

In Confidence

Office of the Minister of Corrections

Cabinet Legislation Committee

Corrections Amendment Bill: Confirmation of status

Proposal

1 I seek Cabinet's approval to proceed with the Corrections Amendment Bill (the Bill).

Policy

2 The Bill updates the Corrections Act 2004 (the Act) to respond to Corrections' changing environment, such as increasing violence and aggression in prisons, and the changing complexities and risks presented by the people Corrections manages.

3 Cabinet also agreed to progress the Government's 100-Day plan to extend remand convicted prisoners' access to offence-based rehabilitation programmes through an Amendment Paper to the Corrections Amendment Bill [CAB-24-MIN-0037 refers].

4 The substantive changes made by the Bill are:

- 4.1 giving Corrections more powers to monitor prisoner communications and activities for intelligence purposes, thereby improving prison and public safety;
- 4.2 making the disciplinary process for prisoners timelier and more effective, including by introducing the option of suspended penalties and enabling disciplinary hearings to proceed without the accused prisoner present in certain situations;
- 4.3 strengthening the ministerial authorisation process for the use of new non-lethal weapons in prisons to ensure that decision-makers receive adequate information, and to clarify the limited situations in which non-lethal weapons can be used in response to passive resistance;
- 4.4 amending the principles of the Act to provide for improved rehabilitation and reintegration outcomes for Māori in prisons and in Corrections' management in the community so far as is reasonable and practicable, as Māori are significantly overrepresented in the corrections system;
- 4.5 enabling the limited mixing of remand accused and convicted prisoners for specialist programmes to enable innovation in our programme delivery and better access to programmes for remand prisoners; and
- 4.6 making other miscellaneous changes to support the safe operation of prisons, for example by enabling greater use of body imaging technology for personal

IN CONFIDENCE

searches, and enabling the use of body temperature scanners where there is a health risk that justifies their use (e.g. during a pandemic).

- 5 As noted, the Bill also includes specific requirements for Corrections to adhere to, to ensure the department addresses the needs of Māori. 9(2)(g)(i), 9(2)(f)(ii)
- 6 I am also seeking separate Cabinet approval to make additional amendments to the Bill. These changes include:
- 6.1 ensuring more timely disciplinary process hearings for prisoners;
 - 6.2 expanding the use of body imaging searches (e.g. body scanners);
 - 6.3 clarifying that prisoners identified as being at-risk of self-harm do not need to be strip-searched when they enter a cell designed for managing at-risk prisoners if they have been strip-searched immediately prior and a further search is not considered necessary;
 - 6.4 introducing statutory review periods for prisoners identified as being at risk of self-harm, or segregated from the mainstream population for medical oversight, to better ensure that such prisoners are not separated from the mainstream prison population for longer than is necessary;
 - 6.5 9(2)(f)(iv)
 - 6.6 replacing all references in the Act to ‘non-lethal weapons’ with ‘less-lethal weapons’.
- 7 The changes are proposed to be made through the departmental report on that Bill that Corrections is required to provide the Justice Committee in early April 2024. This process ensures the changes are made efficiently and makes the best use of Parliamentary Counsel Office time.

Consultation

- 8 Agency consultation was not undertaken for this paper. However, the Bill has been extensively consulted on during its development.
- 9 The following ministers with relevant portfolios were consulted and agree with the Bill continuing its progress through the House:
- 9.1 The Attorney-General, Minister of Police, Minister of Justice, Minister of Health, Māori Crown Relations: Te Arawhiti, and Minister for Children
- 10 The following political parties were consulted and support the Bill continuing its progress through the House:
- 10.1 New Zealand First and ACT Party.

Timelines for progress

- 11 The Bill is currently before the Justice Committee. The Justice Committee is due to report back to the House on the Bill by 31 May 2024.

Proactive Release

- 12 I will proactively release this Cabinet paper 30 working days after final Cabinet decisions have been made. Any information that may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Recommendations

The Minister of Corrections recommends that the Cabinet Legislation Committee:

- 13 **note** that the Corrections Amendment Bill aims to improve rehabilitation and reintegration for prisoners, and safety for prisoners, staff, and the public.
- 14 **agree** that the Corrections Amendment Bill continue to progress through the House of Representatives.

Authorised for lodgement

Hon Mark Mitchell

Minister of Corrections