

## **Legislative statement for the Corrections Amendment Bill**

Presented to the House of Representatives in accordance with Standing Order 272

### **Overview of the Corrections Amendment Bill**

1. The Corrections Amendment Bill (the Bill) amends the Corrections Act 2004 (the Act) to improve rehabilitation, reintegration, and safety outcomes for people the Department of Corrections (Corrections) manages.
2. The changes in the Bill will enable best-practice operations and support ongoing shifts in the corrections system that are taking place.
3. The Bill does this by:
  - creating explicit powers for Corrections to monitor, collect, use, and disclose prisoner communications and information sources for intelligence purposes to improve prison and public safety while also including safeguards for their use
  - improving the effectiveness of the prisoner disciplinary process
  - strengthening the process for the authorisation and use of non-lethal weapons in prisons
  - creating a regulation-making power to enable the limited mixing of remand accused and convicted prisoners for non-offence-based programmes.

### **Changes to the Bill proposed by the Justice Committee**

4. The Justice Committee examined the Bill and recommended that it be passed with amendments. These amendments are consistent with the original policy intent of the Bill and respond to matters raised during submissions, or are minor or technical changes to clarify or strengthen the Bill. The key recommended changes to the Bill are summarised below.

#### *The Treaty of Waitangi provisions will be removed from the Bill*

5. The Committee recommended removing all Treaty provisions from the Bill. This will not prevent Corrections from continuing to work with hapū and iwi to deliver culturally-responsive rehabilitation to improve outcomes for Māori. The expectation is that Corrections will remain committed to working closely with Māori to continue strengthening our operations and address the over-representation of Māori in the corrections system.

#### *Legislation will be strengthened to enable Corrections to provide remand convicted prisoners with access to rehabilitation programmes*

6. The Committee recommended Amendment Paper 17 be incorporated into the Bill. The Amendment Paper explicitly strengthens the legislative requirements for Corrections to provide remand convicted prisoners with access to rehabilitative programmes. The Amendment Paper also creates stronger expectations that Corrections will provide non-offence-based programmes to all prisoners (including accused prisoners).
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*Prisoners will not be able to request a rehearing before a Visiting Justice when a hearing has proceeded in their absence*

7. The Committee recommended removing the ability for prisoners to request a rehearing when a hearing before a Visiting Justice has proceeded in their absence. This change will support the effectiveness of Visiting Justices and provides consistency across the disciplinary processes. However, a requirement has been added for staff to provide evidence that the prisoner has refused to attend the hearing, to uphold natural justice.

*The existing requirement for daily visits for prisoners segregated for medical oversight will be extended to also include prisoners segregated as at-risk of self-harm*

8. The Committee recommended the requirement for daily visits for prisoners segregated for medical oversight be extended to also include prisoners segregated to address their risk of self-harm. As part of these visits, staff would need to consider whether the decision to segregate these prisoners should be reviewed and whether their at-risk assessment should be reviewed.

*References to 'non-lethal' weapons will be replaced with 'less-lethal' weapons*

9. The Committee agreed to replacing references to 'non-lethal' weapons with 'less-lethal' weapons in the Bill and the Act, and for consequential amendments to be made to the Corrections Regulations 2005. The term 'less-lethal' clarifies that all weapons can sometimes be lethal. This amendment will not have any operational impact.

*The Committee recommended a number of other miscellaneous changes*

10. These miscellaneous changes include:

- enabling the use of imaging technology searches to be used as an alternative to rub-down searches at any time in prisons
- ensuring the chief executive's power to authorise the monitoring of private visits cannot be delegated to a prison staff member
- including video calls in the definition of 'prisoner calls'
- exempting communications with advocates acting within their statutory role under the Health and Disability Commissioner Act 1994 from monitoring
- updating annual reporting requirements to provide transparency for intelligence powers.

### **Commencement of legislation and associated regulations**

11. The Bill's provisions will come into force on the day after the date of Royal Assent. The only exemption to this is for the sections in the Bill related to case management plans, which will come into force on a date set by Order in Council, or one year after Royal Assent at the latest.
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12. This will enable these sections of the Bill to come into force on the same date as new regulations that will be made containing requirements for case management plans.
13. Amendments to the Corrections Regulations 2005 will be required to give effect to some of the proposals contained in the Bill. These will include:
- regulations detailing what must be included in a prisoner's case management plan
  - regulations to enable the limited mixing of remand accused and convicted prisoners, for te ao Māori, educational, religious and therapeutic programmes.

## **Conclusion**

14. The amendments in the Bill are necessary to enable the best-practice operation of the corrections system to support improved rehabilitation, reintegration, and safety outcomes.
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