



Cabinet

Minute of Decision

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Considering Changes to the Corrections System following the Attack on Christchurch Mosques

Portfolio **Corrections**

On 2 September 2019, following reference from the Cabinet Social Wellbeing Committee (SWC), Cabinet:

Prisoner mail

- 1 **noted** that the Corrections Act 2004 does not provide an explicit authority for the Department of Corrections to withhold mail that seeks to promote or encourage hostility towards certain groups;
- 2 **noted** that if the Department of Corrections withholds such mail without legislative support, this could be successfully challenged in court, attracting attention to these views, and potentially resulting in the Department of Corrections being required to pay compensation;
- 3 **agreed** to lower the threshold that must be met to withhold mail by stating that the prison manager needs to believe on reasonable grounds that the correspondence *may* (replacing *likely to*) satisfy the statutory criteria under section 108(1)(d) of the Corrections Act;
- 4 **agreed** to include the addition of *directly or indirectly* in section 108(1)(d) of the Corrections Act;
- 5 **agreed** to amend the Corrections Act to give the Department of Corrections a power to withhold mail where the content may directly or indirectly promote or encourage hostility towards any group of persons on the grounds listed in section 21 of the Human Rights Act 1993;
- 6 **agreed** to amend section 108(1)(d)(i) of the Corrections Act, which refers to people being threatened or intimidated, by replacing ‘*a person to whom it is being sent by the prisoner*’ with ‘*any person*’;
- 7 **agreed** to amend section 104 of the Corrections Act to require the Department of Corrections to consider the interests of victims when dealing with any mail sent to or from a prisoner;
- 8 **agreed** to amend section 104 of the Corrections Act to require the Department of Corrections to consider potential impacts of written material beyond the receiver, including the potential for the sharing and publication of material when dealing with any mail sent to or from a prisoner;

- 9 **agreed** to amend section 104 of the Corrections Act to require the Department of Corrections to consider the potential for messages and information to be disseminated through coded references when dealing with any mail sent to or from a prisoner;
- 10 **agreed** to give effect to these policy changes through a Supplementary Order Paper to the Corrections Amendment Bill;
- 11 **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;
- 12 **authorised** the Minister of Corrections to make minor or technical changes necessary to ensure that the Corrections Amendment Bill achieves its legal purpose;

9(2)(f)(iv)

[REDACTED]

[REDACTED]

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:
Prime Minister
Deputy Prime Minister
Minister of Corrections