

Supplementary Departmental Disclosure Statement

Corrections Amendment Bill

A supplementary departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

The original disclosure statement for the Corrections Amendment Bill, dated 9 June 2023, can be found at this link <https://disclosure.legislation.govt.nz/bill/government/2023/264/>.

This supplementary disclosure statement was prepared by the Department of Corrections.

The Department of Corrections certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

Date finalised 7 February 2024

Contents

Contents	2
The Main Areas of Change to the Original Disclosures	3
Part One: General Policy Statement	4
Part Two: Background Material and Policy Information	5
Part Three: Testing of Legislative Content.....	7
Part Four: Significant Legislative Features	8

The Main Areas of Change to the Original Disclosures

This is a supplementary disclosure statement for the Corrections Amendment Bill.

A supplementary disclosure statement supplements the original disclosure statement for the Bill by reporting the additions and changes that would need to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

The main area of change to the original disclosure statement include additional amendments to the Bill, to enable Corrections to deliver programmes to all prisoners. This includes:

- enabling remand convicted prisoners to be provided with access to rehabilitation and reintegration support that is offence-based, and
- creating a stronger expectation that remand accused prisoners will be provided with reintegration and other non-offence-based support.

Part One: General Policy Statement

This Amendment Paper proposes amendments to the Corrections Amendment Bill.

The Amendment Paper as introduced amends the Bill to give effect to additional policy decisions, to enable remand convicted prisoners to have access to offence-based programmes in prison and to create a stronger expectation that remand accused prisoners will have access to reintegration and other non-offence-based support.

The Department of Corrections has historically designed its rehabilitation and reintegration to focus on sentenced prisoners, but the proportion of prisoners on remand has increased significantly since 2013. This policy therefore supports the corrections system to adapt to this significant increase in both the proportion of remand prisoners and the number of prisoners spending longer periods on remand.

This aligns with the existing policy objective for the Bill, which is to improve rehabilitation, reintegration and safety outcomes in the corrections system, and to enable best-practice operations by ensuring that the Act is updated to respond to Corrections' changing environment.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
--	-----------

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
--	-----------

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO
---	-----------

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Regulatory Impact Statement: Access to offence-based rehabilitative programmes for remand prisoners, Date finalised: 6 December 2023. https://www.corrections.govt.nz/resources/policy_and_legislation/ris_access_to_offence-based_rehabilitative_programmes_for_remand_prisoners	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The RIA was assessed by a panel made up of representatives from the Department of Corrections and New Zealand Police. The Panel reviewed the regulatory impact statement and considered that it partially meets the Quality Assurance criteria.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
--	-----------

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
---	-----------

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The Regulatory Impact Statement provides an analysis on costs and benefits of the changes in this Bill and who is impacted by the changes. https://www.corrections.govt.nz/resources/policy_and_legislation/ris_access_to_offence-based_rehabilitative_programmes_for_remand_prisoners	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

This proposal is consistent with New Zealand's obligations under the International Covenant on Civil and Political Rights for people charged with a criminal offence to be presumed innocent until proven guilty, as remand accused prisoners will only be enabled to access non-offence-based programmes and reintegrative support.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Regulatory Impact Assessment included an assessment of the impacts on Māori of the various policy options.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

NO

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?

NO

This policy is part of the Government's 100-Day Plan and no external consultation was undertaken due to limited timeframes for progressing the policy.

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?

NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
---	----

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
---	----

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
--	----

Strict liability or reversal of the burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
--	----

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
---	----

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
The Amendment Paper creates a power to make regulations prescribing matters that must be included in non-offence-based programmes, and different matters that may be prescribed for different programmes and different classes of prisoners. This replicates an existing regulation making power that exists for rehabilitative programmes.	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
---	----

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
---	----