



Cabinet Social Wellbeing Committee

Minute of Decision

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Improving Safety and Operational Outcomes in Prisons

Portfolio Corrections

On 8 March 2023, the Cabinet Social Wellbeing Committee:

Increase access to privacy and control over lighting in prison cells

- 1 **agreed** to amend the Correction Regulations 2005 to 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;
- 2 **agreed** to introduce provisions in the Correction Regulations 2005 to 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;

Support specialist officers working at height by enabling access to speed cuffs

- 3 **agreed** to amend the Corrections Regulations 2005 to 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;

Clarify that mixing young people with adults in prison should only occur if it is in the young prisoner's best interests


- 4 **agreed** to amend the Corrections Regulations 2005 to 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;

Ensure the needs and wellbeing of gender diverse prisoners can be considered alongside prison safety when determining prison accommodation

- 5 **agreed** to amend the Corrections Regulations 2005 to 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;
- 6 **agreed** to amend the Corrections Regulations 2005 so 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;

- 7 **agreed** to amend the Corrections Regulations 2005 to 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);
- 8 **noted** that the above amendments are in keeping with the intent of the Births, Deaths, Marriages, and Relationships Registration Act 2021, in that a birth certificate is not conclusive evidence of a person's sex or gender;

9(2)(f)(iv)



Next steps

- 12 **noted** that in December 2022, the Cabinet Social Wellbeing Committee agreed to amendments to non-lethal weapons regulations to specify the procedures that must be followed before, during and after the use of such weapons [SWC-22-MIN-0244];
- 13 **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 in paragraphs 1 to 7 and 11 above, along with those previously agreed as noted in paragraph 12 above;
- 14 **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;
- 15 **agreed** that an exposure draft of the Amendment Regulations can be shared with the Office of the Ombudsman and the Human Rights Commission, subject to the Attorney-General's agreement.

Rachel Clarke
Committee Secretary

Present:

Hon Kelvin Davis (Chair)
Hon Stuart Nash
Hon Peeni Henare
Hon Priyanca Radhakrishnan
Hon Kieran McAnulty
Hon Ginny Andersen
Hon Barbara Edmonds
Hon Meka Whitiri
Hon Willow-Jean Prime

Officials present from:

Office of the Prime Minister
Officials Committee for SWC