

Hon Kelvin Davis
Minister of Corrections

Corrections Amendment Bill
16 October 2019

These documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not be released if requested under the Official Information Act 1982. Where that is the case, the relevant section of the OIA has been noted.

Documents	Comment
Corrections Amendment Bill: Additional Policy Decisions for Inclusion in a Supplementary Order Paper <i>Cabinet paper</i> Minister of Corrections	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• 9(2)(g)(i) - maintain the effective conduct of public affairs through the free and frank expression of opinions
Corrections Amendment Bill: Additional Policy Decisions for Inclusion in a Supplementary Order Paper <i>Minute of Decision</i> Cabinet Social Wellbeing Committee	Released in full

Chair
Cabinet Social Wellbeing Committee

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

Proposal

1. This paper seeks agreement to develop a Supplementary Order Paper (SOP) to progress a number of changes to the Corrections Amendment Bill.

Executive Summary

2. While the legislation governing the corrections system is generally working well, the Corrections Amendment Bill (Bill) makes a number of improvements to the safe, humane and fair management of people in custody, to prisoner discipline, and to prison safety.
3. The final report of the Justice Committee was presented to Parliament on 26 February 2019, and the Bill remained unchanged for its second reading on 30 April 2019.
4. Changes to the Bill are desirable because the Justice Committee did not reach agreement on changes recommended in the Departmental Report, and further analysis on other aspects of the Corrections Act has been completed since the introduction of the Bill.
5. The proposals in this paper are sensible and would contribute to the objectives of the Bill. This paper therefore seeks agreement to develop a Supplementary Order Paper (SOP) that would progress a small number of changes.

Background

6. The Corrections Act (the Act) continues to provide a sound legal framework for the operation of the corrections system. However, the Department of Corrections (Corrections) seeks several amendments because the Act:
 - no longer reflects operational best practice or technology advances
 - is silent on some aspects relating to the management of people in custody and operation of prisons
 - contains some legal ambiguity that needs clarity.
7. As introduced, the Corrections Amendment Bill (the Bill) contained 16 proposals covering a broad range of issues. It was referred to the Justice Committee (the Committee) on 29 March 2018, who received 17 public submissions.

8. Based on submissions and further consideration, Corrections recommended a number of changes to the Bill during the Select Committee process.
9. Labour Party members wished to progress with these recommended changes, however the Justice Committee could not reach agreement. Therefore when the Justice Committee presented their report on the Bill to Parliament on 26 February 2019, there were no recommended changes to the Bill.
10. As the recommended changes presented to the Justice Committee are sensible and would improve the Bill, this paper seeks agreement to develop a SOP to progress these.
11. Additionally, since the completion of the Justice Committee process, my officials have also completed further analysis on other aspects of the Act which need addressing. This paper seeks agreement to include a provision in the Bill relating to strip searching.
12. Each proposed change to the Bill is outlined below.

Revisions to original provisions in the Bill

13. Based on submissions to the Justice Committee and further analysis by officials, I am proposing revisions to five of the original provisions contained in the Bill. All five were recommended to the Justice Committee.

Prisoners vulnerable to self harm

14. The Bill introduces a comprehensive legislative framework for the management of prisoners who are vulnerable to self harm. It states that these prisoners must undergo a strip search when first placed in an at-risk cell, or when returning to the at-risk area from another area of the prison. The purpose of this provision is to detect an item that may be used to self harm.
15. However, strip searching can be distressing and harmful, particularly if a person has an existing mental health issue or is a victim of sexual violence. While this creates a standardised approach for all at-risk prisoners, it could lead to some prisoners being subject to multiple strip searches per day.
16. Since the introduction of the Bill, Corrections has made operational improvements to the model of care provided to people vulnerable of self harm. This includes the use of a supported decision framework and multi-disciplinary practices to help staff make better decisions regarding the care and management of vulnerable prisoners.
17. These operational improvements will allow the use of an individualised approach to strip searching that would better consider an individual's history, circumstances and risk. Ultimately, that would lead to better decision making that balances the potential impact and distress of strip searches, against the risks associated with introducing items that can facilitate self harm, for each person.
18. I consider an individualised approach is a sensible alternative and recommend an amendment to the Bill so that:

- at-risk management plans must include the occasions on which prisoners must be strip searched
 - prisoners at-risk of self harm must be strip searched:
 - every time they enter an at-risk cell until an at-risk management plan has been developed, and then
 - on occasions set out in the at-risk management plan.
19. These changes would support a more therapeutic and individualised approach to prisoner care by linking search requirements to an individual's needs and risks as identified in their at-risk management plans. A multidisciplinary team would therefore determine the need for strip searching on an individualised basis. It also provides protection from self harm through mandatory searching before an individual's current level of risk is known and a tailored at-risk management plan is developed. This change would likely reduce the number of strip searches required.

Reviews of mother and baby placement decisions

20. The Act currently allows mothers with children who are less than 24 months old to apply to have those children reside with them in prison. Having approved such a request, the chief executive may decide to end a child's placement, for example, on the basis that it is no longer in the child's best interests.
21. The Bill introduces a statutory right for a prisoner to appeal a decision to refuse approval for a placement, or end the placement, of a child, in a Mothers with Babies Unit.
22. During the Committee stage it was noted that there is no legislative requirement for the applicants to be told the reason(s) for the original decision and process available to them to have a decision reconsidered.
23. While this should occur in practice, I consider that a requirement in legislation is appropriate, and therefore recommend the Act be amended to state that a mother should be told the:
- reason why an application to have a child placed in their custody has been declined, or why a placement has ended
 - process available to have a decision reconsidered.
24. These minor changes will help ensure the decision process regarding a child's placement in a Mothers with Babies Unit is robust and fair.

Prisoners' knowledge of disciplinary offences

25. The Bill introduces a statutory requirement to provide prisoners with information about disciplinary offences on admission to prison. Although not directly related to this proposal, submitters highlighted two other areas where information provided to prisoners could be improved.
26. As with disciplinary offences, there is no current legal requirement for information about complaints processes to be provided to prisoners on arrival to prison. To

address this gap in legislation, I propose that the Bill be revised to require Corrections to provide information about complaints processes as part of the information to be given to recently received prisoners.

27. A number of submitters also expressed views that, to ensure prisoners fully comprehend the information provided to them, it should also be available in their preferred language and in an alternative form to written information.
28. In the interest of ensuring prisoners are aware of relevant information, I propose that the Bill be revised to require Corrections to, as far as is practicable, provide information upon reception in a form that is accessible and appropriate to the prisoner's abilities and language. Ultimately this could mean that information is provided in a prisoner's preferred language, and in different forms such as written, oral, or visual.

Use of mechanical restraints during hospital visits

29. The Bill clarifies some legal ambiguity in the existing Act to allow Corrections to use mechanical restraints for hospital visits that last longer than 24 hours if they are needed to prevent escapes and maintain public safety.
30. However, as noted by some submitters, the Bill does not make this purpose explicit.
31. I therefore recommend the Bill be clarified to state that restraints can only be used for more than 24 hours on prisoners who have been temporarily removed to a hospital for treatment if it is necessary to maintain public safety or prevent escape.

Health Centre Managers' powers and functions

32. The Bill provides the authority for Health Centre Managers to delegate their powers and functions. However, delegation can only be to a registered doctor or nurse. The current proposal in the Bill was developed to address a particular issue relating to when Health Centre Managers are not on site, such as weekends and evenings.
33. However, the introduction of the new model of care for prisoners who are vulnerable to self harm has highlighted limitations with the current provisions for delegation. For example, there may be instances where the regular Health Centre Manager may not be the most appropriate person to provide mental health advice to the Prison Manager. Instead they may wish to partially delegate their powers and functions related to mental health services to someone with a mental health background on an ongoing basis. Yet as currently drafted, delegation can only occur if someone is a registered doctor or nurse.
34. To address the oversight, I propose to amend the Bill so that a Health Centre Manager:
 - can delegate their powers and functions to a 'registered health professional'
 - must consult with a 'registered health professional' if the advice they are asked for is outside scope of their practice.

35. A 'registered health professional' is a defined term in the Act and refers to a health practitioner who is registered with an authority governing a health profession under the Health Practitioners Competence Assurance Act.
36. Overall these changes would provide flexibility in how prisons operate by allowing other professions, such as psychologist or psychotherapist, to be responsible for advising on and delivering mental health services.

Removal of one proposal in the Bill

37. The Bill currently provides an authority for Corrections to declare spare capacity within a Police jail to be part of an already established Corrections prison. The purpose of this proposal was to ensure Corrections could access and operate additional capacity when there were short periods of extreme accommodation pressures.
38. At the time, it was acknowledged that these facilities were less than ideal because they are not explicitly designed to house prisoners long term, they lack facilities found in Corrections' prisons, and there may be difficulties providing minimum entitlements. As a result restrictions on their use and other safeguards were included in the Bill to limit the impact on prisoners from being accommodated in these facilities.
39. However, I am advised by Corrections that because of the recent decline in the prison muster and additional accommodation builds, the likelihood that Police jails would be needed in the near term is low. Longer term, the completion of new builds will add additional capacity to allow all prisoners to be accommodated within established Corrections' prisons.
40. Due to the decline in the muster and additional accommodation builds, I am seeking Cabinet's agreement not to progress with this proposal by removing all clauses in the Bill relating to the Police jails.
41. Removal was recommended in the Departmental Report to the Justice Committee, however agreement could not be reached as National Party members wished to retain such provisions to provide additional flexibility.

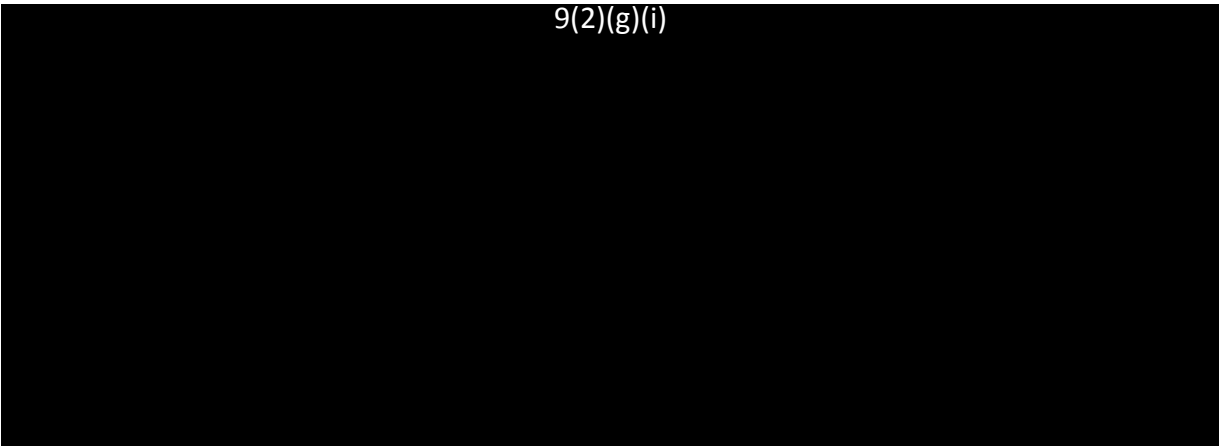
Addition of three new provisions

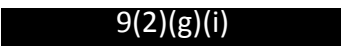
42. Since the introduction of the Bill, Corrections has identified three additional issues that can be addressed through the Bill.

Search procedures and denial of entry

43. The Act affords Corrections the power to require those subjected to a rub-down search to remove any item of outer clothing and accessories to help carry out the search. This allows those items to be x-rayed separately, and to ensure a more effective search can be carried out without interference caused by heavy or bulky clothing.
44. The Bill includes similar provisions if someone is subject to a search using imaging technology.

45. However, there is no such power for other forms of scanner searches, such as metal detectors. Therefore if an alert has sounded during a search, it is unclear whether staff can instruct the person being searched to remove items so they can be searched separately.
46. To align powers across different forms of searches, I recommend the Bill be amended to clarify that:
- scanner searches are intended to detect items that are concealed within a person, and beneath or within their clothing or possessions
 - scanner searches include the power to require persons to remove outer clothing and accessories (except where the person being searched has no other clothing, or only underclothing, underneath).

47.  9(2)(g)(i)

48.
49.  9(2)(g)(i) I recommend the Bill be amended to clarify 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 underclothing, underneath, then they may be refused admission (or required to leave if they are already inside).
50. These changes were recommended in the Departmental Report to the Justice Committee, but agreement was not reached.

Destruction of recordings and disclosure of information

51. Since the introduction of the Bill, the New Zealand Security Intelligence Service (NZSIS) approached Corrections after identifying an unintended consequence of the Intelligence and Security Act 2017. It made a consequential amendment to the Corrections Act to clarify the legal authority for Corrections to disclose recordings of prisoner phone calls to an intelligence and security agency. It also took the opportunity to clarify that recordings could only be disclosed by meeting the higher threshold in the Corrections Act, rather than through an exemption granted in the Privacy Act.
52. There was an oversight during the development of that policy because of another legal duty in the Corrections Act that requires the receiving agency to destroy or erase recordings as soon as it appeared that no legal proceedings will be taken where the information would be presented as evidence. As the NZSIS is receiving the recordings for intelligence-gathering purposes, and not in contemplation of

proceedings, it would arguably have to destroy these recordings as soon as they were received.

53. There is also another provision in the Corrections Act that was not amended by the Intelligence and Security Act, which in effect, retains the ability for Corrections to disclose recordings under the less stringent tests in the Privacy Act.
54. I seek agreement to implement the original policy intent of the changes enacted through the Intelligence and Security Act by clarifying in the Corrections Act that:
 - intelligence and security agencies can retain recordings if they are required to enable an agency to perform any of its statutory functions
 - Corrections can only disclose recordings by meeting requirements under the Corrections Act.
55. These changes were recommended in the Departmental Report to the Justice Committee, but agreement was not reached.

Strip searching following an escorted outing

56. The Act specifies the situations and circumstances when a prisoner can or must be strip searched. Their use is for the purpose of helping to ensure the security of the prison, and the safety of prisoners, staff and visitors by preventing unauthorised items entering a site.
57. However, evidence suggests that strip searches can impact people's dignity and wellbeing, particularly for those with existing mental health issues or who have been a victim of sexual violence. Because of the potential impacts of strip searching, their use should be restricted to occasions when it is justified in the circumstances to detect unauthorised items.
58. The Act requires that a prisoner must be strip searched upon re-entry to prison from an escorted outing.¹ However as they are under the control or supervision of Corrections' staff, there is often limited opportunity to obtain and conceal contraband during an escorted outing.
59. Due to a combination of a deterrence effect from strip searching and a prevention effect from being escorted, data indicates that relatively few strip searches following an escorted outing result in the location of contraband. Of the 43,313 reported instances in 2018 where a strip search should have been mandatory because the prisoner returned to the prison from outside the wire, only 32 strip searches were recorded as locating contraband.
60. Overall it is likely that the current requirements create scenarios where strip searches are undertaken when the risk of contraband entering prisons does not warrant such an approach because prisoners had limited or no opportunity to obtain authorised items.

¹ Prisoners can have escorted outings for a range of reasons including: trips to receive medical treatment, attend a funeral or tangi, mothers who drop their babies at day care, and to undertake rehabilitation activities.

61. To better balance the harm from strip searching against the need to locate unauthorised items, I propose that strip searching provisions are amended so that prisoners returning from an escorted outing may be strip searched only if there is a valid reason.
62. This proposal would also align with other instances in Act where a prisoner leaves prison, such as those who are on day release to attend work. Therefore in determining if there is a valid reason, officers would continue to consider such factors as a prisoner's history of possessing unauthorised items, and the particular circumstances that provide an opportunity for the prisoner to have an unauthorised item.

The National Party is likely to table a SOP of their own

63. In the Justice Committee commentary, and during second reading speeches, some National Party Members of Parliament stated their wish to include a provision that would require prisoners to have a rehabilitation plan and place an expectation that they participate in rehabilitation programmes. It was indicated during the second reading that a SOP would be lodged to give effect to this.
64. The rehabilitation expectation proposal was previously requested by the former Minister of Corrections, Hon Louise Upston, before the last election. However it was not drafted for inclusion in the Bill before the 2017 General Election due to concerns over the effectiveness of such a clause.
65. When Corrections sought a fresh mandate post-election, this Cabinet agreed not to progress with this provision because:
 - an 'expectation' clause has no operative or legislative effect, which essentially renders it meaningless
 - prisoners also already have a strong incentive to participate in rehabilitation programmes through Parole requirements to receive early release
 - any inference that attendance is mandatory may result in programmes being contaminated by unmotivated prisoners.
66. With regards to requiring a rehabilitation plan, there are already requirements in the Act for Corrections to provide access to rehabilitation programmes, and for a prisoner to have a management plan that includes the approach to rehabilitation.
67. Therefore I consider any such proposals are unnecessary.

Consultation

68. The following agencies and organisations were consulted on these proposed amendments to the Bill: The Ministry of Justice, Ministry of Social Development, Ministry of Health, Ministry for Women, Oranga Tamariki - Ministry for Children, The Treasury, New Zealand Police, New Zealand Security Intelligence Service, The Office for Disability Issues and Te Puni Kōkiri. The Department of Prime Minister and Cabinet was informed.

69. The Privacy Commissioner, the Human Rights Commission and the Ombudsmen were consulted. The National Preventative Mechanisms under the Optional Protocol to the Convention against Torture, which comprises the Ombudsmen, the Office of the Children's Commissioner, the Independent Police Conduct Authority, the Inspector of Service Penal Establishments and the Human Rights Commission, was also consulted.

Financial Implications

70. There are no financial implications from the amendments to the Bill discussed in this paper.

Legislative Implications

71. The proposals discussed in this Cabinet paper will be progressed through a SOP.

Impact Analysis

72. The Department of Corrections confirms that it has complied with the principles of the Code of Good Regulatory Practice and the regulatory impact analysis requirements.
73. The original Regulatory Impact Assessment has been revised to reflect the policy decisions sought above and is attached.

Human Rights

74. The Attorney-General previously advised that the Bill is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990.
75. Proposals relating to Police jails, prisoners vulnerable to self harm, review of mother and baby placement decisions, prisoners' knowledge of disciplinary offences, and the use of mechanical restraints during hospital visits would provide greater protections and safeguards.
76. The three new provisions, relating to search procedures, strip searching and disclosure of recordings, have not previously been considered by the Attorney-General as to their consistency with the New Zealand Bill of Rights Act.
77. The search procedures and denial of entry proposal highlights the need to balance the impact on privacy and protection against unreasonable search, against the necessity to locate unauthorised items. Any intrusion on privacy, or protection against unreasonable search, can be considered justifiable as:
- searches help ensure the security of the prison, and the safety of prisoners, staff and visitors by preventing contraband entering a site
 - the Act already has a broad principle that all searches are carried out with decency and sensitivity, and in a manner that provides the greatest degree of privacy and dignity
 - the search provisions are broadly comparable to airport security who have similar safety and security concerns.

78. The proposal to amend strip searching provisions highlights the need to protect against unreasonable search against the necessity to locate unauthorised items. The proposals can be considered justifiable as:
- searches help ensure the security of the prison, and the safety of prisoners, staff and visitors by preventing contraband entering a site
 - fewer strip searches are likely to occur
 - strip searches will only occur if there is a valid reason to do so
 - the Act already requires that the power to use a strip search can only be exercised if it is determined that a strip search is the necessary type of search in the circumstances to detect an unauthorised item
 - the Act already has a broad principle that all searches are carried out with decency and sensitivity, and in a manner that provides the greatest degree of privacy and dignity
79. The disclosure of recordings proposal highlights the need to balance the strength of the individual concerns for privacy against the strength of the need to detect and investigate crime. The proposal can be considered justifiable as:
- recording of prisoners' phone call is not covert and before placing a call, prisoners are informed that it may be monitored.
 - it ensures there is alignment with the Intelligence and Security Act, which already requires an intelligence and security agency to destroy received information as soon as it is not required by the agency for the performance of its functions
 - includes a safeguard by making it clear that Corrections must follow the more stringent test in the Corrections Act before it could disclose telephone call recordings, rather than under the less stringent tests in the Privacy Act.
80. Overall I consider that the proposals are not significant enough to warrant the Attorney-General to seek additional advice from his officials on their consistency with the rights and freedoms affirmed in the New Zealand Bill of Rights Act.

Gender Implications

81. The revisions to statutory review process for decisions relating to the placement of mothers and their babies may lead to small improvements for a limited number of female prisoners by ensuring the decision process is robust, transparent and fair.
82. Women prisoners will be disproportionately affected by any search regime applied at at-risk units as women are slightly overrepresented within the at-risk units. While 10.0 percent of all prisoners were women in 2018, women made up 11.4 percent of prisoners who spent some time in an at-risk unit in the same year. A high number of women prisoners have also experienced sexual and/or physical abuse as children or adolescents and often experience abusive relationships with partners.
83. The proposal to introduce a tailored approach to strip searching will reduce the number of strip searches, and therefore lower the overall risk of re-traumatising women who have experienced sexual or physical abuse. Ultimately, this risk cannot

be eliminated as the consequences of failing to detect an item on someone who is vulnerable to self harm or attempting suicide are significant.

Disability Perspective

84. The proposals do not have significant implications for people with disabilities.
85. The proposal to provide information upon reception in a form that is accessible and appropriate to the prisoner's abilities and language, should positively impact prisoners who have a visual or hearing impairment, and prisoners with intellectual or learning disabilities.

Publicity

86. I signalled my intention to propose some further amendments to the Bill by way of a SOP during my second reading speech on 30 May 2019.

Proactive Release

87. I intend to proactively release a copy of this Cabinet paper under the Official Information Act 1982 with redactions, and within the 30 business days timeframe set out by Cabinet.

Next Steps

88. Subject to Cabinet's agreement, my officials will work with Parliamentary Counsel Office to develop a SOP that will be introduced ahead of the Committee of the Whole House stage.
89. My officials are also developing advice on whether further changes to the Corrections Act are required following the Christchurch mosque shootings. Depending on this advice and any decisions made by Cabinet, this may require a further SOP.

Recommendations

The Minister for Corrections recommends that the Committee:

1. **note** that the Justice Committee presented their report on the Corrections Amendment Bill to Parliament on 26 February 2019, but could not reach consensus on recommended changes
2. **note** that a Supplementary Order Paper is required to progress changes that will improve the Corrections Amendment Bill
3. **agree** 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. **agree** to require 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. **agree** to require Corrections to provide information about complaints processes as part of the information to be given to recently received prisoners
6. **agree** 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. **agree** 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. **agree** 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. **agree** 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. **agree** 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. **agree** 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. **agree** 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. **agree** 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. **agree** to clarify and strengthen the safeguards for disclosing prisoner phone calls by removing the ability to do so in accordance with the Privacy Act
15. **agree** to amend search powers so that prisoners returning from an escorted outing may be strip searched only if there is a valid reason
16. **authorise** the Parliamentary Counsel Office to develop a Supplementary Order Paper to give effect to the agreed policy decisions in this paper
17. **authorise** the Parliamentary Counsel Office to make minor or technical changes necessary to ensure that the Bill achieves its legal purpose in the best possible way
18. **note** that approval for a separate Supplementary Order Paper may be sought to progress further changes to the Corrections Act following the Christchurch mosque shootings.

Authorised for lodgement
Hon Kelvin Davis
Minister of Corrections



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

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

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