



# Cabinet Social Wellbeing Committee

## Minute of Decision

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### Corrections Amendment Bill: Additional Policy Decisions for Inclusion in a Supplementary Order Paper

Portfolio	Corrections
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On 21 August 2019, the Cabinet Social Wellbeing Committee:

- 1 **noted** that the Justice Committee presented its report on the Corrections Amendment Bill to the House on 26 February 2019, but could not reach consensus on recommended changes;
- 2 **noted** that a Supplementary Order Paper is required to progress changes that will improve the Corrections Amendment Bill;
- 3 **agreed** to revise the proposal regarding prisoners at-risk of self harm by requiring an individualised approach to strip searching that links search requirements to an individual's needs and risks as identified in their at-risk management plans;
- 4 **agreed** to require the Department of Corrections (Corrections) to tell mothers:
  - 4.1 the reason(s) why an application to have a child placed in their custody has been declined, or why a placement has ended; and
  - 4.2 the process available to have a decision reconsidered;
- 5 **agreed** to require Corrections to provide information about complaints processes as part of the information to be given to recently received prisoners;
- 6 **agreed** to require Corrections to, as far as practicable, provide information upon reception to prison in a form that is accessible and appropriate to the prisoner's abilities and language;
- 7 **agreed** to revise the proposal regarding the use of mechanical restraints during hospital visits by clarifying that restraints can only be used for more than 24 hours if it is necessary to maintain public safety or prevent escape;
- 8 **agreed** to revise the proposal regarding the Health Centre Managers' powers and functions to allow delegation of their powers and functions to a 'registered health professional', rather than a 'medical practitioner or nurse';
- 9 **agreed** to revise the proposal regarding the Health Centre Managers' powers and functions to require Health Centre Managers to consult a 'registered health professional', rather than a 'medical practitioner', if the advice they are asked for is outside the scope of their practice;

- 10 **agreed** that the proposal relating to the use of Police jails should be removed from the Corrections Amendment Bill as a decline in the prison muster and additional accommodation builds has substantially decreased the likelihood that these facilities will be needed;
- 11 **agreed** to better align search powers across different forms of searches by clarifying that:
- 11.1 scanner searches are also intended to detect items that are within clothing or possessions;
- 11.2 scanner searches include the power to require persons to remove outer clothing and accessories;
- 12 **agreed** that if a person subject to a rub-down or scanner search refuses to remove outer clothing on the grounds that they have no clothing, or only underwear, underneath then they may be refused admission to the prison, or be asked to leave if already inside the prison;
- 13 **agreed** to fix an oversight of the Intelligence and Security Act 2017 by allowing intelligence and security agencies to retain recordings from prisoner phone calls only for as long as it is required to enable that agency to perform any of its statutory functions;
- 14 **agreed** to clarify and strengthen the safeguards for disclosing prisoner phone calls by removing the ability to do so in accordance with the Privacy Act 1993;
- 15 **agreed** to amend search powers so that prisoners returning from an escorted outing may be strip searched only if there is a valid reason;
- 16 **invited** the Minister of Corrections to issue drafting instructions to the Parliamentary Counsel Office to develop a Supplementary Order Paper to give effect to the above decisions;
- 17 **authorised** the Minister of Corrections to make minor or technical changes necessary to ensure that the Bill achieves its legal purpose in the best possible way.

Gerrard Carter  
Committee Secretary

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**Hard-copy distribution: (see over)**

**Present:**

Rt Hon Jacinda Ardern  
Hon Kelvin Davis  
Hon Grant Robertson  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Andrew Little  
Hon Dr David Clark  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Tracey Martin (Chair)  
Hon Peeni Henare  
Hon Willie Jackson  
Hon Aupito William Sio  
Hon Poto Williams  
Jan Logie, MP

**Officials present from:**

Office of the Prime Minister  
Office of the Minister for Social Development  
Office of the Chair  
Officials Committee for SWC

**Hard-copy distribution:**

Minister of Corrections