



Cabinet Social Outcomes Committee

Minute of Decision

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Corrections Regulations 2005: Proposed Amendments

Portfolio Corrections

On 11 March 2025, the Cabinet Social Outcomes Committee:

- 1 **noted** that the financial implications of the changes outlined in the paper under SOU-25-SUB-0018 will be managed within baselines;
- 2 **agreed** to amend the Corrections Regulations 2005 to:

Temporary restraint of prisoners

- 2.1 enable prisoners in high and maximum security settings to be temporarily secured to hatches in prison doors using drop pins with authorised hand cuffs, where use is a necessary safety precaution because prisoner behaviour indicates a risk of serious injury to a person, and where use is recommended in a management plan or incident reporting procedures are followed after use;

CCTV camera use

- 2.2 insert a general provision stating that CCTV cameras may only operate in prisons where necessary and justified for health, safety, and security purposes, and as appropriate intelligence purposes;
- 2.3 prohibit the use of CCTV cameras in certain locations, including medical examination rooms, Mothers with Babies' Units, feeding and bonding rooms, and in view of strip searches;
- 2.4 introduce a requirement for CCTV cameras in prisons to have privacy features to limit the recording and monitoring of hygiene areas, where this is appropriate and aligns with safe custodial management;
- 2.5 delay the commencement of the decisions in paragraphs 2.2-2.4 until the fifth anniversary of enactment, to provide the Department of Corrections (Corrections) with time to comply with the requirements;

Other prisoner and Corrections Officer safety provisions

- 2.6 enable the use of body-worn cameras that record audio and visual information by corrections officers in prisons, and require officers to take reasonable steps to notify prisoners that they will be recorded before activating the camera;

- 2.7 enable, but not require, internal light switches in existing cells used for prisoners at risk of self-harm, and require internal light switches with external override switches in cells built following the regulations coming into force;
- 2.8 enable individual prisoners at risk of self-harm to have access to privacy screens where staff consider it is safe for these to be provided;
- 2.9 delay the commencement of the decisions in paragraphs 2.7 and 2.8 until 6 July 2028, to align with similar changes made in 2023;

Prisoner trust accounts

- 2.10 introduce a requirement that the Chief Executive of Corrections (the Chief Executive) set and review the following prisoner trust account settings at least every five years:
 - 2.10.1 methods for how deposits can be made;
 - 2.10.2 methods and restrictions for withdrawals;
 - 2.10.3 limits for account balances, deposits, spending, and withdrawals;
 - 2.10.4 methods and grounds where prison managers can grant exemptions;
- 2.11 amend the existing powers of prison managers to grant exemptions to prisoner trust account balance limits, and give prison managers the power to grant exemptions to deposits, spending, and withdrawal limits;
- 2.12 give prison managers powers to regulate prisoner access to release to work funds, and funds deposited into prisoner trust accounts where they exceed the balance limit, except where the prison manager has granted an exemption;
- 2.13 ensure prison managers have the power to refuse and return trust account deposits and regulate spending and withdrawals that prisoners wish to make from their trust account where the prison manager reasonably considers the transaction may impact the good order, safety, and security of prisons, and prisoner and public safety, including the maintenance of the law;
- 2.14 amend any existing Regulations related to prisoner trust accounts as needed to give effect to the policy intent of paragraphs 2.10-2.13, and to maintain consistency across relevant provisions;

Remand prisoners

- 2.15 require Corrections to maintain and use a mechanism for assessing the risk of remand prisoners within 14 consecutive days of a remand prisoner's admission into a prison, with the risk determination to inform a prisoner's overall management to the extent that it is practicable (having regard to the availability of accommodation and other resources);
- 2.16 require that risk assessments for remand prisoners be reviewed within seven days of new or extra charges being laid, or a change of circumstance or events occurring while they are in prison that could impact that assessment for lower and higher risk prisoners, and every three months for higher risk prisoners;

- 2.17 enable a prisoner who is dissatisfied with their risk assessment to apply to the Chief Executive to have it reconsidered and specify a reason for doing so, and amend existing Regulations to ensure consistency with provisions relating to reviews of security classifications of sentenced prisoners;
- 2.18 delay commencement of the decisions in paragraphs 2.15-2.17 until three years after enactment to enable Corrections to resource the change;

Other minor provisions

- 2.19 remove all regulatory provisions relating to prisoner haircuts and the growth or removal of facial hair and replace them with requirements for Corrections to provide prisoners with access to tools for haircuts and the removal of facial hair, as far as reasonably practicable within available resources, and subject to safe custodial management;
- 2.20 remove reference to the 'punishment book', but retain a requirement to record the result of a disciplinary hearing that results in a penalty being imposed;

Changes to the Regulations as a result of the Corrections Amendment Regulations 2023

- 2.21 reflect Cabinet's previous decision [LEG-23-MIN-0075] to give Corrections and Serco until July 2028 to phase in the necessary infrastructure changes that would give prisoners on cell confinement and mental health segregation access to privacy screening and in-cell lighting;
- 2.22 require privacy screens and in-cell lighting to be provided for prisoners on cell confinement where infrastructure allows, as it is safe for these prisoners to have these features;
- 2.23 reflect Cabinet's previous decision [SWC-23-MIN-0009] that privacy screening and in-cell lighting in cells used for mental health segregation do not have to be provided where justified for safety reasons;
- 2.24 enable regulations relating to privacy and lighting in cells and other relevant areas of the prison to be updated during drafting to ensure consistency, clarity, and best practice drafting;

Changes to the Regulations as a result of the Corrections Amendment Act 2024

- 2.25 approve a consequential amendment so that prisoner mail, alongside prisoner correspondence, can also be copied;
- 2.26 reinstate requirements for case management plans that were removed from the Corrections Act 2004 by the Corrections Amendment Act 2024, with minor updates;
- 2.27 allow the limited mixing of accused and convicted prisoners for non-offence-based programmes where:
 - 2.27.1 mixing is with the accused prisoner's consent and taking into consideration the needs of convicted prisoners;

- 2.27.2 participation is necessary for the accused person's health and wellbeing, is consistent with the presumption of innocence, is for specific health, education or therapeutic intervention only, and it is not practicable or therapeutic to provide programmes separately; and
- 2.27.3 accused and convicted prisoners can be easily differentiated;
- 2.28 amend any existing Regulations in relation to the mixing of young people and adult prisoners, and accused and convicted prisoners who are allowed to keep their children with them in prison, to maintain consistency across the provisions;
- 2.29 agree to reflect, as appropriate, the new provisions in the Corrections Act 2004 limiting the use of a less-lethal weapon on a prisoner who is passively resisting, unless there is an imminent threat of injury or harm to the prisoner or any other person;
- 3 **invited** the Minister of Corrections to issue drafting instructions to the Parliamentary Counsel Office to amend the Corrections Regulations 2005 to give effect to the decisions under SOU-25-MIN-0018;
- 4 **authorised** the Minister of Corrections to make further decisions on minor and technical matters, including any consequential amendments, in line with the policy decisions agreed by Cabinet.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Dr Shane Reti
Hon Mark Mitchell
Hon Matt Doocey
Hon Nicole McKee
Hon Casey Costello
Hon Penny Simmonds

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet