

# Departmental Disclosure Statement

---

Corrections Amendment Bill 2023
---------------------------------

The Departmental Disclosure Statement for a Government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- 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.

This disclosure statement was prepared by the Department of Corrections/Ara Poutama Aotearoa.

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.

9 June 2023

## Contents

Contents.....	2
Part One: General Policy Statement.....	3
Part Two: Background Material and Policy Information .....	9
Part Three: Testing of Legislative Content.....	12
Part Four: Significant Legislative Features .....	16

## Part One: General Policy Statement

### This Bill seeks to improve rehabilitation, reintegration and safety outcomes in the corrections system

The Corrections Act 2004 (**the Act**) provides the framework for how the corrections system operates and includes detailed requirements for the operation of prisons in New Zealand.

This Bill aims to improve rehabilitation, reintegration, and safety outcomes for the people the Department of Corrections (**Corrections**) manages in prisons. It aims to enable best-practice operations by ensuring that the Act is updated to respond to Corrections' changing environment and is able to support shifts within the corrections system that are taking place, guided by Corrections' strategy *Hōkai Rangi*.

These changes are necessary because the environment Corrections operates in is changing and increasingly complex. For example,—

- violence and aggression in prison pose a challenge that Corrections is responding to:
- many people in prison have complex needs and histories of violence and anti-social behaviour:
- the criminal landscape in New Zealand is changing, which affects the risk profile of the people Corrections manages.

In addition, although the prison population has declined from its peak in 2018, Māori continue to be over-represented.

### Modernising and future-proofing the Act to clarify Corrections' powers to monitor prisoner communications and information sources for intelligence purposes

With the emergence of new, more sophisticated gangs and domestic and transnational organised crime groups, risk from harmful activity in prison has increased. Within its current powers, Corrections is limited in its ability to effectively monitor and use information obtained from the communications of people in prison, and therefore cannot accurately assess and respond to risks posed to the safety, security, and good order of prisons.

Currently, Corrections is able to open mail and read correspondence to determine whether it should be withheld where it may, for example, threaten or intimidate any person. Corrections can also record and listen to phone calls. However, the Act has not responded to changes in technology, and is silent on Corrections' ability to monitor other sources such as email, video calls, or use of Internet services. The Act is also silent on Corrections' powers to monitor visits. The changes will provide new powers, and appropriate limitations, around Corrections' ability to monitor, collect, use, and disclose prisoner communications and information sources.

Because the Act is outdated and limits Corrections' powers to monitor, collect, use, and disclose information for intelligence purposes, this also limits Corrections' ability to support and contribute to the National Security Intelligence Priorities and associated government strategies.

The Bill aims to address these issues by—

- creating a new definition of an ‘intelligence purpose’:
- introducing specific provisions into the Act that will empower and restrict Corrections’ ability to monitor, collect, use, and disclose different forms of prisoner communications and information sources for intelligence purposes:
- clarifying when Corrections can disclose information to eligible employees within the department and when it can disclose information to persons other than eligible employees, including to other government agencies:
- updating legislative provisions for the disposal of information to create consistency in how information collected for an intelligence purpose is managed.

Information held in prisoner health records, including psychological information recorded and created to provide treatment to prisoners, and communications in connection with restorative justice processes, are exempt from being monitored. The Bill also exempts communications and information sources between prisoners and specified persons from being monitored, collected, used, or disclosed.

Monitoring, collection and use of information will only occur when Corrections believes it is reasonably necessary for an intelligence purpose, and will be aimed at individuals who present a serious risk of harm to the good order, safety, and security of prisons, or to public safety.

The Bill allows for any prisoner call that is not an exempt prisoner call to be recorded. This carries over existing provisions in the Act and aligns with current operational practice.

The monitoring of visits will only occur where approved by the chief executive of Corrections. The chief executive must have reasonable grounds, based on information previously collected, to believe that the monitoring and collection of information is necessary for an intelligence purpose, and it is likely that information communicated in the visit may—

- threaten the security, good order, and discipline of the prison:
- threaten the safety of any person:
- promote or encourage the commission of an offence, involve an offence, or facilitate the commission or possible commission of an offence.

The Bill requires warnings to be given to prisoners, and to their correspondents and visitors, that their communications and information sources may be monitored, collected, used, and disclosed.

### **Making changes to the disciplinary process in prisons to ensure it is timely and incentivises good behaviour**

One way Corrections maintains the safety and well-being of staff and prisoners is through internal disciplinary processes in prisons. The internal disciplinary process ensures that prisoner misconduct is dealt with through disciplinary hearings and the imposition of penalties by hearing adjudicators or Visiting Justices.

The Bill aims to improve the effectiveness of the disciplinary process by—

- enabling hearing adjudicators and Visiting Justices who oversee disciplinary hearings to impose an order suspending the imposition of penalties, within a

time period of no more than 3 months, and to call the prisoner to appear for the imposition of penalties if a subsequent offence is committed within the time period, to incentivise better prisoner behaviour:

- allowing disciplinary hearings to proceed and penalties to be imposed without the accused prisoner being present, if the accused prisoner refuses to attend or if a hearing adjudicator or Visiting Justice requires them to leave on the grounds of disruptive behaviour:
- specifying that if hearings proceed without the accused prisoner present, the hearing adjudicator or Visiting Justice must record the reason for the decision in writing and an appeal or re-hearing can be requested by the prisoner in respect of the finding or penalty imposed. These safeguards are in place to support natural justice:
- enabling hearings to proceed via audiovisual link, with the option to use audio link or another remote access facility if it is not reasonably practicable to use audiovisual link and it is not contrary to the interests of justice to use the audio link or other remote access facility:
- specifying that a prisoner or person on temporary release who incites an offence against discipline is liable to be dealt with and punished in the same manner as if they had committed the offence.

### **Strengthening processes for the authorisation and use of non-lethal weapons on prisoners**

Section 85(3) of the Act requires that before regulations are made authorising the use of any kind of non-lethal weapon, the Minister of Corrections must be satisfied that its use is compatible with the humane treatment of prisoners, and that the potential benefits of use outweigh any potential risks. There is currently no requirement in the Act or regulations as to what information the Minister needs to receive or consider in order to be satisfied of the matters in section 85(3).

To strengthen the process for authorising the use of non-lethal weapons, the Bill introduces new requirements in order for the Minister to be satisfied of the matters in section 85(3): the Minister must consider sufficient information relevant to the use of a non-lethal weapon, such as operational policies relating to the management of health impacts, and training materials for staff.

The Bill also clarifies that staff may not use non-lethal weapons in cases of passive resistance to a lawful order, unless staff have reasonable grounds for believing that there is an imminent threat of injury or harm to the prisoner or any person.

### **Supporting improved rehabilitation and reintegration outcomes for Māori under Corrections' management**

As of December 2022, Māori are significantly over-represented in the prison population, comprising approximately 53 percent of people in prison and approximately 43 percent of people serving home detention. Over-representation is even higher for wāhine Māori. For example, approximately 68 percent of women on remand in custody have Māori whakapapa.

Corrections is making progress under its departmental strategy *Hōkai Rangi* to improve outcomes for Māori. This Bill inserts pragmatic legislative provisions that provide for the Crown's intention to give effect to the principles of Te Tiriti o Waitangi/The Treaty of Waitangi (**Te Tiriti**).

The Bill does this by—

- incorporating a reference to Te Tiriti:
- incorporating new principles for the corrections system that are derived from the principles of Te Tiriti to, so far as reasonably practicable,—
  - provide for equitable rehabilitation and reintegration outcomes for Māori:
  - engage with Māori on matters relating to rehabilitation and reintegration outcomes for Māori, including engagement on a national, regional, and site level on the design, delivery, and monitoring of programmes and services:
  - promote the well-being of Māori and all people in the corrections system including by providing access to mātauranga Māori.
- requiring Corrections to develop, maintain and implement a strategy that focuses on improving outcomes for Māori in the corrections system, and that provides requirements for monitoring the strategy's outcomes:
- providing for temporary release to be used to access cultural activities by prisoners:
- requiring that Māori prisoners and other prisoners must have access to cultural activities, so far as is reasonable and practicable, regardless of the corrections prison in which they are detained:
- requiring approaches to health care for prisoners in a prison to be guided by the health sector principles set out in section 7 of the Pae Ora (Healthy Futures) Act 2022, as far as reasonable and practicable:
- requiring Corrections to provide access to mātauranga Māori as part of the provision of information and education in prison:
- enabling the views of whānau, iwi, and hapū to be taken into account, where appropriate and so far as is reasonable and practicable, in decisions about which prison offenders are accommodated in.

The areas where new requirements have been created were chosen because they are areas where Corrections has existing statutory responsibilities and where inequities exist between Māori and non-Māori in the corrections system.

### **Enabling limited mixing of remand accused and convicted prisoners**

The Corrections Regulations 2005 currently prevent Corrections from mixing remand accused and convicted people in prison, unless there are exceptional circumstances, such as a natural disaster. This is based on the International Covenant on Civil and Political Rights, which requires the separation of accused and convicted people in prison to protect the presumption of innocence for accused people.

Given New Zealand's small and geographically dispersed prison population, there are occasions when Corrections cannot provide parallel, non-offence focused programmes to remand accused and convicted prisoners, for example, because there are not enough participants, or it is not financially feasible to do so. The regulatory prohibition on mixing accused and convicted prisoners prevents Corrections from designing or implementing innovative non-offence focused programmes and services that prioritise the interests of the prisoner, regardless of their conviction status. Such innovative programmes might, for example, be based on kaupapa Māori approaches that support whānau connection.

This Bill amends the Act to enable regulations to be made that, despite New Zealand's international obligations, allow for the limited mixing of—

- accused and convicted people in prison for kaupapa Māori, educational, religious, and therapeutic programmes:
- accused and convicted people who are allowed to keep their children under 2 years old with them in prison:
- young persons and adults where it is in the best interests of the young persons.

### **Miscellaneous amendments intended to enable best-practice operations in prisons**

The Bill also makes a series of miscellaneous amendments that will improve Corrections' ability to operate prisons safely and efficiently. These are—

- enabling body imaging technology to be used as an alternative to a rub-down search on re-entry to prison, if the prisoner does not express a preference for a rub-down search:
- requiring images taken from body imaging technology to be deleted within 24 hours:
- allowing prisoners who have had a determination of sex for the purpose of accommodation to choose the sex of the officer conducting or viewing a strip search, rub-down search, or imaging technology search:
- enabling body temperature scanners to be used in prisons if the prison manager considers it is necessary and justifiable to ascertain any risk that a person entering a prison may be carrying a communicable disease, after taking into account advice from a registered health professional:
- requiring images taken from body temperature scanners to be disposed of within 1 hour:
- removing detailed requirements for case management plans from the Act, to instead be stated in regulations to provide greater flexibility to support changes in best practice:
- allowing Corrections to disclose prisoner information to the Inland Revenue Department on an ongoing basis for the purpose of complying with the tax system.

The Bill also makes 5 minor and technical amendments to clarify existing provisions in the Act. These are to—

- clarify that prison managers can refuse to issue authorised property to prisoners who have been assessed as at risk of self-harm. Refusal may be appropriate in some situations to keep people safe:
- clarify that a prisoner may be subject to ongoing assessments of their risk of self-harm regardless of whether they were assessed as being at risk of self-harm on reception into a prison:
- clarify that prison managers have the power to deny or restrict associations for prisoners assessed as at-risk:
- change the term “management plan” used in section 51 of the Act to “case management plan” to differentiate this term from other types of management plans referred to in legislation and operational practice:

- remove sections 98(3)(b) and 98(6) from the Act and clarify when strip searches may be carried out.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>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?</b>	<b>YES</b>
<i>Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates</i> , Waitangi Tribunal, 2017 (accessible at <a href="https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_135986487/Tu%20Mai%20te%20Rangi%20W.pdf">https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_135986487/Tu%20Mai%20te%20Rangi%20W.pdf</a> )	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
<p>However, this Bill includes a change to enable the limited mixing of remand accused and convicted prisoners and to clarify requirements around mixing young people and adults in prison. These amendments engage Article 10(2)(a) and (b) of the International Covenant on Civil and Political Rights, Article 37 of the United Nations Convention on the Rights of the Child, and Rule 11 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, but do not directly seek to give effect to New Zealand's obligations under these international treaties.</p> <p>International Covenant on Civil and Political Rights: <a href="https://www.ohchr.org/sites/default/files/ccpr.pdf">https://www.ohchr.org/sites/default/files/ccpr.pdf</a></p> <p>United Nations Convention on the Rights of the Child: <a href="https://www.ohchr.org/sites/default/files/crc.pdf">https://www.ohchr.org/sites/default/files/crc.pdf</a></p> <p>The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): <a href="https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf">https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf</a></p>	

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p><i>Regulatory Impact Analysis: Improving rehabilitation, reintegration and safety outcomes in the Corrections system</i>, Department of Corrections, 30 November 2022, accessible at: <a href="https://www.corrections.govt.nz/resources/policy_and_legislation/ris_improving_rehabilitation_reintegration_and_safety_outcomes_in_the_corrections_system">https://www.corrections.govt.nz/resources/policy_and_legislation/ris_improving_rehabilitation_reintegration_and_safety_outcomes_in_the_corrections_system</a></p>	

<p><b>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?</b></p>	<p><b>NO</b></p>
<p>The RIS did not meet the threshold for Treasury’s RIA Team assessment and was evaluated by a QA panel that consisted of policy staff from Corrections, Ministry of Justice, Police and Oranga Tamariki.</p> <p>The Panel reviewed the RIA <i>Improving rehabilitation, reintegration and safety outcomes in the corrections system</i> dated 30 November 2022.</p> <p>“The panel has assessed the majority of the RIA as meeting the criteria with the exception of two of the miscellaneous sections which are discussed below, along with the following comments.</p> <p>The panel assessed Section D on improving outcomes for Māori as meeting the RIA criteria. However, the panel noted that Corrections may face challenges when it comes to the implementation of the options in relation to health and education as Corrections is not the only agency funding and delivering those service in prisons. These provisions will require careful drafting to ensure they are practical to implement and have appropriate regard to this consideration.</p> <p>The panel assessed Section E on the mixing of remand accused and convicted people as meeting the RIA criteria. However, the panel noted that if the option to allow mixing in limited circumstances was to go ahead this could be seen as a breach of Article 10(2) of the International Covenant on Civil and Political Rights which does come with a degree of risk to New Zealand’s international reputation. This is somewhat mitigated by the limitations that are proposed, for example having separate accommodation and mealtimes. This risk is balanced against the remainder of New Zealand’s international obligations regarding the treatment of prisoners, including the need to provide cultural activities and healthcare to people in prison. Overall, despite these risks, the panel was convinced by the RIA and the recommended option being the best approach to deliver against the objectives.</p> <p>The Panel assessed Section G on body temperature scanners as partially meeting the RIA criteria. The circumstances in which body temperature scanning can be used will determine whether this search is a justifiable encroachment on human rights. Those circumstances are not well explored. Otherwise, the case for being able to scan everyone’s body temperature before entry to prison is convincing.</p> <p>The panel assessed Section I on information sharing with Inland Revenue as partially meeting the RIA criteria. The case for preferring a bespoke amendment to the Act over an Approved Information Sharing Agreement is not sufficiently convincing. Nevertheless, the assessment establishes that a bespoke amendment equally fulfils the objectives.</p> <p>While the panel assessed each of the sections individually, it was noted that there was limited consultation with prisoners which is not a representative sample and not statistically significant. However, it was noted that the wider public consultation meant people had a chance to submit if previously in prison, or they had whānau in prison. On balance it was the panel’s view that while this limited consultation with people with lived experience placed constraints on the analysis, it did not negatively impact the analysis overall.”</p>	

<p><b>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?</b></p>	<p><b>NO</b></p>
---	------------------

## Extent of impact analysis available

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

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

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

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>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?</b>
--

Ministry of Foreign Affairs and Trade was consulted and Crown Law advice was obtained on the proposal for the limited mixing of remand accused and convicted prisoners.

This proposal is consistent with New Zealand's obligations under the ICCPR as some limited mixing where it is not possible to run a parallel programme, where the mixing is limited, and where the remand accused prisoner consents is likely to be regarded as 'exceptional circumstances' for the purposes of the ICCPR.

### Consistency with the government's Treaty of Waitangi obligations

<b>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?</b>
---

The proposals for improving rehabilitation and reintegration outcomes for Māori were developed with an independent technical experts group and informed by the Waitangi Tribunal's findings in its *Tū Mai te Rangī!* report. Agencies that form the Treaty Provisions Oversight Group, including Te Arawhiti, Te Puni Kōkiri, Crown Law Office, and the Department of Prime Minister and Cabinet, were consulted during the development of these proposals.

Other proposals in the Bill underwent Treaty analysis as part of the policy development process to determine that they are consistent with the principles of the Treaty of Waitangi.

Corrections engaged with Māori on all proposals as part of public consultation. This included hui with iwi partners. Written submissions were also received from iwi and Māori organisations.

### Consistency with the New Zealand Bill of Rights Act 1990

<b>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?</b>	<b>YES</b>
---	------------

Advice provided to the Attorney-General by the Ministry of Justice is expected to be available on the Ministry of Justice's website at:

<https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/advice/>

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>YES</b>
The Corrections Act contains existing penalties for staff members who knowingly disclose prisoner calls, other than as permitted by the Act. The Bill updates section 146 so that this penalty applies to any person who knowingly discloses any information from prisoner communications and information, except as provided for in the new disclosure provisions in the Bill.	
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>

## 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?	YES
<p><i>Modernising and future-proofing the Act to clarify Corrections' powers to monitor prisoner communications and information sources for intelligence purposes</i></p> <p>Subpart 4A of the Bill includes provisions that impact the privacy of prisoners and people communicating with prisoners.</p> <p>The Bill empowers Corrections to monitor, collect, use and disclose different forms of prisoner communications and information sources, including verbal, written, visual and digital sources, and visits. Monitoring, collection, use and disclosure of prisoner communications and information sources can only occur where reasonably necessary for an intelligence purpose and must be aimed at individuals who present a serious risk of harm to the good order, safety, and security of prisons or to public safety.</p> <p>Existing powers in the Corrections Act to monitor all prisoner calls will be carried across in the Bill, to ensure the Bill does not unintentionally limit existing operational processes, and the definition of prisoner calls has been expanded to be more technology-neutral than only referring to telephone calls.</p> <p>Visits can only be monitored on a case-by-case basis where the Chief Executive of Corrections has reasonable grounds, based on information previously collected, to believe that the monitoring is necessary for an intelligence purpose and it is likely that information communicated in the visit may:</p> <ul style="list-style-type: none"> <li>• threaten the security, good order, and discipline of the prison, or</li> <li>• threaten the safety of any person, or</li> <li>• promote or encourage the commission of an offence, or involve or facilitate the commission or possible commission of an offence.</li> </ul> <p>These safeguards are in place to ensure that Corrections does not unjustifiably monitor communications and does not collect irrelevant personal information.</p> <p>The Bill requires warnings to be given to prisoners and their visitors and correspondents that communications and information sources may be monitored, and requires prisoners and visitors to be informed if the chief executive has authorised the monitoring of a visit.</p> <p>The Bill also ensures that private information may only be retained for as long as is reasonably necessary for the purpose it was collected. The Bill states when Corrections can disclose information collected to other government agencies.</p> <p><i>Enabling body imaging technology to be used as an alternative to a rub-down search on re-entry to prison, where the prisoner gives their consent</i></p> <p>The Bill enables the greater use of body imaging technology, which involves the collection of personal information in the form of an image produced by a body imaging scanner. The Bill allows for a body imaging scan to be used as an alternative to a rub-down search on entry and re-entry to prison if the prisoner does not express a preference for a rub-down search, and the image taken must be disposed of within 24 hours.</p> <p><i>Enabling body temperature scanners to be used in prisons where there is a necessary and justifiable health risk</i></p> <p>The Bill enables body temperature scanners to be authorised for use by a prison manager, if they consider it is necessary and justifiable to ascertain any risk that a person entering a prison may be carrying a communicable disease, taking into account advice from a registered health professional. This involves the collection of personal health information, in the form of an image that identifies the person's body temperature. These scanners would only be used where necessary and justifiable in response to a health risk, and any images taken will be disposed of within one hour.</p>	

<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>YES</b>
<p>The Office of the Privacy Commissioner (OPC) submitted on these proposals as part of public consultation undertaken by Corrections in August and September 2022 and was consulted on the draft Bill in May 2023.</p> <p>Corrections also developed Privacy Impact Assessments for the proposals related to monitoring prisoner communications and the use of body imaging technology and consulted with OPC on these. A Privacy Impact Assessment for the use of body temperature scanners had already been completed in May 2020.</p> <p>Feedback from the Privacy Commissioner resulted in amendments to the Bill, including strengthening the safeguards around the privacy of prisoners and their correspondents and visitors in subpart 4A of the Bill.</p>	

### External consultation

<b>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?</b>	<b>YES</b>
<p>Public consultation took place for six weeks in August and September 2022. Corrections released a discussion document and people could provide written submissions, respond to a survey, or request to meet to discuss their feedback. Corrections proactively emailed over 500 partners and key stakeholders to inform them about consultation.</p> <p>195 survey responses and 57 written submissions were received. Several hui were held with iwi and other organisations, and engagement occurred with prisoners at two prisons.</p> <p>The proposals were generally well supported by people who made submissions, and amendments were made in response to the feedback. For example:</p> <ul style="list-style-type: none"> <li>• additional safeguards were added to the proposals for monitoring and gathering prisoner communications, such as limiting the monitoring of visits to be on a case-by-case basis approved by the Chief Executive</li> <li>• additional safeguards were added to the proposals relating to the disciplinary process in prisons to ensure natural justice is supported, including narrowing the situations in which disciplinary hearings can proceed without the accused person present, and</li> <li>• a new set of Te Tiriti o Waitangi principles was developed, taking into account suggested principles from public consultation.</li> </ul>	

### Other testing of proposals

<b>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?</b>	<b>YES</b>
<p>Proposals were tested with the Legislation Design and Advisory Committee.</p> <p>The proposals to improve rehabilitation and reintegration outcomes for Māori were developed with a small group of technical experts and were tested with the Treaty Provisions Oversight Group.</p>	

## 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 usual 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?	NO
--	----

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>The Bill creates a new regulation making power to provide for matters that must be included in case management plans, including when case management plans must be reviewed.</p> <p>The Bill also creates a regulation making power to provide for regulations that allow the mixing of accused and convicted prisoners for non-offence-based programmes (such as therapeutic, education, kaupapa Māori, or religious-based programmes) if it is not practicable or therapeutic to keep the prisoners separate. The Bill states that these regulations can be made despite Corrections' international obligations.</p>	

**Any other unusual provisions or features**

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