

House of Representatives

Amendment Paper

Corrections Amendment Bill

Proposed amendments

Hon Mark Mitchell, in Committee, to move the following amendments:

Clause 4

In *clause 4*, before the definition of **audio link** (page 5, after line 18), insert:

accused prisoner—

- (a) means a prisoner detained only by reason of the fact that he or she is awaiting trial or is on remand in custody during the trial:
- (b) does not include a prisoner who is on remand awaiting sentence

In *clause 4*, after the definition of **intelligence purpose** (page 5, after line 25), insert:

non-offence-based programme means a programme designed to assist persons under control or supervision to reintegrate into the community (such as a medical, social, therapeutic, psychological, cultural, educational, employment-related, religion-based, or reintegrative programme)

In *clause 4* (page 6, after line 2), insert as subclauses (2) and (3):

- (2) In section 3(1), definition of **offender**, replace paragraph (c)(i) with:

(i) an accused prisoner; or

- (3) In section 3(1), replace the definition of **rehabilitative programme** with:

rehabilitative programme means a programme designed to reduce reoffending by assisting the rehabilitation and reintegration into the community of offenders (such as a medical, social, therapeutic, psy-

chological, cultural, educational, employment-related, religion-based, reintegrative, or rehabilitative programme)

New clause 5A

After *clause 5* (page 6, after line 7), insert:

5A Section 5 amended (Purpose of corrections system)

In section 5(1)(c), replace “their reintegration” with “the reintegration of persons under control or supervision”.

Clause 6

In *clause 6* (page 6, after line 8), insert as subclause (1):

(1) After section 6(1)(h), insert:

(ha) accused prisoners may, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities including non-offence-based programmes to assist with their successful reintegration into the community:

New clause 11A

After *clause 11* (page 7, after line 34), insert:

11A Section 52 amended (Rehabilitative programmes)

In section 52, insert as subsections (2) and (3):

- (2) The chief executive may, to the extent consistent with the resources available and any prescribed requirements or instructions issued under section 196, enable the provision of rehabilitative programmes to prisoners on remand awaiting sentence who, in the opinion of the chief executive, will benefit from those programmes.
- (3) In deciding whether to enable the provision of programmes under **subsection (2)**, the chief executive must consider the resources available to carry out the chief executive’s obligation under **subsection (1)**.

New clause 44A

After *clause 44* (page 31, after line 21), insert:

44A Section 190A amended (Minister may approve subsidies for voluntary groups)

In section 190A(1)(a), after “employment-related,” insert “non-offence-based,”.

Clause 45

In *clause 45*, new section 202(aa)(i), delete “(such as therapeutic, education, kaupapa Māori, or religious-based programmes)” (page 31, lines 27 and 28).

Clause 46

In *clause 46*, after new section 203(bb) (page 32, after line 8), insert:

- (bc) prescribing matters that must be included in non-offence-based programmes, and different matters may be prescribed for different programmes and different classes of prisoners:

New clause 48A

After *clause 48* (page 32, after line 15), insert:

48A Regulation 3 amended (Interpretation)

In regulation 3, revoke the definition of **accused prisoner**.

Explanatory note

The Corrections Act 2004 (the **principal Act**) is designed to support a system for the provision of rehabilitation and reintegration programmes to sentenced prisoners to help reduce their reoffending and improve public safety. This Amendment Paper provides for a new framework to enable rehabilitative programmes to also be delivered to prisoners in custody awaiting sentence. Further, it enables the provision of non-offence-based programmes to all prisoners and persons being managed by the Department of Corrections in the community. This Amendment Paper makes the following changes to the Corrections Amendment Bill:

- it amends *clause 4* to insert a definition of accused prisoner in the principal Act. This definition is currently in the Corrections Regulations 2005 (the **regulations**). *New clause 48A* removes this definition from the regulations:
- it amends *clause 4* to insert a new definition of non-offence-based programme. This is a programme that is designed to assist prisoners and persons being managed by the Department of Corrections in the community to reintegrate into the community:
- it amends *clause 4* to amend the existing definition of offender in section 3 of the principal Act to also exclude persons in custody during their trial. The current definition only excludes persons in custody awaiting trial:
- it amends *clause 4* to replace the existing definition of rehabilitative programme in section 3 of the principal Act. The new definition includes a reference to offenders. This aligns with *new clause 11A* and means that prisoners who are on remand after conviction awaiting sentence can also access rehabilitative programmes where practicable:
- it inserts *new clause 5A*, which amends section 5 of the principal Act to expand the purpose of the corrections system to the reintegration of accused prisoners:

- it amends *clause 6* to insert a new principle in section 6 of the principal Act to the effect that accused prisoners may be provided with access to activities including non-offence-based programmes where reasonable and practicable. Persons exercising powers and duties under the Act need to take into account the section 6 principles:
- it inserts *new clause 11A*, which amends section 52 of the principal Act. The amendment enables (but does not require) the chief executive of the Department of Corrections, where practicable, to provide rehabilitative programmes to prisoners in custody awaiting sentence:
- it inserts *new clause 44A*, which amends section 190A(1) of the principal Act to provide that payments for expenses associated with non-offence-based programmes may be approved by the Minister of Corrections:
- it amends *clause 45* to delete the wording in brackets providing examples of non-offence-based programmes. Examples are no longer needed due to the newly inserted definition of non-offence-based programme:
- it amends *clause 46* to provide a new power to make regulations prescribing matters that must be included in non-offence-based programmes.

Departmental disclosure statement

The Department of Corrections is required to prepare a disclosure statement to assist with the scrutiny of this Amendment Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=ap&subtype=government&year=2024&no=17&>

Regulatory impact assessment

The Department of Corrections produced a regulatory impact assessment on 6 December 2023 to help inform the new policy decisions taken by the Government relating to the contents of this Amendment Paper.

A copy of this regulatory impact assessment can be found at—

- https://www.corrections.govt.nz/resources/policy_and_legislation/ris_access_to_offence-based_rehabilitative_programmes_for_remand_prisoners
- <http://www.treasury.govt.nz/publications/informationreleases/ria>