

**Hon Kelvin Davis**  
Minister of Corrections

Corrections Amendment Regulations 2019 – Cabinet Legislation Committee

Date of issue: 28 November 2019

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<b>Documents</b>	<b>Comment</b>
<b>Corrections Amendment Regulations 2019</b> <i>Cabinet paper</i> Minister of Corrections	Released in full
<b>Corrections Amendment Regulations 2019</b> <i>Cabinet minute</i> Cabinet Office	Released in full

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In Confidence

Office of the Minister for Corrections  
Chair, Cabinet Legislation Committee

## **Corrections Amendment Regulations 2019: Approval for Gazetting**

### **Proposal**

1. This paper seeks authorisation to submit the Corrections Amendment Regulations 2019 to the Executive Council.

### **Policy**

2. The Corrections Regulations 2005 (the Regulations) provide operational detail for the management of Corrections' sites, systems, and powers.
3. On 11 September 2019, Cabinet gave policy approval [CAB-19-MIN-0472 refers] to amend the Regulations by:
  - 3.1. removing the authority for Corrections to use tie-down beds
  - 3.2. fixing a previous drafting error that removed Security Officers' ability to use waist restraints in conjunction with handcuffs
  - 3.3. updating a requirement that prison search notices inform people they may be searched by detection dogs, rather than just narcotics detection dogs
  - 3.4. amending an erroneous cross reference within the Regulations surrounding people's placement in a male or female prison
  - 3.5. updating a reference to the Legal Services Act 2000 to refer to the Legal Services Act 2011 which superseded it.
4. These regulatory amendments make changes to the Regulations to ensure they remain fit for purpose within current settings.
5. The Parliamentary Counsel Office has developed the Corrections Amendment Regulations 2019 (Amendment Regulations) to give effect to these policy decisions.

### **Timing and 28-day rule**

6. The Amendment Regulations comply with the 28-day rule and will come into force on 6 December 2019.

### **Compliance**

7. The Amended Regulations comply with:
  - 7.1. the principles of the Treaty of Waitangi;
  - 7.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 7.3. the principles and guidelines set out in the Privacy Act 1993;

- 7.4. New Zealand's obligations under international human rights treaties, including the United Nation's Nelson Mandela Rules relating to the treatment of prisoners;
- 7.5. The Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

8. There are no grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House of Representatives under Standing Order 319.

### **Certification by Parliamentary Counsel**

9. The draft Amendment Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

### **Impact Analysis**

10. The Regulatory Quality Team at Treasury has advised that a Regulatory Impact Analysis is not required as the Amendment Regulations either repeal or remove redundant legislative provisions, or have no or only minor impacts on businesses, individuals or not-for-profit entities.

### **Publicity**

11. I intend to publicly announce the removal of the ability to use tie-down beds once enacted.

### **Proactive release**

12. I intend to proactively release a copy of this paper under the Official Information Act 1982 with no redactions, and within the 30 business days timeframe set out by Cabinet.

### **Consultation**

13. The following agencies were consulted on this paper: Ministry of Health, Ministry of Justice, New Zealand Police, Ministry of Foreign Affairs, Ministry of Social Development, Oranga Tamariki, Te Puni Kōkiri, Treasury and Ministry for Women.
14. The Department of the Prime Minister and Cabinet has been informed.

## Recommendations

I recommend the Cabinet Legislation Committee:

1. **note** that on 11 September 2019 the Cabinet agreed to [CAB-19-MIN-0472 refers]:
  - 1.1 remove tie-down beds as an authorised form of mechanical restraint in the Corrections Regulations
  - 1.2 fix a drafting error in the Corrections Regulations by providing Security Officers with the power to use handcuffs in conjunction with waist restraints
  - 1.3 to amend a requirement in the Corrections Regulations that prison search notices must be displayed informing people that they may be searched by 'detection dogs', rather than just 'narcotics detection dogs' as currently stipulated
  - 1.4 to amend an erroneous cross reference in the Corrections Regulations that relates to the Chief Executive's decision to place someone in a male or female prison
  - 1.5 to update references in the Corrections Regulations that refer to the Legal Services Act 2000 to instead refer to the Legal Services Act 2011 which superseded it
2. **note** that the Corrections Amendment Regulations 2019 will give effect to these policy decisions;
3. **authorise** the submission to the Executive Council of the Corrections Amendment Regulations 2019;
4. **note** that the Corrections Amendment Regulations 2019 come into force on 6 December 2019.

Authorised for lodgment

Hon Kelvin Davis

Minister for Corrections



# Cabinet Legislation Committee

## Minute of Decision

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*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.*

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### Corrections Amendment Regulations 2019

**Portfolio**                      **Corrections**

On 22 October 2019, the Cabinet Legislation Committee:

- 1        **noted** that on 11 September 2019, the Cabinet Social Wellbeing Committee agreed to:
  - 1.1      remove tie-down beds as an authorised form of mechanical restraint in the Corrections Regulations;
  - 1.2      fix a previous amendment's inadvertent removal of a cross reference in the Corrections Regulations by providing Security Officers with the power to use handcuffs in conjunction with waist restraints;
  - 1.3      amend a requirement in the Corrections Regulations that prison search notices must be displayed informing people that they may be searched by 'detection dogs', rather than just 'narcotics detection dogs' as currently stipulated;
  - 1.4      amend an erroneous cross reference in the Corrections Regulations that relates to the Chief Executive's decision to place someone in a male or female prison;
  - 1.5      update references in the Corrections Regulations that refer to the Legal Services Act 2000 to instead refer to the Legal Services Act 2011 which superseded it;

[SWC-19-MIN-0118]

- 2        **noted** that the Corrections Amendment Regulations 2019 give effect to the above decisions;
- 3        **authorised** the submission to the Executive Council of the Corrections Amendment Regulations 2019 [PCO 22424/7.0];
- 4        **noted** that the Corrections Amendment Regulations 2019 come into force on 6 December 2019.

Gerrard Carter  
Committee Secretary

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

**Present:**

Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Chris Hipkins (Chair)  
Hon David Parker  
Hon Stuart Nash  
Hon Tracey Martin  
Hon Eugenie Sage  
Michael Wood MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

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