



# Cabinet Legislation Committee

## Minute of Decision

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### Corrections Amendment Regulations 2023

**Portfolio**                      **Corrections**

On 1 June 2023, the Cabinet Legislation Committee:

- 1        **noted** that in August 2022 Cabinet approved the release of the discussion document, Consultation on options to improve rehabilitation, reintegration, and safety outcomes for the corrections system [SWC-22-MIN-0137];
- 2        **noted** that in December 2022, following public consultation and further analysis, the Cabinet Social Wellbeing Committee (SWC) agreed to amend the Corrections Regulations 2005 to include information about the procedures that must be followed before, during, and after the use of each type of non-lethal weapon, that helps to ensure that they are used in a way that is compatible with the humane treatment of prisoners [SWC-22-MIN-0244];
- 3        **noted** that in March 2023, SWC agreed further amendments to Corrections Regulations 2005 to [SWC-23-MIN-0009]:
  - 3.1      enable privacy screens and in-cell light switches to be included as the default features in cells for prisoners segregated to assess or ensure their mental health or those undergoing the penalty of cell confinement as the default, with the option to not provide these features where justified for safety reasons;
  - 3.2      support the above decision and give the Department of Corrections and Serco sufficient time to phase in any necessary infrastructure changes across the prison network;
  - 3.3      enable the use of speed cuffs (rigid-bar handcuffs) by specialist officers when general use handcuffs are not practicable when responding to at-height incidents;
  - 3.4      clarify that the Department of Corrections may approve the mixing of young prisoners and adult prisoners only if it is in the best interests of the young prisoner;
  - 3.5      ensure that decisions that determine whether a gender diverse prisoner is accommodated in a men's or women's prison are not based solely on a prisoner's birth certificate;
  - 3.6      ensure that when the Department of Corrections is determining whether a gender diverse prisoner is accommodated in a men's or women's prison, they may consider a prisoner's birth certificate, if the prisoner provides it, alongside other relevant factors;

- 3.7 ensure that when a review occurs under regulation 65C, the Department of Corrections' chief executive must consider the prisoner's birth certificate, if the prisoner provides it, alongside the other factors set out in Regulation 65C(3);

9(2)(f)(iv)

- 4 **noted** that in December 2022, SWC authorised the Minister of Corrections to make further decisions on minor and technical matters, including any consequential amendment, in line with the policy decisions agreed by Cabinet [SWC-22-MIN-0244];
- 5 **noted** that in March 2023, SWC 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 [SWC-23-MIN-009];
- 6 **noted** that the Corrections Amendment Regulations 2023 give effect to the decisions above;
- 7 **agreed** to reorder the matters listed in Regulation 65C(3) so that the matters fall within four distinct groupings: inputs from the gender diverse prisoner (and the impact on their safety and wellbeing), inputs and advice from staff at the Department of Corrections, the impact on the wider prison population (including prison security), and the impact of the determination on the gender diverse prisoner;

9(2)(f)(iv)

- 9 **authorised** the submission to the Executive Council of the Corrections Amendment Regulations 2023 [PCO 25439/11.0];
- 10 **noted** that the Corrections Amendment Regulations 2023 (the Regulations) come into force on 6 July 2023;
- 11 **noted** that there are provisions for the Regulations relating to privacy screens and in cell lighting to enable the Department of Corrections to phase in the necessary infrastructure changes by July 2028.

Rebecca Davies  
Committee Secretary

**Present:**

Hon Kelvin Davis  
Hon Kiri Allan  
Hon David Parker  
Hon Kieran McAnulty (Chair)  
Tangi Utikere, MP (Chief Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG