. This includes individual Behaviour Management Plans that provide a clear pathway for return to mainstream accommodation, access to treatment programs and constructive recreation activities.[63] According to these measures, the HRAT was not consistent with best practice during the time of the Hostile Management Regime.

A 2022–23 internal TPS review of HRAT, around the time the Hostile Management Regime appears to have started, heard from both senior operational and specialist staff that the program was not operating as intended. The review, drafted by a senior clinician within TPS, concluded the HRAT program:

> …as it is currently operating is not functioning well and is largely operating as a restrictive separation model that does not address the challenging behaviours and attitudes of the prisoners under its management.[64]

The review highlighted strict conditions in the Tamar unit, where even without the Hostile Management Regime, people had irregular access to minimum out of cell hours and little, if any, access to meaningful activities. When combined with a HRAT program that was not effectively modifying behaviour, the review considered this amounted to a restrictive separation model.

The review acknowledged the HRAT program is resource-intensive for both custodial and non-custodial staff. However, it stated:

> …that a HRAT model approach offers the best possibility of assisting prisoners under HRAT management to achieve a meaningful degree of long term attitudinal and behaviour change; thereby assisting in keeping all TPS staff safe

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[62] Tasmania Prison Service (2024) *Director's Standing Order 1.24 – Separate confinement of prisoners*, version 2.2.

[63] Tasmania Prison Service (April 2023) High Risk Assessment Team Program - review report, p27.

[64] Tasmania Prison Service (April 2023), High Risk Assessment Team program – review report, p 6.

> and ultimately the community.[65]

The review made 22 recommendations. They fall under five broad categories of training, the multi-disciplinary functioning of the program, documentation, the HRAT model and the physical environment (refer to Appendix 2 for full recommendations). TPS advised us that five of the recommendations have been completed. These primarily relate to documentation.

At the same time as the internal review was undertaken and after its report had been provided to TPS senior management, the Hostile Management Regime was operating. TPS staff told us the regime was created to manage 'hostile' behaviour and keep staff safe. They considered existing TPS processes, including HRAT, were inadequate. Some correctional officers created their own system to fill the perceived gap left by TPS's lack of action on its internal review and past external reviews. The default became discouraging poor behaviour rather than supporting good behaviour.

Staff told us people placed on the Hostile Management Regime generally had a history of assaulting staff. They said the regime changed behaviour:

> When a person is put into a cell with no clothes, just a [SASH] gown and a [SASH] blanket, no mattress, nothing, no one can last like that for long.
>
> It did get results—they appreciated the basic things more and we had less abuse and vandalism.

However, staff also said they:

> had not considered the human rights aspect of the regime when they were using it.

TPS requires an effective model for managing challenging behaviours. Its absence was one of the conditions that led to the creation of the Hostile Management Regime. TPS must consider previous external and internal recommendations as well as current research and engage with staff around implementing a model that can change behaviour—while respecting human rights—and keep staff and other people in custody safe. Staff should be provided updates on this work addressing the challenges they face.

Recommendation 3

Tasmania Prison Service should implement a best-practice behaviour management model.

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[65] Tasmania Prison Service (April 2023) High Risk Assessment Team Program - review report Review, p6.

7 Stronger internal oversight and governance arrangements are necessary to prevent a recurrence

The Hostile Management Regime commenced and was able to operate—twice—partly due to inadequate internal transparency, oversight and accountability mechanisms. Improving these systems is one way to prevent similar issues occurring again.

7.1 Staff conduct needs to be considered

As outlined in Tasmania Prison Service management response, when a member of the Tasmania Prison Service (TPS) Senior Management team first became aware of the Hostile Management Regime they did not investigate why and how it came about and who was responsible. The Custodial Inspector role is to consider systemic rather than individual conduct issues. Therefore, this review does not consider individual staff members who created or enabled the Hostile Management Regime. This does not mean individual conduct should not be considered via relevant channels.

All Tasmanian State Service employees are required to comply with the *State Service Code of Conduct* detailed in s9 of Tasmania's *State Service Act 2000* (State Service Act). This Code of Conduct requires employees to behave with integrity, act with care and diligence, treat others with respect and comply with State Service Principles. One of these principles is that the State Service, which encompasses the TPS and its employees, must perform its functions in an ethical and professional manner. Section 6(4) of the *Corrections Act 1997* (Tas) also specifies that a correctional officer or State Service corrections employee must comply with Director's Standing Orders. This obligation is considered a conduct requirement under the *State Service Code of Conduct*.

Given the legislative requirements governing TPS staff, there are legitimate questions about whether staff involved with the Hostile Management Regime acted lawfully and in accordance with employment conditions. Despite this, to our knowledge, staff conduct issues were not considered the first time the regime was operating. Only one Senior staff member was counselled the second time. If TPS staff had addressed the Hostile Management Regime's enablers the first time it was being used, it may not have reoccurred.

Accountability and integrity are two of the Department of Justice's values governing the TPS. In line with those values, TPS should review the actions of those responsible for the Tamar, Franklin and Huon units and the staff working within them while the Hostile Management Regime was in use. The review

should aim to establish whether staff acted in accordance with the State Service Act, which includes complying with Director's Standing Orders, and if any disciplinary action is necessary.

Recommendation 4

Tasmania Prison Service review the conduct of staff involved in implementing, delivering and overseeing the Hostile Management Regime.

7.2 Improved internal oversight is required

TPS Operating Manuals for the Tamar, Franklin and Huon units detail inspection requirements by the Director of Prisons, Risdon Prison Complex (RPC) General Manager and Superintendent of the maximum units. While the Director of Prisons and RPC General Manager are expected to undertake 'regular' inspections, the Superintendent is required to inspect at least weekly. There is no explicit requirement for any of the inspections to include speaking to people detained in the units.[66] This is despite the 2011 *Risdon Prison Complex Inquiry* (Palmer Report) recommending the RPC General Manager inspect the segregation unit at least once a week and speak to all people in custody housed in the unit.[67] Given the unsanctioned Hostile Management Regime was able to operate in this unit, inspections should include talking to people in custody.

The RPC General Manager employed while the Hostile Management Regime was operating told us they conducted regular inspections and referred any concerns to the Superintendent of the maximum units. If a unit was operating appropriately and no concerns were detected, the RPC General Manager did not make a formal record of the inspection. Without such records it is not possible to verify when these inspections occurred, what was observed and what actions (if any) were needed. Similarly, we are not aware of any records of inspections conducted by the Director of Prisons or Superintendent of the maximum units during either version of the Hostile Management Regime.

The current RPC General Manager (who was not in this role during the Hostile Management Regime) also does not record inspection notes. We have discussed this matter with TPS, who advised us the RPC General Manager

[66] Tasmania Prison Service (September 2022) Operating Manual Tamar and Franklin Units, version 3.3; Operating Manual Huon Unit, version 1a.

[67] Palmer M (2011) Risdon Prison Complex Inquiry, p16.

intends to commence making records.

We recommend these internal oversight mechanisms be embedded in policy and regularly audited.

Recommendation 5

Tasmania Prison Service update Operating Manuals to include strengthened inspection requirements for each senior staff member, including:

- **frequency (at least weekly)**
- **speaking with people in custody, particularly those on separation orders**
- **formal recording, including concerns identified and any related actions.**

7.3 Independent review of segregation has been previously recommended and needs to be actioned

The Tamar Report recommended amending the *Corrections Act 1997*:

> …to place controls around segregated detention whatever the reason for it – whether it be discipline, behavioural management, maintenance of good order, protection or problems arising from prison design. I recommend that consideration be given to including an independent review mechanism such as the one to be found in the *Crimes (Administration of Justice) Act 1999* (NSW).

This recommendation, like most of those made by the Tamar Report, has not been actioned. Nearly 15 years later, more robust oversight of segregation practices is still needed to prevent another recurrence of the Hostile Management Regime. We agree an independent review mechanism is required and consider legislative change would further strengthen safeguards.

Recommendation 6

Amend the *Corrections Act 1997* (Tas) to strengthen controls around separate confinement. These should include an independent review mechanism.

7.4 Tasmania Prison Service can increase transparency by publishing policies and procedures online

People in custody are entitled to human rights regardless of whether they have committed prison offences or been placed on a behavioural management plan.

Director's Standing Order 1.24 Separate Confinement of Prisoners (DSO 1.24) outlines the conditions for people subject to separate confinement, including information about the High Risk Assessment Team.[68] DSO 1.24 is not available on the Tasmania Prison Service website.

Other jurisdictions in Australia also have policy and procedure documentation detailing the conditions for people in custody subject to separation and behaviour management systems.

New South Wales and Victoria detail conditions on separation and publish information regarding their behaviour management plans.[69] Queensland details conditions on separation and publishes information regarding their intensive management plans.[70] Western Australia details conditions on separation and publishes information regarding their behavioural management strategies.[71]

Most custodial policies and procedures for New South Wales, Western Australia, Queensland and Victoria are available online for the public to access.[72] This is in contrast to Tasmania, where less than half of Tasmania Prison Service (TPS) policies and procedures are publicly available online.[73] Even basic information such as policy names, publication and review dates is not provided. In the interests of transparency and in line with other jurisdictions, we consider the TPS should make more policies and procedures publicly available online. Any security concerns could be reduced by appropriate redactions. Increased transparency would provide a framework for professional stakeholders and community members to understand the expected treatment of people in custody and increase the ability to raise any concerns about

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[68] Tasmanian Prison Service (25 November 2025), *Director's Standing Order 1.24 Separate Confinement of Prisoners*, version 3.0.

[69] Corrective Services NSW (2020) Custodial Operations Policy and Procedures - 3.11 Behaviour Management, version 1.2, NSW Government: Communities & Justice; Corrections Victoria (2017 & 2019) Sentence Management Manual Part 3: Prisoner management | Corrections, Prisons & Parole, PM 3 Separation regimes & PM 5 Incentive based regimes.

[70] Queensland Corrective Services (2025) Custodial Operations Practice Directive - Prisoner Behaviour Management Intensive Management Plans, version 07, Queensland Government.

[71] Western Australia Corrective Services (2024) Commissioner's Operating Policies and Procedures: Prisons (COPP) – COPP 10.1 Prisoner Behaviour Management, version 6.0, Government of Western Australia Department of Justice.

[72] Corrective Services NSW (2025) Custodial Operations Policy and Procedures (COPP) | Corrective Services NSW Home; Western Australia Corrective Services (2026) Commissioner's Operating Policies and Procedures: Prisons; Queensland Corrective Services (2026) Custodial operations practice directives; Victoria Corrections System (2025) Frameworks, policies and standards | Corrections Victoria

[73] Tasmania Prison Service (2 February 2026) Policies and procedures | Prison Service, accessed 30 August 2026

irregularities in practice. This would contribute to protecting human rights.

Recommendation 7

Tasmania Prison Service publish Director's Standing Orders and other policies online to increase transparency and accountability to the greatest degree possible.

7.5 Tasmania Prison Service committed to strengthening human rights training for managers

TPS training for new correctional staff includes a one-hour session introducing human rights and duty of care principles. This session covers the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules) and the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (Bangkok Rules).[74] Hard copies of the Nelson Mandela Rules and the Bangkok Rules are provided to all recruits. The principles of duty of care and human rights are also integrated into other sessions throughout the recruit training program.

Our *Inhumane treatment in dry cells–review report 2024* recommended the training for TPS Supervisors include a dedicated unit on human rights standards for people deprived of their liberty.[75] TPS supported this recommendation in 2024 and intended to source or develop a relevant unit. They also indicated support for providing this training to all managerial staff.[76] In a June 2025 update, TPS indicated no action had been taken but they planned to develop a unit for the next Supervisor training.[77] Given the significant breaches of human rights by staff during the Hostile Management Regime, TPS should develop and provide this training as soon as possible. It should also engage with the Integrity

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[74] United Nations General Assembly The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules): resolution/adopted by the General Assembly, A/RES/70/175, 8 January 2016; United Nations General Assembly United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) | OHCHR: resolution/adopted by the General Assembly, A/RES/65/229, 16 March 2011.

[75] Office of the Custodial Inspector (2024) Inhumane treatment in dry cells - 2024: Review Report.

[76] Office of the Custodial Inspector (2024), Inhumane treatment in dry cells - 2024: Review Report p48.

[77] Letter from Director of Prisons to the Custodial Inspector, 29 August 2025 ('Update on the progress made in implementing the recommendations outlined in the *Inhumane treatment in dry cells – review report 2024*').

Commission to ensure its staff are receiving training in ethical decision making.

7.6 Specific training is required for correctional staff working in the Tamar and Franklin units

Director's Standing Order 1.24 - Separate Confinement of Prisoners (DSO 1.24), in force during the Hostile Management Regime, outlines minimum requirements for staff training. Staff working in the administrative segregation units must complete TPS mandatory training as well as:

> specialised operational skills training developed to reflect the nature of the prison's highest security environment and the cohorts of prisoners that staff working in such an environment will be engaged with.[78]

The most recent version of DSO 1.24 in December 2025 replaced the need for specialised training with a local induction of the units.[79] People housed in the administrative behaviour units display some of the most challenging behaviours in the prison system. TPS told us staff working in the Tamar and Franklin units:

> are expected to demonstrate competence in handling difficult situations, the ability to form positive and constructive relationships with prisoners, and an ability to encourage positive changes in prisoners' attitudes and behaviours.[80]

Without specific training, staff may not be equipped to appropriately and confidently manage this challenging environment of behavioural management units. The Hostile Management Regime demonstrated that without these skills, staff may resort to inhumane practices to manage behaviour. Currently TPS expect staff to demonstrate relevant skills as outlined in the most recent DSO 1.24. However, the expectation should be TPS support staff by providing training to develop the appropriate skills. As such we recommend TPS provide staff with specialised training.

Recommendation 8

Tasmania Prison Service provide staff, including supervisors, with specialised training that reflects the needs of people

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[78] Tasmania Prison Service (4 April 2022) *Director's Standing Order 1.24 - Separate Confinement of Prisoners*, version 2.0.

[79] Tasmania Prison Service (4 December 2025) *Director's Standing Order (DSO) 1.24 - Separate Confinement of Prisoners*, version 3.0.

[80] Tasmania Prison Service (27 November 2025) Information request: Hostile Management Regime review.

accommodated in the administrative segregation units.

The 2023 High Risk Assessment Team (HRAT) review also identified the need for improved training for staff working with people in custody overseen by HRAT. Specifically, it recommended they undertake externally sourced training in Motivational Interviewing and Trauma Informed Interventions. The review stated this would enable improved communication, including more positive interactions, between staff and people in custody. It would also enable staff to better support people in custody with reaching HRAT goals. We endorse this recommendation.

7.7 Staff raised concerns but no action was taken

A number of staff told us they reported concerns and asked questions about the Hostile Management Regime to TPS Senior staff. These included:

- Whether the regime was legal
- Whether the regime was consistent with any Operating Manual or Director's Standing Order
- Where individual plans were recorded (they were not in the usual case files)
- Pointing out the regime reflected the situation detailed in the 2011 Palmer report, where people had nearly all privileges removed and there was no transparency in the running of the units.

TPS did not act on these reports.

Staff told us they could not access individuals' Hostile Management Regime plans. One staff member asked for a copy of a plan and was told by a senior staff member:

> The hostile management plans are developed for Correctional staff in order to manage prisoners who have been involved in serious incidents and assaults on staff who are continuing to threaten staff and refusing to comply with directions. The hostile management plan is not supplied to the prisoner as it is a tool to gain compliance. If prisoners were to be made fully aware of the plan, we run the risk of false compliance in order to progress to a point where they are able to act out and fulfil their threats of assault on staff.[81]

Some staff told us it was difficult to raise concerns with TPS Senior staff. They said TPS culture supports compliance rather than questioning. Other staff members told us they would not feel comfortable contacting TPS Senior staff.

[81] Internal TPS email, 27 January 2023.

When we asked why, they referred to themselves as 'just a baggy bottom', which is slang for new officer.

7.8 Reporting staff misconduct can be difficult

There are limited options for TPS staff to report concerns about colleagues' behaviour. These options may be difficult to identify, complex to undertake and result in personal repercussions.

Director's Standing Order (DSO) 5.11 Complaints Process (DSO 5.11) is not for staff complaints or grievances.[82] DSO 5.11 refers staff to the Department of Justice Grievance Management Policy, with an electronic link that does not take you to the policy.[83]

The TPS intranet home page also has a link for the Department of Justice Grievance Management Policy, but this link did not work when we were researching processes for TPS staff to complain. We could not find any other information on the TPS intranet home page about how to report concerns about colleagues' behaviour. This lack of information on the TPS intranet does not make it easy for someone to make a complaint about a staff member or their conduct.

The ability to report concerns about colleagues' behaviour can also be affected by the culture of a work environment. A study in two Australian prisons noted an unwritten rule among custodial officers about not reporting inappropriate behaviour among colleagues.[84]

Staff may decide not to report colleagues' behaviour due to fear of reprisal. Reprisal refers to someone causing detriment (harm) to a person they believe has made a report or complaint.

There are numerous reports in Australia and overseas of prison staff

[82] Tasmania Prison Services (May 2025), *Director's Standing Order 5.11 Complaints Process*, version 1.1.

[83] Tasmania Prison Services (May 2025), *Director's Standing Order 5.11 Complaints Process*, version 1.1 (online – TPS intranet).

[84] S. Peart, L. Van Niekerk & K. Norris (04 Jul 2025): 'It's largely the people you work with' – understanding the work climate in small Australian prisons, *Psychology, Crime & Law*, p12, DOI: 10.1080/1068316X.2025.2528080

experiencing reprisals for reporting wrongdoing.[85] These have included bullying, loss of career, being ordered to take indefinite leave and have sometimes resulted in long-term negative mental health outcomes.

A positive development within the TPS in 2026 has been the establishment of a Professional Standards Unit, based at the prison. This unit of two staff will be responsible for reviewing staff conduct. Being located at the prison and being part of the prison organisational structure, as opposed to being located in the broader Department of Justice, should help to better elevate staff accountability and best practice.

7.9 Understanding of public interest disclosures can be strengthened

Public service staff (including TPS staff) can report the improper conduct of other staff internally or, if they fear reporting concerns within their organisation or have exhausted these options without resolution, they may speak to an external integrity organisation. Often termed 'whistleblowing', this practice is seen by many public agencies as the main means of exposing improper conduct.[86]

In Tasmania, the *Public Interest Disclosures Act 2002* (the PID Act) enables 'whistleblowing'. The PID Act:

- has the purpose of encouraging and facilitating complaints (called 'disclosures') about 'improper conduct' of Tasmanian public officers or public bodies;
- provides for disclosures to be properly investigated; and
- protects people making disclosures from reprisals.

We consider the Hostile Management Regime would have met the PID Act's threshold for 'improper conduct' in terms of 'unlawful activity' and 'serious or significant maladministration'. Despite this, we are unaware of any TPS staff making public interest disclosures, nor of TPS assessing concerns raised as public interest disclosures. When we asked staff about public interest

[85] Gary Adshead, Prison whistleblower sent on leave, The West Australian, online 6 July 2013; Echo Hui Former NSW prison officers say system protects abusers and silences women, ABC News, online 1 March 2026; Michael Balsamo and Michael R. Sisak, Whistleblowers say they're being bullied for exposing federal prison abuses , PBS News, online 24 February 2022; Diane Taylor Prison officer claims she was dismissed for being a whistleblower , The Guardian, online 17 October 2018.

[86] Brown, A J et al, Clean as a whistle: a five step guide to better whistleblowing policy and practice in business and government. Key findings and actions of Whistling While They Work 2, Brisbane: Griffith University, August 2019, p8.

disclosures, one person told us:

> [Staff] fear doing that. You've got to work with these people every day, it's a huge part of why people don't speak up.

The Department of Justice, which includes TPS, has a publicly available procedure which lists 'officers' within the department who can receive public interest disclosures.[87] None of these staff are based at TPS and they are all in senior positions—these factors may compound the already daunting prospect of reporting concerns. The department could address this by appointing and training public interest disclosure officers located at prison sites.

In addition, staff may not have been aware of the PID Act. TPS advised us they have not provided training or information to staff about public interest disclosures. Under the PID Act, the Secretary (of the relevant department, in this case the Department of Justice) holds responsibility for ensuring the importance of the PID Act is promoted and staff are educated about it. As noted in our *Inhumane treatment in dry cells–review report 2024*, this legislation is a relatively underutilised means of reporting improper conduct in Tasmania. The TPS may prevent or curtail future ill-treatment by educating staff about the PID Act and the protections it provides, as it is required to do.

The public interest disclosure process also provides a critical safeguard against inaction. When concerns meet the PID Act's public interest disclosure threshold, a process commences that includes:

- a presumption that concerns will be investigated;
- external oversight by the Ombudsman;
- timeframes for investigation; and
- reporting of outcomes to the Ombudsman (who must then review it) and the discloser.

This process is only activated if the agency assesses a disclosure as meeting the threshold. It is therefore critical that staff, both those who might make a disclosure and those who may receive one, are aware of this legislation.

Recommendation 9

The Department of Justice promote and educate Tasmania Prison Service staff about the *Public Interest Disclosures Act 2002*, including:

[87] Department of Justice, Public Interest Disclosure Officers Tasmanian Government - Department of Justice website, accessed 27 February 2026.

- **creating a compulsory training unit on public interest disclosures for all uniformed and non-uniformed staff**
- **appointing and training public interest disclosure officers within the Tasmania Prison Service**.

7.10 Members of the public can raise concerns, but processes need to be improved

People and services in the community can also contribute to preventing or reducing ill-treatment in custodial facilities. People in custody often inform families, friends, lawyers and service providers about their treatment and they can form an essential safeguard. However, if complaint processes are not clear and robust, this early warning system can fail.

Publicly available information about complaints processes must be clear, accessible and comprehensive. Complaint processes should be made as easy as possible, including different means of making complaints and sharing information about processes for external review. Notably, the Department of Justice is required to provide the option of anonymity wherever it is lawful and practicable.[88] This may ease fear of reprisals.

The complaints page on the TPS website does not demonstrate best practice. It offers only one avenue for making a complaint: complainants must complete a form (using their name) then post or email it to the TPS Performance and Compliance Unit.[89] The complaints page is missing essential information (though some of it is in located elsewhere on the website) about:

- how complaints about staff are handled;
- anonymous complaint options;
- use of complainants' information;
- escalation and review pathways such as making a complaint to the Department of Justice or external bodies such as the Ombudsman; and
- how to make a public interest disclosure.

By contrast, equivalent websites in other Australian jurisdictions contain more detailed information such as making complaints about staff and how to contact

[88] See Schedule 1, principle 8 of the *Personal Information Protection Act 2004*.

[89] Tasmania Prison Service (2025) Contact us | Prison Service, Tasmania Prison Service website, accessed 16 December 2025.

independent oversight bodies.[90] Improving complaints processes and information would support TPS to identify and address significant concerns. Information about escalation pathways is particularly helpful in ensuring people are aware of their ability to complain to bodies such as the Ombudsman if dissatisfied with a TPS response.

Recommendation 10

Tasmania Prison Service improve complaints process information, including:

- **providing fulsome and accessible publicly available information about the internal complaints process;**
- **offering options for making complaints, including anonymity; and**
- **providing information about external complaint bodies.**

7.11 People in custody did not make complaints about the Hostile Management Regime

We discussed the TPS complaints process for people in custody in our *Custody: reception to release inspection report 2025*. We were satisfied the complaint process was sufficient but outlined reports of people in custody choosing not to make internal complaints for various reasons, including a lack of faith in the process.

TPS advised us it did not receive any complaints about the Hostile Management Regime. Relevantly, while on the regime, people could not telephone the Ombudsman and had limited or no access to pen and paper to record a written complaint. This effectively prevented many people from making complaints, which contravenes Nelson Mandela Rules 56 and 57. While this lack of access did not prevent people in custody from making verbal complaints to correctional officers during the regime, nor from making complaints afterwards, TPS did not record any complaints. Given the Hostile Management Regime consisted of denying people basic human rights when they were not 'compliant', it is perhaps unsurprising no complaints were recorded. A lack of faith in official processes and fear of negative consequences would be understandable in the context of

[90] ACT Government Feedback and complaints - ACT Government ; Government of Western Australia (2026) Feedback to Corrective Services, Department of Justice ; Queensland Government (2025) Compliments and complaints | Department of Justice ; Corrections, Prisons & Parole (2026) Make a complaint | Corrections Victoria

the treatment outlined in this report.

8 Conclusion

The Hostile Management Regime demonstrated what can happen when human rights are not considered as part of any behaviour management system. This report has outlined the systematic mistreatment of people in custody over two time periods by some staff responsible for their care. When senior staff within the Tasmania Prison Service (TPS) found out about the regime initially in 2023, their response to it was only directing that it stop.

Custodial centres must ensure the safety of staff and people in custody by addressing challenging or violent behaviour. But this should not occur through deprivation and degradation of people in custody. This is not, and cannot ever be, considered acceptable. Any challenging or illegal conduct by people in custody must be addressed. This should be through fair and transparent disciplinary processes and evidence-based therapeutic interventions consistent with best practice and the guiding principles of the *Corrections Act 1997* (Tas). One such principle is that individuals are capable of change. If the State is actively harming people in custody, that change may not be for the better.

We reviewed the Hostile Management Regime due to the systemic issues arising from the treatment people received and in light of the broader context of how TPS has managed challenging and dangerous behaviour in the past. This is not the first time issues in behaviour management units have been investigated and reported to the TPS. The Tamar Report, the Palmer Report and earlier Custodial Inspector reports have all reported problems in the behavioural management units.

We have made a number of recommendations and endorsed previous recommendations aimed at addressing the complex reasons for the introduction and continuation of the Hostile Management Regime. These reasons include insufficient oversight, a poorly functioning behaviour management system and inadequate training and support for staff who work in the behavioural management units.

The Department of Justice has supported all recommendations relating to it. The Minister for Corrections and Rehabilitation has supported in principle recommendation 6 to amend the *Corrections Act 1997* (Tas) to strengthen controls around separate confinement, including an independent review mechanism. Their responses can be found in Appendix 4 – Department of Justice response and Appendix 5 – Correspondence from the Minister for Justice, Corrections and Rehabilitation.

Appendix 1 – Hostile Management Reset Plan for Tamar/Franklin

5.2.2024

Hostile Management or

Reset Plan for Tamar/Franklin

If prisoner are placed on Hostile management or reset regime they will be restricted to canvas bedding/normal prisoner clothing less shoes (canvas gowns can only be utilised for actual SASH related events), NO HOT WATER, no reading material and no personal cell contents.

Personal visit privileges will cease upon a Hostile management plan being initiated, professional phone calls will need to be rescheduled where practically possible however if they are court mandated / legal phone calls we are required to facilitate these if it is safe to do so.

Prisoners will be required to take up the surrender position prior to Tamar/Apsley staff entering the allocated cell up until the commencement of Day 3 at which time the Hostile management plan indicates a level of compliance has been achieved, prisoners beyond Day 3 of the Hostile management plan will then be required to move to the rear of the cell and kneel down on their knees with their hands behind their back in clear view facing away from Correctional Officers.

Items will be returned as per plan or supervision approval

Day zero
The day the reset happens with 2 x Canvas blankets supplied only, prisoner to remain in normal prisoner clothing less shoes

Day 1 after the reset

- Mattress returned with 2 x canvas blankets supplied only, prisoner to remain in normal prisoner clothing less shoes

Day 2 after the reset

- Toiletry pack as supplied by staff (less razor) – Tamar/Apsley staff only
- Prisoner supplied with towel but must be returned after use
- Allowed to have Franklin exercise yard door open (1hr)

Day 3 after the reset

- Removal of SASH blankets and normal prisoner bedding returned
- Access to television

5.2.2024

Day 4 after reset

- Provision of book and paper and pencil

Day 5 after reset

- Hot water at meals ONLY

Day 6 after reset

- Provision of phone call
- Personal visit privileges resume (Zoom only)
- Discussion around resuming normal prisoner entitlements to occur

If there is any non-compliance displayed by the prisoner during the Hostile management plan regime the Hostile management plan will be reset to the previous days restrictions, major incidents involving non-compliance to the Hostile management plan will result in a return to Day zero restrictions.

Appendix 2 – High Risk Assessment Team review report recommendations

The Tasmania Prison Service considers recommendations 2.1, 2.2, 2.4, 4.2 and 4.6 closed (highlighted in grey).

1.0 HRAT multidisciplinary functioning; it is recommended that:

1.1 A core staff model be developed that includes all staff streams working with HRAT and other segregated prisoners within the segregation and associated maximum units. This would allow more experienced staff to be rostered into the segregation units for a defined period of time and that enables the rotation of these staff at intervals to ensure a minimum number of experienced staff remain working in the units. This will enable the maintenance of contemporary knowledge of prisoners under HRAT management and ensure the availability of a mentoring presence for less experienced staff. This may also be consistent with current plans to introduce facility based teams within the TPS.

1.2 All staff involved in the management and provision of intervention to prisoners under HRAT supervision be provided with externally sourced training in techniques such as Motivational Interviewing and Trauma Informed intervention.

1.3 Opportunity be provided on a regular basis for multidisciplinary team training sessions to improve team understanding of the roles of each professional stream and the development of a shared understanding of strategies to achieve optimal outcomes for prisoners and staff.

1.4 TSU staff should maintain their primary role in assessment and management of SASH ideation and behaviour and monitoring for signs of deterioration in mental health. TSU staff may also provide interventions around mood management and stabilisation, regulating communication styles as well as providing debriefing following an incident when required.

1.5 IPU staff should undertake a primary role in the provision of DBT based interventions and the provision of jointly delivered preparatory programs such as Resilience Training. These IPU staff should be provided with externally sourced DBT training.

1.6 PRU staff should maintain their primary role in the provision of planning and reintegration services to those prisoners being released from prison and should continue provide supportive intervention when required.

1.7 Correctional Officers should be more closely involved in the development, reinforcement and achievement of prisoner BMP goals including the delivery of positive/negative feedback to prisoners about their progress or lack of progress towards BMP goals. This should be assisted by achievement of Recommendation 1.2.

2.0 HRAT documentation; it is recommended that:

2.1 There should be a minimum number of relevant Correctional Case notes in the CIS record for each HRAT prisoner each week as determined by Senior Correctional Managers and that completion of these notes should be audited at regular intervals. These CIS notes should provide a summary of recent prisoner behaviour and should provide comment on progress towards BMP goals on a regular basis where possible.

2.2 Supervisors and the Superintendent should ensure there is a regular CIS entry summarising their recent contact with HRAT prisoners regarding their well-being and needs. The frequency of these entries should also be determined by Senior Correctional Managers and audited at regular intervals.

2.3 A BMP should be developed for each individual prisoner under HRAT management within 4 weeks of acceptance into the program. BMPs should be developed through multi-disciplinary consultation and in consultation with the prisoner. Different aspects of the BMP may be developed by staff from specific professional streams. For example, the operational management and risk management strategies relevant to each prisoner may be developed by Correctional Officers. Similarly, the delivery and timing of treatment and intervention strategies to be provided should be developed by a relevant I&R staff member or members. A copy should be provided to the prisoner and the elements of the plan should be clearly explained, especially where the prisoner may experience limited literacy skills or any cognitive limitations. A copy of the plan should be easily available to relevant staff within the electronic HRAT folder. Plans should be reviewed and updated at least every three months.

2.4 All communication and documents relating to a HRAT prisoner be available to authorised readers within the G Drive HRAT file.

2.5 Case notes for professional visitors should be entered into the relevant data base for that service. However, all professional visitors should make appropriate entries into the CIS case note system (other than a simple notation that a visit was had) regarding the current situation of the HRAT prisoner including any notable progress or alerts and cautions all staff should be made aware of. Limitations on confidentiality around aspects of treatment interventions should be made explicit to the prisoner prior to commencement.

2.6 The G drive HRAT file should include at least:

a) a completed and signed referral document for the current HRAT episode that clearly articulates the reasons for referral to HRAT;

b) a completed and signed current Separation Order document;

c) an up to date BMP that includes both general and specific behavioural goals;

d) all weekly letters to prisoners;

e) a documented discharge plan when required; and

f) all other documents relevant to HRAT management including letters or communication to the HRAT panel from prisoners.

3.0 Training; it is recommended that:

3.1 All staff working with HRAT prisoners should undertake externally sourced Trauma Informed Intervention and Motivational Interviewing training. This will enable improved communication between segregated prisoners and staff and enable staff to interact more positively with prisoners on a regular basis. Such training should also assist staff to support prisoners in reaching their BMP goals and is a transferable skill that will assist staff as they work in all areas of the prisons.

3.2 All staff providing targeted behavioural interventions to HRAT prisoners should be provided with externally sourced DBT training.

4.0 HRAT Model; it is recommended that:

4.1 HRAT prisoners approaching release should be stepped down from HRAT management within segregation units six months prior to their release date if indicated as safe by a Risk Assessment process.

4.2 A defined time period for progression through the HRAT program be developed. Failure by the prisoner to reach behavioural goals specified in the BMP may result in increased program time.

4.3 Relevant I&R teams should develop a clear case formulation plan in which articulates the intervention role of each I&R practitioner and the interventions to be provided.

4.4 Where possible I&R staff are provided greater ease of access to the non-contact visit rooms to facilitate increased opportunity for professional visits with segregated prisoners.

4.5 Increase the availability of access to safe hobby and in cell activities as well as rehabilitative interventions for prisoners. Prisoners under HRAT management should be purposefully occupied to the greatest extent possible each day.

4.6 Provide I&R staff with a dedicated hot desk work space within the transitional units that will enable them to work alongside correctional officers with greater frequency.

5.0 TAMAR UNIT - Physical Environment, it is recommended that:

5.1 Consideration be given to the building of a purpose specific unit that will enable segregated prisoners greater access to individual and joint out of cell recreation areas, the development of whole of team multidisciplinary work area and in unit visit rooms for the delivery of targeted interventions. Alternatively, in the shorter term, that consideration be given to the development of additional out of cell exercise areas attached to the Tamar Unit

BMP	Behaviour Management Plan	**I&R**	Intervention and Reintegration Services
CIS	Custodial Information System	**PRU**	Planning and Reintegration Unit
DBT	Dialectical Behaviour Therapy	**SASH**	Suicide and Self-Harm
HRAT	High Risk Assessment Team	**TPS**	Tasmania Prison Service
IPU	Intervention Programs Unit	**TSU**	Therapeutic Services Unit

Appendix 3 – Processes used to conduct this review

People in custody

Thirty people in custody were identified to us as having been placed on the Hostile Management Regime. Individual interviews were conducted with 23 of the 30 people. Some people heard about our review[91] and contacted our team, some were identified by their lawyers, and some were referred by other people in custody with consent. Some people who were identified chose not to participate. Everyone who spoke with us did so voluntarily. We applied trauma informed care principles when interviewing people in custody and ensured the interviews were private.

Data analysis

The Hostile Management Regime was an unsanctioned practice and there was no policy or process about recording placement on the regime. This means that it was difficult to confirm how many people were placed on it, using different evidence sources.

We reviewed the Custodial Information System (CIS) file for each person identified as having been on the Hostile Management Regime. Using information from CIS, we were able to verify that 15 of the 30 people identified to us had been placed on the regime. We were able to confirm that all people interviewed were in the relevant units where the regime was in use during 2022 to 2024.

Relevant information was difficult to identify as data had not been recorded in searchable fields. To ensure all information was extracted from CIS, we reviewed all individual case notes for the period 1 January 2020 to 31 December 2024. Case notes are used by Correctional Officers to make regular observations about individual people in custody and were the main source of documentation to confirm placement on the Hostile Management Regime.

[91] See page 8 of the Office of the Custodial Inspector Annual Report 2023-2024 where we encouraged people with knowledge of the regime to contact us.

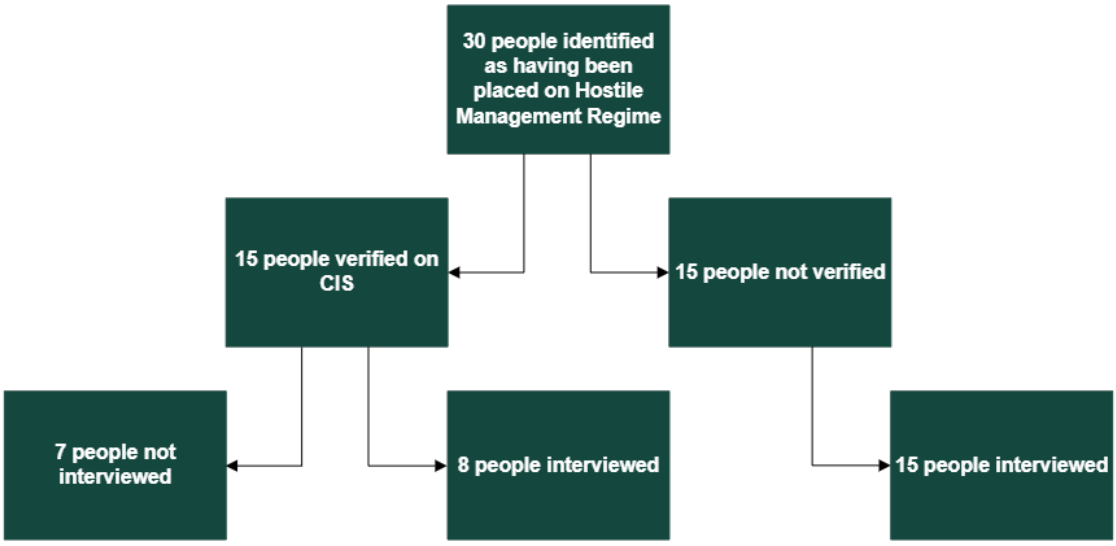

Figure 6. Flowchart of people identified as having been placed on Hostile Management Regime.

Tasmania Prison Service staff

We asked Tasmania Prison Service (TPS) to email all TPS staff to tell them of our review and we invited staff to contact us if they wished to speak about their experiences and observations of the hostile management regime. Recognising that staff may not want to be interviewed at their workplace about this sensitive topic, we offered staff the opportunity to be interviewed at a location of their choice. A small number of staff contacted us and some staff shared information with us while we were conducting monitoring visits. We also interviewed senior staff who were working in Risdon Prison Complex at the time the Hostile Management Regime was being used.

Information requests

We made formal requests for information from TPS, which is referenced in this report.

Appendix 4 – Department of Justice response

Department of Justice

Office of the Secretary

Level 1, 85 Collins St, Hobart TASMANIA 7000
GPO Box 825 Hobart TASMANIA 7001
P (03) 616 54943
E secretary@justice.tas.gov.au **W** justice.tas.gov.au

Tasmanian Government

Dr Grant Davies
Custodial Inspector
Office of the Custodial Inspector

By email: ci@custodialinspector.tas.gov.au

Dear Dr Davies

Departmental response to the 'Hostile Management Regime Report 2026'

Thank you for the opportunity to provide a response to the Hostile Management Regime Report 2026.

The Department of Justice appreciates the work undertaken in preparing the report and has carefully considered its findings and recommendations. The Department's response is attached to this correspondence for your consideration.

If there are any further questions, or require any further information, please do not hesitate to contact Nicole Sale, Acting Assistant Commissioner, [redacted].

Yours sincerely

Kristy Bourne
Secretary

23 October 2026

Response to recommendations

“The Department of Justice (the Department) acknowledges the work undertaken by the Custodial Inspector and his staff in relation to this report and thanks the Custodial Inspector for the opportunity to provide a response to the recommendations.

The Department acknowledges the findings regarding unsanctioned practices that occurred under the Hostile Management Regime and the impacts those practices had on people in its care. The treatment that occurred under those Hostile Management Plans was not acceptable and did not meet the standards expected by the Department. The Department is committed to ensuring all people in its care are treated in a humane, lawful and dignified manner and as such all recommendations are supported either in full or in part.

The Department recognises the demanding nature of correctional work requiring officers to frequently manage complex situations and individuals exhibiting challenging, unpredictable, and sometimes violent behaviour. However, methods of responding to and, ultimately, changing this behaviour must be consistent with approved policies and contemporary correctional practice, and maintain the safety, dignity and wellbeing of people in custody.

The Department has commenced work to strengthen practices for managing and supporting people in custody who present with challenging behaviours and welcomes the Custodial Inspector’s observations regarding the improvements made in behaviour management since 2024.The Department remains committed to continuous improvement of behavioural management practices and enhancing oversight and governance functions within the Tasmania Prison Service (TPS).

The TPS has provided some additional comments about inaccuracies in information in parts of the report for consideration, and trusts that where errors of fact were made, they have been corrected.”

1 *Director's Standing Order 1.24 Separate Confinement of Prisoners* should be reviewed to include consideration of individual needs and additional risk factors (including physical and mental health, disability, gender, age and culture) and the corresponding safeguards to be applied.

Response

The TPS acknowledges that separate confinement can have a disproportionate impact on some individuals, particularly those with disability and those whose age or cultural background may heighten their vulnerability. The TPS supports strengthening the requirement for further assessment of a person's individual needs prior to authorising separate confinement and will review current policy to strengthen this requirement.

Level of acceptance	Supported
Responsible agency	Department of Justice
Responsible business area	Policy
Proposed completion date	July 2027

2 Ensure people in the Franklin unit have access to the open air. In the interim, people housed in Franklin cells must have access to their individual exercise yards throughout the day.

Response

The TPS is holistically supportive of improving out of cell hours across all facilities. The TPS supports a review of the Franklin Operating Manual with a view of giving prisoners increased access to exercise yards and open air.

Level of acceptance	Supported in part
Responsible agency	Department of Justice
Responsible business area	Operations

Proposed completion date [Not provided]

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3 Tasmania Prison Service should implement a best-practice behaviour management model.

Response

Prisons are increasingly required to manage complex and challenging behaviours arising from the intersection of mental health, substance use, trauma, cognitive impairment and other psychosocial needs. The TPS also acknowledges the very difficult role Correctional Officers face when managing this behaviour. The TPS acknowledges that the current behaviour management model requires review to ensure it is effective, evidence-based, and aligned with contemporary correctional practice to support both the needs of people in custody and the staff responsible for their care and management.

The review of the behaviour management model aligns with an existing priority, with work already underway to commission an independent review. Commencing in November 2026, the review will provide advice on a contemporary, best practice model for managing and supporting people with complex and challenging behaviours. The review will consider what practices the TPS currently have in place and the specific presenting needs of our cohort.

Level of acceptance Supported

Responsible agency Department of Justice

Responsible business area Policy and Rehabilitation

Proposed completion date July 2027

4 TPS review the conduct of staff involved in implementing, delivering and overseeing the Hostile Management Regime.

Response

The TPS does not support the unsanctioned behaviour of this regime and supports this recommendation. An internal review will be undertaken by appropriately trained staff within the TPS who possess relevant investigative expertise and are independent of the matters under review. Terms of Reference for this review are currently being developed.

The review will consider organisational, governance and operational factors that enabled the regime to be implemented and maintained at the time, including any gaps in policy, oversight, training, decision-making and accountability arrangements.

The purpose of the review is not only to identify individual areas of concern, but also to ensure lessons are learned and incorporated into future practice, recognising that the role of a Correctional Officer is a difficult one. This approach reflects the TPS's commitment to continuous improvement, strengthening professional standards, and supporting staff to operate within clear and contemporary custodial practices.

Level of acceptance	Supported
Responsible agency	Department of Justice
Responsible business area	Various
Proposed completion date	July 2027

5 Tasmania Prison Service update Operating Manuals to include strengthened inspection requirements for each senior staff member, including:

- Frequency (at least weekly)
- Speaking with people in custody, particularly those on separation orders
- Formal recording, including concerns identified and any related actions.

Response

This recommendation has partially been completed, regular inspections by members of the Executive Leadership Team have been reinstated, with an emphasis on direct engagement and meaningful dialogue with people in custody. The TPS will now commence formalising this requirement in policy and consider the appropriate record keeping processes for this.

Level of acceptance	Supported
Responsible agency	Department of Justice
Responsible business area	Policy, Performance and Compliance and Operations
Proposed completion date	March 2027

6 Amend the *Corrections Act 1997* (Tas) to strengthen controls around separate confinement. These should include an independent review mechanism.

Response

The Department notes that this recommendation applies to the Tasmanian Parliament and it is a matter for Government.

Level of acceptance	N/A – responsibility of another agency
Responsible agency	Tasmanian Parliament
Responsible business area	N/A

Proposed completion date N/A

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7 Tasmania Prison Service publish Director's Standing Orders and other policies online to increase transparency and accountability to the greatest degree possible.

Response

A complete list of Director's Standing Orders is publicly available on the TPS website, with a number of policies published in full. As part of its commitment to transparency and accountability, the TPS is progressively increasing public access to its policies, with work currently underway to make additional appropriate policies publicly available, providing accessing these documents will not compromise the security, safety and good order of the prisons.

Level of acceptance Supported

Responsible agency Department of Justice

Responsible business area Policy

Proposed completion date January 2027

8 Tasmania Prison Service provide staff, including supervisors, with specialised training that reflects the needs of people accommodated in the administrative segregation units.

Response

The TPS is committed to reviewing and ensuring training meets the current needs of all employees. The TPS is undertaking a planned review of its training programs, including training for new Correctional Officers, to ensure they remain fit for purpose and aligned with the evolving needs of both officers and the people in the care of the TPS. As part of this review, a range of training elements will be assessed, with improvements and enhancements implemented where a need is identified. Consistent with Recommendation 3, any changes arising from the independent review of the behaviour management model will be supported through appropriate training for new recruits and refresher training for existing staff where required.

Level of acceptance	Supported in part
Responsible agency	Department of Justice
Responsible business area	Learning and Development
Proposed completion date	July 2027

9 The Department of Justice improve promotion and education about the *Public Interest Disclosures Act 2002* (Tas) for Tasmania Prison Service staff, including:

- creating a compulsory training unit on public interest disclosures for all uniformed and non-uniformed staff
- appointing and training public interest disclosure officers within the Tasmania Prison Service.

Response

The Department recognises the importance of ensuring that all its staff understand their rights and the associated protections afforded to them under the Public Interest Disclosures Act 2002 and the avenues available for reporting suspected misconduct.

The Department will consider opportunities to strengthen education and support, including reviewing existing training, and considering whether additional measures would further support staff to make disclosures and raise concerns with confidence.

Level of acceptance	Supported in part
Responsible agency	Department of Justice
Responsible business area	Learning at Justice
Proposed completion date	[Not provided]

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10 Tasmania Prison Service improve complaints process information, including:

- providing fulsome and accessible publicly available information about the internal complaints process;
- offering options for making complaints, including anonymity; and
- providing information about external complaint bodies.

Response

The TPS supports this recommendation and agrees that the information available on its website should provide greater clarity regarding the internal complaints process, including information about the avenue available for complaints to be raised through the Department of Justice complaints process and through to external authorities.

A current version of *Director's Standing Order 5.11 Complaints* is publicly available, and the TPS will include a direct link to this document on the relevant 'Making a Complaint' webpage to improve accessibility to this information.

The TPS has already commenced taking steps to amend broken links on the intranet page and review current information to provide guidance to staff on making complaints or raising concerns about the conduct of other staff members.

Level of acceptance	Supported
Responsible agency	Department of Justice
Responsible business area	Performance and Compliance and Policy
Proposed completion date	March 2027

Appendix 5 – Correspondence from the Minister for Justice, Corrections and Rehabilitation

OFFICIAL

Deputy Premier
Attorney-General
Minister for Justice, Corrections and Rehabilitation
Minister for Small Business, Trade and Consumer Affairs
Minister for Environment and Climate Change
Level 10, 15 Murray Street, HOBART TAS 7000
GPO Box 123 HOBART TAS 7001
Phone 03 6165 7678
Email [redacted]

Tasmanian Government

16 NOV 2026

Dr Grant Davies
Custodial Inspector
Office of the Custodial Inspector Tasmania
By email: [redacted]

Dear ~~Dr Davies~~ Grant

Thank you for sharing the draft report, *Hostile Management Regime Review 2026*. I would like to acknowledge the significant work undertaken by you and your team in investigating and preparing this report.

The treatment experienced by prisoners under the Hostile Management Regime between 2022 and 2024 was unacceptable and fell short of the standards expected by the Tasmanian Government. I am advised that the unauthorised practice was stopped in 2024, as identified in your report.

As Deputy Premier and Minister for Justice, Corrections and Rehabilitation, I expect all people in custody to be treated in a humane and lawful manner. I have made these expectations clear to the Tasmanian Prison Service and the Department of Justice, and instructed my Department to conduct a further Internal Investigation into the unsanctioned Hostile Management Plan.

I am advised that the Department has supported all recommendations from the draft Report, within their remit, either in full or in part. I note recommendation six is a consideration for Government. I can indicate that Recommendation 6 is supported in-principal, but note that I nor the Government have yet had the opportunity to receive detailed advice on the drafting of the proposed amendment. I agree with the intent of your recommendation that the Corrections Act could be strengthened around separate confinement.

OFFICIAL

I trust this information is of assistance in your finalisation of the draft Report.

Yours sincerely

Hon Guy Barnett MP
Deputy Premier
Attorney-General
Minister for Justice, Corrections and Rehabilitation
Minister for Small Business, Trade and Consumer Affairs
Minister for Environment and Climate Change

Appendix 6 – List of acronyms

BMP	Behavioural Management Plan
CIS	Custodial Information System
DBT	Dialectical Behaviour Therapy
DSO	Director's Standing Order
HRAT	High Risk Assessment Team
I&R	Intervention and Reintegration Services
IPU	Intervention Programs Unit
PID	Public Interest Disclosures
PRU	Planning and Reintegration Unit
RPC	Risdon Prison Complex
SASH	Suicide and Self Harm
TALS	Tasmanian Aboriginal Legal Service
TPS	Tasmania Prison Service
TSU	Therapeutic Services Unit

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