

House of Representatives

Supplementary Order Paper

Tuesday, 4 May 2004

Corrections Bill

Proposed amendments

Marc Alexander, in Committee, to move the following amendments:

Clauses 185 and 186

To omit clauses 185 and 186 (lines 6 to 17 on page 122), and substitute the following clauses:

185 Who may manage prisons

- (1) A prison may be managed by—
 - (a) the Crown;
 - (b) a person who, under a management contract entered into under section 4A of the Penal Institutions Act 1954, before the commencement of this section, is required to manage a prison;
 - (c) a person who, under a management contract entered into under section 186 of this Act, is permitted to manage a prison.
- (2) No prison may be managed by any person (other than the Crown) except under a management contract.

186 New management contracts may be entered into

- (1) The chief executive may, from time to time, on behalf of the Crown, enter into any contract with any person for the management, by that person instead of the Crown, of any prison.
- (2) The chief executive must not, without the prior written consent of the Minister,—
 - (a) enter into any management contract; or
 - (b) agree to any extension of the term for which a contractor is to manage a prison under any management contract.

New heading and clause 186A

To insert, after clause 186 (after line 17 on page 122), the following heading and clause:

*Review***186A Review of prisons managed under management contract**

- (1) The Minister must, as soon as practicable after the commencement of this section, cause to be conducted a review of prisons managed under contracts entered into under section 4A of the Penal Institutions Act 1954.
- (2) The review under **subsection (1)** must be conducted by a retired High Court Judge, who is the chairperson of the review, with research and secretariat support provided by the Criminal Justice Group of the Ministry of Justice.
- (3) The purpose of the review is to evaluate the operation of prisons managed under contracts entered into under section 4A of the Penal Institutions Act 1954, and in particular to assess—
 - (a) prisoner management and rehabilitation, including—
 - (i) prisoner education programmes:
 - (ii) suicide prevention initiatives:
 - (iii) health assessment and maintenance programmes:
 - (iv) mental health assessment and treatment programmes:
 - (v) drug and alcohol programmes:
 - (vi) incorporation of Maori culture in prison management and rehabilitation programmes; and
 - (b) the outcomes produced by the programmes in **paragraph (a)**; and
 - (c) the approach towards partnership with local iwi; and
 - (d) the comparative operations and outcomes of the public prisons service remand prisons.
- (4) The review must make recommendations on whether any practices employed in prisons managed under contracts entered into under section 4A of the Penal Institutions Act 1954 should be employed at other prisons or in prisons generally.
- (5) In conducting the review, information must be sought from, but is not limited to,—
 - (a) interviews with management and staff of prisons managed under contracts entered into under section 4A of the Penal Institutions Act 1954:
 - (b) past and present prisoners held in prisons managed under contracts entered into under section 4A of the Penal Institutions Act 1954:
 - (c) the Ministry of Justice, Te Puni Kokiri, the Ministry of Pacific Island Affairs, relevant local iwi, the Alcohol Advisory Council, regional drug and alcohol services,

- the Mental Health Commission, as well as experts in corrections policy; and
- (d) research on local and international best practice.
 - (6) The chairperson must present a report on the review to the Minister of Corrections within 6 months of the initiation of the review.
 - (7) Within 3 months of the presentation of a report under **subsection (6)**, the Minister of Corrections must present to Parliament the Government's response to any recommendations set out in the report.

Clause 194

To omit clause 194 (lines 27 to 35 on page 126, and lines 1 and 2 on page 127), and substitute the following clause:

194 Existing management contracts may be extended

The chief executive, on behalf of the Crown, may agree to an extension of the term of any management contract entered into under section 4A of the Penal Institutions Act 1954, and in force at the commencement of this section, under which a contractor is to manage a prison.

Clause 196

To omit paragraph (e).

Explanatory note

Clauses 185 and 186 are amended to extend eligibility for prison management contracts to all interested parties, including private providers, with ministerial consent.

New clause 186A establishes a review of the operations and outcomes of prisons managed under a contract entered into under section 4A of the Penal Institutions Act 1954. As drafted, the Bill reflects the Government's policy to discontinue private management of prisons. New Zealand has one such prison, the Auckland Central Remand Prison, which has been managed by a private provider for three years. The select committee examination of this Bill revealed that the prison appeared to have made progress in terms of improved prisoner outcomes, particularly with regard to Maori. The purpose of the review outlined in this amendment is to ensure that the decision to terminate private prison management is based on full information, and to ensure that State-run prisons can incorporate any successful practices identified as a result of the review.

Clauses 194 and 196 are amended to allow existing prison management contracts to be extended, thereby allowing for the private management of Auckland Central Remand Prison to continue.