Version
as at 23 September 2026

Corrections Act 2004

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Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Corrections.

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1 Title

This Act is the Corrections Act 2004.

Part 1
Preliminary provisions

2 Commencement

(1) This Act (except sections 182A to 182E and sections 200 to 203) comes into force on a date to be appointed by the Governor-General by Order in Council.

(1A) Sections 182A to 182E come into force on the date on which the Parole (Extended Supervision) Amendment Act 2004 comes into force.

(2) Sections 200 to 203 come into force on the day after the date on which this Act receives the Royal assent.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1): this Act (except sections 182A–182E and 200–203) brought into force, on 1 June 2005, by clause 2 of the Corrections Act Commencement Order 2005 (SR 2005/52).

Section 2(1A): sections 182A–182E brought into force, on 7 July 2004, pursuant to section 2 of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 2(1): amended, on 7 July 2004, by section 14(1) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 2(1A): inserted, on 7 July 2004, by section 14(2) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 2(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Interpretation

(1) In this Act, unless the context otherwise requires,—

accused prisoner—

(a) means a prisoner detained only by reason of the fact that the prisoner is awaiting trial or is on remand in custody during the trial:

(b) does not include a prisoner who is on remand awaiting sentence

at-risk assessment means, in relation to a prisoner, an assessment of the prisoner's risk of self-harm made under section 49(2) or 61A

at-risk cell means a cell that has been designated as an at-risk cell under section 61H

at-risk management plan, in relation to a prisoner, means the plan established for that prisoner under section 61D

at-risk prisoner means a prisoner who has received an at-risk assessment indicating that the prisoner is at risk of self-harm and the at-risk assessment has not been reversed or revoked

attendance for judicial purposes, in relation to any person, includes the attendance of that person, whether as a party or as a witness, before any of the following tribunals:

(a) any court of justice:

(b) the House of Representatives or any Committee of that House:

(c) any arbitrator or umpire, or any person or body of persons authorised by law to make an inquiry and take evidence on oath:

(d) any legal tribunal by which any legal right or liability can be established:

(e) any person acting as a court or tribunal having the power to hold a judicial proceeding:

(f) any family group conference within the meaning of section 2(1) of the Oranga Tamariki Act 1989:

(g) *[Repealed]*

(h) any other person or body of persons the proceedings, or any part of the proceedings, of whom or of which are deemed to be a judicial proceeding for the purposes of section 108 of the Crimes Act 1961 (which relates to perjury)

audio link means a facility (for example, a telephone) that enables audio communication between people in different places

audiovisual link means a facility that enables audio and visual communication between people in different places

authorised property means property that is declared by rules made under section 45A as property that prisoners may be issued with or allowed to keep

biometric information has the same meaning as in section 2(1) of the Customs and Excise Act 1996

chief executive means the chief executive of the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

complainant means a person who makes a complaint under subpart 6 of Part 2

complaint—

(a) includes a complaint about—

(i) the treatment of a person who is or was under control or supervision; or

(ii) the conditions in the prison, community work centre, probation office, or any other place (including a dwellinghouse) at which a

person referred to in subparagraph (i) is or was detained, or is or was required to attend, work, or live; or

(iii) a decision in respect of a request by a person referred to in subparagraph (i) for information; or

(iv) a decision relating to a person referred to in subparagraph (i) for which no other right of appeal or review exists under any enactment; but

(b) does not include any action taken by a prisoner to review or appeal a decision by a hearing adjudicator or Visiting Justice under subpart 5 of Part 2 or any other complaint by a prisoner about a decision of that kind

contract prison means a prison that is for the time being managed under a prison management contract

contractor means a person who is a party to a prison management contract under which that person is to manage a prison

corrections prison—

(a) includes a prison operated by the department (including a temporary prison) and a contract prison; but

(b) does not include a Police jail

correspondence—

(a) means a handwritten, typed, or printed message that is mail or is contained in any mail; and

(b) includes a handwritten, typed, or printed manuscript contained in any mail; but

(c) does not include an electronic message or a fax

courtroom custodial duty means the custody, control, and supervision of a person while he or she is at any place at which the attendance of that person is required for judicial purposes

courtroom custodial services means the provision of persons to undertake courtroom custodial duties

department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

Director-General of an intelligence and security agency has the same meaning as in section 4 of the Intelligence and Security Act 2017

disciplinary offence means an offence against discipline under subpart 5 of Part 2

disciplinary proceedings means a hearing conducted by a hearing adjudicator or a Visiting Justice under subpart 5 of Part 2

drug means—

(a) a controlled drug within the meaning of the Misuse of Drugs Act 1975:

(b) a prescription medicine or restricted medicine within the meaning of the Medicines Act 1981:

(c) a psychoactive substance within the meaning of section 9 of the Psychoactive Substances Act 2013

electronic communication device—

(a) means an electronic communication device (other than a device used to assist with a disability) that is capable of any or all of the following actions:

(i) transmitting sound:

(ii) computing information:

(iii) functioning as a telephone:

(iv) communicating in any other way using any technology (including telecommunication, radiocommunication, Internet, and broadcasting technology):

(b) includes any part of an electronic communication device (for example, a SIM card) regardless of whether the part—

(i) is capable of any of the actions specified in paragraph (a); and

(ii) is detachable and may be used in other electronic communication devices:

(c) includes any device that enables or facilitates the functioning of an electronic communication device (for example, a recharger or charging device):

(d) does not include—

(i) any telephone facility provided for the use of prisoners under section 77; and

(ii) any telephone facility or telephone system (whether inside or outside a prison) that a prisoner is permitted to use by a person under whose control or supervision the prisoner is

electronic message means any communication transmitted by electronic means that is capable of being displayed on a visual display unit

employee includes a person engaged under a contract for services

enforcement officer—

(a) means a person who is a constable, or who—

(i) is an officer or employee of the public service (as defined in section 10 of the Public Service Act 2020) or a local authority; and

(ii) is acting in the course of his or her official duties (being duties consisting of or including the detection, investigation, or prosecution of offences); but

(b) does not include an officer (as defined in this subsection)

escort duty—

(a) means the transport of persons in custody—

(i) to or from a prison or Police station; or

(ii) to or from any place at which their attendance is or has been required for judicial purposes; or

(iii) to or from a residence (within the meaning of the Oranga Tamariki Act 1989); or

(iv) in connection with any temporary removal from custody under section 62; or

(v) for the purposes of the Mental Health (Compulsory Assessment and Treatment) Act 1992; and

(b) includes their custody, control, and supervision during that transport, and any custody, control, and supervision while they are at any place to or from which they are transported (other than a prison or Police station) that is incidental to that transport

escort services means the provision of persons to undertake escort duties

family, in relation to any person, includes—

(a) any person to whom the person is related; and

(b) the person's spouse, civil union partner, or de facto partner; and

(c) the person's family group

family group, in relation to any person, means a family group or extended family—

(a) in which there is at least 1 adult member—

(i) with whom the person has a biological or legal relationship; or

(ii) to whom the person has a significant psychological attachment; or

(b) that is the person's whanau or other culturally recognised family group

firearm has the same meaning as in section 5 of the Arms Act 2026

Health and Disability Commissioner includes any employee of the Commissioner

health centre manager means a person appointed as a health centre manager under section 19A and who is a medical practitioner or a nurse

hearing adjudicator means a person designated as a hearing adjudicator under section 15

imaging technology search has the meaning given to that term in section 92B

Independent Police Conduct Authority includes any employee of the Authority

inspector of corrections or **inspector** means a person appointed as an inspector of corrections under section 28

intelligence and security agency has the same meaning as in section 4 of the Intelligence and Security Act 2017

intelligence purpose has the meaning given in section 127B

investigating officer means an officer (within the meaning of section 2(1) of the Defence Act 1990) or other duly authorised person investigating a complaint under section 49 of that Act

legal adviser—

(a) means a lawyer (within the meaning of the Lawyers and Conveyancers Act 2006) who represents a prisoner; and

(b) includes, in relation to any member of the Armed Forces detained in a prison, any other member of the Armed Forces responsible for representing that member in the Court Martial or other proceedings

mail means any letter, package, parcel, or postcard sent or delivered to or by a prisoner

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003, as a practitioner of the profession of medicine

medicine has the same meaning as in section 3 of the Medicines Act 1981

member of the Human Rights Commission includes any employee of the Human Rights Commission

Minister means the Minister of the Crown for the time being responsible for the department

monitor means any person appointed under section 199E(1) or (2)

non-offence-based programme means a programme designed for persons under control or supervision to assist them to reintegrate into the community, for example, a medical, social, therapeutic, psychological, te ao Māori, cultural, educational, employment-related, religion-based, or reintegrative programme

nurse means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions

offender—

(a) means a person who is under control or supervision; and

(b) includes a person who is dealt with or is liable to be dealt with for non-payment of a sum of money, disobedience of a court order, or contempt of court; but

(c) does not include—

(i) an accused prisoner; or

(ii) a person who is detained solely as a consequence of a warrant or other order issued under the Immigration Act 2009

officer—

(a) means—

(i) the manager of a prison:

(ii) any person appointed or engaged under section 11 to provide custodial services in respect of a prison:

(iii) any person appointed under section 17(1):

(iv) any person appointed or engaged under section 17(2) to carry out the obligations of a security contractor under a contract to undertake escort duties or courtroom custodial duties, or both, but only while that person is carrying out functions set out in section 18(1) or the powers and functions referred to in section 18(2):

(v) any employee of the department who the chief executive designates to carry out the powers and functions of an officer in respect of 1 or more prisons:

(vi) in respect of any provision, any employee of the department whom the chief executive designates to carry out the powers and functions of an officer under that provision in respect of 1 or more prisons; but

(b) does not include any employee or independent contractor appointed or engaged to provide non-custodial services in respect of any prison or any prisoner

official agency means—

(a) an inspector of corrections; or

(b) a monitor; or

(c) a security monitor; or

(d) a Visiting Justice; or

(da) the Inspector-General of Intelligence and Security; or

(e) an Ombudsman; or

(f) the Children's Commissioner; or

(g) the Health and Disability Commissioner; or

(ga) an advocate within the meaning of section 2(1) of the Health and Disability Commissioner Act 1994; or

(h) the Human Rights Commission; or

(i) the Independent Police Conduct Authority; or

(j) the Privacy Commissioner; or

(k) a national preventive mechanism (as defined in section 16 of the Crimes of Torture Act 1989); or

(l) the Inspector-General of Defence

Ombudsman includes any employee of the Office of the Ombudsmen

person under control or supervision means—

(a) a prisoner:

(b) a person who is subject to a community-based sentence:

(c) a person who is subject to a sentence of home detention:

(d) *[Repealed]*

(e) a person who is subject to conditions under the Parole Act 2002 or under section 80N or 93 of the Sentencing Act 2002

Police jail means a prison established or deemed to be established as a Police jail under section 32(1)(b)

prescribed means prescribed by this Act or by any regulations made under this Act

prison—

(a) means a prison established or deemed to be established under section 32; and

(b) to avoid doubt, includes any land or building declared to be a prison

prison management contract means a contract for the management of a corrections prison entered into pursuant to section 198(1)

prison manager or **manager**—

(a) means a person appointed or engaged as the manager of a prison under section 11; and

(b) includes, in relation to any site within a prison declared by the chief executive to be a discrete site for the purposes of this Act, the person (if any) appointed or engaged by the chief executive to exercise the powers and perform the functions of the prison manager in relation to that site

prisoner means any person for the time being in the legal custody under this Act of either of the following persons:

(a) the chief executive:

(b) the Commissioner of Police

prisoner property means an item that—

(a) is part of a prisoner's personal belongings, and is in the prisoner's possession at the time of admission to a prison; or

(b) is acquired by a prisoner while in a prison; or

(c) is received by a staff member of a prison on behalf of a prisoner

Privacy Commissioner includes any employee of, or contractor engaged by, the Privacy Commissioner

private visitor means a visitor who is not a statutory visitor or a specified visitor

promptly means as soon as practicable in all the circumstances

random-testing programme means a programme—

(a) under which a class or classes of prisoners are identified so that certain prisoners in that class or those classes may be required to submit to a prescribed procedure for the purpose of detecting whether or not the prisoners have used drugs, consumed alcohol, or both; and

(b) under which the prisoners from a particular class who are to be required to submit to a prescribed procedure are selected by a method that ensures that each prisoner in that class has an equal chance of being selected; and

(c) that is established and operated in accordance with any applicable regulations made under this Act

reasonably promptly means as soon as is reasonable in all the circumstances

registered health professional means a health practitioner who is, or is deemed to be, registered with an authority established or continued by the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession

rehabilitative programme means a programme designed for offenders to reduce reoffending by facilitating their rehabilitation and reintegration into the community, for example, a medical, social, therapeutic, psychological, te ao Māori, cultural, educational, employment-related, religion-based, reintegrative, or rehabilitative programme

remote access facility means any of the following:

(a) audio link:

(b) audiovisual link:

(c) visual link:

(d) any other facility that enables communication between people in different places

rub-down search has the meaning given to that term in section 89

scanner search has the meaning given to that term in section 92A

scope of practice has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

security contract means a contract entered into with the chief executive under section 166

security contractor means a person who is a party to a security contract under which that person is to provide escort services or courtroom custodial services, or both

security monitor means any person appointed under section 172

security officer means any person appointed or engaged under section 17

self-care unit means accommodation of a residential style

self-harm, in relation to a prisoner, means harm inflicted by the prisoner on himself or herself

sentence of imprisonment has the same meaning as in section 4 of the Sentencing Act 2002

service prisoner means a service prisoner as defined in section 2(1) of the Armed Forces Discipline Act 1971

shared cell means a cell shared by a prisoner with 1 or more other prisoners

specified visitor means—

(a) a person or class of persons approved by the chief executive as an official visitor to 1 or more prisons:

(b) a person (other than a staff member) approved by the prison manager as an official visitor to that prison for 1 or more prescribed purposes

staff member of a prison or **staff member**—

(a) means—

(i) any officer of a prison; and

(ii) any employee appointed or engaged to provide non-custodial services in respect of a prison or any prisoner detained in a prison; and

(b) in relation to any particular prison, means—

(i) any officer of that prison; and

(ii) any employee appointed or engaged to provide non-custodial services in respect of that prison or any prisoner detained in that prison

statutory visitor means—

(a) an inspector of corrections; or

(b) a Visiting Justice; or

(c) a monitor; or

(d) a security monitor; or

(e) the Minister; or

(f) the chief executive; or

(g) an Ombudsman; or

(h) a member of the Human Rights Commission; or

(i) a member of Parliament exercising the right conferred by section 161; or

(j) a Justice of the Peace exercising the right conferred by section 162; or

(k) a commanding officer of a prisoner who is a service prisoner, or a representative of that commanding officer; or

(l) a service authority nominated by the commanding officer of a prisoner who is a service prisoner for the purpose of visiting that prisoner; or

(m) a consular representative; or

(n) an investigating officer

strip search has the meaning given to that term in section 90

trust account means a trust account operated under section 46

unauthorised item means—

(a) any article that could, while in the possession of any prisoner, be harmful to that prisoner or to any other person:

(b) any drug, alcohol, or other intoxicating substance:

(ba) tobacco:

(bb) any equipment used for smoking tobacco or any other substance:

(bc) any vaping product or smokeless tobacco product within the meaning of section 2 of the Smokefree Environments and Regulated Products Act 1990:

(c) any electronic communication device:

(d) any thing that could be used for the purpose of facilitating the escape from lawful custody of any person:

(e) in relation to any person, any thing that may not lawfully be retained in the person's possession:

(f) any article or thing that is in the possession of any person in contravention or intended contravention of section 128, section 129(a), section 129(aa), section 141, section 143, or section 144:

(fa) any thing or substance that could be used to tamper with or dilute or contaminate any sample that a prisoner is required to supply in accordance with a prescribed procedure under section 124:

(g) any offensive weapon within the meaning of section 202A of the Crimes Act 1961:

(h) any disabling substance within the meaning of that section:

(i) any article or thing declared to be an unauthorised item by regulations made under this Act

Visiting Justice means—

(a) a District Court Judge; or

(b) a person appointed under section 19(2) to be a Visiting Justice

visitor—

(a) means a person (other than a staff member, a security officer, or another prisoner) who visits a prison; and

(b) includes a statutory visitor and a specified visitor

visual link means a facility that enables visual communication between people in different places.

(2) If any provision of this Act requires that any person employed or engaged for any position be suitable for that position, and that position involves dealing with persons under control or supervision, that person's suitability must be determined in accordance with whether or not that person is competent to exercise or perform his or her powers, duties, and functions under this Act, or any regulations made under this Act, in a fair and humane manner, because of—

(a) his or her character and personality; and

(b) his or her training, skills, qualifications, or work experience; and

(c) other relevant experience.

Compare: 1954 No 51 s 2; SR 2000/81 r 3

Section 3(1): amended, on 15 December 2005, by section 3 of the Corrections Amendment Act 2005 (2005 No 97).

Section 3(1) **accused prisoner**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **audio link**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **audiovisual link**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **at-risk assessment**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **at-risk cell**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **at-risk management plan**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **at-risk prisoner**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **attendance for judicial purposes** paragraph (f): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **attendance for judicial purposes** paragraph (g): repealed, on 1 July 2009, by section 87 of the Court Martial Act 2007 (2007 No 101).

Section 3(1) **authorised property**: replaced, on 4 June 2013, by section 4(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **authorised property**: amended, on 17 December 2016, by section 28(1) of the Statutes Amendment Act 2016 (2016 No 104).

Section 3(1) **biometric information**: inserted, on 22 August 2017, by section 15 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 3(1) **contract prison**: amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 3(1) **contractor**: amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 3(1) **Director-General of an intelligence and security agency**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **drug** paragraph (c): inserted, on 28 April 2020, by section 4(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **electronic communication device**: inserted, on 3 April 2009, by section 4(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **enforcement officer** paragraph (a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 3(1) **enforcement officer** paragraph (a)(i): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 3(1) **escort duty** paragraph (a)(iii): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **family** paragraph (b): replaced, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 3(1) **firearm**: amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 3(1) **health centre manager**: inserted, on 4 June 2013, by section 4(5) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **imaging technology search**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **Independent Police Conduct Authority**: inserted, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

Section 3(1) **intelligence and security agency**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **intelligence purpose**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **legal adviser** paragraph (a): replaced, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Section 3(1) **legal adviser** paragraph (b): amended, on 1 July 2009, by section 87 of the Court Martial Act 2007 (2007 No 101).

Section 3(1) **monitor**: amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 3(1) **non-offence-based programme**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **nurse**: inserted, on 4 June 2013, by section 4(5) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **offender** paragraph (c)(i): replaced, on 1 October 2024, by section 4(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **offender** paragraph (c)(ii): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 3(1) **officer** paragraph (a)(v): amended, on 3 April 2009, by section 4(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **officer** paragraph (a)(v): amended, on 3 April 2009, by section 4(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **officer** paragraph (a)(vi): inserted, on 3 April 2009, by section 4(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **official agency** paragraph (da): inserted, on 28 September 2017, by section 251 of the Intelligence and Security Act 2017 (2017 No 10).

Section 3(1) **official agency** paragraph (f): amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Section 3(1) **official agency** paragraph (ga): inserted, on 1 October 2024, by regulation 4(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **official agency** paragraph (i): amended, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

Section 3(1) **official agency** paragraph (j): amended, on 3 April 2009, by section 4(4) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **official agency** paragraph (k): inserted, on 3 April 2009, by section 4(4) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **official agency** paragraph (l): inserted, on 26 January 2025, by section 56 of the Inspector-General of Defence Act 2023 (2023 No 42).

Section 3(1) **person under control or supervision**: replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 3(1) **person under control or supervision** paragraph (d): repealed, on 17 December 2016, by section 28(2) of the Statutes Amendment Act 2016 (2016 No 104).

Section 3(1) **Police Complaints Authority**: repealed, on 29 November 2007, by section 26 of the Independent Police Conduct Authority Amendment Act 2007 (2007 No 38).

Section 3(1) **prison management contract**: inserted, on 8 December 2009, by section 4 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 3(1) **rehabilitative programme**: replaced, on 1 October 2024, by section 4(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **remote access facility**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 3(1) **rub-down search**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **scanner search**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **scope of practice**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **self-care unit**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **shared cell**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **staff member of a prison** or **staff member** paragraph (a)(ii): amended, on 3 April 2009, by section 4(5) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **staff member of a prison** or **staff member** paragraph (b)(ii): amended, on 3 April 2009, by section 4(5) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **strip search**: inserted, on 29 October 2019, by section 4(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 3(1) **unauthorised item** paragraph (ba): inserted, on 5 March 2013, by section 4(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **unauthorised item** paragraph (bb): inserted, on 5 March 2013, by section 4(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **unauthorised item** paragraph (bc): inserted, on 11 November 2020, by section 30 of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62).

Section 3(1) **unauthorised item** paragraph (c): replaced, on 3 April 2009, by section 4(6) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **unauthorised item** paragraph (f): amended, on 5 March 2013, by section 4(3) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **unauthorised item** paragraph (fa): inserted, on 3 April 2009, by section 4(7) of the Corrections Amendment Act 2009 (2009 No 3).

Section 3(1) **unauthorised item** paragraph (fa): amended, on 4 June 2013, by section 4(4) of the Corrections Amendment Act 2013 (2013 No 5).

Section 3(1) **visual link**: inserted, on 1 October 2024, by section 4(4) of the Corrections Amendment Act 2024 (2024 No 41).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 3A: inserted, on 1 October 2024, by section 5 of the Corrections Amendment Act 2024 (2024 No 41).

4 Act binds the Crown

This Act binds the Crown.

Compare: 1954 No 51 s 2A

5 Purpose of corrections system

(1) The purpose of the corrections system is to improve public safety and contribute to the maintenance of a just society by—

(a) ensuring that the community-based sentences, sentences of home detention, and custodial sentences and related orders that are imposed by the courts and the New Zealand Parole Board are administered in a safe, secure, humane, and effective manner; and

(b) providing for corrections facilities to be operated in accordance with rules set out in this Act and regulations made under this Act that are based, amongst other matters, on the United Nations Standard Minimum Rules for the Treatment of Prisoners; and

(c) assisting in the rehabilitation of offenders and the reintegration of persons under control or supervision into the community, where appropriate, and so far as is reasonable and practicable in the circumstances and within the resources available, through the provision of programmes and other interventions; and

(d) providing information to the courts and the New Zealand Parole Board to assist them in decision-making.

(2) Subsection (1) does not affect the application or operation of any other Act.

Section 5(1)(a): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 5(1)(c): amended, on 1 October 2024, by section 6 of the Corrections Amendment Act 2024 (2024 No 41).

6 Principles guiding corrections system

(1) The principles that guide the operation of the corrections system are that—

(a) the maintenance of public safety is the paramount consideration in decisions about the management of persons under control or supervision:

(b) victims' interests must be considered in decisions related to the management of persons under control or supervision:

(c) in order to reduce the risk of reoffending, the cultural background, ethnic identity, and language of offenders must, where appropriate and to the extent practicable within the resources available, be taken into account—

(i) in developing and providing rehabilitative programmes and other interventions intended to effectively assist the rehabilitation and reintegration of offenders into the community; and

(ii) in sentence planning and management of offenders:

(d) offenders must, where appropriate and so far as is reasonable and practicable in the circumstances, be provided with access to any process designed to promote restorative justice between offenders and victims:

(e) an offender's family must, so far as is reasonable and practicable in the circumstances and within the resources available, be recognised and involved in—

(i) decisions related to sentence planning and management, and the rehabilitation and reintegration of the offender into the community; and

(ii) planning for participation by the offender in programmes, services, and activities in the course of his or her sentence:

(f) the corrections system must ensure the fair treatment of persons under control or supervision by—

(i) providing those persons with information about the rules, obligations, and entitlements that affect them; and

(ii) ensuring that decisions about those persons are taken in a fair and reasonable way and that those persons have access to an effective complaints procedure:

(g) sentences and orders must not be administered more restrictively than is reasonably necessary to ensure the maintenance of the law and the safety of the public, corrections staff, and persons under control or supervision:

(h) offenders must, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities that may contribute to their rehabilitation and reintegration into the community:

(ha) accused prisoners may, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities including non-offence-based programmes to assist with their successful reintegration into the community:

(i) contact between prisoners and their families must be encouraged and supported, so far as is reasonable and practicable and within the resources available, and to the extent that this contact is consistent with the maintenance of safety and security requirements.

(2) Persons who exercise powers and duties under this Act or any regulations made under this Act must take into account those principles set out in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.

(3) Subsection (1) does not affect the application or operation of any other Act.

Section 6(1)(ha): inserted, on 1 October 2024, by section 7 of the Corrections Amendment Act 2024 (2024 No 41).

Part 2
Corrections system

Subpart 1—Statutory roles and responsibilities

Minister, chief executive, and Commissioner of Police

7 Powers and functions of Minister

(1) The Minister has the following powers and functions:

(a) declaring land or buildings to be a community work centre or prison in accordance with section 30 or section 32:

(b) approving rates of earnings for prisoners in accordance with section 66:

(c) fixing the weekly rate of the cost of detaining prisoners for the purpose of enabling deductions to be made under section 68:

(d) placing notifications in the *Gazette* in accordance with section 170:

(e) presenting a copy of the terms of any prison management contract, and of the terms of any variation to a prison management contract, to the House of Representatives in accordance with section 199I:

(f) any other powers and functions conferred under this Act or regulations made under this Act.

(2) The Minister may give general directions to the chief executive in relation to the exercise of powers and functions conferred on the chief executive under this Act or any regulations made under this Act.

(3) Subsection (2) does not authorise the Minister to give directions about the exercise of powers and functions in relation to a particular person.

(4) As soon as practicable after giving a direction under subsection (2), the Minister must publish in the *Gazette* and present to the House of Representatives a copy of the direction.

Section 7(1)(e): replaced, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

8 Powers and functions of chief executive

(1) The chief executive has the following powers and functions:

(a) ensuring that the corrections system operates in accordance with the purposes set out in section 5 and the principles set out in section 6:

(b) ensuring the safe custody and welfare of prisoners (other than prisoners detained in Police jails or in institutions that are not corrections prisons):

(c) ensuring the welfare of offenders subject to community-based sentences or sentences of home detention or conditions imposed under the Parole Act 2002 or Sentencing Act 2002, during periods while, in the presence of any employee of the department, those offenders carry out their sentences or undergo any supervision forming part of the conditions to which they are subject:

(d) exercising the powers conferred by section 62 (which relates to the temporary release or removal of prisoners):

(e) visiting and inspecting any prison, community work centre, or probation office and, at his or her discretion, interviewing any person under control or supervision:

(f) inquiring into the treatment and conduct of persons under control or supervision:

(g) inquiring into all abuses or alleged abuses within each prison, community work centre, or probation office or in connection with it:

(h) inquiring into any complaint made to him or her by a person under control or supervision:

(i) exercising all or any of the powers and functions of a prison manager:

(j) issuing instructions or guidelines under section 196:

(ja) ensuring that processes are established and maintained to inform visitors of prisoners and recipients of prisoner communications of measures that they can take if they do not want to be contacted by a prisoner:

(k) ensuring that processes are established and maintained to—

(i) identify the communities significantly affected by policies and practices in the corrections system; and

(ii) provide opportunities for those identified communities to give their views on those policies and practices; and

(iii) ensure that those views are taken into account:

(l) any other powers and functions conferred by or under this Act or regulations made under this Act.

(2) The chief executive must consult with the Commissioner of Police, or any person nominated for the purpose by the Commissioner, about the manner in which powers and functions conferred under this Act or any regulations made under this Act on the chief executive are to be exercised in relation to—

(a) any Police jail; or

(b) any prisoner detained in a Police jail.

(3) The chief executive must comply with any general direction given by the Minister under section 7(2).

Compare: 1954 No 51 s 3

Section 8(1)(c): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 8(1)(c): amended, on 17 December 2016, by section 29 of the Statutes Amendment Act 2016 (2016 No 104).

Section 8(1)(ja): inserted, on 23 June 2025, by section 4 of the Corrections (Victim Protection) Amendment Act 2024 (2024 No 57).

9 Powers and functions of Commissioner of Police

The Commissioner of Police has, in relation to every Police jail and every prisoner detained in a Police jail, the following powers and functions:

(a) ensuring the safe custody and welfare of prisoners detained in Police jails:

(b) the powers and functions conferred by or under this Act or any regulations made under this Act.

10 Delegation of powers and functions of chief executive

Despite anything in clauses 2 to 4 of Schedule 6 of the Public Service Act 2020 or in any other provision of this Act or of any other enactment, the chief executive must not delegate to any staff member of a prison—

(a) the power to make an application under section 60(1) of the Parole Act 2002 (which relates to the recall of offenders); or

(b) the power to make an application under section 107 of the Parole Act 2002 (which relates to orders that offenders not be released); or

(c) the power to designate employees as hearing adjudicators under section 15; or

(d) the power to appoint inspectors of corrections under section 28; or

(e) the power to authorise extended periods of detention in a Police jail under section 34(5); or

(ea) the power to reconsider a prisoner's security classification under section 48(2); or

(f) the powers conferred by section 58 or section 59(1)(b) (which relate to the segregation of prisoners on the grounds of security, good order, or safety; or for the purpose of protective custody); or

(g) the power to grant approvals under sections 66(5)(a) and 66A(2) (which relate to the types and conditions of work in which prisoners will be employed); or

(gaa) the power under section 81AB to reconsider a decision refusing approval for a placement, or ending the placement, of a child; or

(ga) the power to approve an employee for the purposes of any regulations made under this Act; or

(gb) the power under section 127K(1) to approve the monitoring of visits and the collection of information from communications during the visits; or

(h) the power to appoint security monitors under section 172; or

(i) the power to issue guidelines or instructions under section 196; or

(j) the power to appoint monitors under section 199E(1) or (2); or

(k) any power, function, or duty conferred or imposed on the chief executive by or under this enactment or any other enactment where the power, function, or duty relates to the review of any act or omission of any staff member of a contract prison.

Compare: 1954 No 51 s 3A

Section 10: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 10(ea): inserted, on 4 June 2013, by section 5(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 10(g): replaced, on 4 June 2013, by section 5(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 10(gaa): inserted, on 29 October 2019, by section 5 of the Corrections Amendment Act 2019 (2019 No 57).

Section 10(ga): inserted, on 4 June 2013, by section 5(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 10(gb): inserted, on 1 October 2024, by section 8 of the Corrections Amendment Act 2024 (2024 No 41).

Section 10(j): amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Other persons with other powers and functions in relation to prisoners

11 Prison manager and other staff of prisons

(1) For every prison (not being a contract prison or a Police jail), the chief executive must appoint under the Public Service Act 2020—

(a) a suitable person as prison manager; and

(b) as many other suitable persons as are required as employees.

(2) For every contract prison, the contractor must appoint—

(a) a suitable person as prison manager; and

(b) as many other suitable persons as are required as employees.

(3) For every Police jail, the Commissioner of Police must appoint or designate—

(a) a suitable person as prison manager (who may be called the jail manager); and

(b) as many other suitable persons as are required as employees.

(4) The chief executive (in the case of a corrections prison), the contractor responsible for managing a contract prison (in the case of a contract prison), or the Commissioner of Police (in the case of a Police jail) may, from time to time,—

(a) engage any suitable person as an independent contractor to provide non-custodial services in respect of the prison; or

(b) enter into other arrangements to provide access to those services.

(5) For the purposes of subsection (4), **non-custodial services** includes (without limitation)—

(a) chaplaincy, counselling, educational, health, or other specialist services for the prisoners in the prison; or

(b) any other services provided to assist the rehabilitation of prisoners in the prison and their reintegration into the community; or

(c) laundry, cleaning, catering, or other services in relation to the prison.

(6) Every prison must have the number of staff members of each gender that is sufficient to ensure that all duties required by this Act or by any regulations made under this Act to be carried out in the prison by staff members, are able to be carried out in that prison.

Compare: 1954 No 51 s 6

Section 11(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

12 Powers and functions of prison managers

The prison manager has, in relation to the prison for which the manager is appointed or designated as manager, the following powers and functions:

(a) ensuring that the prison operates in accordance with the purposes set out in section 5 and the principles set out in section 6:

(b) ensuring the safe custody and welfare of prisoners received in the prison:

(c) carrying out the functions conferred on the manager by section 33:

(d) establishing and maintaining processes to—

(i) identify the communities significantly affected by policies and practices at the prison; and

(ii) provide opportunities for those identified communities to give their views on those policies and practices; and

(iii) ensure those views are taken into account:

(e) any other powers and functions conferred under this Act or regulations made under this Act.

Compare: 1954 No 51 s 7

13 Delegation of powers and functions of prison managers

(1) The prison manager may, either generally or particularly, delegate to any other person who has powers or functions under this Act, or who is an employee of the department and in the opinion of the chief executive is suitably qualified to exercise the power or function, any of the powers or functions of the prison manager under this Act or any regulations made under this Act, including powers or functions delegated to the prison manager under this Act.

(2) Subject to any general or special directions given or conditions imposed by the prison manager, the person to whom any powers or functions are delegated under this section may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on that person directly by this Act or any regulations made under this Act, as the case may be, and not by delegation.

(3) Despite anything in subsection (1) or any other enactment, the prison manager must not delegate to any person—

(a) the power to make rules under section 33; or

(b) the power of delegation conferred by subsection (1).

(4) The power of the prison manager to delegate under this section—

(a) is subject to any prohibitions, restrictions, or conditions contained in this Act or any other enactment in relation to the delegation of the prison manager's functions or powers; but

(b) does not limit any power of delegation conferred on the prison manager by any other enactment.

(5) Every person purporting to act under any delegation under this section must, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(6) Any delegation under this section—

(a) must be in writing:

(b) may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or a specified class of offices:

(c) may be revoked at any time.

(7) No delegation under this Act affects or prevents the exercise of any power or function by the prison manager, or affects the responsibility of the prison manager for the actions of any person acting under the delegation.

14 Powers and functions of officers

(1) An officer appointed or designated under section 11(1)(b), (2)(b), or (3)(b) to provide custodial services in respect of a prison has the following powers and functions:

(a) ensuring the safe custody and welfare of prisoners under his or her control:

(b) any other powers and functions conferred under this Act or regulations made under this Act.

(2) In the exercise of powers and functions referred to in subsection (1), an officer is subject to the directions of the prison manager.

15 Hearing adjudicators

(1) The chief executive must designate in respect of each prison (other than a contract prison or a Police jail) as many suitable employees of the department as hearing adjudicators as are required for the purposes of this Act.

(2) The contractor responsible for the management of a contract prison must designate in respect of that prison as many suitable persons as hearing adjudicators as are required for the purposes of this Act.

(3) The contractor may only designate persons who have been approved for the purpose by the chief executive.

16 Powers and functions of hearing adjudicators

A hearing adjudicator has the following powers and functions:

(a) the powers and functions conferred on the adjudicator under subpart 5 of Part 2:

(b) any other powers and functions conferred under this Act or any regulations made under this Act.

17 Appointment or engagement of security officers

(1) The chief executive may appoint under the Public Service Act 2020 as many suitable persons as security officers as are required by the chief executive.

(2) Every security contractor must, subject to the terms of the security contract, appoint or engage as many suitable persons as security officers as are required to carry out the obligations of the security contractor.

Compare: 1954 No 51 s 36I(1), (2)

Section 17(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

18 Powers and functions of security officers

(1) A security officer has the following functions in respect of every prisoner who is under that security officer's control while the officer undertakes courtroom custodial duties or escort duties:

(a) preventing that prisoner's escape from lawful custody:

(b) preventing, or detecting and reporting on, the commission or attempted commission by that prisoner of unlawful acts:

(c) ensuring good order and discipline on that prisoner's part:

(d) attending to that prisoner's well-being:

(e) attending to the security of any property of that prisoner that is in that prisoner's possession.

(2) A security officer has any other powers and functions that are conferred or imposed on security officers under this Act or under any other enactment.

(3) For the purposes of this Act and any regulations made under this Act, a security officer has, in relation to the performance of the functions set out in subsection (1) and the powers and functions referred to in subsection (2), but only in relation to those powers and functions, all the powers and privileges of an officer.

Compare: 1954 No 51 s 36J

19 Visiting Justices

(1) Every District Court Judge is a Visiting Justice for every prison.

(2) The Governor-General may, on the recommendation of the Minister of Justice, appoint any Justice of the Peace or barrister or solicitor of the High Court to be a Visiting Justice for every prison.

(3) When recommending the appointment of any person under subsection (2), the Minister of Justice must have regard to the desirability of ensuring that the persons holding office under subsection (2) represent a reasonable balance between—

(a) Justices of the Peace; and

(b) barristers or solicitors of the High Court.

(4) Every Visiting Justice has the following powers in respect of each prison:

(a) visiting and inspecting the prison and, at his or her discretion, interviewing any prisoner:

(b) examining the treatment and conduct of prisoners:

(c) inquiring into all abuses or alleged abuses within the prison or in connection with it:

(d) inquiring into any matter referred to him or her by the chief executive:

(e) for any of the purposes of this section, taking evidence on oath or otherwise:

(f) *[Repealed]*

(g) dealing with offences against discipline in accordance with this Act and any regulations made under this Act:

(h) reporting in writing to the chief executive on any of the matters referred to in paragraphs (a) to (g) or on any other matters related to the prison, as often as the Visiting Justice considers appropriate, and whenever requested to do so by the chief executive.

(5) Whenever a Visiting Justice reports to the chief executive under subsection (4)(h) about any matter concerning a Police jail or a prisoner detained in a Police jail, the Visiting Justice must forward a copy of his or her report to the Commissioner of Police.

(6) A Visiting Justice appointed under subsection (2)—

(a) holds office for a term of 3 years; and

(b) may, from time to time, be reappointed; and

(c) unless he or she sooner vacates, or ceases to hold, or is removed from office under subsection (7), continues to hold office until his or her successor comes into office, even though the term for which he or she was appointed has expired.

(7) A Visiting Justice appointed under subsection (2)—

(a) may resign from the office by delivering to the Minister of Justice a notice in writing to that effect and stating when the resignation takes effect:

(b) ceases to hold office if he or she dies:

(c) ceases to hold office if he or she is, under the Insolvency Act 2006, adjudged bankrupt:

(d) may, at any time, be removed from the office by the Governor-General for inability to perform the functions of office, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General:

(e) has and enjoys, in the performance of his or her duties under this Act, the same protection as a Justice of the Peace acting in his or her criminal jurisdiction has and enjoys under sections 4A to 4F of the Justices of the Peace Act 1957.

Compare: 1954 No 51 s 10

Section 19(4)(f): repealed, on 4 June 2013, by section 6 of the Corrections Amendment Act 2013 (2013 No 5).

Section 19(7)(c): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

Section 19(7)(e): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

19A Health centre managers

(1) For every prison (not being a contract prison or Police jail), the chief executive must appoint, under the Public Service Act 2020, a health centre manager.

(2) A contractor must appoint a health centre manager for every contract prison managed by that contractor.

(3) Each health centre manager must be a medical practitioner or a nurse.

(4) Every health centre manager is responsible for ensuring the provision of health care and treatment to prisoners.

Section 19A: inserted, on 4 June 2013, by section 7 of the Corrections Amendment Act 2013 (2013 No 5).

Section 19A(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

19B Delegation of powers and functions of health centre managers

(1) A health centre manager may, either generally or particularly, delegate any of the powers and functions of the health centre manager under this Act or regulations made under this Act to a person specified in subsection (2) or (3).

(2) In the case of a health centre manager appointed to a corrections prison that is not a contract prison, the delegation may be made to a registered health professional who is an employee of the department.

(3) In the case of a health centre manager appointed to a contract prison, the delegation may be made to a registered health professional who is an employee of the contractor (or subcontractor, within the meaning of section 199C) that manages the contract prison.

(4) Section 13(2) and (5) to (7) applies to a delegation under this section, and any reference in those provisions to a prison manager is taken to be a reference to a health centre manager.

Section 19B: inserted, on 29 October 2019, by section 6 of the Corrections Amendment Act 2019 (2019 No 57).

20 Medical officers

(1) The chief executive must ensure that every prison (other than a Police jail) has a sufficient number of medical officers to meet prisoners' needs for medical care and medical treatment.

(2) Every contractor must ensure that every contract prison managed by that contractor has a sufficient number of medical officers to meet prisoners' needs for medical care and medical treatment.

(3) Each medical officer must be a medical practitioner.

Section 20: replaced, on 4 June 2013, by section 8 of the Corrections Amendment Act 2013 (2013 No 5).

21 Protection of officers in discharge of functions

Every officer, while acting in that capacity, has all the powers, authority, protections, and privileges of a member of the Police (including a constable).

Compare: 1954 No 51 s 8

22 Protection of members of Armed Forces

If, in accordance with section 9 of the Defence Act 1990, any part of the Armed Forces (within the meaning of section 2(1) of that Act) is performing any public service in, or in connection with, a prison, every member of that part of the Armed Forces has, while performing that service,—

(a) all the powers and functions of an officer; and

(b) all the powers, authority, protections, and privileges of a member of the Police (including a constable).

Compare: 1954 No 51 s 8A

23 Restrictions on exercise of certain powers

(1) Despite sections 21 and 22, sections 121, 128, 129, and 177 of the Search and Surveillance Act 2012 (which relate to a general power to stop vehicles) do not apply to a member of the Armed Forces, or an officer who is not also a constable.

(2) Despite sections 21 and 22, section 13(3)(a)(vi) of the Arms Act 2026 (which authorises the possession of firearms and restricted weapons by members of the Police) does not apply to a member of the Armed Forces, or an officer who is not also a member of the Police.

(3) Despite sections 21 and 22, the following provisions do not apply to a member of the Armed Forces, or an officer who is not also a constable:

(a) section 18 of the Misuse of Drugs Act 1975 (which confers powers of search and seizure):

(b) section 13A of the Misuse of Drugs Amendment Act 1978 (which confers powers in relation to internal concealment):

(c) *[Repealed]*

(d) section 23 of the Search and Surveillance Act 2012 (which confers powers in relation to internal searches):

(e) sections 48 and 49 of the Search and Surveillance Act 2012 (which confer powers in relation to surveillance devices).

Compare: 1954 No 51 s 8B

Section 23(1): amended, on 1 October 2012, by section 324(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 23(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 23(2): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 23(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 23(3): replaced, on 3 April 2009, by section 5 of the Corrections Amendment Act 2009 (2009 No 3).

Section 23(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 23(3)(a): replaced, on 1 October 2012, by section 324(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 23(3)(c): repealed, on 18 July 2013, by section 110(1) of the Psychoactive Substances Act 2013 (2013 No 53).

Section 23(3)(d): replaced, on 1 October 2012, by section 324(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 23(3)(e): inserted, on 1 October 2012, by section 324(4) of the Search and Surveillance Act 2012 (2012 No 24).

Persons with powers and functions in relation to administration of community-based sentences, sentences of home detention, conditions of release, or parole

Heading: replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Heading: amended, on 17 December 2016, by section 30 of the Statutes Amendment Act 2016 (2016 No 104).

24 Probation officers

(1) The chief executive must appoint under the Public Service Act 2020 as many probation officers as are required for the purposes of this Act or any other enactment.

(2) Despite anything in subsection (1), the chief executive may appoint any person, or the holder for the time being of any office or appointment, to act as a part-time probation officer, with all the powers and functions of a probation officer, if there are insufficient duties to justify the appointment of a full-time probation officer under that subsection.

(3) The chief executive may designate persons to carry out any particular function or functions, or to exercise any particular power or powers, of a probation officer that the chief executive may specify in respect of that person.

(4) The chief executive may designate persons appointed under this section to manage or work at 1 or more community work centres within any probation area.

(5) Any appointment or designation under this section may be combined with any office, appointment, or position if the chief executive is satisfied that the

functions of that office, appointment, or position are not inconsistent with those of a probation officer.

(6) Any person appointed under subsection (2) may be paid out of money appropriated by Parliament for the purpose any remuneration by way of salary or fees, and any allowances, that are determined by the Minister.

(7) In this section and in sections 25 and 27, probation area has the same meaning as in section 4(1) of the Sentencing Act 2002.

Compare: 1985 No 120 s 124

Section 24(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

25 Functions of probation officers

(1) It is the function of every probation officer—

(a) to supervise all persons placed under the officer's supervision under a sentence of supervision or intensive supervision or community detention or home detention, and to ensure that the conditions of the sentence or of the release are complied with:

(ab) to supervise all persons placed under the officer's supervision under an extended supervision order made under Part 1A of the Parole Act 2002, and to ensure that the conditions of the order are complied with:

(ac) to supervise all offenders released on parole and to ensure that the conditions of parole are complied with:

(ad) to supervise offenders released on compassionate release under section 41 of the Parole Act 2002 and to ensure that the conditions of release (if any) are complied with:

(ae) to supervise persons released subject to a protective supervision order under the Public Safety (Public Protection Orders) Act 2014 and to ensure that the requirements included in the order are complied with:

(b) to arrange and administer community-based sentences and sentences of home detention imposed under section 80A of the Sentencing Act 2002 referred to the officer for that administration, and to ensure that the sentences are carried out:

(c) to co-ordinate and arrange community involvement (including the use of volunteers) in the administration of any particular community-based sentence or sentence of home detention imposed under section 80A of the Sentencing Act 2002, or any particular release under the Parole Act 2002, where appropriate and in accordance with any instructions issued by a controlling officer:

(d) to arrange, provide, and monitor rehabilitative and reintegrative programmes or related services for offenders, where appropriate, if directed to do so by a controlling officer:

(e) to provide all the reports and information that a court, the New Zealand Parole Board, or a prison manager may require under any enactment:

(f) to perform any other function that is prescribed by or under this Act or any other enactment.

(2) It is the function of every probation officer or person who is designated or appointed to manage or be employed at a community work centre—

(a) to monitor the compliance by offenders with the conditions of the sentence of community work; and

(b) to ensure that authorised work is available for offenders sentenced to community work; and

(c) to perform any other function that is prescribed by or under this Act or any other enactment; and

(d) to report to the controlling officer in the officer's probation area on the matters specified in paragraphs (a) to (c) and on any other matter relating to community work that he or she thinks fit.

(3) A probation officer may commence or prosecute any proceedings in any court on behalf of any other probation officer.

Compare: 1985 No 120 s 125

Section 25(1)(a): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 25(1)(a): amended, on 17 December 2016, by section 31 of the Statutes Amendment Act 2016 (2016 No 104).

Section 25(1)(ab): inserted, on 7 July 2004, by section 14(3) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 25(1)(ac): inserted, on 15 December 2005, by section 4 of the Corrections Amendment Act 2005 (2005 No 97).

Section 25(1)(ad): inserted, on 15 December 2005, by section 4 of the Corrections Amendment Act 2005 (2005 No 97).

Section 25(1)(ae): inserted, on 12 December 2014, by section 144 of the Public Safety (Public Protection Orders) Act 2014 (2014 No 68).

Section 25(1)(b): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 25(1)(c): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

26 Probation officers may delegate power to supervise offenders on community work

A probation officer may delegate, in writing, to any suitably trained employee of the department his or her powers to control, direct, and supervise offenders subject to a sentence of community work in accordance with section 65 of the Sentencing Act 2002.

Compare: 1985 No 120 s 124A

27 Controlling officer of probation area

(1) The chief executive must appoint under the Public Service Act 2020 a controlling officer for each probation area.

(2) A controlling officer must oversee the administration of all community-based sentences or sentences of home detention imposed under section 80A of the Sentencing Act 2002 being served in his or her probation area and is responsible for probation officers and community work centres in that area.

(3) Subject to any directions given by the chief executive, a controlling officer may delegate, in writing, to any probation officer or to any other officer or employee of the department all or any of his or her powers and functions as a controlling officer in respect of his or her probation area.

(4) A person appointed or designated to manage a community work centre may, if permitted by a delegation referred to in subsection (3), delegate to any employee engaged at the centre any power so delegated.

(5) The fact that any officer or employee of the department exercises or performs any power or function of a controlling officer is conclusive evidence of his or her authority to do so.

(6) A controlling officer has and may exercise all the powers of a probation officer in respect of his or her probation area.

Compare: 1985 No 120 s 127

Section 27(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 27(2): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

General

28 Inspectors of corrections

The chief executive must appoint as many suitable employees of the department as inspectors of corrections as are required for the purposes of this Act.

Compare: 1954 No 51 s 5(1)

29 Powers and functions of inspectors of corrections

(1) Inspectors of corrections have the following powers and functions:

(a) the powers and functions conferred by subpart 6 of Part 2:

(b) visiting and inspecting any prison, community work centre, probation office, or other place (including a dwellinghouse) at which a person under control or supervision is or was detained or required to attend, work, or live, and, at his or her discretion, interviewing any person who is or was under control or supervision:

(c) examining the treatment and conduct of persons who are or were under control or supervision:

(d) inquiring into all abuses or alleged abuses relating to the management of the sentence of a person who is or was under control or supervision:

(e) inquiring into any matter referred to him or her by the chief executive:

(f) for the purposes of this section, taking evidence under oath, or otherwise:

(g) reporting in writing to the chief executive on any of the matters outlined above, or any other matter relating to any prison, community work centre, probation office, or any other place (including a dwellinghouse) at which a person under control or supervision is required to attend, work, or live, as often as he or she sees fit, and whenever he or she is requested to do so by the chief executive:

(h) any other powers and functions conferred under this Act or any other enactment.

(2) Whenever an inspector of corrections reports to the chief executive under subsection (1)(g) about any matter concerning a Police jail or a prisoner detained in a Police jail, the inspector must forward a copy of his or her report to the Commissioner of Police.

Compare: 1954 No 51 s 5(2)

Subpart 2—Establishment and operation of community work centres

30 Establishment of community work centres

(1) The Minister may, by notice in the *Gazette*, declare any land or building or any part of any land or building to be a community work centre.

(2) The Minister may, in the same way, declare any land or building or any part of any land or building to be added to, or excluded from, any community work centre.

(3) Every notice under this section takes effect from the date specified in the notice.

Compare: 1985 No 120 s 126

31 Chief executive may make rules for community work centres and offenders carrying out community work

(1) The chief executive may make any rules that the chief executive considers appropriate for—

(a) the management of any community work centre; and

(b) the conduct and welfare of the offenders subject to a sentence of community work while carrying out that sentence at a community work centre or at any other place.

(2) Any rules made under subsection (1) may be made for—

(a) community work centres, or for any community work centre or class of community work centres specified in the rules:

(b) all offenders subject to a sentence of community work or any class of those offenders specified in the rules.

(3) Any rules made under subsection (1) must not be inconsistent with this Act, the Sentencing Act 2002, the Parole Act 2002, or any regulations made under any of those Acts.

(4) Rules under subsection (1) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1985 No 120 s 129

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 31(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 3—Establishment and operation of prisons

32 Establishment of prisons

(1) The Minister may, by notice in the *Gazette*, declare any land or building or any part of any land or building to be either or both of the following kinds of prison:

(a) a corrections prison:

(b) a Police jail.

(2) The Minister may, in the same way, declare any land or building or any part of any land or building to be added to, or excluded from, any prison.

(2A) Nothing in section 9 of the Resource Management Act 1991 applies to the detention of prisoners in a court cell block that is declared by notice in the *Gazette* to be a part of a corrections prison.

(3) Every notice under this section takes effect from the date specified in the notice.

(4) Despite subsections (1) to (3), the Minister may, by notice in writing, declare any land or building, or part of any land or building that is the subject of a direction under section 191 (which relates to requisitioned property) to be a temporary corrections prison.

(5) A declaration under subsection (4)—

(a) comes into effect on the date of the declaration:

(b) continues in force until the Minister, by notice in writing, declares that the land and buildings that were the subject of the declaration under subsection (4) are no longer required for use as a temporary corrections prison.

(6) The Minister must—

(a) make a declaration under subsection (5)(b) in respect of any land and buildings as soon as practicable after receiving a notice from the chief executive under section 194(2)(a) relating to the land and buildings in question:

(b) publish in the *Gazette* a notice of any declaration under subsection (4) or subsection (5)(b) as soon as practicable after the declaration is made.

Compare: 1954 No 51 s 4

Section 32(2A): inserted, on 8 December 2009, by section 4 of the Corrections (Use of Court Cells) Amendment Act 2009 (2009 No 60).

Section 32(2A): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

33 Manager may make rules for prison

(1) The chief executive may, subject to subsection (6), authorise the manager of a corrections prison to make rules that the manager considers appropriate for the management of the prison and for the conduct and safe custody of the prisoners.

(2) The Commissioner of Police may, subject to subsection (6), authorise the manager of a Police jail to make rules that the manager considers appropriate for the management of the prison and for the conduct and safe custody of the prisoners.

(3) An authorisation given by the chief executive or the Commissioner of Police under subsection (1) or subsection (2) may be subject to—

(a) any conditions imposed by the chief executive or, as the case requires, the Commissioner of Police:

(b) any limitations placed on the scope or subject matter of the rules by the chief executive or, as the case requires, the Commissioner of Police.

(4) Any rules made under subsection (1) or subsection (2) may be revoked at any time by the prison manager and,—

(a) in the case of rules made by the manager of a corrections prison, by the chief executive:

(b) in the case of rules made by the manager of a Police jail, by the Commissioner of Police.

(5) Any rules made under subsection (1) or subsection (2) must not be inconsistent with this Act, the Sentencing Act 2002, the Parole Act 2002, or any regulations made under any of those Acts.

(6) No rules may be made under this section that relate to matters for which rules must or may be made under section 45A.

(7) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1954 No 51 s 7(1)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33(1): amended, on 4 June 2013, by section 9(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 33(2): amended, on 4 June 2013, by section 9(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 33(6): inserted, on 4 June 2013, by section 9(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 33(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Detention and custody of prisoners

34 Detention of prisoners

(1) A person who is sentenced to imprisonment must serve the sentence in a corrections prison.

(2) Despite subsection (1), any person sentenced to imprisonment may be detained in a Police jail on 1 or more occasions for a period not exceeding—

(a) the maximum period of detention; or

(b) any longer period required for the purposes of section 65(1) or for the purposes of giving effect to an order under section 65(3).

(3) A person may be held in custody on remand in—

(a) any Police jail on 1 or more occasions for a period not exceeding—

(i) the maximum period of detention; or

(ii) any longer period required for the purposes of section 65(1)(a) or for giving effect to an order under section 65(3); or

(b) any corrections prison designated for the purpose by the chief executive.

(4) Subsections (1) to (3) are subject to the provisions of this Act and any other enactment.

(5) In this section, **maximum period of detention**, in relation to any prisoner, means—

(a) a period of detention not exceeding 7 days; or

(b) if the chief executive considers that there is a shortage of accommodation in corrections prisons in the relevant area, or that the safety of the prisoner is in danger, one period of detention not exceeding 14 days after the date on which the chief executive authorises that extended period of detention in a Police jail; or

(c) if a Visiting Justice is satisfied, on application by the chief executive after the chief executive has given an authorisation under paragraph (b), that—

(i) there is a shortage of accommodation in corrections prisons in the relevant area or that the safety of the prisoner is in danger; and

(ii) a further period of detention in a Police jail that extends beyond the period authorised under paragraph (b) is justified,—

a period of detention not exceeding 14 days after the date on which the Visiting Justice authorises that extended period of detention in a Police jail.

(6) The chief executive must consult with the Commissioner of Police before exercising the power conferred by subsection (5)(b).

(7) In this section, references to persons sentenced to imprisonment include references to persons committed to prison or otherwise liable to be detained in custody, except for the purposes of any remand pending or during trial or sentence.

Compare: 1954 No 51 s 12

Section 34(1): amended, on 17 December 2016, by section 32 of the Statutes Amendment Act 2016 (2016 No 104).

34A Detention of child or young person serving sentence of imprisonment

(1) Notwithstanding anything in this Act,—

(a) any young person who is serving a sentence of imprisonment may be detained under that sentence in any residence approved by the chief executive of the department for the time being responsible for the administration of the Oranga Tamariki Act 1989 and the chief executive; and

(b) any child who is serving a sentence of imprisonment must be detained under that sentence in such a residence.

(2) The provisions of this Act and of the Parole Act 2002, and regulations made under those Acts, continue to apply, with any necessary modifications, to a child or young person who is detained for the time being in a residence in accordance with subsection (1).

(3) For the purposes of this section, the terms **child**, **young person**, and **residence** have the same meanings as they have in the Oranga Tamariki Act 1989.

Compare: 1985 No 120 s 142A

Section 34A: inserted, on 1 July 2013, by section 4 of the Corrections Amendment Act 2011 (2011 No 84).

Section 34A(1)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 34A(3): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

35 Detention during transit

(1) While any prisoner or other person in custody is being taken to or from any prison, he or she may be detained in any other prison or in a Police station or hospital.

(2) A prisoner may, for the purposes of section 65(1) or for the purposes of giving effect to an order under section 65(3) be held in—

(a) any prison; or

(b) a hospital, Police station, or other place authorised by the court or Judge or Registrar—

(i) for not more than 7 days; or

(ii) for any longer period that the court or Judge or Registrar considers necessary or appropriate and specifies in the order.

Compare: 1954 No 51 ss 13, 26(3)

36 Police station deemed Police jail for certain purposes

While any person is detained in a Police station under section 35, the Police station is deemed to be a Police jail and the constable in charge of the station is deemed to be the prison manager within the meaning of this Act.

Compare: 1954 No 51 s 14

Section 36: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

37 Effect of warrant, etc, for specified prisons

(1) Except where otherwise allowed by law, no person may be received in a prison without a valid committal order.

(2) Any committal order issued, whether before or after the commencement of this Act, for the detention of any person in any specified prison is sufficient authority for the reception and detention of that person in any other prison to which he or she might have been committed.

(3) Any committal order identifying the prison by reference to its location or by any other sufficient description is not invalid by reason only that the prison is usually known by another name or description.

(4) In this section, **committal order** includes any warrant, writ, order, direction, or authority requiring the detention of any person.

Compare: 1954 No 51 s 15; SR 2000/81 r 33

38 Legal custody of prisoners

(1) The chief executive has the legal custody of—

(a) every person lawfully detained in a corrections prison:

(b) every person under the control of a security officer or officer of a corrections prison, while that person carries out courtroom custodial duties or escort duties.

(2) The Commissioner of Police has the legal custody of—

(a) every person lawfully detained in—

(i) a Police jail; or

(ii) if section 35 applies, a Police station:

(b) every person under the control of a Police employee, while that person carries out courtroom custodial duties or escort duties.

(3) Legal custody under subsection (1) commences as soon as the person is received within a corrections prison or placed under the control of any security officer or officer of a corrections prison and continues while the person—

(a) is detained in the prison; or

(b) is for any reason outside the prison under the control or supervision of any security officer or officer of a corrections prison, staff member of a corrections prison, or probation officer, under the authority of this Act.

(4) Legal custody under subsection (2) commences as soon as the person is received within a Police jail or is placed under the control of a Police employee and continues while the person—

(a) is detained in the prison; or

(b) is for any reason outside the prison under the control of any Police employee, under the authority of this Act.

(5) Despite subsections (3) and (4), a person who is temporarily released from custody under section 62 or under any other enactment is not in legal custody at any time while he or she is at large following his or her release.

(6) If any prisoner is for any reason outside a prison under the control or supervision of any probation officer under the authority of this Act, that probation officer has the powers of an officer to give any lawful order to the prisoner, and is an officer for the purposes of the following provisions:

(a) section 21 (which relates to the protection of officers in the discharge of their functions):

(b) section 40 (which requires prisoners to obey lawful orders):

(c) section 128(1) (which relates to offences by prisoners against discipline):

(d) section 184 (which relates to the arrest of persons unlawfully at large).

(7) The status of any person under this section as a person in the legal custody of the chief executive or the Commissioner of Police, as the case may be, is not affected by the person's presence in a courtroom (whether or not, for the purposes of any other enactment, the person is also in the custody of the court before, during, or after that period).

(8) However, any security officer, other officer, or Police employee who is responsible for the control or supervision of the prisoner under this Act must—

(a) carry out, or facilitate the carrying out of, any directions given by the presiding Judge about the treatment or containment of the prisoner while the prisoner is on court premises; and

(b) facilitate the exercise of powers by a courts security officer under section 26 of the Courts Security Act 1999 in relation to the prisoner.

Compare: 1954 No 51 s 16(1)–(3)

Section 38(2)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 38(4): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 38(4)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 38(8): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

39 Duty of prisoner to return if control or supervision ceases

(1) If, owing to the illness or incapacity of the officer, staff member, or probation officer having the control or supervision of any prisoner outside the prison, or for any other reason, that control or supervision ceases, the prisoner must return to the prison immediately.

(2) If the prisoner fails, without reasonable excuse (the proof of which lies on the prisoner), to return, he or she is deemed to have escaped from lawful custody and to be unlawfully at large, and is liable accordingly.

Compare: 1954 No 51 s 16(4)

40 Prisoners must obey lawful orders

A prisoner must promptly obey every lawful order given to him or her by—

(a) an officer; or

(b) a staff member.

Compare: SR 2000/81 r 142

41 Collection of biometric information, etc, from prisoner

(1) An officer may direct that a prisoner submit to—

(a) photographs being taken of the prisoner:

(b) biometric information being collected from the prisoner:

(c) measurements being taken from the prisoner:

(d) any other prescribed procedure designed to create a record to enable the subsequent identification of the prisoner.

(1A) An authorised intelligence person (as defined in section 127A) may, for an intelligence purpose,—

(a) take photographs of a prisoner:

(b) collect biometric information from a prisoner:

(c) take measurements from a prisoner:

(d) collect information by carrying out a prescribed procedure designed to create a record to enable the subsequent identification of a prisoner.

(2) No procedure that purports to authorise the taking of a bodily sample from a prisoner may be prescribed for the purposes of subsection (1)(d) or (1A)(d).

(3) The powers conferred by subsection (1)—

(a) may be exercised only for the purpose of—

(i) facilitating the management and security of the prison; and

(ii) verifying the identity of prisoners upon release into the community to ensure public safety; and

(b) must be exercised subject to the provisions of this Act and any other enactment.

(4) If necessary, reasonable force may be used by an officer under subsection (1) to compel the prisoner to submit to the taking of photographs, the collection of biometric information, the taking of measurements, or other prescribed procedures.

(4A) Information that is collected or taken from a prisoner under subsection (1) or (1A) may be monitored, collected, used, or disclosed under subpart 4A of this Part.

(5) The chief executive must ensure that, if the prisoner is a person accused of an offence and subsequently acquitted, all information collected or taken from the prisoner under this section during the prisoner's detention in respect of the charge, and any record of identifying information created in reliance on subsection (1) during that period, are immediately destroyed.

Section 41: replaced, on 22 August 2017, by section 16 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 41(1A): inserted, on 1 October 2024, by section 9(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 41(2): amended, on 1 October 2024, by section 9(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 41(4): amended, on 1 October 2024, by section 9(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 41(4A): inserted, on 1 October 2024, by section 9(4) of the Corrections Amendment Act 2024 (2024 No 41).

42 Certain information to be given to recently received prisoners

(1) The manager of a prison must ensure that, on the reception of a prisoner, or reasonably promptly after the prisoner is received, the prisoner is given, in writing, relevant and sufficient information about—

(a) the operation of the prison; and

(b) the rules of the prison made under section 33; and

(c) the rules about authorised property made under section 45A; and

(d) the entitlements of prisoners; and

(e) offences against discipline under sections 128 to 131; and

(f) the complaints system operating at the prison.

(2) The manager of a prison must ensure that, on the reception into the prison of a prisoner who is a citizen of another country, or promptly after the prisoner is received, the prisoner is given, in writing, advice that—

(a) the prisoner may require the manager to inform a consular representative of the country of which the prisoner is a citizen of his or her detention; and

(b) any correspondence addressed to a representative by the prisoner will be forwarded to that representative without delay.

(3) The manager of a prison must, as far as is practicable, also provide the information and advice in a form and language that are accessible and appropriate to the prisoner.

Compare: SR 2000/81 r 34

Section 42(1): replaced, on 28 April 2020, by section 7(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 42(3): inserted, on 28 April 2020, by section 7(2) of the Corrections Amendment Act 2019 (2019 No 57).

Prisoners' property

43 Authorised property

(1) A prisoner may be issued with, or allowed to keep, authorised property subject to—

(a) any condition set out in rules made under section 45A; and

(b) any special conditions imposed by the prison manager relating to the use of the property; and

(c) the condition described in section 44(1).

(2) Despite subsection (1), the prison manager may refuse to issue or allow a prisoner to keep an item of property if he or she has reasonable grounds to believe that—

(a) the item may be used to injure the prisoner or any other person, or to damage property; or

(b) the item is a camera, tape recorder, or electronic device that may be used to record security features or actions in the prison; or

(c) the item may be used to circumvent practices or procedures in the prison; or

(d) the item has been obtained through coercion of a prisoner or as a result of other improper behaviour; or

(e) the item is objectionable; or

(f) the item may assist a prisoner to—

(i) discover new methods of committing offences; or

(ii) continue offending; or

(g) the item may interfere with the effective management of the prison.

(3) Despite subsection (1), the prison manager may refuse to issue or allow a prisoner to keep any item of authorised property—

(a) if the prisoner is—

(i) subject to a penalty of forfeiture of privileges imposed under subpart 5 of Part 2; or

(ii) the subject of a direction under section 60 for the reason described in section 60(1)(b) (which relates to assessing or ensuring the prisoner's mental health); or

(iii) subject to cell confinement imposed as a penalty under subpart 5 of Part 2; or

(iv) an at-risk prisoner; or

(b) if the prisoner is detained in a Police jail and, in the opinion of the manager, having regard to the facilities available at the Police jail and the resources available, it is not practicable to allow the prisoner to keep the item; or

(c) in any other circumstances specified in regulations made under this Act or rules made under section 45A.

Compare: SR 2000/81 r 113

Section 43(1): replaced, on 4 June 2013, by section 11(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 43(3)(a)(iv): inserted, on 1 October 2024, by section 10 of the Corrections Amendment Act 2024 (2024 No 41).

Section 43(3)(c): amended, on 4 June 2013, by section 11(2) of the Corrections Amendment Act 2013 (2013 No 5).

44 Standard conditions of issue and transfer of issued items

(1) The condition referred to in section 43(1)(c) is that, before the item is issued to the prisoner, the prisoner must acknowledge in writing that—

(a) the prisoner accepts full responsibility for the property; and

(b) the corrections authorities are not liable for any loss of, or damage to, the property; and

(c) the property may not be transferred to another prisoner without the prior approval of the prison manager; and

(d) the prisoner will comply with any special conditions imposed under section 43(1)(b).

(2) This section does not—

(a) apply to any item of property declared by rules made under section 45A as prison property to which this section does not apply; or

(b) apply to any property while it is under the immediate control and supervision of any of the corrections authorities; or

(c) limit any conditions set out in rules made under section 45A relating to the issue, keeping, or transfer of authorised property.

(3) In this section, **the corrections authorities** include the following:

(a) the Crown:

(b) a staff member:

(c) a contractor:

(d) an employee of a contractor:

(e) a security contractor:

(f) an employee of a security contractor:

(g) a constable:

(h) a security officer.

Compare: SR 2000/81 r 114

Section 44(1): amended, on 4 June 2013, by section 12(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 44(2)(a): amended, on 4 June 2013, by section 12(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 44(2)(c): amended, on 4 June 2013, by section 12(3) of the Corrections Amendment Act 2013 (2013 No 5).

Section 44(3)(g): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

45 Disposal and destruction of prisoner property

(1) An item of prisoner property may be destroyed or disposed of in a manner approved by the prison manager if the prison manager considers the item to be—

(a) a dangerous item or substance; or

(b) a health hazard; or

(c) inflammable; or

(d) alcohol; or

(e) a controlled drug (within the meaning of the Misuse of Drugs Act 1975); or

(f) objectionable; or

(g) perishable.

(2) An item of prisoner property may be destroyed or disposed of in a manner approved by the prison manager if the prison manager requires the item to be removed from the prison in accordance with any regulations made under this Act, and the prisoner concerned fails to comply with that requirement reasonably promptly.

(3) Any destruction of a prisoner's property must be carried out in the prisoner's presence unless—

(a) destruction in his or her presence is dangerous or impracticable; or

(b) the prisoner cannot be identified or located.

Compare: SR 2000/81 r 120

Section 45(1)(d): replaced, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

45A Rules about authorised property

(1) The chief executive—

(a) must, in respect of all corrections prisons, make rules declaring the items of property that prisoners may be issued with or allowed to keep; and

(b) may make rules imposing conditions that attach to an item of property so declared.

(c) *[Repealed]*

(d) *[Repealed]*

(e) *[Repealed]*

(2) The Commissioner of Police—

(a) must, in respect of all Police jails, make rules declaring the items of property that prisoners may be issued with or allowed to keep; and

(b) may make rules specifying conditions that attach to an item of property so declared.

(c) *[Repealed]*

(3) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • notify it in the *Gazette* with a statement of the Internet site on which it is published, the place where it can be inspected, and the place where it can be purchased • publish it on a website • make it available for inspection free of charge • make it available for sale at a reasonable price	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 45A: inserted, on 4 June 2013, by section 13 of the Corrections Amendment Act 2013 (2013 No 5).

Section 45A(1)(c): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 45A(1)(d): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 45A(1)(e): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 45A(2)(c): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 45A(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Trust account and purchasing system

46 Trust account and purchasing system for prisoners

(1) The chief executive must ensure that 1 or more trust accounts in which money belonging to prisoners is held exclusively for particular prisoners are opened and operated.

(2) A trust account must be operated and maintained in the prescribed manner.

(3) A prisoner must be paid all the money held exclusively for the prisoner in a trust account when the prisoner is discharged from a prison.

(4) If a prisoner dies while in legal custody,—

(a) the entries in any trust account that relate to the prisoner must be balanced as at the date of death; and

(b) any money held exclusively for that prisoner must be paid to the executor or administrator of the prisoner's estate.

(5) The chief executive must ensure that, in respect of each corrections prison, a purchasing system is established through which prisoners may buy approved items.

(6) A prisoner may buy an item through the purchasing system only if the prisoner—

(a) uses money held exclusively for him or her in the trust account; and

(b) has enough money in the trust account to buy it.

Compare: SR 2000/81 rr 125, 128

Security classifications

47 Security classifications

(1) The chief executive must ensure that every prisoner who is subject to a sentence of imprisonment for a term exceeding 3 months is assigned a security classification that reflects the level of risk posed by that prisoner while inside or outside prison, including the risk of escape and the risk that escape would pose to the public.

(2) *[Repealed]*

(3) The security classification of each prisoner must—

(a) be undertaken and reviewed in the prescribed manner; and

(b) be reviewed—

(i) at least once in every 6 months, unless an exemption from this requirement is prescribed; or

(ii) whenever there is a significant change in the prisoner's circumstances.

(4) For the purposes of subsection (3)(b)(ii), there is a significant change in a prisoner's circumstances if—

(a) there is a change to the length of the period that the prisoner is required to serve in detention (whether as a consequence of the imposition of another sentence or as a consequence of an increase, or reduction, of the term of the prisoner's existing sentence, on appeal or otherwise); or

(b) the prisoner escapes, or attempts to escape; or

(c) the prisoner does anything that, in the opinion of the prison manager, involves serious misconduct; or

(d) in the opinion of the prison manager, there is an event, or a change in the prisoner's circumstances or behaviour, that indicates that the prisoner's present security classification may be inappropriate.

Compare: 1954 No 51 s 17A

Section 47(2): repealed, on 17 December 2016, by section 33 of the Statutes Amendment Act 2016 (2016 No 104).

48 Further provisions relating to security classifications

(1) If a security classification is assigned to a prisoner, or the security classification assigned to a prisoner is changed, the manager of the prison in which the prisoner is detained must ensure that the prisoner is promptly informed in writing of—

(a) that classification or, as the case may be, that changed classification; and

(b) the reasons for the assignment of that classification or, as the case may be, that changed classification.

(2) A prisoner who is dissatisfied with the security classification for the time being assigned to that prisoner may apply to the chief executive for a reconsideration of that classification, and the chief executive must ensure that the security classification is reconsidered promptly in the prescribed manner.

(3) Despite subsection (2), a prisoner may not make an application under subsection (2) if the security classification that applies to the prisoner was reconsidered, as a consequence of an earlier application under subsection (2), within the previous 6 months.

(4) Whenever a security classification is assigned to a prisoner or a security classification assigned to a prisoner is reconsidered, the prisoner must be informed in writing of the decision.

Compare: 1954 No 51 s 17B

Assessment, use of time, management plans, and programmes

49 Prisoners must be assessed on reception and have needs addressed

(1) The chief executive must ensure that—

(a) every prisoner is assessed promptly after reception at a prison to identify any immediate physical or mental health, safety, or security needs; and

(b) any needs identified by that assessment are addressed.

(2) The assessment under subsection (1)(a) must include an at-risk assessment to determine whether the prisoner is at risk of self-harm.

Section 49(2): inserted, on 28 April 2020, by section 8 of the Corrections Amendment Act 2019 (2019 No 57).

50 Prisoners' use of time

The chief executive must ensure that, as far as is practicable, every prisoner is provided with an opportunity to make constructive use of his or her time in prison.

51 Case management plans

(1) This section applies to 1 or more classes of prisoners prescribed by regulations made under this Act.

(2) The chief executive must ensure that an individual case management plan is devised for every prisoner to whom this section applies.

(3) Each plan must be prepared, and revised at regular intervals, in accordance with any requirements prescribed by regulations made under this Act and any relevant instructions issued under section 196.

(3A) A plan may comprise more than 1 document, and those documents may be kept in different physical or electronic locations.

(4) Each case management plan must be consistent with the resources available to the chief executive to manage the prisoner.

Section 51 heading: replaced, on 30 September 2025, by section 11(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 51(1): replaced, on 30 September 2025, by section 11(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 51(2): amended, on 30 September 2025, by section 11(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 51(3): amended, on 30 September 2025, by section 11(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 51(3A): inserted, on 29 October 2019, by section 9 of the Corrections Amendment Act 2019 (2019 No 57).

Section 51(4): replaced, on 30 September 2025, by section 11(5) of the Corrections Amendment Act 2024 (2024 No 41).

52 Rehabilitative programmes

(1) The chief executive must ensure that, to the extent consistent with the resources available and any prescribed requirements or instructions issued under section 196, rehabilitative programmes are provided to those prisoners sentenced to imprisonment who, in the opinion of the chief executive, will benefit from those programmes.

(2) The chief executive may, to the extent consistent with the resources available and any prescribed requirements or instructions issued under section 196, enable the provision of rehabilitative programmes to prisoners on remand awaiting sentence who, in the opinion of the chief executive, will benefit from those programmes.

(3) In deciding whether to enable the provision of programmes under subsection (2), the chief executive must consider the resources available to carry out the chief executive's obligation under subsection (1).

Compare: 1954 No 51 s 17A(2)

Section 52(2): inserted, on 1 October 2024, by section 12 of the Corrections Amendment Act 2024 (2024 No 41).

Section 52(3): inserted, on 1 October 2024, by section 12 of the Corrections Amendment Act 2024 (2024 No 41).

Transfer of prisoners

53 Transfer from one prison to another

(1) A prisoner may be transferred, on the direction of the chief executive, from any prison to any other prison in which he or she may be lawfully detained.

(2) A prisoner may be transferred, on the direction of an inspector of corrections, from any prison to any other prison in which he or she may be lawfully

detained if the inspector considers it necessary to transfer the prisoner to avoid or reduce any immediate danger to the prisoner or any other person.

(3) A direction given by an inspector of corrections under subsection (2) may be revoked at any time by the chief executive.

Compare: 1954 No 51 s 22; SR 2000/81 r 35(1)

54 Reasons for transfer

(1) A prisoner may be transferred by the chief executive from one prison to another for 1 or more of the following reasons:

(a) to assist in reducing the likelihood of reoffending by the prisoner:

(b) to assist in facilitating the—

(i) rehabilitation of the prisoner; or

(ii) reintegration of the prisoner into the community on his or her release:

(c) to place that prisoner in a prison closer to his or her family:

(d) to respond to the needs of that prisoner, as identified in the case management plan:

(e) to ensure the safety of that prisoner or any other person:

(f) to implement a change in the security classification of that prisoner:

(g) to provide medical or psychiatric care for that prisoner:

(h) to reduce the risk of self-harm by that prisoner if he or she is identified as being at risk:

(i) to reduce the risk to that prisoner if he or she is identified as being vulnerable to mistreatment by other prisoners:

(j) to grant a request by a prisoner for a transfer.

(2) A prisoner may be transferred by the chief executive from one prison to another in order to ensure compliance with the requirements of this Act or any regulations made under this Act concerning—

(a) the separation of convicted prisoners from accused prisoners; or

(b) the separation of prisoners who are under a specified age from prisoners who are of or over that age.

(3) A prisoner may be transferred by the chief executive from one prison (the **first prison**) to another prison—

(a) to restore or maintain the security and order of the first prison:

(b) to enable effective management of the national prisoner muster:

(c) to allow repairs or alterations at the first prison:

(d) in response to the closure or change of use of the first prison or part of that prison.

(4) When considering whether to transfer a prisoner for 1 or more of the reasons set out in subsection (1) or when considering how a transfer for 1 or more of the reasons set out in subsection (2) or subsection (3) is to be effected, the chief executive must, as far as is reasonably practicable, have regard to—

(a) the desirability of providing the least restrictive environment for the prisoner that is consistent with the maintenance of public safety and the safety of staff members and other prisoners; and

(b) the need to facilitate the rehabilitation and reintegration of the prisoner into the community, taking into account the availability and location of appropriate services and programmes that will contribute to the achievement of those objectives; and

(c) the desirability of ensuring that the prisoner is detained at a location as close as is practicable to his or her family.

(5) A decision by the chief executive to transfer a prisoner must be made in the prescribed manner.

Compare: SR 2000/81 rr 35(1)(b), 36

Section 54(1)(d): amended, on 30 September 2025, by section 13 of the Corrections Amendment Act 2024 (2024 No 41).

55 Information to be given to prisoners

(1) A prisoner must be—

(a) informed of an impending transfer, and the destination, at least 7 days in advance; and

(b) provided with a reasonable opportunity to inform a member of his or her family of the impending transfer, and the destination, before the transfer is made.

(2) Subsection (1) does not apply if—

(a) the prisoner to be transferred is expected to create a management difficulty before the transfer is made or as a result of the transfer; or

(b) the transfer is being made because there are reasonable grounds to believe that the safety of the prisoner or others at the prison within which the prisoner currently resides is at risk; or

(c) the transfer is being made to restore or maintain the security and order of the prison from which the prisoner is being transferred; or

(d) the transfer is being made to allow for the effective management of the national prisoner muster; or

(e) the transfer is being made under section 65(1) or (3) (which relates to removal for judicial purposes).

(3) A prisoner to whom subsection (2)(a), (b), or (c) applies must, on arrival at the destination, be allowed 1 free phone call within New Zealand to advise a member of his or her family of that destination.

(4) Subsection (3) does not apply to a prisoner if that prisoner—

(a) is informed of the impending transfer and the destination; and

(b) is provided with a reasonable opportunity to inform a member of his or her family of the impending transfer before it is made.

(5) A prisoner to whom subsection (2)(d) applies must be informed of the transfer before departure and, if the prisoner does not have a reasonable opportunity to inform a member of his or her family before the transfer is made, then, on arrival at the destination, that prisoner must be allowed 1 free phone call within New Zealand to advise a member of his or her family of that destination.

Compare: SR 2000/81 r 37

56 Information about reasons for transfer

(1) A prisoner who is transferred from one prison to another under section 53(1) may ask the manager of the prison from which the prisoner was transferred to specify the reasons for the prisoner's transfer.

(2) A request under subsection (1) must—

(a) be in writing; and

(b) be forwarded to the manager within 1 month after the prisoner has been transferred to the other prison.

(3) Reasonably promptly, and in any case no later than 1 month, after receiving a request under subsection (1), the manager must inform the prisoner, in writing, of the reasons for the prisoner's transfer.

Compare: SR 2000/81 r 35(2)–(4)

Denial or restriction of ability to associate

57 Denial or restriction of prisoner's opportunity to associate with other prisoners

The opportunity of a prisoner to associate with other prisoners must not be denied or restricted, except in accordance with this Act.

Section 57: replaced, on 28 April 2020, by section 10 of the Corrections Amendment Act 2019 (2019 No 57).

58 Segregation for purpose of security, good order, or safety

(1) The prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if, in the opinion of the manager,—

(a) the security or good order of the prison would otherwise be endangered or prejudiced; or

(b) the safety of another prisoner or another person would otherwise be endangered.

(2) If a direction is given under subsection (1),—

(a) the prisoner concerned must promptly be given the reasons in writing for the direction and any subsequent direction under subsection (3)(c):

(b) the chief executive must promptly be informed of the direction and the reasons for it.

(3) A direction under subsection (1)—

(a) must be revoked by the prison manager if there ceases to be any justification, under subsection (1), for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners:

(b) may be revoked at any time by the chief executive or a Visiting Justice:

(c) expires after 14 days unless, before it expires, the chief executive directs that it continue in force:

(d) if it continues in force because of a direction under paragraph (c), must—

(i) be reviewed by the chief executive at intervals of not more than 1 month:

(ii) expire after 3 months unless a Visiting Justice directs that it continue in force:

(e) if it continues in force because of a direction under paragraph (d)(ii), must be reviewed by a Visiting Justice at intervals of not more than 3 months.

Compare: 1954 No 51 s 7(1A)–(1C)

59 Segregation for purpose of protective custody

(1) The prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if—

(a) the prisoner requests that his or her opportunity to associate be restricted or denied and the manager considers, having regard to any information supplied by the prisoner or otherwise available to the manager, that it is in the best interests of the prisoner to give that direction; or

(b) the prison manager is satisfied that—

(i) the safety of the prisoner has been put at risk by another person; and

(ii) there is no reasonable way to ensure the safety of the prisoner otherwise than by giving that direction.

(2) If a direction is given under subsection (1)(a),—

(a) the direction is ineffective unless, either before or after the giving of the direction, the prisoner concerned gives his or her consent in writing to the giving of the direction:

(b) the direction ceases to have effect if the prisoner withdraws his or her consent to the giving of the direction, but the prison manager may give a

further direction under subsection (1)(b) without that prisoner's consent if subsection (1)(b) applies.

(3) If a direction is given under subsection (1)(b),—

(a) the prisoner concerned must promptly be given the reasons in writing for the direction, and any subsequent direction under subsection (4)(c):

(b) the chief executive must promptly be informed of the direction and the reasons for it.

(4) If a direction is given under subsection (1)(b), the direction—

(a) must be revoked by the prison manager if there ceases to be any justification, under subsection (1)(b), for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners:

(b) may be revoked, at any time, by the chief executive:

(c) expires after 14 days unless, before it expires, the chief executive directs that it continue in force:

(d) must, if it continues in force because of a direction under paragraph (c), be reviewed by the chief executive at intervals of not more than 3 months.

60 Segregation for purpose of medical oversight

(1) A prison manager may direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if the health centre manager of the prison recommends that a direction of this kind is desirable for either or both of the following reasons:

(a) in order to assess or ensure the prisoner's physical health, except against the risk of self-harm:

(b) in order to assess or ensure the prisoner's mental health.

(1A) Before a health centre manager makes a recommendation under subsection (1) that relates to a matter outside his or her scope of practice, he or she must consult a medical practitioner whose scope of practice includes that matter.

(2) If a direction is given under this section,—

(a) the prisoner concerned must promptly be given the reasons for the direction in writing:

(b) the chief executive must promptly be informed of the direction and the reasons for it.

(3) A direction under this section continues in force while the prisoner continues to be detained in the prison unless the prison manager or the chief executive revokes it.

(4) The prison manager may not revoke a direction under this section unless the health centre manager advises that there has ceased to be any justification,

under subsection (1), for continuing to restrict or deny the opportunity of the prisoner to associate with other prisoners.

(5) While a direction under this section is in force, the health centre manager must, unless he or she is satisfied that it is not necessary in the circumstances, ensure that a registered health professional visits the prisoner concerned at least once a day.

(6) As part of the visit referred to in subsection (5), the registered health professional must consider and advise the health centre manager of any matters relevant to a review of the continuing justification for a direction under this section.

(6) *[Repealed]*

Section 60(1): amended, on 4 June 2013, by section 14(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 60(1)(a): amended, on 28 April 2020, by section 11(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 60(1)(b): amended, on 28 April 2020, by section 11(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 60(1A): inserted, on 4 June 2013, by section 14(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 60(4): amended, on 4 June 2013, by section 14(3) of the Corrections Amendment Act 2013 (2013 No 5).

Section 60(5): replaced, on 28 April 2020, by section 11(3) of the Corrections Amendment Act 2019 (2019 No 57).

Section 60(6): inserted, on 1 October 2024, by section 14 of the Corrections Amendment Act 2024 (2024 No 41).

Section 60(6): repealed, on 28 April 2020, by section 11(3) of the Corrections Amendment Act 2019 (2019 No 57).

61 Accommodation to be provided if segregation direction in force

(1) A prisoner who is subject to a direction under section 58, section 59, or section 60 must be provided with accommodation with prescribed items and features that meets prescribed standards.

(2) Those items, features, and standards may—

(a) differ from the items and features provided in, or the standards required to be met for, accommodation for prisoners who are not subject to a direction under section 58, section 59, or section 60:

(b) differ depending on whether the direction was issued under section 58, section 59, or section 60:

(c) differ depending on the particular reason for the issue of a direction under any of those sections.

Prisoners at risk of self-harm

Heading: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

61A Ongoing assessment for risk of self-harm

A prisoner who has been assessed as not at risk of self-harm or whose at-risk assessment has been revoked must be reassessed if there are material changes in the prisoner's circumstances that are relevant to the risk of self-harm.

Section 61A: replaced, on 1 October 2024, by section 15 of the Corrections Amendment Act 2024 (2024 No 41).

61B Initial steps that prison manager and health centre manager must take in respect of at-risk prisoner

The initial steps that must be taken in respect of an at-risk prisoner are—

(a) the prison manager must ensure that the prisoner is promptly placed in an at-risk cell or alternative accommodation that the prison manager considers adequate to protect the prisoner from self-harm; and

(b) the prison manager must ensure that the prisoner is observed by an officer at the intervals that the prison manager specifies; and

(c) the health centre manager must ensure that a registered health professional visits the prisoner at least twice per day (unless the health centre manager is satisfied that it is not necessary in the circumstances).

Section 61B: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

61C Confirmation of at-risk prisoner assessment

(1) The prison manager must, in respect of an at-risk prisoner, obtain the advice of the health centre manager within 24 hours after the prisoner's at-risk assessment.

(2) After considering the advice, the prison manager must—

(a) reverse the at-risk assessment, if the prison manager considers that the prisoner is not at risk of self-harm; or

(b) confirm the at-risk assessment, if the prison manager considers that the prisoner is at risk of self-harm.

Section 61C: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

61CA Prison manager may direct that at-risk prisoner's association with other prisoners be restricted or denied

(1) A prison manager may direct that the opportunity of an at-risk prisoner to associate with other prisoners be restricted or denied if—

(a) the health centre manager of the prison recommends that a direction of that kind is desirable to address the prisoner's risk of self-harm; and

(b) the prison manager has confirmed the prisoner's at-risk assessment.

(2) The direction may restrict or deny the at-risk prisoner's opportunity to associate with other prisoners only to the extent that the restrictions or denial of opportunity are necessary for the safety of the at-risk prisoner.

(3) If the prison manager gives a direction under this section, the prison manager must ensure that—

(a) the at-risk prisoner is promptly informed in writing of the reasons for the direction, and any modification of the direction; and

(b) the chief executive is promptly informed in writing of the direction, and any modification of the direction, and the reasons for it.

(4) The prison manager or chief executive may, at any time, revoke or modify a direction under this section.

(5) However, the prison manager may not—

(a) revoke a restriction on, or the denial of, the opportunity of the at-risk prisoner to associate with other prisoners under this section unless the health centre manager advises that there has ceased to be any justification, under subsections (1) and (2), for the restriction or denial of opportunity; or

(b) modify a restriction unless the prison manager has taken into account the advice of the health centre manager.

(6) More than 1 direction may be given under this section while an at-risk management plan is in effect for the prisoner.

(7) If the direction is not earlier revoked under subsection (4), a prison manager must revoke a direction under this section when an at-risk management plan for the prisoner ends under section 61F(2).

(8) While a direction under this section is in force, the health centre manager must, unless the health centre manager is satisfied that it is not necessary in the circumstances, ensure that a registered health professional visits the prisoner concerned at least once a day.

(9) As part of the visit referred to in subsection (8), the registered health professional must consider and advise the health centre manager—

(a) of any matters relevant to the continuing justification for a direction under this section; and

(b) whether the prisoner's at-risk assessment should be reviewed.

Section 61CA: inserted, on 1 October 2024, by section 16 of the Corrections Amendment Act 2024 (2024 No 41).

61D At-risk management plan established

(1) If a prison manager confirms a prisoner's at-risk assessment, the prison manager must ensure that an at-risk management plan is established for the prisoner as soon as practicable.

(2) The plan must be established in consultation with—

(a) the health centre manager; and

(b) any other person within or outside the department that the prison manager considers has relevant expertise or knowledge.

Section 61D: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

61E Content of at-risk management plan

(1) An at-risk management plan must specify—

(a) whether any direction is in effect under section 61CA to restrict or deny the opportunity of the prisoner to associate with other prisoners; and

(b) the steps to be taken to address the prisoner's risk of self-harm; and

(c) the situations in which the prisoner must be strip searched.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) The plan must be revised as necessary at regular intervals, in accordance with any requirements prescribed by regulations made under this Act and any relevant instructions issued under section 196.

Section 61E: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

Section 61E(1)(a): replaced, on 1 October 2024, by section 17(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 61E(2): repealed, on 1 October 2024, by section 17(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 61E(3): repealed, on 1 October 2024, by section 17(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 61E(4): repealed, on 1 October 2024, by section 17(2) of the Corrections Amendment Act 2024 (2024 No 41).

61F Revocation of confirmed at-risk assessment

(1) The prison manager must revoke the confirmed at-risk assessment of an at-risk prisoner if the prison manager is satisfied, after obtaining the advice of the health centre manager, that the prisoner is no longer at risk of self-harm.

(2) On the revocation of a prisoner's at-risk assessment by the prison manager, the at-risk management plan for that prisoner ends.

Section 61F: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

61G Health centre manager must consult registered health professional if advice outside scope of practice

A health centre manager must not give advice under section 61C, 61CA, or 61F in relation to a matter that is outside his or her scope of practice, unless

the health centre manager has first consulted a registered health professional whose scope of practice includes the matter in question.

Section 61G: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

Section 61G: amended, on 1 October 2024, by section 18 of the Corrections Amendment Act 2024 (2024 No 41).

61H Designation of at-risk cell

(1) The prison manager may designate a cell as an at-risk cell.

(2) The designation must be in writing and may be revoked at any time.

(3) An at-risk cell must have items and features, including items and features necessary for the safety of the prisoner, prescribed by regulations made under this Act and must meet prescribed standards.

Section 61H: inserted, on 28 April 2020, by section 12 of the Corrections Amendment Act 2019 (2019 No 57).

Temporary release from custody and temporary removal of prisoners

62 Temporary release from custody or temporary removal from prison

(1) This section applies to every prisoner who is a member of a class of prisoners specified in regulations made under this Act as a class of prisoners who may be—

(a) temporarily released from custody under this section; or

(b) temporarily removed from prison under this section while remaining in custody under the control or supervision of an officer, staff member, or probation officer during the period of removal.

(2) The chief executive may give authority for the temporary release from custody or temporary removal from prison of a prisoner to whom this section applies—

(a) for any purpose specified in regulations made under this Act that the chief executive considers will facilitate the achievement of 1 or more of the following objectives:

(i) the rehabilitation of the prisoner and his or her successful reintegration into the community (whether through release to work (including self-employment), to attend programmes, or otherwise):

(ii) the compassionate or humane treatment of the prisoner or his or her family:

(iii) furthering the interests of justice; or

(b) in any circumstances that, in the opinion of the chief executive, are exceptional and that will facilitate the achievement of 1 or more of the objectives described in paragraph (a).

(3) In exercising the powers conferred by subsection (2), the chief executive must consider—

(a) whether the release or removal of the prisoner might pose an undue risk to the safety of the community while the prisoner is outside the prison:

(b) the extent to which the prisoner should be supervised or monitored while outside the prison:

(c) the benefits to the prisoner and the community of removal or release in facilitating the reintegration of the prisoner into the community:

(d) whether removal or release would undermine the integrity of any sentence being served by the prisoner.

Compare: 1954 No 51 ss 21(1), 21A(1)–(4), (6), (7)

63 Temporary release from custody

(1) Any temporary release from custody under section 62 is for a period fixed by the chief executive and may be subject to conditions imposed by the chief executive.

(1A) The conditions that may be imposed by the chief executive under subsection (1) include, without limitation, a condition requiring the person who is temporarily released from custody to submit to the electronic monitoring of compliance with any temporary release conditions that relate to his or her whereabouts.

(2) The chief executive or the prison manager may, at any time, direct the return to a prison of any person temporarily released from custody under section 62.

(3) Every person temporarily released from custody under section 62 is deemed to be unlawfully at large if he or she—

(a) is at large after the expiry of the period for which he or she was so released; or

(b) is at large after the giving of a direction for his or her return to a prison under subsection (2); or

(c) breaches any condition imposed under subsection (1) requiring the person to stay at any place or within any geographical area, to stay with a particular person or group, or to attend a particular programme or course.

(4) If any person released under this section is at large without reasonable excuse (the proof of which excuse lies on him or her) after the expiry of the period for which he or she was released, after the giving of a direction under subsection (2), or after the person breaches any condition referred to in subsection (3)(c), he or she is deemed to have escaped from lawful custody and is liable accordingly.

Compare: 1954 No 51 ss 21(2)–(5), 21A(2)–(9)

Section 63(1A): inserted, on 22 December 2016, by section 4 of the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45).

64 Temporary removal from prison

(1) Any temporary removal from prison under section 62—

(a) is for a period fixed by the chief executive; and

(b) is subject to the condition that the person removed must be under the control or supervision of an officer, a staff member, or a probation officer during the period of removal; and

(c) may be subject to any other condition imposed by the chief executive.

(2) The conditions that may be imposed by the chief executive under subsection (1)(c) include, without limitation, a condition requiring the person who is to be removed to submit to the electronic monitoring of compliance with any temporary removal conditions that relate to his or her whereabouts.

Compare: 1954 No 51 ss 27, 28

Section 64(2): inserted, on 22 December 2016, by section 5 of the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45).

64A Electronic monitoring for persons temporarily released from custody or temporarily removed from prison

(1) This section applies to electronic monitoring imposed as a condition under section 63 or 64.

(2) The purposes of an electronic monitoring condition are—

(a) to deter the person who is subject to electronic monitoring from breaching a condition that relates to his or her whereabouts; and

(b) to monitor compliance with a condition that relates to his or her whereabouts.

(3) Information about a person that is obtained through electronic monitoring may be used both for the purposes specified in subsection (2) and for the following purposes:

(a) to verify compliance with conditions that relate to the whereabouts of the person:

(b) to detect non-compliance with conditions that relate to the whereabouts of the person and the commission of offences:

(c) to provide evidence of non-compliance with conditions that relate to the whereabouts of the person and of the commission of offences:

(d) to verify that the person who is subject to the electronic monitoring condition has not tampered or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately.

(4) A person who is subject to an electronic monitoring condition may be required to have electronic monitoring equipment attached to his or her body.

(5) Where there is evidence indicating that the person who is subject to the electronic monitoring condition may have tampered with or otherwise interfered

with the ability of the electronic monitoring equipment to operate effectively and accurately, the person is deemed to be unlawfully at large unless there is evidence that he or she is not unlawfully at large.

Section 64A: inserted, on 22 December 2016, by section 6 of the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45).

65 Removal of prisoner for judicial purposes

(1) A prisoner may be—

(a) brought up for trial or sentence (or for any bail application, remand, adjournment, or other ancillary proceeding); and

(b) removed by or under the direction of the prison manager from one prison to another or from one place of confinement to another for any of these purposes or for the purpose of undergoing sentence.

(2) Subsection (3) applies if—

(a) a prisoner is charged with an offence, not being the offence for which the prisoner is in custody; or

(ab) a prisoner is the subject of an application under Part 1A of the Parole Act 2002 for an extended supervision order; or

(ac) a prisoner is the subject of an application for a public protection order under the Public Safety (Public Protection Orders) Act 2014; or

(b) in any other case, the interests of justice require the attendance for judicial purposes of a prisoner.

(3) If this subsection applies, any court or Judge or Registrar may, by order in writing, direct the manager of the prison in which the prisoner is detained to bring the prisoner, or to ensure that the prisoner is brought, before the court or, as the case may require, to arrange the attendance of the prisoner for those judicial purposes, as often as is necessary, and the manager must obey the order.

(4) The court or Judge or Registrar making any order under subsection (3) must, if the order is made in a civil proceeding, and may, if it is made in any other proceeding, require any person applying for the order to deposit a sum sufficient to pay the expenses of bringing the prisoner before the court or, as the case may require, arranging the attendance of the prisoner for judicial purposes, and returning the prisoner to the prison in which he or she is required by law to be detained.

(5) In subsection (4), **expenses**, in relation to a prisoner, includes the expenses of the prisoner's maintenance and custody from the time the prisoner leaves the prison until the time he or she returns.

Compare: 1954 No 51 s 26(1), (2), (4)

Section 65(1)(a): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 65(2)(ab): inserted, on 7 July 2004, by section 14(4) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 65(2)(ab): amended, on 12 December 2014, by section 29(2) of the Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69).

Section 65(2)(ac): inserted, on 12 December 2014, by section 144 of the Public Safety (Public Protection Orders) Act 2014 (2014 No 68).

Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter

Heading: inserted, on 22 December 2016, by section 7 of the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45).

65A Electronic monitoring of prisoners employed in work or accommodated outside secure perimeter

(1) This section applies to a prisoner who—

(a) is employed in work directed or provided by the prison manager under section 66 that is outside the secure perimeter, whether or not it is also outside the prison; or

(b) is accommodated in a building that is outside the secure perimeter but still within the prison.

(2) However, this section does not apply to a prisoner who has been temporarily released from custody or temporarily removed from prison under section 62.

(3) The prison manager may require the prisoner to submit to electronic monitoring of his or her whereabouts while the prisoner is outside the secure perimeter (in this section, an **electronic monitoring condition**).

(4) The purposes of an electronic monitoring condition are—

(a) to deter the prisoner from attempting to escape from lawful custody; and

(b) to help locate and arrest a prisoner who escapes from lawful custody; and

(c) to deter and detect the commission of offences against section 128(1)(e).

(5) Information about a prisoner that is obtained through an electronic monitoring condition may be used both for the purposes in subsection (4) and for the following purposes:

(a) to verify that the prisoner has not escaped from lawful custody:

(b) to detect that the prisoner has escaped from lawful custody, and the commission of offences:

(c) to provide evidence of escape from lawful custody, and the commission of offences:

(d) to verify that the prisoner has not tampered or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately.

(6) A prisoner who is subject to an electronic monitoring condition may be required to have electronic monitoring equipment attached to his or her body.

(7) Where there is evidence indicating that the prisoner who is subject to the electronic monitoring condition may have tampered with or otherwise interfered with the ability of the electronic monitoring equipment to operate effectively and accurately, the prisoner is deemed to be unlawfully at large unless there is evidence that he or she is not unlawfully at large.

Section 65A: inserted, on 22 December 2016, by section 7 of the Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45).

Work and earnings

66 Work and earnings

(1) Every prisoner (other than a prisoner who is only awaiting trial or on remand or who is detained under the Immigration Act 2009) may, while in custody,—

(a) be employed in any work that is directed or provided by the prison manager; and

(b) be employed in that work outside the prison in which he or she is detained.

(2) A prisoner who is detained only because he or she is awaiting trial or on remand or who is detained under the Immigration Act 2009 may be employed under this section if he or she asks to be employed.

(3) Earnings at a rate or rates approved by the Minister may be—

(a) credited to each prisoner employed under this section; or

(b) applied or paid in accordance with regulations made under this Act; or

(c) dealt with under both paragraphs (a) and (b).

(4) The manager of a prison in which any industry provides work under this section to prisoners in that prison must ensure that, in the operation of that industry, there are adopted only those accounting methods that are from time to time approved by the chief executive.

(5) Prisoners may—

(a) be employed under this section only in work of a kind described in subsection (6) that is approved by the chief executive and under the conditions approved by the chief executive; and

(b) only be directed, under subsection (1)(a), to perform work of a kind specified in subsection (6)(b).

(6) The work referred to in subsection (5) is work that is—

(a) intended to provide the prisoner with work experience or to assist his or her rehabilitation or reintegration into the community; or

(b) intended to reduce the costs of keeping prisoners in custody (for example, cooking, cleaning, and maintenance within the prison or any other prison).

(7) Any work in which a prisoner is employed under this section must be carried out in accordance with any prescribed requirements.

Compare: 1954 No 51 s 20

Section 66(1): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 66(2): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

66A Self-employment

(1) Every prisoner (other than a prisoner who is only awaiting trial or on remand or who is detained under the Immigration Act 2009) may, subject to the prison manager's approval, be self-employed while in custody and be employed in that work within the prison or outside the prison in which he or she is detained.

(2) The prison manager must not approve a prisoner to be self-employed under this section unless the work—

(a) is of a kind described in subsection (3) that is approved by the chief executive; and

(b) is done under the conditions approved by the chief executive.

(3) The work referred to in subsection (2) is work that is intended to provide the prisoner with work experience or to assist his or her rehabilitation or reintegration into the community.

(4) Any work in which a prisoner is employed under this section must be carried out in accordance with any prescribed requirements.

Section 66A: inserted, on 4 June 2013, by section 15 of the Corrections Amendment Act 2013 (2013 No 5).

67 Earnings of employed prisoner

(1) The net amount of wages or salary payable to any prisoner for work done by the prisoner during any period or periods for which the prisoner is temporarily released from custody under section 62 must be paid to the chief executive by the prisoner's employer, in any manner that is agreed between the chief executive and the employer, to the credit of the prisoner.

(2) Every prisoner described in subsection (4) must pay to the chief executive to the credit of the prisoner, at the times that the chief executive directs, those sums on account of his or her earnings in that employment that the chief executive determines.

(3) A person who receives money on behalf of a prisoner engaged in self-employment must, after deducting any commission, pay to the chief executive to the credit of the prisoner, those sums on account of the prisoner's earnings in that employment that the chief executive determines.

(4) Subsections (2) and (3) apply to a prisoner who is—

(a) temporarily released from custody under section 62 to engage in self-employment; or

(b) engaged in self-employment at the prison.

Compare: 1954 No 51 s 21C(1), (3)

Section 67(2): replaced, on 4 June 2013, by section 16 of the Corrections Amendment Act 2013 (2013 No 5).

Section 67(3): inserted, on 4 June 2013, by section 16 of the Corrections Amendment Act 2013 (2013 No 5).

Section 67(4): inserted, on 4 June 2013, by section 16 of the Corrections Amendment Act 2013 (2013 No 5).

68 Application of money

Any money paid to the chief executive under section 67 to the credit of a prisoner must be applied by the chief executive, in any proportions that the chief executive considers appropriate, in payment of all or any of the following:

(a) any expenses incidental to the prisoner's employment or self-employment outside the prison:

(b) the cost of the prisoner's detention for each week during which he or she is allowed, at any time, to engage in employment or self-employment outside the prison in accordance with a direction under section 62 authorising the prisoner's temporary release from custody, but not exceeding the weekly rate fixed by the Minister:

(ba) the cost of the prisoner's detention for each week during which he or she is allowed, at any time, to engage in self-employment while in the custody of the chief executive, but not exceeding the weekly rate fixed by the Minister:

(c) the maintenance of any of the prisoner's dependants:

(d) the prisoner's requirements on his or her release from the sentence under which the prisoner is detained:

(e) any fine or reparation or other sum of money that the prisoner was ordered to pay on his or her conviction for any offence:

(f) the satisfaction in whole or in part of any judgment debt owing by the prisoner or of any other debt acknowledged in writing by the prisoner as owing by him or her:

(g) the purchase by the prisoner of any article of a type approved for the time being by the chief executive.

Compare: 1954 No 51 s 21C(4)

Section 68(a): amended, on 4 June 2013, by section 17(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 68(b): amended, on 4 June 2013, by section 17(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 68(ba): inserted, on 4 June 2013, by section 17(3) of the Corrections Amendment Act 2013 (2013 No 5).

Minimum entitlements

69 Minimum entitlements

(1) Every prisoner has the following minimum entitlements:

- (a) physical exercise, as provided for in section 70:
- (b) a bed and bedding, as provided for in section 71:
- (c) food and drink, as provided for in section 72:
- (d) access to private visitors, as provided for in section 73:
- (e) access to statutory visitors and specified visitors:
- (f) access to legal advisers, as provided for in section 74:
- (g) to receive medical treatment, as provided for in section 75:
- (h) to send and receive mail, as provided for in section 76:
- (i) to make outgoing telephone calls, as provided for in section 77(3):
- (j) to exercise any right conferred on prisoners by regulations made under this Act to communicate using any specified device or medium of communication:
- (k) access to information and education, as provided for in section 78.

(2) A prisoner may be denied, for a period of time that is reasonable in the circumstances, 1 or more of the minimum entitlements set out in subsection (1) if—

- (a) there is an emergency in the prison; or
- (b) the security of the prison is threatened; or
- (c) the health or safety of any person is threatened.

(3) A prisoner detained in a Police jail may be denied 1 or more of the minimum entitlements set out in subsection (1) (other than the entitlements referred to in subsection (1)(b), (c), (f), and (g), and the entitlement under subsection (1)(e) of access to statutory visitors) if, in the opinion of the prison manager or other person in charge, it is not practicable to provide those entitlements, having regard to the facilities available at the Police jail and the resources available.

(4) A prisoner—

- (aa) may be denied, for not more than 2 consecutive days at a time, the minimum entitlement referred to in subsection (1)(a) if—

(i) the prisoner has been temporarily released from custody or temporarily removed from prison under section 62 or removed for judicial purposes under section 65; and

(ii) in the opinion of the prison manager, it is not practicable to provide the entitlement during the times the prisoner is in the prison:

(a) may be denied the minimum entitlements referred to in subsection (1)(d), (i), (j), and (k) if the prisoner is undergoing a penalty of cell confinement imposed under subpart 5 of Part 2:

(b) may be denied the minimum entitlement referred to in subsection (1)(k) if a direction under section 58 or 59 is in force and the prison manager considers that the prisoner is likely to damage prison property.

(5) The minimum entitlements conferred by subsection (1) are not privileges referred to in section 43(3)(a)(i), section 133(3)(a), or section 137(3)(a).

(6) Subsections (2), (3), and (4) override sections 70 to 78.

Compare: SR 2000/81 r 42

Section 69(4)(aa): inserted, on 4 June 2013, by section 18 of the Corrections Amendment Act 2013 (2013 No 5).

Exercise

70 Exercise

(1) Every prisoner (other than a prisoner who is engaged in outdoor work) may, on a daily basis, take at least 1 hour of physical exercise.

(2) The physical exercise referred to in subsection (1) may be taken by the prisoner in the open air if the weather permits.

Compare: SR 2000/81 r 49

Bedding

71 Bedding

(1) Every prisoner must be provided with a separate bed, and sufficient bedding for warmth, health, and reasonable comfort.

(2) A prisoner's bedding must be laundered as often as is necessary to maintain cleanliness.

(3) All bedding must be laundered before it is reissued to another prisoner.

(4) In this section,—

bed includes a mattress

bedding does not include a mattress.

Compare: SR 2000/81 r 53

Diet

72 Diet

(1) Every prisoner must be provided with a sufficient quantity of wholesome food and drink based on the food and nutritional guidelines for the time being issued by the Ministry of Health, and drinking water must be made available to every prisoner whenever he or she needs it.

(2) As far as practicable in the circumstances, in providing food and drink to prisoners, allowance must be made for the various religious, spiritual, and cultural needs of the prisoners.

(3) A medical officer or health centre manager may prescribe a particular diet for a particular prisoner.

Compare: SR 2000/81 r 56

Section 72(1): amended, on 4 June 2013, by section 19(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 72(3): amended, on 4 June 2013, by section 19(2) of the Corrections Amendment Act 2013 (2013 No 5).

Visiting

73 Entitlement to private visitors

(1) A prisoner is entitled to receive at least 1 private visitor each week for a minimum duration of 30 minutes.

(2) Subsection (1) is subject to any regulations made under this Act that regulate the visiting of prisoners, and to directions given under section 168A (no-contact conditions if family violence offence defendant remanded in custody) of the Criminal Procedure Act 2011.

(3) Subsection (1) does not limit visits to a prisoner—

(a) by his or her legal adviser under section 74; or

(b) by a statutory visitor who is authorised by any enactment to visit the prisoner or by a specified visitor; or

(c) by any person or class of person authorised by regulations made under this Act to visit the prisoner at more frequent intervals.

Compare: SR 2000/81 r 82

Section 73(2): amended, on 1 July 2019, by section 49 of the Family Violence (Amendments) Act 2018 (2018 No 47).

74 Legal adviser may visit prisoner

(1) The legal adviser of a prisoner may visit the prisoner at any time agreed to by the prison manager if the purpose of the visit is to discuss the prisoner's legal affairs.

(2) If the manager does not agree to a particular time for a visit by a legal adviser, the manager must nominate an alternative time that is reasonable in the circumstances.

(3) An interview between a legal adviser, and a prisoner—

(a) must be held out of the hearing of any other person; and

(b) may, with the agreement of the prison manager, be held out of the sight of any other person.

Compare: SR 2000/81 r 85

Medical treatment and health care

75 Medical treatment and standard of health care

(1) A prisoner is entitled to receive medical treatment that is reasonably necessary.

(2) The standard of health care that is available to prisoners in a prison must be reasonably equivalent to the standard of health care available to the public.

Compare: SR 2000/81 r 58

Mail to and from prisoners

76 Prisoners may send and receive mail

(1) A prisoner may send and receive as much mail as the prisoner wishes.

(2) Subsection (1) is subject to—

(a) sections 105 and 108 of this Act, and directions given under section 168A (no-contact conditions if family violence offence defendant remanded in custody) of the Criminal Procedure Act 2011; and

(b) any restrictions relating to the manner in which mail is received or sent, the provision of materials for writing letters, and the payment of postage contained in regulations made under this Act.

Compare: SR 2000/81 r 97(1)

Section 76(2)(a): amended, on 1 July 2019, by section 50 of the Family Violence (Amendments) Act 2018 (2018 No 47).

Telephone calls

77 Outgoing telephone calls

(1) The chief executive must ensure that every corrections prison has telephone facilities for prisoners to make outgoing telephone calls.

(2) The Commissioner of Police must ensure that every Police jail has telephone facilities for prisoners to make outgoing telephone calls.

(3) Every prisoner is entitled to make at least 1 outgoing telephone call of up to 5 minutes' duration per week.

(4) The entitlement in subsection (3) is in addition to any telephone call made to—

(a) an official agency; or

(b) the prisoner's legal adviser.

(4A) The entitlement in subsection (3) is overridden by directions given under section 168A (no-contact conditions if family violence offence defendant remanded in custody) of the Criminal Procedure Act 2011.

(5) The chief executive (in the case of a corrections prison) or the Commissioner of Police (in the case of a Police jail) may impose conditions on, and maintain records of, the use of telephone facilities by prisoners.

(5A) In deciding what conditions (if any) to impose, the chief executive or the Commissioner of Police must take into account the interests of victims (including, in particular, being free from unwanted contact with prisoners).

(6) Every prisoner who makes an outgoing telephone call may be required to—

(a) meet the cost of the call; or

(b) pay a fee set by the chief executive.

(7) Despite subsection (6), a prisoner is not required to meet the cost of an outgoing telephone call or to pay a fee if this Act, or any regulations made under this Act, provides otherwise.

Compare: SR 2000/81 r 107

Section 77(4A): inserted, on 1 July 2019, by section 51 of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 77(5A): inserted, on 23 June 2025, by section 5 of the Corrections (Victim Protection) Amendment Act 2024 (2024 No 57).

Section 77(6): replaced, on 29 October 2019, by section 13 of the Corrections Amendment Act 2019 (2019 No 57).

Section 77(7): inserted, on 29 October 2019, by section 13 of the Corrections Amendment Act 2019 (2019 No 57).

78 Information and education needs of prisoners

(1) A prisoner is entitled—

(a) to reasonable access to news:

(b) so far as is practicable, to access to library services:

(c) to access to further education that, in the opinion of the prison manager, will assist in—

(i) his or her rehabilitation; or

(ii) a reduction in his or her reoffending; or

(iii) his or her reintegration into the community.

(2) The Crown is not required to provide a prisoner with any of the education referred to in subsection (1)(c) free of charge unless—

(a) there is an entitlement to receive that education free of charge (whether under the Education and Training Act 2020 or under another enactment); or

(b) the education is—

(i) provided to a prisoner with poor literacy skills; and

(ii) designed to improve those skills.

Section 78(2)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Other duties in relation to prisoners

79 Religious and spiritual needs

(1) The chief executive must ensure that in every corrections prison, so far as is reasonable and practicable, appropriate provision is made for the various religious and spiritual needs of prisoners.

(2) No prisoner may be required to receive a visit from a minister of religion if the prisoner objects to that visit.

(3) Section 129(a) does not apply to a prisoner who, during a religious service (whether inside or outside a prison),—

(a) consumes a small quantity of wine provided at the service by a prison chaplain or minister of religion for the purposes of the Eucharist, Holy Communion, Mass, or Communion, with the express authority of the prison manager or chief executive; or

(b) consumes a small quantity of wine or other alcohol provided at the service as part of the ritual of the religion in question, by the person conducting the service, with the express authority of the prison manager or chief executive.

Compare: SR 2000/81 r 45

Section 79(3): inserted, on 3 April 2009, by section 6 of the Corrections Amendment Act 2009 (2009 No 3).

80 Needs relating to particular cultures

The chief executive must ensure that in every corrections prison, so far as is reasonable and practicable, appropriate provision is made for the various needs of prisoners arising because they belong to a particular culture.

Compare: SR 2000/81 r 46

81 Working conditions

(1) Unless there is an emergency, no prisoner may be required to work on a certain day if working on that day would be inconsistent with the prisoner's genuine religious beliefs or practices.

(2) No prisoner may be required to work for more than 40 hours per week.

(3) Every prisoner is entitled to 1 day of rest in each week.

Compare: SR 2000/81 r 47

81A Request and approval for placement of child with mother

(1) A female prisoner who is the mother of a child less than 24 months old, or who is expecting a child, may request the chief executive's approval to keep the child with her until the day after the date on which the child turns 24 months if she—

(a) was the child's primary caregiver before being imprisoned or is likely to be the child's primary caregiver on release; and

(b) does not have a conviction for an offence involving sexual or violent offending against children; and

(c) agrees to undergo screening for the purposes of identifying any mental health and substance abuse issues.

(2) The chief executive may approve a request under subsection (1) if—

(a) the chief executive is satisfied that the mother meets the criteria set out in subsection (1); and

(b) the chief executive considers that placing the child with the mother—

(i) is in the best interests of the child; and

(ii) is not inconsistent with any court order relating to the child or any application or proceeding before the court (whether pending or existing) relating to the child; and

(c) the mother enters into a parenting agreement under section 81B with the chief executive in relation to the child's placement; and

(d) the chief executive is satisfied that there are appropriate facilities available to accommodate the child's placement.

(3) In considering whether placing the child with the mother is in the best interests of the child, the chief executive must have regard to the principles in section 5 of the Care of Children Act 2004 to the extent that those principles are relevant.

(4) The chief executive must—

(a) consult the chief executive of the department responsible for administering the Oranga Tamariki Act 1989 before deciding whether to approve a child's placement; and

(b) seek the advice of a child development specialist before deciding whether to approve or end a child's placement, unless it is clear from the circumstances that it is not necessary to seek that advice.

(5) The chief executive may end the child's placement if the chief executive considers that—

(a) subsection (2)(b)(i) or (ii) is not being met; or

(b) the mother's responsibilities under the parenting agreement are not being met.

(5A) If the chief executive refuses approval for a child's placement under subsection (1), or ends a placement under subsection (5), the chief executive must—

(a) provide reasons for the decision; and

(b) notify the prisoner in writing of the decision and the process for reconsideration of the decision.

(6) In this section and sections 81AB to 81C, unless the context otherwise requires, **child's placement** or **placement** means the placement of a child with his or her mother in prison in accordance with this section.

Section 81A: inserted, on 19 September 2011, by section 5 of the Corrections (Mothers with Babies) Amendment Act 2008 (2008 No 88).

Section 81A(4)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 81A(5A): inserted, on 29 October 2019, by section 14(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 81A(6): amended, on 29 October 2019, by section 14(2) of the Corrections Amendment Act 2019 (2019 No 57).

81AB Reconsideration of decision relating to child's placement

(1) At the request of the prisoner, the chief executive must reconsider a decision (the **decision**) under section 81A—

(a) refusing approval for the child's placement (*see* section 81A(2)); or

(b) ending the child's placement (*see* section 81A(5)).

(2) A request for reconsideration must be made within 14 days after the prisoner has been notified in writing of the decision.

(3) The chief executive must reconsider the decision against the relevant criteria set out in section 81A, except that the chief executive is not required to repeat the steps set out in section 81A(4).

(4) A decision is not suspended while it is being reconsidered.

(5) On reconsideration of the decision, the chief executive may do any of the following:

(a) affirm it:

(b) amend it:

(c) rescind it and substitute a different decision.

(6) The chief executive must—

(a) provide reasons for the outcome under subsection (5); and

(b) notify the prisoner in writing of the outcome.

Section 81AB: inserted, on 29 October 2019, by section 15 of the Corrections Amendment Act 2019 (2019 No 57).

81B Parenting agreements

A parenting agreement to which section 81A(2)(c) relates must include, without limitation, all of the following:

(a) notice that the mother is responsible for the care of her child while the child is in prison:

(b) identification of an alternative caregiver who will care for the child when the placement ends or in an emergency:

(c) the chief executive's agreement to—

(i) provide parenting information, education, and support to the mother; and

(ii) attend to arrangements for the child to receive any necessary health and well-being checks and any treatment required as a result of those checks; and

(iii) facilitate the mother's access to any treatment or counselling required to support the mother to care for her child:

(d) for the purpose of ensuring that the best interests of the child are met, the mother's agreement to—

(i) attend any parenting education programmes specified; and

(ii) facilitate arrangements for the child to receive any necessary health and well-being checks and any treatment required as a result of those checks; and

(iii) participate in any treatment or counselling required to address any mental health or substance abuse issues identified; and

(iv) attend any programmes identified in her case management plan; and

(v) co-operate in a planned separation from the child when the placement ends.

Section 81B: inserted, on 19 September 2011, by section 5 of the Corrections (Mothers with Babies) Amendment Act 2008 (2008 No 88).

Section 81B(d)(iv): amended, on 30 September 2025, by section 19 of the Corrections Amendment Act 2024 (2024 No 41).

81C Accommodation and feeding of children placed with their mothers

(1) The chief executive must ensure that, to the extent practicable within the resources available, every prison in which female prisoners are imprisoned provides appropriate facilities for the accommodation of children under the age of 24 months, and that those facilities support the development needs of those children.

(2) The chief executive must ensure that every child who is placed with his or her mother in prison is,—

(a) if the child is breastfed, provided sufficient opportunity to be breastfed; and

(b) if the child is fed by other means, provided sufficient opportunity to be fed.

Section 81C: inserted, on 19 September 2011, by section 5 of the Corrections (Mothers with Babies) Amendment Act 2008 (2008 No 88).

Living conditions

82 Accommodation generally

(1) The chief executive must ensure that each type of accommodation provided in a corrections prison complies with all requirements in regulations made under this Act concerning—

(a) the items and facilities to be included in, or excluded from, accommodation of that type; and

(b) the standards to be met by accommodation of that type.

(2) This section does not apply to accommodation to which section 61 applies.

Compare: SR 2000/81 r 50

82A Types of permitted accommodation

Subject to any restrictions set out in this Act or regulations made under this Act, a prisoner may be accommodated in an individual cell, a shared cell, or a self-care unit.

Section 82A: inserted, on 29 October 2019, by section 16 of the Corrections Amendment Act 2019 (2019 No 57).

82B No legitimate expectation as to conditions, etc

(1) To avoid doubt, a prisoner does not have any legitimate expectation of—

(a) being accommodated in, or of being provided with, the same or similar conditions during the whole term of his or her sentence, period of remand, or other period of detention; or

(b) being provided with the same or similar programmes or opportunities during the whole term of his or her sentence, period of remand, or other period of detention.

(2) Subsection (1) does not affect any entitlement conferred on a prisoner by this Act or regulations made under it.

Section 82B: inserted, on 29 October 2019, by section 16 of the Corrections Amendment Act 2019 (2019 No 57).

Subpart 4—Coercive powers

Use of force and restraints, and related matters

83 Use of force

(1) No officer or staff member may use physical force in dealing with any prisoner unless the officer or staff member has reasonable grounds for believing that the use of physical force is reasonably necessary—

(a) in self-defence, in the defence of another person, or to protect the prisoner from injury; or

(b) in the case of an escape or attempted escape (including the recapture of any person who is fleeing after escape); or

(c) in the case of an officer,—

(i) to prevent the prisoner from damaging any property; or

(ii) in the case of active or passive resistance to a lawful order.

(2) An officer or staff member who uses physical force for any of the purposes or in any of the circumstances referred to in subsection (1) may not use any more physical force than is reasonably necessary in the circumstances.

(3) If an officer or staff member uses physical force in dealing with any prisoner, the prisoner must, as soon as practicable after the application of that force, be examined by a registered health professional, unless that application of force is limited to the use of handcuffs of a kind that have been authorised for use as a mechanical restraint.

(4) Nothing in this section limits or affects any other provision in this Act or any other enactment that authorises an officer or staff member to use physical force, or any provision of the Crimes Act 1961, or any rule of law, that makes any specified circumstances—

(a) a justification or excuse for the use of force; or

(b) a defence to a charge involving the use of force.

Compare: 1954 No 51 s 17C

Section 83(3): amended, on 4 June 2013, by section 20 of the Corrections Amendment Act 2013 (2013 No 5).

84 Provoking prisoners

(1) No officer or staff member may deliberately act or speak in a manner likely to provoke a prisoner.

(2) To avoid doubt, subsection (1) does not prevent an officer or staff member from issuing any lawful order to a prisoner or providing any information to a prisoner or otherwise carrying out his or her duties.

Compare: 1954 No 51 s 17D

85 Use of less-lethal weapons

(1) In any situation described in section 83(1) or in any other situation where an officer or staff member is authorised by any other provision in this Act or any other enactment to use physical force, any officer or staff member may, if necessary, use any kind of less-lethal weapon prescribed for use.

(1A) An officer may only use a less-lethal weapon prescribed for use in dealing with a prisoner who is passively resisting a lawful order in the situation described in section 83(1)(c)(ii) if the officer has reasonable grounds for believing there is an imminent threat of injury or harm to the prisoner or any other person.

(2) The use of a less-lethal weapon by an officer or a staff member—

(a) is subject to any conditions or restrictions specified in regulations made under this Act; and

(b) must, if the weapon is used in any situation described in section 83(1), be in accordance with section 83(2).

(3) Regulations may not be made authorising the use of any kind of less-lethal weapon unless the Minister is satisfied that—

(a) the use of that kind of weapon is compatible with the humane treatment of prisoners; and

(b) the potential benefits from the use of the weapon outweigh the potential risks.

(3A) The Minister must consider sufficient information relevant to the use of a less-lethal weapon to be satisfied of the matters in subsection (3).

(3B) The information must be provided to the Minister by the chief executive and may include, without limitation, the following:

(a) operational policies and procedures including, without limitation, those relating to the management of health impacts relating to the use of the weapon:

(b) training manuals:

(c) manufacturers' safety and operational information:

(d) any reports by domestic or international agencies that relate to the consistency of the use of the weapon with the humane treatment of prisoners.

(4) In this section, **less-lethal** means any weapon designed—

(a) to temporarily disable a person against whom it is used; or

(b) to incapacitate a person against whom it is used.

(5) This section does not limit the powers of a constable under any other enactment.

Section 85 heading: amended, on 1 October 2024, by section 20(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(1): amended, on 1 October 2024, by section 20(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(1A): inserted, on 1 October 2024, by section 20(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(2): amended, on 1 October 2024, by section 20(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(3): amended, on 1 October 2024, by section 20(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(3A): inserted, on 1 October 2024, by section 20(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(3B): inserted, on 1 October 2024, by section 20(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(4): amended, on 1 October 2024, by section 20(5) of the Corrections Amendment Act 2024 (2024 No 41).

Section 85(5): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

86 Possession, carriage, and use of firearms restricted

(1) No officer or staff member may possess, carry, or use any firearm within a prison except as provided under subsection (3).

(2) This section does not limit the powers of a constable under any other enactment.

(3) The chief executive may, in writing, authorise an officer or staff member to possess, carry, or use a firearm (other than a restricted firearm) within a prison, but only in a specified area of the prison for 1 or more of the following purposes:

(a) for the purpose of any specified prison industry:

(b) for the purpose of humanely killing sick or injured animals:

(c) for the purpose of pest control.

(4) If subsection (3) applies, a firearm—

(a) may only be used by an officer or staff member who holds a current firearms licence under section 72 of the Arms Act 2026 and in accordance with that Act; and

(b) must not be used while prisoners are present; and

(c) must not be stored in a prison.

Compare: 1954 No 51 s 19B

Section 86 heading: amended, on 3 April 2009, by section 7(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 86(1): replaced, on 3 April 2009, by section 7(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 86(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 86(3): inserted, on 3 April 2009, by section 7(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 86(3): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 86(3): amended, on 12 April 2019, by section 73 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 86(4): inserted, on 3 April 2009, by section 7(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 86(4)(a): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

87 Restraint of prisoners

(1) In any situation described in section 83(1) or in any other prescribed circumstances, any officer or staff member may, if necessary, apply any kind of mechanical restraint prescribed for use.

(2) The use of a mechanical restraint by an officer or staff member—

(a) is subject to any conditions or restrictions specified in regulations made under this Act; and

(b) must, if the restraint is used in any situation described in section 83(1), be in accordance with section 83(2).

(3) Regulations may not be made authorising the use of any kind of mechanical restraint unless the Minister is satisfied that—

(a) the use of that kind of restraint is compatible with the humane treatment of prisoners; and

(b) the potential benefits from the use of the restraint outweigh the potential risks.

(4) A mechanical restraint—

(a) may not be used for any disciplinary purpose:

(b) must be used in a manner that minimises harm and discomfort to the prisoner.

(5) A mechanical restraint must not be used on a prisoner for more than 24 hours at a time unless the use of the restraint for more than 24 hours—

(a) is authorised by the prison manager and is, in the opinion of a medical officer, necessary to protect the prisoner from self-harm; or

(b) is, in the case of a prisoner who has been temporarily removed to a hospital outside the prison for treatment, necessary to prevent the escape of the prisoner or to maintain public safety.

(5A) An authorisation under subsection (5)(a) must—

(a) be in writing; and

(b) specify the type of restraint to be used; and

(c) specify the time during which the prisoner is to be kept under restraint; and

(d) include a record of the medical officer's opinion that the restraint is necessary to protect the prisoner from self-harm.

(6) Despite subsections (1) to (5), chains or irons must not be fitted or attached to a prisoner in any circumstances.

(7) In subsection (6), **chains or irons** does not include handcuffs.

Compare: 1954 No 51 s 19

Section 87(5): replaced, on 29 October 2019, by section 17(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 87(5A): inserted, on 4 June 2013, by section 21 of the Corrections Amendment Act 2013 (2013 No 5).

Section 87(5A): amended, on 29 October 2019, by section 17(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 87(6): replaced, on 29 October 2019, by section 17(3) of the Corrections Amendment Act 2019 (2019 No 57).

Section 87(7): inserted, on 29 October 2019, by section 17(3) of the Corrections Amendment Act 2019 (2019 No 57).

88 Reporting on use of force, weapons, and mechanical restraints

Particulars of the use of force, less-lethal weapons, and mechanical restraints must, wherever required by regulations made under this Act,—

(a) be recorded; and

(b) be given by notice in writing to the chief executive and to any other person or persons specified in those regulations.

Section 88: amended, on 1 October 2024, by section 21 of the Corrections Amendment Act 2024 (2024 No 41).

Searching of prisoners and other persons

89 Definition of rub-down search

(1) For the purposes of this Act, a **rub-down search** means a search of a clothed person in which the person conducting the search may do all or any of the following:

(a) run or pat his or her hand over the body of the person being searched, whether outside or inside the clothing (other than any underclothing) of that person:

(b) insert his or her hand inside any pocket or pouch in the clothing (other than any underclothing) of the person being searched:

(c) for the purpose of permitting a visual inspection, require the person being searched to do all or any of the following, namely—

(i) open his or her mouth:

(ii) display the palms of his or her hands:

(iii) display the soles of his or her feet:

(iv) lift or rub his or her hair.

(2) For the purpose of facilitating any of the actions referred to in any of paragraphs (a) to (c) of subsection (1), the person conducting a rub-down search may require the person being searched—

(a) to remove, raise, lower, or open any outer clothing (including (without limitation) any coat, jacket, jumper, or cardigan) being worn by the person being searched, except where that person has no other clothing, or only underclothing, under that outer clothing; and

(b) to remove any head covering, gloves, or footwear (including socks or stockings) being worn by that person.

(3) Authority to conduct a rub-down search includes the authority to conduct a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, and ears, but does not authorise the insertion of any instrument, device, or thing into any orifice of those kinds.

Compare: 1954 No 51 s 21D

90 Definition of strip search

(1) For the purposes of this Act, a **strip search** means a search where the person conducting the search may require the person being searched to remove, raise, lower, or open all or any of that latter person's clothing.

(2) For the purpose of facilitating a strip search, the person conducting the search may require the person being searched to do all or any of the following:

(a) open his or her mouth:

(b) display the palms of his or her hands:

(c) display the soles of his or her feet:

(d) lift or rub his or her hair:

(e) raise his or her arms to expose his or her armpits:

(f) with his or her legs spread apart, bend his or her knees until his or her buttocks are adjacent to his or her heels:

(g) lift or raise any part of his or her body (including, for example, rolls of fat, genitalia, and breasts).

(3) Authority to conduct a strip search—

(a) includes the authority to conduct a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, ears, and anal and genital areas; but

(b) does not authorise the insertion of any instrument, device, or thing into any orifice of those kinds.

(4) *[Repealed]*

Compare: 1954 No 51 s 21E

Section 90(2)(f): replaced, on 4 June 2013, by section 22(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 90(2)(g): inserted, on 3 April 2009, by section 8(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 90(3): replaced, on 4 June 2013, by section 22(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 90(4): repealed, on 4 June 2013, by section 22(2) of the Corrections Amendment Act 2013 (2013 No 5).

91 Definition of scanner search for purposes of Public Safety (Public Protection Orders) Act 2014

For the purposes of the Public Safety (Public Protection Orders) Act 2014, a **scanner search** means a search of a person while he or she is fully clothed using an electronic device designed to identify the presence of unauthorised items.

Section 91 heading: amended, on 29 October 2019, by section 18(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 91: amended, on 29 October 2019, by section 18(2) of the Corrections Amendment Act 2019 (2019 No 57).

92 Definition of x-ray search for purposes of Public Safety (Public Protection Orders) Act 2014

(1) For the purposes of the Public Safety (Public Protection Orders) Act 2014, an **x-ray search** means the search of a fully or partially clothed person using an x-ray machine or other prescribed device that is designed to identify the presence of items that are internally concealed.

(2) For the purpose of facilitating an x-ray search under that Act, the person conducting the search may require the person being searched to—

(a) remove any item of clothing that needs to be removed in order to carry out the search:

(b) comply with any other procedure that needs to be undertaken to carry out the search.

Section 92 heading: amended, on 29 October 2019, by section 19(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 92(1): amended, on 29 October 2019, by section 19(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 92(2): amended, on 29 October 2019, by section 19(3) of the Corrections Amendment Act 2019 (2019 No 57).

92A Meaning of scanner search for purposes of this Act

(1) For the purposes of this Act, **scanner search** means—

(a) a search of a person and the person's clothing or possessions using an electronic device (whether or not the device uses imaging technology) designed to identify the presence of unauthorised items that are concealed—

(i) in a person's body:

(ii) beneath or within clothing or possessions; or

(b) a search of a person using an electronic device (whether or not the device uses imaging technology) designed to measure a person's body temperature.

(2) For the purpose of facilitating a scanner search under this Act, the person conducting the search may require the person being searched to—

(a) remove any item of outer clothing (including, without limitation, any jacket, jumper, or sweatshirt) that needs to be removed in order to carry out the search, except where the person being searched has no other clothing, or only underclothing, under that outer clothing:

(b) remove any head covering, gloves, footwear (including socks or stockings), belts, jewellery, or other accessories:

(c) comply with any other procedure that needs to be undertaken to carry out the search.

Section 92A: inserted, on 29 October 2019, by section 20 of the Corrections Amendment Act 2019 (2019 No 57).

Section 92A(1): replaced, on 1 October 2024, by section 22 of the Corrections Amendment Act 2024 (2024 No 41).

92B Meaning of imaging technology search

For the purposes of this Act, **imaging technology search**—

(a) means a scanner search that produces an image of the body or part of the body (whether external or internal) of the person being searched; and

(b) includes, without limitation, a search using an x-ray machine or a body scanner.

Section 92B: inserted, on 29 October 2019, by section 20 of the Corrections Amendment Act 2019 (2019 No 57).

92C Particular matters relating to imaging technology searches

(1) An image produced as a result of an imaging technology search must,—

(a) so far as practicable, avoid showing a clear image of the body beneath clothing; and

(b) obscure the genitals or make them not easily distinguishable if they are included in the image.

(2) An image produced as a result of an imaging technology search for the purpose of detecting any unauthorised item must be disposed of within 24 hours.

(2A) An image produced as a result of an imaging technology search for the purpose of measuring a person's body temperature must be disposed of within 1 hour.

(3) Despite anything to the contrary in another enactment, a person who conducts an imaging technology search must not, without reasonable excuse, photograph or copy the image or provide the image to another person.

Section 92C: inserted, on 29 October 2019, by section 20 of the Corrections Amendment Act 2019 (2019 No 57).

Section 92C(2): replaced, on 1 October 2024, by section 23 of the Corrections Amendment Act 2024 (2024 No 41).

Section 92C(2A): inserted, on 1 October 2024, by section 23 of the Corrections Amendment Act 2024 (2024 No 41).

92D Particular restrictions when imaging technology search used as alternative to rub-down search or strip search

(1) The restrictions in section 92C(1) do not apply if an imaging technology search is used as—

(a) an alternative to a rub-down search under section 98B(2); or

(b) an alternative to a strip search under section 98F.

(2) However, an image that is produced using imaging technology—

(a) may be viewed only by an officer or a constable of the same sex as the person who is searched; and

(b) may not be viewed by another prisoner.

Section 92D: inserted, on 29 October 2019, by section 20 of the Corrections Amendment Act 2019 (2019 No 57).

Section 92D heading: amended, on 1 October 2024, by section 24(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 92D(1): replaced, on 1 October 2024, by section 24(2) of the Corrections Amendment Act 2024 (2024 No 41).

93 Restrictions on internal examinations

Nothing in this Act authorises or permits the internal examination of any body orifice of any person by any officer, except as provided by sections 89, 90, and 92B.

Compare: 1954 No 51 s 21F

Section 93: amended, on 29 October 2019, by section 21 of the Corrections Amendment Act 2019 (2019 No 57).

94 Restrictions on searches

(1) The following searches may be carried out only by a person of the same sex as the person to be searched:

(a) a rub-down search:

(b) a strip search:

(c) an imaging technology search that is used as—

(i) an alternative to a rub-down search under section 98B(2); or

(ii) an alternative to a strip search under section 98F.

(1A) A strip search must not be carried out in view of any person who is not of the same sex as the person to be searched.

(2) A person who carries out a scanner search, rub-down search, or strip search must conduct the search with decency and sensitivity and in a manner that affords to the person being searched the greatest degree of privacy and dignity consistent with the purpose of the search.

(3) No officer may conduct a strip search unless one of the following persons is also present:

(a) another officer:

(b) a constable.

(4) A strip search of a prisoner must not be carried out in view of another prisoner.

(5) No officer may conduct a rub-down search of any person (other than a prisoner) unless one of the following persons is also present:

(a) another officer:

(b) a constable.

Compare: 1954 No 51 s 21G

Section 94(1): replaced, on 29 October 2019, by section 22(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 94(1)(c): replaced, on 1 October 2024, by section 25 of the Corrections Amendment Act 2024 (2024 No 41).

Section 94(1A): inserted, on 29 October 2019, by section 22(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 94(2): amended, on 29 October 2019, by section 22(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 94(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 94(5)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

94A Prisoner's preference in relation to searches

(1) Despite sections 92D(2)(a) and 94(1) and (1A), if the chief executive has determined under regulations made under this Act that a prisoner is to be detained in a prison for male prisoners or a prison for female prisoners, the prisoner may choose the sex of a person who is to—

(a) carry out any specified search of the prisoner; or

(b) view any specified image of the prisoner; or

(c) be present during any strip search of the prisoner.

(2) Any specified search of the prisoner may only be carried out by a person of the sex chosen by the prisoner, unless there are reasonable grounds for not complying with this subsection.

(3) Any specified image of the prisoner may only be viewed by an officer or constable of the sex chosen by the prisoner, unless there are reasonable grounds for not complying with this subsection.

(4) A strip search of the prisoner must not be carried out in view of any person who is not of the sex chosen by the prisoner, unless there are reasonable grounds for not complying with this subsection.

(5) For the purposes of this section,—

specified image means an image that is produced using imaging technology, if imaging technology is used as—

(a) an alternative to a rub-down search under section 98B(2); or

(b) an alternative to a strip search under section 98F

specified search means the following:

(a) a rub-down search:

(b) a strip search:

(c) an imaging technology search that is used as—

(i) an alternative to a rub-down search under section 98B(2); or

(ii) an alternative to a strip search under section 98F.

Section 94A: inserted, on 1 October 2024, by section 26 of the Corrections Amendment Act 2024 (2024 No 41).

95 Authority to detain for purposes of search

Authority conferred by this Act to search any person includes the authority to detain that person for the purposes of the search.

Compare: 1954 No 51 s 21H

96 Authority to search property

(1) Authority conferred by this Act to conduct a scanner search (as defined in section 92A(1)(a)) of any person includes the authority to search—

(a) any item carried by, or in the possession of, that person:

(b) any outer clothing removed for the purposes of the search:

(c) any head covering, gloves, footwear (including socks or stockings), belts, jewellery, or other accessories removed for the purposes of the search.

(2) Authority conferred by this Act to conduct a rub-down search of any person includes the authority to search—

(a) any item carried by, or in the possession of, that person:

(b) any outer clothing removed, raised, lowered, or opened for the purposes of the search:

(c) any head covering, gloves, or footwear (including socks or stockings) removed for the purposes of the search.

(3) Authority conferred by this Act to conduct a strip search of any prisoner includes the authority to search—

(a) any item of clothing removed, raised, lowered, or opened for the purposes of the search:

(b) any item carried by, or in the possession of, that prisoner.

(4) Authority conferred by this Act to conduct a search of any cell or any place set aside for the exclusive use of a person in a prison includes the authority to search any item in that cell or place.

(5) Authority conferred by this Act to conduct a search of any vehicle includes the authority to search any item in that vehicle.

(6) Authority conferred by this Act to search any item includes the authority to use any force that is reasonable in the circumstances for the purpose of breaking open that item.

(7) Authority to search any cell or other place, vehicle, or item, includes the authority to use an aid or aids such as a chemical substance or imaging equipment or some other mechanical, electrical, or electronic device, or other similar aid.

Compare: 1954 No 51 s 21I

Section 96(1): replaced, on 29 October 2019, by section 23(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 96(1): amended, on 1 October 2024, by section 27 of the Corrections Amendment Act 2024 (2024 No 41).

Section 96(3): amended, on 29 October 2019, by section 23(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 96(7): inserted, on 3 April 2009, by section 9 of the Corrections Amendment Act 2009 (2009 No 3).

Section 96(7): amended, on 29 October 2019, by section 23(3) of the Corrections Amendment Act 2019 (2019 No 57).

97 Use of dogs for searching

(1) In exercising any power of search conferred by this Act, any officer may have with him or her, and use for the purposes of searching, any dog.

(2) Any dog used for searching may be under the control of—

(a) the officer conducting the search; or

(b) any other person (being a constable, an officer of Customs, or any member of the Armed Forces) who may accompany the officer for the purposes of the search.

(3) While any officer is using a dog for the purposes of searching any person, the officer who has control of the dog must take reasonable steps to prevent the dog from coming into physical contact with the person being searched.

(4) Any officer who uses a dog for the purposes of searching any person must conduct the search with decency and sensitivity and in a manner that affords to the person being searched the greatest degree of dignity consistent with the purpose of the search.

Compare: 1954 No 51 s 21J

Section 97(2)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 97(3): replaced, on 29 October 2019, by section 24 of the Corrections Amendment Act 2019 (2019 No 57).

98 Search of cells

(1) An officer may conduct a search of any cell in a prison, at any time, for the purpose of detecting any unauthorised item.

(2) Nothing in this section limits or affects any power or authority to search or inspect any cell in any prison for any purpose relating to the security of the prison.

Compare: 1954 No 51 s 21K

Section 98: replaced, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98A Scanner search of prisoners

Detecting unauthorised item

(1) An officer may conduct a scanner search (as defined in section 92A(1)(a)) of any prisoner, at any time, for the purpose of detecting any unauthorised item.

Measuring body temperature

(2) An officer may conduct a scanner search (as defined in section 92A(1)(b)) of any prisoner for the purpose of measuring the prisoner's body temperature to ascertain any risk that they may be carrying a communicable disease.

(3) A scanner search under subsection (2) may only be carried out in accordance with an authorisation under section 103AAA.

Section 98A: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98B Rub-down search of prisoners

(1) An officer may conduct a rub-down search of any prisoner, at any time, for the purpose of detecting any unauthorised item.

(2) An officer may conduct an imaging technology search of any prisoner as an alternative to a rub-down search if the chief executive has approved the device used in the imaging technology search as suitable for the purpose of replacing a rub-down search.

Section 98B: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98C Strip search of prisoner required in specified circumstances

(1) Every prisoner must be required to undergo a strip search conducted by an officer—

(a) on first being admitted to a prison; and

(b) on being received in a prison on transfer from another prison.

(2) Every at-risk prisoner must be required to undergo a strip search conducted by an officer—

(a) each time the prisoner enters an at-risk cell, until an at-risk management plan is established for the prisoner:

(b) in the situations set out in the at-risk management plan for the prisoner.

(3) Subsection (2)(a) does not apply if—

(a) a strip search has been conducted under subsection (1) or section 98D(1); and

(b) the prisoner has been supervised by an officer since the strip search was conducted; and

(c) an officer (who may be the same officer as under paragraph (b) or a different officer) considers a strip search under subsection (2)(a) to be unnecessary.

Section 98C: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98D Strip search of prisoner for purpose of detecting unauthorised item

(1) An officer may conduct a strip search of a prisoner if the officer—

(a) has reasonable grounds for believing that the prisoner has in their possession an unauthorised item; and

(b) has obtained the manager's approval for the conduct of a strip search.

(2) The power to conduct a strip search of a prisoner under subsection (1) may only be exercised—

(a) for the purpose of detecting any unauthorised item; and

(b) if a strip search is necessary in the circumstances for the purpose of detecting an unauthorised item.

(3) Despite subsection (1)(b), it is not necessary to obtain the approval of a prison manager for the conduct of a strip search if the delay involved in obtaining the approval would endanger the health or safety of any person or prejudice the maintenance of security at the prison.

Section 98D: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98E Strip search of prisoner for purpose of detecting use of drugs or alcohol

(1) This section applies to a prisoner who is required under section 124 (other than in the situation referred to in section 124(2)(d)) to submit to a prescribed procedure for the purpose of detecting whether the prisoner has used drugs or consumed alcohol, or both.

(2) Immediately before the prisoner supplies a sample in accordance with the prescribed procedure, the prisoner may be required to undergo a strip search conducted by an officer.

(3) A strip search of the prisoner may only be required under subsection (2) if—

(a) the nature of the prescribed procedure is such that there is a risk that the prisoner may dilute, contaminate, or otherwise tamper with the sample; and

(b) a strip search is necessary to ensure that such dilution, contamination, or tampering does not occur.

Section 98E: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

98F Imaging technology search may be alternative to strip search

An officer may conduct an imaging technology search of any prisoner as an alternative to a strip search under this Act if the chief executive has approved the device used in the imaging technology search as suitable for the purpose of replacing a strip search.

Section 98F: inserted, on 1 October 2024, by section 28 of the Corrections Amendment Act 2024 (2024 No 41).

99 Search of persons other than prisoners

(1) A person who wishes to enter a prison or to visit a prisoner may, before being admitted to the prison or before being allowed access to any prisoner, be required to undergo the following:

(a) a scanner search (as defined in section 92A(1)(a)) conducted by an officer for the purpose of detecting any unauthorised item:

(b) a scanner search (as defined in section 92A(1)(b)) conducted by an officer for the purpose of measuring the person's body temperature to ascertain any risk that they may be carrying a communicable disease.

(1A) A scanner search under subsection (1)(b) may only be carried out in accordance with an authorisation under section 103AAA.

(2) A person who enters a prison or visits a prisoner may, at any time while that person is in the prison or visiting a prisoner, be required to undergo a scanner search conducted by an officer for the purpose of detecting any unauthorised item, and, if that person refuses to submit to a scanner search, reasonable force may be used for the purposes of carrying out the search.

(3) If any officer has reasonable grounds to suspect that any person who wishes to enter a prison or visit a prisoner, or who is in a prison or visiting a prisoner, has in his or her possession any unauthorised item, the officer may, with that person's consent, conduct a rub-down search of that person.

(4) Any person who refuses to submit to a scanner search or a rub-down search before being admitted to a prison or any part of a prison or before being allowed access to a prisoner—

(a) must be refused admission to the prison or that part of the prison or, as the case may be, refused access to that prisoner:

(b) if the person is already inside the prison or visiting the prisoner, may be required to leave the prison or the other place where the prisoner is.

(4A) Any person may be refused admission to a prison or part of the prison, refused access to a prisoner, or required to leave the prison or place where the prisoner is (as the case may be) if the person refuses to remove an item of outer clothing (on the grounds that the person has no other clothing, or only underclothing, under that outer clothing) for the purpose of a scanner search or a rub-down search.

(5) A person who is in a prison or visiting a prisoner and who refuses to consent to a rub-down search in accordance with subsection (3) may be required to undergo a rub-down search, and reasonable force may be used for the purposes of carrying out that search.

(6) A person may not be required to undergo a rub-down search under subsection (5) unless,—

(a) in the case of a person in a prison, the prison manager approves the conduct of a search under subsection (5):

(b) in the case of a person visiting a prisoner outside the prison, a security monitor, a prison manager, or the chief executive approves the conduct of a search under subsection (5).

(7) Nothing in this section authorises the search of any prisoner.

(8) In this section, section 100, and section 101, **person** includes—

(a) a staff member:

(b) a security officer:

(c) a person entering a prison in the course of the person's employment.

Compare: 1954 No 51 s 21L

Section 99(1): replaced, on 1 October 2024, by section 29 of the Corrections Amendment Act 2024 (2024 No 41).

Section 99(1A): inserted, on 1 October 2024, by section 29 of the Corrections Amendment Act 2024 (2024 No 41).

Section 99(4A): inserted, on 29 October 2019, by section 26 of the Corrections Amendment Act 2019 (2019 No 57).

100 Search of staff lockers and other places

(1) For the purpose of detecting an unauthorised item, an officer may, with the prior approval of the prison manager, and in the presence of another officer, search any place set aside in a prison for the exclusive use of any person other than a prisoner (for example, a staff member's locker).

(2) If any place is to be searched under subsection (1), the person who has the exclusive use of that place must, if he or she can be identified and contacted,—

(a) be advised of the proposed search under subsection (1) and of the person's right to be present during that search:

(b) be allowed to be present during that search if he or she wishes unless, in the opinion of the prison manager, deferring the search until the person can attend will involve an unacceptable delay.

Section 100(1): replaced, on 3 April 2009, by section 11 of the Corrections Amendment Act 2009 (2009 No 3).

101 Search of vehicles

(1) Any vehicle brought into a prison may, while that vehicle is in the prison, be searched by any officer at any time for the purposes of detecting any unauthorised item or any prisoner attempting to escape.

(2) For the purposes of any search of a vehicle under subsection (1), any officer who is in uniform or who is wearing any badge or other article that identifies him or her as an officer may, by direction given to the driver or other person in the vehicle,—

(a) direct, if necessary, that the vehicle be stopped:

(b) direct that the vehicle be kept stopped until the search is completed:

(c) require that the officer be given access to any part of the vehicle:

(d) require any or all of the passengers (including the driver) to get out of the vehicle:

(e) require any or all of the passengers (including the driver) to provide the officer with 1 or more of the following particulars:

(i) his or her name:

(ii) his or her address:

(iii) his or her date of birth.

(3) Reasonable force may be used for the purposes of conducting that search.

Compare: 1954 No 51 s 21M

102 Reporting of unauthorised items discovered, certain searches, and placement in dry cells

(1) If any unauthorised item is discovered by any officer or staff member, whether as a consequence of a search under any of sections 98 to 101 or otherwise, the

officer or staff member must, promptly after the discovery, report the details of the discovery to the prison manager concerned or to the supervisor of the security officer who discovered the item, as the case requires.

(2) Every officer who conducts a strip search of any person in the circumstances described in section 98(3)(a) (whether or not the approval of a prison manager is required to undertake that search) or a search under section 98(9), section 99(5), or section 100 must, promptly after the search,—

(a) if the officer is not a security officer, report the details of the search to the prison manager concerned:

(b) if the officer is a security officer, report the details of the search to the supervisor of the security officer.

(3) If any prisoner is placed in a cell or other facility designed to prevent the concealment or disposal of unauthorised items,—

(a) the manager of the prison in which the cell or facility is must ensure that a record of the details of that placement, and whether any unauthorised item is discovered as a result, is made and kept:

(b) any officer or staff member who discovers an unauthorised item following that placement must report the details of the discovery to the prison manager.

(4) Every report under subsection (2) must contain—

(a) the reasons for the search; and

(b) the details of any unauthorised item discovered as a result of the search.

(5) Every person to whom a report is made under subsection (1), subsection (2), or subsection (3)(b) must ensure that a record of that report is made and kept.

103 Detention pending investigation by Police

(1) If an officer has reasonable grounds to believe (whether as a consequence of a search under sections 99 to 101 or otherwise) that a person in a prison (other than a prisoner) is in possession of a controlled drug within the meaning of the Misuse of Drugs Act 1975, the officer may—

(a) detain that person; and

(b) for the purposes of paragraph (a), use any physical force (and no more) that is reasonably necessary in the circumstances.

(2) An officer may detain a person under this section only for the purpose of obtaining the attendance of a constable who is entitled in the circumstances to exercise any statutory search power.

(3) An officer who detains a person under this section must—

(a) promptly contact the Police to arrange the attendance of a constable; and

(b) if advised that a constable will not attend before the expiry of the period in subsection (4), immediately release the person from detention under this section.

(4) A person must not be detained under this section for a period exceeding 4 hours.

(5) A person who is detained under this section is not a **prisoner** (within the meaning of section (3)(1)).

Section 103(2): replaced, on 17 December 2016, by section 34 of the Statutes Amendment Act 2016 (2016 No 104).

Section 103(3)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 103(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

103AAA Scanner search authorised to ascertain risk of communicable disease

(1) The prison manager may authorise a scanner search for the purpose of measuring a person's body temperature if—

(a) the prison manager considers that the scanner search is necessary and justifiable to ascertain any risk that the person entering the prison may be carrying a communicable disease; and

(b) the prison manager has taken into account advice from a registered health professional on the matter; and

(c) the chief executive has approved the device used in the search as suitable for the purpose.

(2) The authorisation may apply to 1 or more persons or classes of persons.

(3) The authorisation may apply only for a period of time that is reasonable in the circumstances based on the advice obtained from the registered health professional under subsection (1)(b).

(4) The period of time must be specified in the authorisation.

(5) The authorisation may be extended or revoked in the same manner in which it was made.

Section 103AAA: inserted, on 1 October 2024, by section 30 of the Corrections Amendment Act 2024 (2024 No 41).

Opening and reading of mail and withholding of correspondence

103A Interpretation

In this section and in sections 104 to 110A, unless the context otherwise requires, **authorised person** means—

(a) a prison manager; or

(b) a staff member authorised by the manager, in writing, to read correspondence for the purpose of section 107.

Section 103A: replaced, on 4 June 2013, by section 24 of the Corrections Amendment Act 2013 (2013 No 5).

104 General considerations relating to mail

As far as practicable in the circumstances, staff members must take the following considerations into account when dealing with any mail to or from a prisoner:

(a) the need to protect the privacy of prisoners and their correspondents:

(b) the benefits to prisoners of maintaining contact with persons and organisations outside the prison:

(c) the need to maintain the security and order of the prison:

(d) the need to prevent the commission of offences:

(e) the need to ensure the safety of any person:

(f) the need to prevent the entry of unauthorised items into the prison:

(g) the interests of victims (including, in particular, being free from unwanted contact with prisoners):

(h) the potential impacts of the written material on persons beyond the intended recipient, including the potential for the sharing and publication of the material:

(i) the potential for messages to be disseminated through coded references.

Compare: SR 2000/81 r 96

Section 104: amended, on 4 June 2013, by section 25 of the Corrections Amendment Act 2013 (2013 No 5).

Section 104(g): inserted, on 29 October 2019, by section 27 of the Corrections Amendment Act 2019 (2019 No 57).

Section 104(g): amended, on 23 June 2025, by section 6 of the Corrections (Victim Protection) Amendment Act 2024 (2024 No 57).

Section 104(h): inserted, on 29 October 2019, by section 27 of the Corrections Amendment Act 2019 (2019 No 57).

Section 104(i): inserted, on 29 October 2019, by section 27 of the Corrections Amendment Act 2019 (2019 No 57).

105 Restriction on sending mail to other prisoners

No prisoner at any prison may send mail to another prisoner without first notifying the prison manager of the prisoner's intentions.

Compare: SR 2000/81 r 98

106 Opening of mail

(1) Subject to sections 109 and 110,—

(a) mail to or from a prisoner may be opened:

(b) mail to or from a prisoner may be examined for unauthorised items:

(c) any unauthorised item found in any mail to a prisoner may be withheld from the prisoner, with the authority of the prison manager.

(2) Any mail to or from a prisoner that is to be opened or examined must be opened and examined by a staff member in the presence of 1 other staff member.

Compare: SR 2000/81 r 100

Section 106(2): replaced, on 4 June 2013, by section 26 of the Corrections Amendment Act 2013 (2013 No 5).

107 Reading of correspondence

(1) An authorised person may read correspondence between a prisoner and another person for the purpose of ascertaining whether it may be withheld under section 108(1).

(2) For the purposes of subsection (1), the authorised person may—

(a) have translated into English any correspondence not written in English; or

(b) have translated into te reo Māori any correspondence not written in te reo Māori.

(3) This section is subject to sections 109 and 110.

Compare: SR 2000/81 r 101

Section 107(1): replaced, on 3 April 2009, by section 15(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 107(1): amended, on 4 June 2013, by section 27(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 107(2): amended, on 4 June 2013, by section 27(2) of the Corrections Amendment Act 2013 (2013 No 5).

108 Withholding mail

(1) A prison manager may withhold mail between a prisoner and another person if—

(a) the prisoner or the other person asks the manager to do so; or

(b) the other person is under 16 years, and his or her guardian asks the manager to do so; or

(c) the other person is a prisoner, and neither prisoner has first notified the prison manager of his or her intention to correspond; or

(d) the manager believes on reasonable grounds that the correspondence or mail may, directly or indirectly,—

(i) threaten or intimidate any person; or

(ii) endanger the safety or welfare of any person; or

(iii) pose a threat to the security of the prison; or

(iv) promote or encourage the commission of an offence, or involve, or facilitate the commission or possible commission of, an offence; or

(v) prejudice the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences, and the right to a fair trial); or

(vi) breach an order or direction of any court (for example, a direction given under section 168A (no-contact conditions if family violence offence defendant remanded in custody) of the Criminal Procedure Act 2011) or constitute contempt of court; or

(vii) promote or encourage hostility towards any group of persons on 1 or more of the grounds specified in section 21 of the Human Rights Act 1993.

(2) If mail or an unauthorised item found in any mail is withheld, the prisoner to or from whom the mail was directed must be informed that the mail or item, as the case may be, has been withheld, unless it is to be forwarded to an enforcement officer.

(3) This section is subject to sections 109 and 110.

Compare: SR 2000/81 r 102

Section 108(1)(d): amended, on 1 October 2024, by section 31 of the Corrections Amendment Act 2024 (2024 No 41).

Section 108(1)(d): amended, on 29 October 2019, by section 28(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 108(1)(d)(i): amended, on 29 October 2019, by section 28(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 108(1)(d)(iv): amended, on 3 April 2009, by section 16(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 108(1)(d)(v): inserted, on 3 April 2009, by section 16(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 108(1)(d)(vi): inserted, on 3 April 2009, by section 16(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 108(1)(d)(vi): amended, on 1 July 2019, by section 52 of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 108(1)(d)(vii): inserted, on 29 October 2019, by section 28(3) of the Corrections Amendment Act 2019 (2019 No 57).

109 Mail between prisoners, official agencies, and members of Parliament

A staff member must not open any mail and an authorised person must not read any correspondence and a prison manager must not withhold any mail that—

(a) is from a prisoner to an official agency; or

(b) is from a prisoner to a member of Parliament and is addressed to that member at Parliament; or

(c) is from an official agency or member of Parliament to a prisoner, and accompanied by a covering letter addressed to the prison manager stating that the agency or member of Parliament is acting in an official capacity in respect of the prisoner.

Section 109: replaced, on 4 June 2013, by section 28 of the Corrections Amendment Act 2013 (2013 No 5).

110 Mail between prisoners and legal advisers

(1) A staff member must not open any mail and an authorised person must not read any correspondence and a prison manager must not withhold any mail between a prisoner and his or her legal adviser, unless authorised to do so under any of subsections (2) to (6).

(2) A staff member may open any mail that—

(a) is being sent by a prisoner to his or her legal adviser, but is not addressed to the legal adviser at the legal adviser's business address (including any postal address used for business purposes); or

(b) has been sent by a prisoner's legal adviser to the prisoner, but is not accompanied by a covering letter from the legal adviser, addressed to the manager of the prison, stating that—

(i) the legal adviser is acting in a professional capacity in respect of the prisoner; and

(ii) the mail or correspondence relates to the prisoner's legal affairs.

(3) The manager of a prison may examine any mail between a prisoner and his or her legal adviser appearing to contain an unauthorised item, or any correspondence or document not related to the prisoner's legal affairs.

(4) The manager of a prison—

(a) may read any correspondence or document, or any part of any correspondence or document, contained in any mail between a prisoner and his or her legal adviser examined under subsection (3) that appears not to be related to the prisoner's legal affairs; but

(b) must stop reading the correspondence or document, or part of the correspondence or document, as soon as it appears to be related to the prisoner's legal affairs.

(5) Any unauthorised item contained in any mail to a prisoner from his or her legal adviser that has been examined under subsection (3) may be withheld from the prisoner.

(6) Section 108 applies to any correspondence or document contained in any mail between a prisoner and his or her legal adviser if—

(a) the manager has read it under subsection (4); and

(b) it (or any part of it) appears to the manager not to be related to the prisoner's legal affairs.

(7) Mail examined under subsection (3) must be examined in the prisoner's presence.

(8) Mail read under subsection (4) must be read in the prisoner's presence.

(9) No mail between a prisoner and his or her legal adviser may contain any item other than correspondence or documents relating to the prisoner's legal affairs unless the prisoner and legal adviser first obtain the prison manager's written approval.

Compare: SR 2000/81 r 104

Section 110(1): replaced, on 4 June 2013, by section 29(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 110(2): amended, on 4 June 2013, by section 29(2) of the Corrections Amendment Act 2013 (2013 No 5).

110A Restrictions on disclosure of mail

An authorised person must not disclose any information obtained from correspondence or mail between a prisoner and another person unless—

(a) the disclosure is made to another authorised person for the purpose of determining whether—

(i) mail may be withheld under section 108(1); or

(ii) mail that is withheld under section 108(1) should be forwarded to an enforcement officer under section 108(2); or

(iii) paragraph (c) applies; or

(b) the authorised person believes on reasonable grounds that the disclosure—

(i) is necessary to avoid prejudice to the maintenance of the law by a public sector agency (within the meaning of the Privacy Act 2020), including the prevention, detection, investigation, prosecution, and punishment of offences; or

(ii) is necessary for the conduct of proceedings (already commenced or reasonably in contemplation) before a court or tribunal; or

(iii) is necessary to prevent or lessen a serious and imminent threat to public health, public safety, or the life or health of any person; or

(iv) has been authorised by the Privacy Commissioner under section 30 of the Privacy Act 2020; or

(c) the disclosure is required by any enactment or rule of law.

Section 110A: inserted, on 3 April 2009, by section 19 of the Corrections Amendment Act 2009 (2009 No 3).

Section 110A: amended, on 1 October 2024, by section 32 of the Corrections Amendment Act 2024 (2024 No 41).

Section 110A: amended, on 4 June 2013, by section 30(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 110A(a): amended, on 4 June 2013, by section 30(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 110A(b): amended, on 4 June 2013, by section 30(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 110A(b)(i): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 110A(b)(iv): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

110B Warnings in relation to mail

The chief executive must take all practicable steps to ensure that when, or reasonably promptly after, prisoners are received at a prison they are informed in writing—

(a) that—

(i) their mail may be opened and withheld, and of the grounds on which it may be withheld; and

(ii) their correspondence may be opened, read, and withheld, and of the grounds on which it may be withheld; and

(b) about—

(i) the types of mail that are exempted from being opened and withheld, and the extent to which the exemptions apply; and

(ii) the types of correspondence that are exempted from being opened, read, and withheld, and the extent to which the exemptions apply.

Section 110B: inserted, on 3 April 2009, by section 19 of the Corrections Amendment Act 2009 (2009 No 3).

Section 110B(a): replaced, on 1 October 2024, by section 33 of the Corrections Amendment Act 2024 (2024 No 41).

Section 110B(b): replaced, on 1 October 2024, by section 33 of the Corrections Amendment Act 2024 (2024 No 41).

110C Application of Privacy Act 2020

The Privacy Act 2020 applies to any activity authorised under any of sections 104 to 110B relating to correspondence or mail to or from a prisoner.

Section 110C: inserted, on 3 April 2009, by section 19 of the Corrections Amendment Act 2009 (2009 No 3).

Section 110C heading: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 110C: amended, on 1 October 2024, by section 34 of the Corrections Amendment Act 2024 (2024 No 41).

Section 110C: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Telephone calls may be monitored

[Repealed]

Heading: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

111 Interpretation

[Repealed]

Section 111: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

112 Purposes of monitoring prisoners' calls

[Repealed]

Section 112: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

113 Prisoner calls that may be monitored

[Repealed]

Section 113: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

114 Certain calls must not be monitored

[Repealed]

Section 114: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

115 Only certain persons may monitor

[Repealed]

Section 115: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

116 Warnings

[Repealed]

Section 116: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

117 Authorised disclosure of information

[Repealed]

Section 117: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

118 Restrictions on disclosure of information

[Repealed]

Section 118: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

119 Application of Privacy Act 2020

[Repealed]

Section 119: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

120 Destruction of recordings

[Repealed]

Section 120: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

121 Notice to be given of intention to produce evidence of recording

[Repealed]

Section 121: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

122 Privileged evidence

[Repealed]

Section 122: repealed, on 1 October 2024, by section 35 of the Corrections Amendment Act 2024 (2024 No 41).

Alcohol and drugs

123 Chief executive must issue drug and alcohol strategy

(1) The chief executive must, at intervals of not more than 5 years, issue a drug and alcohol strategy relating to drug and alcohol use by prisoners.

(2) Every drug and alcohol strategy must include provisions relating to the following matters:

(a) the assessment of individual prisoners:

(b) measures to detect drug use in prisons:

(c) measures to reduce the demand for drugs and alcohol among prisoners:

(d) measures to reduce the supply of drugs and alcohol to prisoners:

(e) treatment services and harm minimisation services:

(f) staff training.

Compare: 1954 No 51 s 36B

124 Prisoner may be required to submit to drug or alcohol test

(1) An officer may, in any of the situations referred to in subsection (2) and subject to any limitations prescribed by regulations, require a prisoner to submit to any prescribed procedure for the purpose of detecting whether or not the prisoner has used drugs, consumed alcohol, or both.

(2) The situations referred to in subsection (1) are as follows:

(a) if the prison manager suspects, on reasonable grounds, that the prisoner has committed an offence against section 129 or section 130(1):

(b) if the prisoner's name has been selected under a random-testing programme established by regulations made under this Act for purposes set out in those regulations:

(c) if the prisoner is a voluntary participant in any programme, regime, or custodial arrangement—

(i) that has as one of its aims the reduction of drug and alcohol use among prisoners; and

(ii) under which the prisoner agrees to submit, on demand made under this section, to any prescribed procedure:

(d) if the prisoner has submitted to a prescribed procedure under this section by supplying a sample and the prison manager believes, on reasonable grounds, that the sample supplied is dilute, tainted, or otherwise contaminated.

(3) Despite subsection (1), a person may not be required to submit to a prescribed procedure under this section if he or she is for the time being temporarily released from custody under section 62.

(4) Nothing in subsection (3) prevents a person from being required to submit to a prescribed procedure under this section when the person ceases to be on temporary release from custody under section 62.

(5) No procedure may be prescribed that requires any prisoner to supply a sample of his or her blood, but nothing in this subsection limits the power to prescribe any procedure that requires a prisoner to supply any other type of sample (including, without limitation, a sample of saliva or urine, or other bodily sample).

Compare: 1954 No 51 ss 36BB, 45(22)–(23A)

Section 124(1): amended, on 5 March 2013, by section 32(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 124(2)(a): amended, on 5 March 2013, by section 32(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 124(2)(c)(i): amended, on 3 April 2009, by section 20(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 124(2)(d): inserted, on 3 April 2009, by section 20(2) of the Corrections Amendment Act 2009 (2009 No 3).

125 Obligations of persons carrying out procedure

On requiring a prisoner to submit to a prescribed procedure under section 124, the officer must—

(a) inform the prisoner—

(i) of the reason for the requirement; and

(ii) of the consequences for the prisoner if the prisoner refuses to submit to the procedure; and

(iii) that it is a disciplinary offence to dilute, contaminate, or otherwise tamper with any sample required to be supplied in accordance with the procedure; and

(b) explain to the prisoner, in general terms,—

(i) how the procedure will be carried out; and

(ii) how any sample obtained from the procedure will be analysed.

Compare: 1954 No 51 s 36BB(4)

Section 125(a)(iii): amended, on 4 June 2013, by section 33 of the Corrections Amendment Act 2013 (2013 No 5).

126 Prisoner must be informed of result of procedure

If, under section 124, a prisoner submits to a prescribed procedure, the prison manager must ensure that the prisoner is informed, promptly and in writing, of the result of the procedure.

Compare: 1954 No 51 s 36BC

127 Restrictions on use of result of procedure

(1) Neither the fact that a prisoner has been required, under section 124, to submit to a prescribed procedure nor any information obtained from that prescribed procedure are admissible as evidence against any prisoner or any other person—

(a) in any proceedings under this Act, other than proceedings for an offence against section 129 or section 130(1); or

(b) in any proceedings under any other enactment.

(2) To avoid doubt, subsection (1) does not prevent any fact or information from being presented to, or considered by, the New Zealand Parole Board.

Compare: 1954 No 51 s 36BD

Subpart 4A—Monitoring, collecting, using, and disclosing prisoner communications and information sources for intelligence purpose

Subpart 4A heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127A Interpretation

In this subpart, unless the context otherwise requires,—

authorised intelligence person means—

(a) the chief executive; and

(b) a person who is authorised by the chief executive under section 127G

collect, in relation to prisoner communications and information sources,—

(a) means to gather prisoner communications and information sources; and

(b) includes downloading, photographing, storing, or otherwise making a record of prisoner communications and information sources

contracted provider means a person engaged by the chief executive to provide services in connection with translating, transcribing, or interpreting prisoner communications and information sources

disclose—

(a) means to disclose prisoner communications and information sources; and

(b) includes—

(i) allowing a person to listen to, watch, read, or examine any of those prisoner communications and information sources; and

(ii) giving or lending to a person a copy, printout, recording, video, image, translation, or written document containing those prisoner communications and information sources

eligible employee means a person who is an employee of the chief executive or an employee of a contractor

exempt prisoner call means the following:

(a) a prisoner call that is exempt from this subpart under section 127D, 127E, or 127F:

(b) information transmitted by any remote access facility to which a prisoner is a party with a court, tribunal, or the New Zealand Parole Board that is conducted while the prisoner is in prison

exempt prisoner communications and information sources means—

(a) prisoner communications and information sources that are exempt from this subpart under section 127D, 127E, or 127F; and

(b) exempt prisoner calls

monitor, in relation to prisoner communications and information sources, means to do any or all of the following:

(a) listen to, watch, read, examine, and take notes from prisoner communications and information sources:

(b) listen to, watch, read, and take notes from a record of prisoner communications and information sources:

(c) process prisoner communications and information sources by technology

prisoner call means any information transmitted by an audio link, a visual link, or an audiovisual link to which a prisoner is a party that is conducted while the prisoner is in prison

prisoner communications and information sources means—

(a) any communications to or from a prisoner; and

Examples

Communications to or from a prisoner are, for example,—

- conversations:
- correspondence and mail:
- email and text messages:
- writing:
- photographs, pictures, drawings, symbols, and other images:
- prisoner calls:
- visits:
- signs, signals, and gestural language:
- video and other electronic communications:
- recordings of communications to or from a prisoner.

(b) the following information sources:

(i) images (for example, photographs, drawings, or symbols) made by a prisoner:

(ii) video footage and images of a prisoner:

(iii) Internet and intranet sources with which a prisoner interacts:

(iv) publicly available and legally accessible information (including, but not limited to, information in the news media and on social media) relevant to a prisoner; and

(c) the substance of, or any information that is transmitted by,—

(i) communications to or from a prisoner; or

(ii) an information source described in paragraph (b); and

(d) information held by the department about a prisoner (for example, incident reports, information collected or taken from a prisoner under section 41, and trust account details)

prisoner health records means health records referred to in section 165

translate includes to decode and decrypt; and **translation** has a corresponding meaning

use, in relation to prisoner communications and information sources, includes to collate, analyse, synthesise, or draw conclusions from prisoner communications and information sources to inform decision making about the management of prisoners or the operation of prisons.

Section 127A: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127B Meaning of intelligence purpose

(1) An **intelligence purpose**, in relation to a purpose for monitoring, collecting, using, or disclosing prisoner communications and information sources, means—

(a) to identify risk and to deter and prevent harm:

(b) to support the good order, safety, and security of prisons.

(2) Examples of what constitutes an intelligence purpose are the following:

(a) to prevent and discourage the commission of offences by, or for the benefit of, or with the help or encouragement of, prisoners:

(b) to detect and investigate offences committed by, for the benefit of, or with the help or encouragement of, prisoners:

(c) to prosecute, convict, and penalise—

(i) prisoners who commit offences, or who help or encourage other people to commit offences; and

(ii) people who commit offences for the benefit of, or with the help or encouragement of, prisoners:

(d) to detect and prevent non-compliance with directions given under section 168A (no-contact conditions if family violence offence defendant remanded in custody) of the Criminal Procedure Act 2011:

(e) to prevent and discourage escapes from prisons.

Section 127B: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127C Relationship of this subpart to monitoring, collecting, using, or disclosing information by other means

(1) Nothing in this subpart limits, or otherwise affects,—

(a) sections 103A to 110C (withholding mail):

(b) sections 180 to 182E (disclosure of information):

(c) sections 189A to 189D (detection, interception, etc, of radiocommunications within prison boundaries).

(2) Nothing in this subpart limits, or otherwise affects, the operation of security surveillance cameras or other technology in a prison.

Section 127C: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Exemptions

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127D Exemptions for specified prisoner communications and information sources

The following prisoner communications and information sources are exempt from being monitored, collected, used, or disclosed under this subpart:

(a) prisoner health records held by the department, including psychological information that is recorded and created to provide treatment to prisoners:

(b) prisoner communications and information sources in connection with restorative justice processes.

Section 127D: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127E Exemptions for prisoner communications and information sources with specified persons

(1) Prisoner communications and information sources between a prisoner and the following persons are exempt from being monitored, collected, used, or disclosed under this subpart:

(a) if the prisoner communications and information sources are related to legal affairs,—

(i) the prisoner's legal adviser; or

(ii) a barrister or solicitor with whom the prisoner is discussing the possibility of the person acting for the prisoner; or

(iii) a member of the Armed Forces with whom a member of the Armed Forces detained in a prison is discussing the possibility of the person representing the prisoner in the Court Martial or other proceedings:

(b) a statutory visitor:

(c) a Justice of the Peace acting in an official capacity:

(d) a person from an official agency acting in an official capacity:

(e) a member of Parliament acting in an official capacity:

(f) a person acting in their official capacity on behalf of the International Criminal Court.

(2) Section 110 applies to the monitoring of mail between a prisoner and a legal adviser under this subpart.

Section 127E: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127F Powers of Governor-General and chief executive to exempt prisoner communications and information sources

(1) The Governor-General may, by Order in Council, on the recommendation of the Minister, specify—

(a) 1 or more classes of persons whose prisoner communications and information sources with prisoners must not be monitored, collected, used, or disclosed under this subpart; and

(b) the purpose for which the prisoner communications and information sources are exempt.

(2) The chief executive may, in writing, specify—

(a) a named individual (other than a prisoner) whose prisoner communications and information sources with 1 or more prisoners must not be monitored, collected, used, or disclosed under this subpart; and

(b) the purpose and the period for which the prisoner communications and information sources are exempt.

(3) The purpose of the exemption must take into account the following:

(a) the purpose of the corrections system set out in section 5 and the principles guiding the corrections system set out in section 6:

(b) the meaning of an intelligence purpose set out in section 127B:

(c) the general considerations set out in section 127H.

(4) A reason must be specified in the order, or in writing by the chief executive, for the exemption.

(5) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 127F: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Authorised intelligence persons

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127G Authorised intelligence persons

(1) The chief executive may authorise an eligible employee to be an authorised intelligence person for the purpose of monitoring, collecting, using, and disclosing prisoner communications and information sources under this subpart.

(2) The chief executive must be satisfied that the eligible employee is suitable to exercise the powers and duties and perform the functions of an authorised intelligence person.

(3) The chief executive may impose, amend, and revoke conditions on the authorisation.

(4) A person who is authorised under subsection (1) ceases to be an authorised intelligence person if—

(a) the chief executive revokes the authorisation; or

(b) the person ceases to be an eligible employee.

Section 127G: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

General considerations

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127H General considerations

As far as practicable in the circumstances, an authorised intelligence person must take the following considerations into account when monitoring, collecting, using, or disclosing prisoner communications and information sources under this subpart:

(a) the need to protect the privacy of prisoners and their correspondents and visitors:

(b) the benefits to prisoners of maintaining contact with persons and organisations outside the prison.

Section 127H: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Monitoring, collecting, and using information under this subpart

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127I Authorised intelligence person may monitor, collect, and use prisoner communications and information sources

(1) An authorised intelligence person may monitor, collect, and use prisoner communications and information sources if—

(a) it is reasonably necessary to do so for an intelligence purpose; and

(b) the monitoring, collection, and use of the prisoner communications and information sources are aimed at individuals who present a serious risk of harm to the good order, safety, and security of prisons or to public safety.

(2) Subsection (1) does not apply to the following:

(a) exempt prisoner communications and information sources:

(b) the making of recordings of prisoner calls (*see* section 127J):

(c) visits between a prisoner and a visitor (*see* section 127K).

Section 127I: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127J Recording of prisoner calls

(1) Any prisoner call that is not an exempt prisoner call may be recorded for a purpose including, without limitation, an intelligence purpose.

(2) *See* section 127I(1) in relation to other types of monitoring, collection, and use under this subpart of a prisoner call and any recording of the prisoner call.

Section 127J: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127K Monitoring of visits and use of information collected

(1) The chief executive may approve—

(a) the monitoring by an authorised intelligence person of visits between a prisoner and a visitor, including communications during the visits; and

(b) the collection by an authorised intelligence person of information from communications during the visits.

(2) The chief executive must have reasonable grounds, based on information previously collected under section 127I or 127J, to believe that the monitoring and collection of information under subsection (1) is necessary for an intelligence purpose and it is likely that information communicated in the visit may—

(a) threaten the security, good order, and discipline of the prison; or

(b) threaten the safety of any person; or

(c) promote or encourage the commission of an offence, or involve, or facilitate the commission or possible commission of, an offence.

(3) An authorised intelligence person may, for an intelligence purpose, if it is reasonably necessary to do so, monitor and use information that is collected under this section.

(4) An authorised intelligence person must not, in respect of a visit between a prisoner and a person whose communications are exempt under this subpart,—

(a) monitor the visit or communications during the visit; or

(b) monitor, collect, or use information from communications during the visit.

Section 127K: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127L Monitoring of exempt prisoner communications and information sources

An authorised intelligence person who is monitoring, collecting, or using prisoner communications and information sources under this subpart and who

forms the view that there are reasonable grounds to believe that the prisoner communications and information sources are exempt prisoner communications and information sources must—

(a) promptly stop monitoring, collecting, or using them; and

(b) ensure that all practicable steps are taken to destroy any information collected under this subpart.

Section 127L: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127M Monitoring that is incidental to other work

(1) This section applies to a person who is undertaking, with the chief executive's authority, work comprising the administration, installation, maintenance, repair, testing, or upgrading of a system—

(a) by or from which recordings, copies, printouts, transcripts, or translations of prisoner communications and information sources are made; or

(b) in which recordings, copies, printouts, transcripts, or translations of prisoner communications and information sources collected under this subpart are stored.

(2) The person may listen to, watch, read, or examine prisoner communications and information sources (including exempt prisoner communications and information sources) if doing so is necessary for, or incidental to, the effective undertaking of the work concerned.

Section 127M: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Disclosure

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127N Disclosure of prisoner communications and information sources to eligible employees

(1) This section applies to the disclosure to eligible employees of prisoner communications and information sources collected under this subpart.

(2) An authorised intelligence person may disclose the prisoner communications and information sources to—

(a) another authorised intelligence person for a purpose described in section 127O(2) to (7):

(b) an eligible employee (who is not an authorised intelligence person) for a purpose described in section 127O(2), (6), or (7).

(3) An authorised intelligence person may also disclose prisoner communications and information sources to an eligible employee (who is or is not an authorised

intelligence person) so that the employee may translate, transcribe, or interpret the prisoner communications and information sources.

(4) An eligible employee (who is not an authorised intelligence person) may disclose the prisoner communications and information sources to another eligible employee (including an authorised intelligence person) for an intelligence purpose.

Section 127N: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127O Disclosure of prisoner communications and information sources to persons other than eligible employees

(1) This section applies to the disclosure to persons other than eligible employees of prisoner communications and information sources monitored, collected, or used under this subpart.

(2) An authorised intelligence person may disclose the prisoner communications and information sources for an intelligence purpose.

(3) An authorised intelligence person may disclose the prisoner communications and information sources if they believe on reasonable grounds that the disclosure—

(a) is necessary to avoid prejudice to the maintenance of the law by a public sector agency (as defined in section 7(1) of the Privacy Act 2020), including the prevention, detection, investigation, prosecution, and punishment of offences); or

(b) is necessary for the conduct of proceedings (already commenced or reasonably in contemplation) before a court or tribunal; or

(c) is necessary to prevent or lessen a serious threat (as defined in section 7(1) of the Privacy Act 2020) to—

(i) public health or public safety; or

(ii) the life or health of any person; or

(d) has been authorised by the Privacy Commissioner under section 30 of the Privacy Act 2020.

(4) An authorised intelligence person may disclose the prisoner communications and information sources to an intelligence and security agency only if the authorised intelligence person believes, on reasonable grounds, that the disclosure is necessary to enable the agency to perform any of its functions under section 10, 11, 13, or 14 of the Intelligence and Security Act 2017.

(5) An authorised intelligence person may disclose the prisoner communications and information sources to a public sector agency or contracted provider for the purpose of enabling an employee of the agency or contracted provider to translate, transcribe, or interpret the prisoner communications and information sources.

(6) An authorised intelligence person or an eligible employee may disclose the prisoner communications and information sources if disclosure is—

(a) authorised by another provision of this Act; or

(b) required by any other legislation (including the Official Information Act 1982 and the Privacy Act 2020).

(7) An authorised intelligence person or an eligible employee may disclose the prisoner communications and information sources to the prisoner concerned.

Section 127O: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127P Employee must not knowingly disclose prisoner communications and information sources

Disclosure to eligible employees

(1) An authorised intelligence person must not knowingly disclose prisoner communications and information sources collected under this subpart to an eligible employee except under section 127N(2) or (3).

(2) An eligible employee (who is not an authorised intelligence person) must not knowingly disclose prisoner communications and information sources collected under this subpart to another eligible employee except under section 127N(4).

Disclosure to persons other than eligible employees

(3) In subsections (4) and (5), **B** means a person other than an eligible employee.

(4) An authorised intelligence person must not knowingly disclose prisoner communications and information sources monitored, collected, or used under this subpart to B except under section 127O(2) to (7).

(5) An eligible employee (who is not an authorised intelligence person) must not knowingly disclose prisoner communications and information sources monitored, collected, or used under this subpart to B except under section 127O(6) or (7).

Section 127P: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Warnings

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127Q Warnings

Warnings generally

(1) The chief executive must take all practicable steps to ensure that when, or promptly after, prisoners are received in a prison, they are informed that prisoner communications and information sources may be monitored, collected, used, and disclosed under this subpart.

(2) The chief executive must ensure that there are prominently placed in every prison written notices warning prisoners of the monitoring, collection, use, and disclosure of prisoner communications and information sources under this subpart.

Additional requirements for prisoner calls

(3) The chief executive must ensure that at the start of every outward prisoner call that is being or is to be monitored or collected, the prisoner hears, or there is transmitted to the device to which the call is made, a message to the effect that the call may be monitored or collected.

Additional requirements for visits

(4) The chief executive must ensure that there are prominently placed in visiting areas in every prison written notices—

(a) warning prisoners and visitors that their visits may be monitored, and that communications in the visits may be monitored and collected; and

(b) stating in general terms the purposes for which collected information may be monitored, used, and disclosed under this subpart.

(5) The chief executive must ensure that a prisoner and their visitor are informed—

(a) if the chief executive has approved the monitoring of, and the collection of information from, visits between the prisoner and their visitor; and

(b) that the information collected may be monitored, used, and disclosed under this subpart.

Additional requirements for mail

(6) The chief executive must ensure that there are prominently placed in every prison written notices warning prisoners of the monitoring, collecting, using, and disclosing of mail under this subpart.

Section 127Q: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Disposal of records collected under this subpart

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127R Disposal of record held by department delayed pending resolution of complaint

(1) This section applies to a record that was obtained from the collection of prisoner communications and information sources under this subpart and is held by the department.

(2) If the Privacy Commissioner has notified the chief executive in writing that a complaint has been made under the Privacy Act 2020 in relation to a record described in subsection (1), the record must not be disposed of until the Privacy Commissioner has notified the chief executive in writing that the complaint—

(a) has not been proceeded with; or

(b) has been finally disposed of.

(3) If an Ombudsman has notified the chief executive in writing that a complaint has been made under the Ombudsmen Act 1975 or the Official Information Act 1982 in relation to a record described in subsection (1), the record must not be disposed of until the Ombudsman has notified the chief executive in writing that the complaint—

(a) has not been proceeded with; or

(b) has been finally disposed of.

(4) In this section and section 127S, **record** has the meaning given in section 4 of the Public Records Act 2005.

Section 127R: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127S Disposal of records held by Police and other agencies

(1) This section applies to a record that was obtained from the disclosure of information under section 127O.

(2) The Commissioner of Police must ensure that every record held by the New Zealand Police is disposed of as soon as practicable if the information is not required, or is no longer required, by the New Zealand Police for the purpose of its functions.

(3) The Director-General of an intelligence and security agency must ensure that every record held by the agency is disposed of as soon as practicable if the information is not required, or is no longer required, by the agency for the purpose of its functions.

(4) The chief executive or board of a public service agency (except an intelligence and security agency) must ensure that every record held by the public service agency is disposed of as soon as it appears that no proceedings or disciplinary proceedings (or no further proceedings or disciplinary proceedings) will be taken in which the record would be likely required to be produced in evidence.

(5) Nothing in subsection (2), (3), or (4) applies to any record adduced in proceedings in any court or tribunal.

(6) For the purpose of subsection (4),—

(a) **public service agency** has the meaning given to it in section 5 of the Public Service Act 2020:

(b) if the information referred to in subsection (4) is held by a departmental agency or an interdepartmental executive board (within the meaning of those terms in section 5 of the Public Service Act 2020), compliance with that subsection is the responsibility of the agency's host department or the board's servicing department.

Section 127S: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Evidence and privilege

Heading: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127T Notice to be given of intention to produce evidence in disciplinary proceeding

(1) Particulars of prisoner communications and information sources monitored, collected, or used under this subpart must not be received in evidence in any proceedings against a prisoner for a disciplinary offence, unless the party intending to adduce the evidence has given the person reasonable notice of the party's intention to do so.

(2) The party intending to adduce the evidence must also give the person the following:

(a) a statement of—

(i) the time, place, and date of the prisoner communications and information sources; and

(ii) the names and addresses of the relevant parties to the prisoner communications and information sources, if they are known:

(b) a transcript of the recording, if the party intends to adduce the evidence in the form of a recording:

(c) a written statement setting out the full particulars of the prisoner communications and information sources, if the party intends to adduce oral evidence of the prisoner communications and information sources.

Section 127T: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

127U Privileged evidence not to be given in court unless waiver of privilege obtained

(1) This subsection applies to evidence that—

(a) has been obtained by monitoring, collecting, using, or disclosing prisoner communications and information sources under this subpart; and

(b) but for the monitoring, collecting, using, or disclosing would have been privileged by virtue of—

(i) subpart 8 of Part 2 of the Evidence Act 2006; or

(ii) any rule of law conferring privilege on communications of a professional character between a barrister or solicitor and a client.

(2) Evidence to which subsection (1) applies remains privileged, and must not be given in any court except with the consent of the person entitled to waive the privilege.

Section 127U: inserted, on 1 October 2024, by section 36 of the Corrections Amendment Act 2024 (2024 No 41).

Subpart 5—Offences

Offences against discipline

128 Offences by prisoner

(1) Every prisoner (whether inside or outside a prison) commits an offence against discipline who—

(a) disobeys any lawful order of an officer or a staff member, or disobeys or fails to comply with any regulation made under this Act or any rule of the prison made under section 33:

(b) deliberately mismanages his or her work:

(c) behaves in an offensive, threatening, abusive, or intimidating manner:

(d) without authority, communicates with any person inside or outside the prison by using a telephone or other electronic communication device:

(e) leaves or is absent from his or her cell or place of work or other place where the prisoner is required to be without permission or reasonable excuse:

(f) without the approval of an officer, has any article in his or her cell or in his or her possession, or gives to or receives from any person any article, or attempts to obtain any article:

(g) assaults, or fights with, any other person:

(h) deliberately disfigures, damages, or destroys any part of the prison or any property that is not his or her own, or who loses any prison property because of his or her negligence or improper conduct:

(i) obstructs any officer in the execution of his or her duty:

(j) makes an allegation against any staff member, security officer, prisoner, or any other person lawfully in the prison, knowing that the allegation is false:

(k) combines with other prisoners for a purpose that is likely to endanger the security or good order of the prison:

(l) escapes from any prison or from lawful custody:

(m) contrary to a direction given under section 41, refuses to submit to—

(i) photographs being taken of the prisoner:

(ii) biometric information being collected from the prisoner:

(iii) measurements being taken from the prisoner:

(iv) any other prescribed procedure designed to create a record to enable the subsequent identification of the prisoner.

(n) being a prisoner who is temporarily removed from prison under section 62, is in breach of any condition imposed under section 64:

(o) tattoos another prisoner:

(p) receives a tattoo with his or her consent:

(q) tattoos himself or herself:

(r) contacts a person in breach of a court order or direction of any court:

(s) contacts a person, or solicits anyone else to contact a person, who the prisoner knows or ought reasonably to know does not want to be so contacted.

(2) If an allegation referred to in subsection (1)(j) is against a staff member of a prison or a security officer,—

(a) a charge alleging an offence under that provision may only be laid,—

(i) in the case of a staff member, if the supervisor of that staff member or the prison manager gives his or her written approval to the laying of the charge:

(ii) in the case of a security officer, if the supervisor of that security officer or the security contractor who employs that security officer gives his or her written approval to the laying of the charge:

(b) the charge may not be laid until any investigation of the allegation by an inspector of corrections, an Ombudsman, or any other official agency has been completed:

(c) the charge may only be heard by—

(i) a hearing adjudicator who is employed at another prison or appointed in respect of another prison than the prison at which the staff member is employed; or

(ii) a Visiting Justice.

Compare: 1954 No 51 s 32(1), (2)

Section 128(1)(d): amended, on 3 April 2009, by section 21 of the Corrections Amendment Act 2009 (2009 No 3).

Section 128(1)(m): replaced, on 22 August 2017, by section 17 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 128(1)(o): inserted, on 29 October 2019, by section 32 of the Corrections Amendment Act 2019 (2019 No 57).

Section 128(1)(p): inserted, on 29 October 2019, by section 32 of the Corrections Amendment Act 2019 (2019 No 57).

Section 128(1)(q): inserted, on 29 October 2019, by section 32 of the Corrections Amendment Act 2019 (2019 No 57).

Section 128(1)(r): inserted, on 29 October 2019, by section 32 of the Corrections Amendment Act 2019 (2019 No 57).

Section 128(1)(s): inserted, on 23 June 2025, by section 7 of the Corrections (Victim Protection) Amendment Act 2024 (2024 No 57).

129 Offences by prisoners relating to drugs, alcohol, smoking, and vaping

Every prisoner commits an offence against discipline who,—

(a) without the authority of a medical officer or health centre manager or unless section 79(3) applies, uses any drug or consumes alcohol (whether inside or outside a prison); or

(aa) smokes tobacco or any other substance, or vapes within the meaning of section 2 of the Smokefree Environments and Regulated Products Act 1990, inside a prison; or

(b) having been required under section 124 to submit to a prescribed procedure,—

(i) refuses to comply with the requirement; or

(ii) without reasonable excuse, fails to comply with the requirement; or

(c) does any of the following in respect of any sample required to be supplied (whether by that prisoner or any other prisoner) in accordance with a prescribed procedure:

(i) consumes, administers, or supplies any substance with intent to dilute or contaminate the sample:

(ii) otherwise tampers with the sample.

Compare: 1954 No 51 s 32A(1)

Section 129 heading: amended, on 11 November 2020, by section 30 of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62).

Section 129 heading: amended, on 5 March 2013, by section 34(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 129(a): amended, on 4 June 2013, by section 34(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 129(a): amended, on 3 April 2009, by section 22 of the Corrections Amendment Act 2009 (2009 No 3).

Section 129(aa): inserted, on 5 March 2013, by section 34(3) of the Corrections Amendment Act 2013 (2013 No 5).

Section 129(aa): amended, on 11 November 2020, by section 30 of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62).

Section 129(c): replaced, on 4 June 2013, by section 34(4) of the Corrections Amendment Act 2013 (2013 No 5).

130 Offences committed by persons while on temporary release from custody under section 62

(1) Every person commits an offence against discipline who, without the authority of a medical officer or health centre manager, uses any drug or consumes alcohol during any period while the person is on temporary release from custody under section 62.

(2) Every person commits an offence against discipline who is in breach of a condition imposed on his or her release during any period while the person is on temporary release from custody under section 62.

(3) No complaint alleging that a person has committed an offence against this section may be laid while that person is on temporary release from custody under section 62, but nothing in this subsection prevents the laying of a complaint of that kind once that person returns to prison.

(4) If a complaint is laid alleging an offence against this section, it must be determined in accordance with sections 133 to 140 and the person against whom the complaint is laid must be treated, for the purposes of this Act, as if he or she were a prisoner at the time when the act or omission alleged to constitute the offence occurred.

Compare: 1954 No 51 s 32A(2)–(4)

Section 130(1): amended, on 4 June 2013, by section 35 of the Corrections Amendment Act 2013 (2013 No 5).

131 Attempting or aiding commission of offence against discipline

Every prisoner or person on temporary release from custody under section 62 who attempts to commit any offence against discipline, or who aids, counsels, incites, or procures the commission of any such offence, is liable to be dealt with and punished in the same manner as if he or she had committed the offence.

Compare: 1954 No 51 s 32(3)

Section 131: amended, on 1 October 2024, by section 37 of the Corrections Amendment Act 2024 (2024 No 41).

132 Minor or unintentional breaches of discipline

(1) As far as practicable in the circumstances and if appropriate, an officer must deal with a minor or an unintentional breach of discipline by a prisoner in the following manner:

(a) by stopping the breach of discipline and explaining the nature of the breach to the prisoner committing the breach:

(b) by instructing the prisoner to correct his or her behaviour:

(c) by allowing the prisoner to make amends to any person aggrieved by the breach.

(2) If a minor or an unintentional breach of discipline is not dealt with under subsection (1), this section does not prevent a prisoner from being charged with a disciplinary offence.

Compare: SR 2000/81 r 143

133 Powers of hearing adjudicator in relation to offences against discipline

(1) A hearing adjudicator has power to hear any complaint relating to any offence against discipline alleged to have been committed by a prisoner, and may

examine any person concerning the alleged offence, on oath or otherwise at his or her discretion.

(2) Every hearing and examination must be in the presence and hearing of the prisoner charged with the offence, who is entitled to be heard and to cross-examine any witness.

(3) If, at any hearing under this section, a hearing adjudicator finds the offence proved, he or she may impose 1 or more of the following penalties:

(a) forfeiture or postponement of all or any privileges for any period not exceeding 28 days:

(b) forfeiture of earnings for any period not exceeding 7 days:

(c) confinement in a cell for any period not exceeding 7 days.

(3A) The hearing adjudicator must take into account the prisoner's circumstances before imposing any forfeiture or postponement of privileges under subsection (3)(a).

(4) If the offence proved is—

(a) any offence against section 128(1), 129, 130, or 131, the hearing adjudicator may, after giving the prisoner an opportunity to provide reasons why the order should not be made, and whether or not he or she imposes a penalty under subsection (3), order that any article or thing used to commit the offence or in respect of which the offence was committed be forfeited to the Crown:

(b) an offence against section 128(1)(h), the hearing adjudicator may, whether or not he or she imposes any penalty under subsection (3), order that a specified amount (not exceeding the lesser of the value of the damage to, or loss of, property or $100) be withdrawn or withheld from the earnings payable under section 66 or section 67 and credited to the prisoner:

(c) an offence against section 130(1) or (2), the hearing adjudicator may, after giving the prisoner an opportunity to provide reasons why the order should not be made, and whether or not he or she imposes any penalty under subsection (3), order the forfeiture to the Crown of a specified amount not exceeding $100 from earnings payable under section 67 and credited to the prisoner.

(4A) Instead of imposing any penalty under subsection (3) or (4) in relation to an offence that has been proved, the hearing adjudicator may order that—

(a) the prisoner appear for a hearing for the imposition of any penalties in relation to the offence if the prisoner is called to appear; and

(b) the prisoner be called to appear only if the prisoner commits a subsequent offence against discipline within a period set out in the order that does not exceed 3 months beginning on the day the order is made.

(4B) However, if the offence proved is the subsequent offence described in subsection (4A), the hearing adjudicator may not make an order under subsection (4A) in respect of the subsequent offence.

(5) If the hearing adjudicator considers that, in the circumstances of the case, the prisoner should be charged before a court with an offence (other than an offence against section 128, section 129, or section 130), instead of being dealt with under this section, the hearing adjudicator may, at his or her discretion, at any time before making a decision as to whether the charge is proved under this section,—

(a) decline to proceed with the hearing; and

(b) request the appropriate authority to prosecute the prisoner and forward with that request a summary of the adjudicator's reasons for making the request.

(6) This section is subject to sections 134 to 140.

Compare: 1954 No 51 s 34(1)–(3)

Section 133(3)(a): amended, on 4 June 2013, by section 36(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 133(3A): inserted, on 4 June 2013, by section 36(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 133(4)(a): replaced, on 3 April 2009, by section 23 of the Corrections Amendment Act 2009 (2009 No 3).

Section 133(4A): inserted, on 1 October 2024, by section 38 of the Corrections Amendment Act 2024 (2024 No 41).

Section 133(4B): inserted, on 1 October 2024, by section 38 of the Corrections Amendment Act 2024 (2024 No 41).

133A Hearing adjudicator may proceed with hearing without prisoner present

(1) Despite section 133(2), the hearing adjudicator may proceed with a hearing without the prisoner present if—

(a) the adjudicator is satisfied that the prisoner has refused to attend the hearing; or

(b) the adjudicator requires the prisoner to leave the hearing on the grounds of the prisoner's disruptive behaviour.

(2) Before making a decision under subsection (1)(a), the hearing adjudicator must receive evidence from an officer that the prisoner has been given the opportunity to attend the hearing and has refused.

(3) If the hearing adjudicator decides to proceed with a hearing without the prisoner present, the adjudicator must record in writing the decision and reasons for it.

(4) Despite section 136(1), there is no right to appeal to a Visiting Justice solely against a decision of a hearing adjudicator under subsection (1) to proceed with a hearing without the prisoner present.

Section 133A: inserted, on 1 October 2024, by section 39 of the Corrections Amendment Act 2024 (2024 No 41).

134 Decision as to who is to hear charge

(1) If a complaint alleging an offence against discipline is brought before a hearing adjudicator, the adjudicator may, at any time before making a decision as to whether the charge is proved, refer the case to a Visiting Justice for hearing and determination in accordance with section 137.

(2) A hearing adjudicator may exercise the powers conferred by subsection (1) only if the adjudicator considers—

(a) that the conduct that is alleged to constitute the offence may warrant a higher penalty than can be imposed by the adjudicator under section 133; or

(b) that, because of the complexity of the issues likely to arise (including, without limitation, points of law), it would be appropriate for the case to be referred to a Visiting Justice; or

(c) that both paragraphs (a) and (b) apply.

(3) If a hearing adjudicator exercises the powers conferred by subsection (1), the adjudicator must forward a summary of his or her reasons for the decision to the Visiting Justice.

Compare: 1954 No 51 s 34(4)(a)

135 Applications for legal representation

(1) If a prisoner requests permission to be legally represented at the hearing of a charge alleging an offence against discipline, the request must be considered and determined by—

(a) a hearing adjudicator; or

(b) if the case has been referred to a Visiting Justice under section 134, a Visiting Justice.

(2) In determining whether to grant permission to a prisoner to be legally represented, the hearing adjudicator or Visiting Justice must have regard to—

(a) the seriousness of the conduct that is alleged to constitute the offence and the magnitude of the penalty that is likely to be imposed:

(b) the complexity of the issues that are likely to arise at the hearing (including, without limitation, points of law):

(c) any procedural difficulties likely to be encountered (for example, the need to cross-examine witnesses):

(d) the capacity of the prisoner concerned to present his or her case effectively:

(e) the need for reasonable speed generally in decision-making required for the determination of charges relating to offences against discipline:

(f) the need to ensure that hearings of those charges are conducted fairly as between—

(i) different prisoners:

(ii) the complainant and the defendant:

(g) any other matter that the adjudicator considers relevant.

(3) If a request under subsection (1) is considered by a hearing adjudicator and the adjudicator permits the prisoner to be legally represented at the hearing, the adjudicator must refer the case to a Visiting Justice for hearing and determination in accordance with section 137.

(4) If the hearing adjudicator does not permit the prisoner to be legally represented, that hearing adjudicator or another hearing adjudicator must hear and determine the case in accordance with section 133, unless it is referred to a Visiting Justice under section 134.

(5) A hearing adjudicator or Visiting Justice must provide the prisoner and the prison manager with a summary in writing of his or her reasons for the decision to permit or, as the case may require, not to permit the prisoner to be legally represented.

135A Imposition of penalties on prisoner who is called to appear before hearing adjudicator

(1) This section applies to a prisoner—

(a) for whom an order was made under section 133(4A) or 137(4A) in relation to an offence (the **first offence**); and

(b) who is required to appear for a hearing—

(i) for a subsequent offence against discipline that is alleged to have been committed during the period specified in the order; and

(ii) for the imposition of any penalties in relation to the first offence if the subsequent offence is proved.

(2) If the subsequent offence is proved, the hearing adjudicator may, with respect to the first offence,—

(a) impose on the prisoner 1 or more penalties under section 133(3) or (4) or both (whether the first offence was proved under section 133 or 137); or

(b) decide not to impose any penalties on the prisoner if, in the adjudicator's opinion, it is not in the interests of justice to impose any penalty on the prisoner for the first offence.

(3) If the prisoner is dissatisfied with a decision of the hearing adjudicator under subsection (2)(a),—

(a) the prisoner may, no later than 14 days after the date of the decision, request that the decision be referred by way of appeal to a Visiting Justice; and

(b) on receiving the request, the prison manager must promptly refer it to a Visiting Justice; and

(c) section 136(5) and (6) applies to the matter.

Section 135A: inserted, on 1 October 2024, by section 40 of the Corrections Amendment Act 2024 (2024 No 41).

136 Right to appeal to Visiting Justice against decision of hearing adjudicator

(1) If a prisoner is dissatisfied with any decision of a hearing adjudicator, the prisoner may, no later than 14 days after the date of the decision, request that the decision be referred by way of appeal to a Visiting Justice; on receiving that request, the prison manager must promptly refer it to a Visiting Justice.

(2) If the appeal to the Visiting Justice relates to a refusal to grant the prisoner permission to be legally represented at his or her hearing, the Visiting Justice must consider the appeal and may confirm the decision of the hearing adjudicator or reverse it.

(3) If the Visiting Justice allows the appeal under subsection (2), the Visiting Justice must hear or, as the case requires, rehear the whole case.

(4) If the appeal to the Visiting Justice relates to any finding of the hearing adjudicator, the Visiting Justice must rehear the whole case, and may—

(a) either reverse that finding or confirm it; and

(b) either—

(i) confirm the penalty or any section 133(4A) order imposed by the adjudicator; or

(ii) if in the Visiting Justice's opinion the circumstances require it, impose in its place any penalty or any section 133(4A) order that could have been imposed by the adjudicator.

(5) If the appeal to the Visiting Justice relates only to a penalty imposed by the hearing adjudicator, the Visiting Justice must consider only the question of the penalty, and may either—

(a) confirm the penalty; or

(b) if in their opinion the circumstances require it, impose in its place any penalty or any section 133(4A) order that could have been imposed by the adjudicator.

(5A) If the appeal to the Visiting Justice relates only to a section 133(4A) order made by a hearing adjudicator, the Visiting Justice—

(a) must consider whether the order is appropriate in the circumstances; and

(b) may—

(i) confirm the order; or

(ii) if in the Visiting Justice's opinion the circumstances require it, impose in its place 1 or more penalties under section 133(3) or (4) or both that could have been imposed by the adjudicator.

(6) If there is an appeal under this section, any penalty imposed by the hearing adjudicator is suspended, until the appeal is disposed of.

(7) If there is an appeal under this section against any section 133(4A) order made by the hearing adjudicator,—

(a) the time period for the subsequent offence continues to run during the period specified in the order; but

(b) the prisoner may not be called to appear for imposition of any penalty under section 135A(2) unless the order is confirmed on appeal.

(8) In this section, **section 133(4A) order** means an order under section 133(4A).

Compare: 1954 No 51 s 35

Section 136(4)(b): replaced, on 1 October 2024, by section 41(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 136(5)(b): replaced, on 1 October 2024, by section 41(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 136(5A): inserted, on 1 October 2024, by section 41(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 136(7): inserted, on 1 October 2024, by section 41(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 136(8): inserted, on 1 October 2024, by section 41(4) of the Corrections Amendment Act 2024 (2024 No 41).

137 Powers of Visiting Justice in relation to offences by prisoners

(1) Every Visiting Justice has power to hear any complaint relating to any offence against discipline alleged to have been committed by a prisoner, and may examine any person concerning the alleged offence on oath or otherwise at his or her discretion.

(2) Every hearing and examination must be in the presence and hearing of the prisoner charged with the offence, who is entitled to be heard and to cross-examine any witness.

(3) If, at any hearing under this section, the Visiting Justice finds the offence proved, he or she may impose 1 or more of the following penalties:

(a) forfeiture or postponement of all or any privileges for any period not exceeding 3 months:

(b) forfeiture of earnings for any period not exceeding 3 months:

(c) confinement in a cell for any period not exceeding 15 days.

(3A) The Visiting Justice must take into account the prisoner's circumstances before imposing any forfeiture or postponement of privileges under subsection (3)(a).

(4) If the offence proved is—

(a) any offence against section 128(1), 129, 130, or 131, the Visiting Justice may, after giving the prisoner an opportunity to provide reasons why the order should not be made, and whether or not he or she imposes a penalty under subsection (3), order that any article or thing used to commit the offence or in respect of which the offence was committed be forfeited to the Crown:

(b) an offence against section 128(1)(h), the Visiting Justice may, whether or not he or she imposes any penalty under subsection (3), order that a specified amount (not exceeding the lesser of the value of the damage to, or loss of, property involved or $500) be withdrawn or withheld from the earnings payable under section 66 or section 67 and credited to the prisoner:

(c) an offence against section 130(1) or (2), the Visiting Justice may, after giving the prisoner an opportunity to provide reasons why the order should not be made, and whether or not he or she imposes any penalty under subsection (3), order the forfeiture to the Crown of any specified amount not exceeding $500 from earnings payable under section 67 and credited to the prisoner.

(4A) Instead of imposing any penalty under subsection (3) or (4) in relation to an offence that has been proved, the Visiting Justice may order that—

(a) the prisoner appear for a hearing for the imposition of any penalties in relation to the offence if the prisoner is called to appear; and

(b) the prisoner be called to appear only if the prisoner commits a subsequent offence against discipline within a period set out in the order that does not exceed 3 months beginning on the day the order is made.

(4B) However, if the offence proved is the subsequent offence described in subsection (4A), the Visiting Justice may not make an order under subsection (4A) in respect of the subsequent offence.

(5) Despite subsections (3), (4), and (4A), if the case was referred to the Visiting Justice for hearing under section 134(2)(b) or section 135(3), the Visiting Justice may only impose 1 or more penalties under section 133(3) or (4), or both, or make an order under section 133(4A), unless—

(a) the case was also referred to the Visiting Justice for hearing under section 134(2)(a) or (c); or

(b) the Visiting Justice considers that the case could have been referred to him or her for hearing under section 134(2)(a), instead of under section 134(2)(b) or section 135(3); or

(c) the offence proved was the subsequent offence described in section 133(4A), in which case the Visiting Justice may not make an order under section 133(4A) in respect of the subsequent offence.

(6) If the Visiting Justice considers that, in the circumstances of the case, the prisoner should be charged before a court with an offence (other than an offence against section 128, section 129, or section 130) instead of being dealt with under this section, the Visiting Justice may, at his or her discretion, at any time before making a decision as to whether the charge is proved,—

(a) decline to proceed with the hearing; and

(b) request the appropriate authority to prosecute the prisoner and forward with the request a summary of the Visiting Justice's reasons for making that request.

Compare: 1954 No 51 s 33

Section 137(3)(a): amended, on 4 June 2013, by section 37(1) of the Corrections Amendment Act 2013 (2013 No 5).

Section 137(3A): inserted, on 4 June 2013, by section 37(2) of the Corrections Amendment Act 2013 (2013 No 5).

Section 137(4)(a): replaced, on 3 April 2009, by section 24 of the Corrections Amendment Act 2009 (2009 No 3).

Section 137(4A): inserted, on 1 October 2024, by section 42(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 137(4B): inserted, on 1 October 2024, by section 42(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 137(5): amended, on 1 October 2024, by section 42(2)(a) of the Corrections Amendment Act 2024 (2024 No 41).

Section 137(5): amended, on 1 October 2024, by section 42(2)(b) of the Corrections Amendment Act 2024 (2024 No 41).

Section 137(5)(b): amended, on 1 October 2024, by section 42(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 137(5)(c): inserted, on 1 October 2024, by section 42(4) of the Corrections Amendment Act 2024 (2024 No 41).

138 Reference of case from Visiting Justice to hearing adjudicator

(1) Despite anything in sections 134 to 137, a Visiting Justice may, before making a decision as to whether the charge is proved, refer the case to a hearing adjudicator for hearing or rehearing and determination in accordance with section 133.

(2) A Visiting Justice may exercise the power conferred by subsection (1) only if he or she considers that—

(a) it is appropriate for the case to be heard by a hearing adjudicator; and

(b) the case can effectively be determined by the hearing adjudicator without reference or further reference, as the case may be, to a Visiting Justice.

138A Visiting Justice may proceed with hearing without prisoner present

(1) Despite section 137(2), the Visiting Justice may proceed with a hearing without the prisoner present if—

(a) the Visiting Justice is satisfied that the prisoner has refused to attend the hearing; or

(b) the Visiting Justice requires the prisoner to leave the hearing on the grounds of the prisoner's disruptive behaviour.

(2) Before making a decision under subsection (1)(a), the Visiting Justice must receive evidence from an officer that the prisoner has been given the opportunity to attend the hearing and has refused.

(3) If the Visiting Justice decides to proceed with a hearing without the prisoner present, the Visiting Justice must record in writing the decision and reasons for it.

Section 138A: inserted, on 1 October 2024, by section 43 of the Corrections Amendment Act 2024 (2024 No 41).

138B Imposition of penalties on prisoner who is called to appear before Visiting Justice

(1) This section applies to a prisoner—

(a) for whom an order was made under section 133(4A) or 137(4A) in relation to an offence (the **first offence**); and

(b) who is required to appear for a hearing—

(i) for a subsequent offence against discipline that is alleged to have been committed during the period specified in the order; and

(ii) for the imposition of any penalties in relation to the first offence if the subsequent offence is proved.

(2) If the subsequent offence is proved, the Visiting Justice may, with respect to the first offence,—

(a) impose on the prisoner 1 or more penalties—

(i) under section 133(3) or (4) or both, if the first offence was proved under section 133; or

(ii) under section 137(3) or (4) or both, if the first offence was proved under section 137; or

(b) decide not to impose any penalties on the prisoner if, in the Visiting Justice's opinion, it is not in the interests of justice to impose any penalty on the prisoner for the first offence.

Section 138B: inserted, on 1 October 2024, by section 43 of the Corrections Amendment Act 2024 (2024 No 41).

139 Use of remote access facilities

(1) Any hearing or application under any of sections 133 to 138B may be conducted or determined with all or any of the interested persons participating by audiovisual link.

(2) Any interested person may participate by a remote access facility other than an audiovisual link if the hearing adjudicator or Visiting Justice considers that—

(a) it is not reasonably practicable for the participant to appear by audiovisual link; and

(b) it is not contrary to the interests of justice to use the other remote access facility.

(3) If the hearing adjudicator or Visiting Justice decides to proceed with a hearing with 1 or more interested persons participating by a remote access facility other than an audiovisual link, the adjudicator or Visiting Justice must record in writing the decision and reasons for it.

Section 139: replaced, on 1 October 2024, by section 44 of the Corrections Amendment Act 2024 (2024 No 41).

139A Mode of hearing or reaching decisions

[Repealed]

Section 139A: repealed, on 20 October 2022, by section 139A(5).

140 Commencement of penalties

(1) A penalty imposed under section 133 or section 137—

(a) commences on the date it is imposed; and

(b) may not be cumulative on any other penalty imposed under section 133 or section 137.

(2) Subsection (1)(a) is subject to section 136(6).

Compare: 1954 No 51 ss 33(3), 34(3)

Other offences

141 Unauthorised deliveries, communications, recordings, and possession of unauthorised items

(1) Subject to subsection (1A), every person commits an offence who, except under the authority of this Act or of any regulations made under this Act or the express authority of the prison manager or the chief executive,—

(a) brings any thing, or causes any thing to be brought, into a prison, intending that it should come into the possession of a prisoner:

(b) places any thing, or causes it to be placed, anywhere in a prison (whether inside or outside a building) or outside a prison, intending that it should come into the possession of a prisoner:

(c) delivers any thing, or causes it to be delivered, to any prisoner inside a prison:

(d) takes any thing, or causes it to be taken, out of a prison on behalf of a prisoner:

(e) holds any communication with a prisoner who is inside a prison if that communication may prejudice the maintenance of the law, the safe custody of the prisoner, the well-being of any victim of an offence committed by that prisoner, the safety of any person, or the security of any prison:

(f) makes any visual recording (whether by photograph, film, videotape, or otherwise) or sound recording of a prisoner if the making of such a recording may prejudice the maintenance of the law, the safe custody of the prisoner, the well-being of any victim of an offence committed by that prisoner, the safety of any person, or the security of any prison:

(g) without reasonable excuse, has in his or her possession any unauthorised item while in a prison:

(h) attempts to do any of the things described in paragraphs (a) to (g).

(1A) Subsection (1)(g) does not apply to a prisoner.

(1B) A person is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $5,000, or to both, who—

(a) commits an offence against subsection (1)(a), (b), (c), or (g); or

(b) commits an offence against subsection (1)(h) by attempting to do any thing described in subsection (1)(a), (b), (c), or (g).

(1C) A person is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $2,000, or to both, who—

(a) commits an offence against any of subsection (1)(d) to (f); or

(b) commits an offence against subsection (1)(h) by attempting to do any thing described in any of subsection (1)(d) to (f).

(2) Subsection (1)(e) and (f) do not apply to anything done by an officer, staff member, or probation officer in the course of his or her duties.

(3) Despite anything in subsection (1B) or (1C), if an officer, staff member, or probation officer is convicted of an offence against subsection (1)(a), (b), (c), (d), or (g), or of an attempt to commit any offence of that kind, he or she is liable to imprisonment for a term not exceeding 12 months, to a fine not exceeding $5,000, or to both.

(4) In this section and in sections 142 to 148, **person** includes—

(a) a staff member of the prison:

(b) a security officer:

(c) a person entering the prison in the course of the person's employment.

Compare: 1954 No 51 s 44(1), (2)

Section 141 heading: amended, on 3 April 2009, by section 25(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1): amended, on 3 April 2009, by section 25(2)(a) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1): amended, on 3 April 2009, by section 25(2)(b) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1)(e): amended, on 3 April 2009, by section 25(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1)(f): amended, on 3 April 2009, by section 25(4) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1)(g): replaced, on 3 April 2009, by section 25(5) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1)(h): inserted, on 3 April 2009, by section 25(5) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1A): inserted, on 3 April 2009, by section 25(6) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1B): inserted, on 3 April 2009, by section 25(6) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1B): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 141(1C): inserted, on 3 April 2009, by section 25(6) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(1C): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 141(3): amended, on 3 April 2009, by section 25(7)(a) of the Corrections Amendment Act 2009 (2009 No 3).

Section 141(3): amended, on 3 April 2009, by section 25(7)(b) of the Corrections Amendment Act 2009 (2009 No 3).

141A Unauthorised use or possession of electronic communication device by prisoner

(1) Every prisoner (whether inside or outside a prison) commits an offence who, except with the express authority of the prison manager or the chief executive,—

(a) uses an electronic communication device knowing that he or she is not authorised to use it; or

(b) knowingly has an electronic communication device in his or her possession.

(2) A prisoner who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $5,000, or to both.

Section 141A: inserted, on 3 April 2009, by section 26 of the Corrections Amendment Act 2009 (2009 No 3).

Section 141A(2): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

142 Trespassing in, or loitering about, prison

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $2,000, or to both who,—

(a) without reasonable excuse, deliberately trespasses on any land, knowing or having reasonable cause to believe that it is part of a prison; or

(b) loiters about a place where prisoners are detained or employed, and refuses or fails to leave after being warned by a constable or a staff member of the prison.

Section 142: amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 142(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

143 Restricted communications with, or deliveries to, prisoner outside prison

(1) Every person commits an offence who, except under the authority of this Act or of any regulations made under this Act,—

(a) holds or attempts to hold any restricted communication with a prisoner outside a prison under the control of any person, without the permission of the person under whose control the prisoner is; or

(b) delivers or attempts to deliver, or causes to be delivered, to any prisoner outside a prison under the control of any person any thing, without the permission of the person under whose control the prisoner is.

(2) Subsection (1)(a) does not apply to any thing done by an officer, staff member, or probation officer in the course of his or her duties.

(2A) A person who commits an offence against subsection (1)(a) or (b) is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $2,000, or to both.

(2B) Despite subsection (2A), an officer, staff member, or probation officer who commits an offence against subsection (1)(b) is liable on conviction to imprisonment for a term not exceeding 12 months, to a fine not exceeding $5,000, or to both.

(3) In this section **restricted communication** means—

(a) any communication that may prejudice the maintenance of the law, the safe custody of the prisoner, the well-being of any victim of an offence committed by that prisoner, the safety of any person, or the security of any prison:

(b) any communication whatsoever that takes place after the person, in whose control the prisoner is, has forbidden that communication or directed that it cease.

Compare: 1954 No 51 s 44(2A), (2B)

Section 143(1): amended, on 3 April 2009, by section 27(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 143(2A): inserted, on 3 April 2009, by section 27(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 143(2A): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 143(2B): inserted, on 3 April 2009, by section 27(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 143(2B): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

Section 143(3)(a): amended, on 3 April 2009, by section 27(3) of the Corrections Amendment Act 2009 (2009 No 3).

144 Pretending to be security officer or employee of department

(1) Every person commits an offence who, not being an employee of the department on whom powers or functions are conferred by this Act or a security officer, by words, conduct, or demeanour,—

(a) pretends that he or she is an employee of the department with powers or functions under this Act or a security officer; or

(b) puts on or assumes the dress, name, designation, or description of an employee of the department with powers or functions under this Act or a security officer.

(2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding $2,000, or to both.

Section 144(2): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

145 Failure to comply with direction or requirement under section 101(2)

Every person commits an offence and is liable on conviction to a fine not exceeding $1,000 who, without reasonable excuse, fails to comply with any direction or requirement given or made by an officer under section 101(2).

Compare: 1954 No 51 s 21M

Section 145: amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

146 Offences in relation to mail, information, and images

Every person who contravenes section 92C(3), 110A, or 127P commits an offence and is liable on conviction to a fine not exceeding $2,000.

Section 146: replaced, on 29 October 2019, by section 33 of the Corrections Amendment Act 2019 (2019 No 57).

Section 146: amended, on 1 October 2024, by section 45 of the Corrections Amendment Act 2024 (2024 No 41).

147 Injuring, interfering with, or obstructing dog used for searching

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding $2,000 or to both who, without lawful excuse,—

(a) injures a dog used or intended to be used for searching under section 97; or

(b) intentionally interferes with, or obstructs, such a dog.

Section 147: amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

148 Offences in relation to requisitioning

(1) Every person commits an offence who—

(a) intentionally fails to comply with any direction given to him or her under section 191; or

(b) intentionally fails to provide assistance under section 191.

(2) It is a defence in any proceedings for an offence against subsection (1)(a) if the court is satisfied that the Minister did not have reasonable grounds for believing that in all the circumstances of the case the direction to requisition property was necessary for the safe custody and welfare of prisoners.

(3) It is a defence in any proceedings for an offence against subsection (1)(b) if the court is satisfied that the person had reasonable grounds for not providing assistance.

(4) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding $5,000, or to both:

(b) in the case of a body corporate, to a fine not exceeding $50,000.

Compare: 2002 No 33 ss 101, 104

Section 148(4): amended, on 1 July 2013, by section 6 of the Corrections Amendment Act 2011 (2011 No 84).

149 Power of arrest

Any constable or officer who has reasonable grounds to believe that any person has committed an offence against any of sections 141 to 145, or section 147 or section 148 may arrest that person without warrant.

Compare: 1954 No 51 s 44(3)

Section 149: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

150 Power of seizure

(1) Any constable or officer who has reasonable grounds to believe that there is any breach by any person of any of sections 141 to 145, or section 147 or section 148 may—

(a) seize any thing in respect of which he or she has reasonable grounds to believe that the breach has occurred; and

(b) for the purpose of seizing any photographic film, videotape, other visual recording, or a sound recording, temporarily take possession of any article in which it is contained.

(2) Anything seized under subsection (1) in respect of which any person is convicted of an offence under any of sections 141 to 145, or section 147 or section 148 is forfeited to the Crown unless the court orders that it be returned to a person who the court considers is entitled to it.

(3) Anything that is forfeited to the Crown—

(a) under subsection (2) may, subject to any order of a court, be sold, used, destroyed, or disposed of in any manner that the chief executive directs:

(b) under any provision of section 133 or 137 may be sold, used, destroyed, or disposed of in any manner that the chief executive directs.

Compare: 1954 No 51 s 44(4)

Section 150(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 150(3): inserted, on 3 April 2009, by section 29 of the Corrections Amendment Act 2009 (2009 No 3).

Subpart 6—Complaints, investigations, and inspections

151 Interpretation

In this section and sections 152 to 160, **corrections complaints system** means the complaints system facilitated by this subpart.

152 Objectives and monitoring of corrections complaints system

(1) The corrections complaints system has the following objectives:

(a) to enable complaints by persons who are or were under control or supervision to be dealt with internally on a formal basis:

(b) to ensure that all persons under control or supervision are aware of the complaints system and are able to make a complaint if and when they choose to do so, without fear of adverse consequences:

(c) to ensure that complaints are investigated in a fair, timely, and effective manner:

(d) to ensure that, if possible in the circumstances, complaints are dealt with reasonably promptly:

(e) to ensure that, if possible in the circumstances, complaints are dealt with at the lowest and most informal level:

(f) to ensure that all reasonable steps are taken to investigate complaints:

(g) to ensure that complainants are advised of the progress in investigating their complaints:

(h) to ensure that complaints are, to the extent possible, investigated in a culturally sensitive manner:

(i) to ensure that the identities of complainants are disclosed only to the extent that it is necessary to assist in the investigation of complaints.

(2) The complaints system must be monitored frequently and audited to ensure the effectiveness of that system.

Compare: SR 2000/81 r 178

153 Prisons, community work centres, and probation offices must have internal complaints system

(1) In every prison, community work centre, and probation office, there must be an internal complaints system that satisfies the prescribed requirements and that enables complaints to be dealt with internally on a formal basis.

(2) The prison manager or controlling officer of the community work centre or probation office must ensure that the internal complaints system for that place complies with the objectives set out in section 152.

(3) Notices must be prominently displayed in each unit in a prison, in each community work centre, and in each place that is staffed permanently as a probation office, that explain—

(a) the complaints investigation process generally; and

(b) how persons under control or supervision may obtain forms for requesting interviews or for making formal complaints; and

(c) the right of persons under control or supervision to request, at any time, assistance from an inspector of corrections or the ombudsmen.

(4) Notices providing details of an impending visit by an inspector of corrections or an ombudsman must be prominently displayed within each unit in a prison, in each community work centre, and in each place that is staffed permanently as a probation office.

(5) The controlling officer of a probation area must ensure that persons under control or supervision in that area who are not prisoners or persons required to regularly attend at a community work centre or permanently staffed probation office are given information on the matters referred to in subsection (3)(a) to (c).

Compare: SR 2000/81 r 179

154 Assistance to make complaints

(1) The chief executive must ensure that a person under control or supervision is given the opportunity to—

(a) obtain assistance to enable the person to make a complaint; or

(b) verify any information recorded on a form or other document outlining a complaint.

(2) The chief executive must ensure that any person who is under control or supervision who has difficulties with verbal or written communication is provided with assistance—

(a) to complete any required documents; and

(b) to prepare or present his or her case.

Compare: SR 2000/81 r 180

155 Persons under or previously under control or supervision may seek assistance from inspector of corrections

A person who is or was under control or supervision may, at any time, seek assistance from an inspector of corrections for the purpose of making a complaint.

156 Investigation of complaints by inspector of corrections

(1) An inspector of corrections may investigate a complaint in any manner that the inspector considers appropriate (which may include, without limitation, referring the complaint to another person for consideration).

(2) While investigating a complaint, an inspector must be given access to—

(a) any person within the prison (including any Police station to which section 36 applies), community work centre, or probation office, or to any person at any other place (including a dwellinghouse) at which the complainant is or was detained or required to attend, work, or live; and

(b) any contractor, security contractor, or other person who is or has been responsible for—

(i) the supervision or oversight of a complainant while the complainant carries or carried out his or her sentence or order; or

(ii) the monitoring of a complainant while the complainant is or was—

(A) *[Repealed]*

(B) serving a sentence of home detention imposed under section 80A of the Sentencing Act 2002:

(C) serving a sentence of community detention:

(D) on parole subject to residential restrictions imposed under section 15 of the Parole Act 2002; or

(iii) the performance of any escort or courtroom custodial duties in relation to the complainant; and

(c) any records held by an employee of the department or any other person referred to in paragraph (a) or paragraph (b) that are relevant to the complaint (other than personnel records relating to a constable or constables).

(3) If an inspector investigates a complaint, the inspector must conduct the investigation reasonably promptly, and must inform the complainant and the other persons concerned, promptly after the conclusion of the investigation and in a manner that the inspector considers appropriate, of—

(a) the result of the investigation; and

(b) any further action that the inspector proposes to take in respect of the complaint.

(4) An inspector must keep records of every complaint that the inspector receives and deals with.

Section 156(2)(b)(ii): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 156(2)(b)(ii)(A): repealed, on 17 December 2016, by section 35 of the Statutes Amendment Act 2016 (2016 No 104).

Section 156(2)(c): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

157 Powers of entry and access by inspectors of corrections

(1) For the purpose of performing any functions as an inspector, an inspector of corrections may, at any time, enter a prison (including any Police station to which section 36 applies), community work centre, probation office, or any other place (including a dwellinghouse) at which a person under control or supervision is or was detained or required to attend, work, live, or from which his or her sentence or any condition of that sentence is or was monitored, and gain access to—

(a) all parts of that place:

(b) all persons under control or supervision in that place:

(c) all persons with responsibility for the control or supervision of those persons in that place, other persons employed in that place, and visitors in that place:

(d) if the place is a prison, community work centre, or probation office, all records stored in that place (other than personnel records relating to a constable or constables) that relate to—

(i) the place; or

(ii) a person who is or was under control or supervision; or

(iii) a staff member employed at that place.

(2) For the purpose of performing any functions as an inspector, an inspector of corrections may, at any time, enter any vehicle that is or was being used for the transportation of any person under control or supervision during any period of that person's detention.

(3) Despite section 156(2) and subsections (1) and (2) of this section, an inspector—

(a) must not enter a dwellinghouse without the consent of any person who appears to be the occupier of that dwellinghouse:

(b) must not enter any part of a place at which a person under control or supervision is required to live, work, or attend (other than the actual part of the place in or at which the person is required to live, work, or attend)

without the consent of the person who appears to be the occupier of that place:

(c) must not enter a vehicle that is not owned or leased by the department, unless the owner or driver of the vehicle consents to that entry.

Section 157(1): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 157(1)(d): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

158 Interviews with inspectors of corrections

(1) If an inspector visits a prison, community work centre, probation office, or any other place for the purpose of interviewing persons under control or supervision, all the persons under control or supervision at that place are entitled to an interview with that inspector.

(2) If an inspector visits a prison, community work centre, probation office, or other place for a purpose other than to interview persons under control or supervision, a person under control or supervision at that place may ask for an interview with the inspector and that inspector may agree to the interview.

(3) No person under control or supervision may be required to disclose to any person with responsibility for the control or supervision of that person the reason why the person asked for an interview with an inspector.

159 Recommendations and directions of inspectors of corrections

(1) An inspector of corrections may, either during or following the completion of an investigation,—

(a) make any recommendations that he or she considers appropriate about practices or procedures to any person who he or she considers is the appropriate person to receive the recommendation:

(b) issue any direction to a person with responsibilities for the control or supervision of any person that the inspector considers necessary to avoid or reduce any immediate danger to the complainant or any other person.

(2) A direction given under subsection (1)(b) may be revoked at any time by the chief executive.

(3) If the chief executive revokes a direction given under subsection (1)(b), the chief executive must promptly inform the Chief Ombudsman of that revocation and the reasons for it.

Protocol

160 Protocol between chief executive and Chief Ombudsman

(1) The chief executive must enter into an agreement with the Chief Ombudsman about—

(a) the access to complainants and the places where complainants are required to attend, work, or live, to be given to the ombudsmen:

(b) access to records relevant to the resolution of those complaints:

(c) the assistance to be provided by the chief executive to the ombudsmen:

(d) any other matter that the Chief Ombudsman and the chief executive agree should be included in a protocol.

(2) Subsection (1) does not limit the powers of the ombudsmen under the Ombudsmen Act 1975.

Subpart 7—Miscellaneous

Other rights of inspection

161 Right of member of Parliament to visit prisons

(1) Any member of Parliament may, whenever the member considers it appropriate, enter a prison and examine it and the condition of the prisoners, and may inform the prison manager of his or her observations.

(2) The prison manager must ensure that any observations of a member of Parliament are recorded and that a permanent record of those observations is kept at the prison.

(3) A member of Parliament is not entitled, under subsection (1), to communicate with any prisoner except in relation to—

(a) his or her treatment in the prison; or

(b) a complaint that prisoner makes about that treatment.

Compare: 1954 No 51 s 37

162 Right of Justice of the Peace to visit prison

(1) A Justice of the Peace usually resident in the locality or place where a prison is located may, at all reasonable times, enter that prison and examine the prison and the condition of the prisoners, and may inform the prison manager of his or her observations.

(2) The prison manager must ensure that any observations of a Justice of the Peace are recorded and that a permanent record of those observations is kept at the prison.

(3) A Justice of the Peace is not entitled, under subsection (1), to communicate with any prisoner except in relation to—

(a) his or her treatment in the prison:

(b) a complaint that the prisoner makes about that treatment.

Compare: 1954 No 51 s 38

162A Crimes of Torture Act 1989 not limited

Nothing in this Act limits the operation of Part 2 of the Crimes of Torture Act 1989.

Section 162A: inserted, on 5 December 2006, by section 9 of the Crimes of Torture Amendment Act 2006 (2006 No 68).

Identification of certain persons

163 Certain persons to be readily identifiable

For the purposes of this Act and any other enactment, every inspector, officer, probation officer, and security officer must ensure that, when exercising any power or carrying out any other function under this Act or any other enactment, he or she is readily identifiable as an inspector, officer, probation officer, or security officer by means of—

(a) a uniform or badge worn by him or her; or

(b) an identification card carried by him or her that must be produced on request.

Compare: 1954 No 51 s 36X

Provision of information to persons under control or supervision

164 Provision of information to persons under control or supervision

(1) This section applies to any information that is required by this Act, or any regulations made under this Act, to be given to a person under control or supervision.

(2) Information to which this section applies must be presented in such a way that the person under control or supervision can be reasonably expected to understand it.

(3) If any information additional to, or different from, any information initially presented to a person under control or supervision in accordance with subsection (2) becomes available, the manager of the prison in which the person under control or supervision is detained or the person who is responsible for that person's supervision must arrange for that additional or different information to be presented in accordance with that subsection reasonably promptly.

Compare: SR 2000/81 r 37

Health records

Heading: replaced, on 4 June 2013, by section 38 of the Corrections Amendment Act 2013 (2013 No 5).

165 Health records

(1) Every medical officer must ensure that an adequate record of the health care or treatment provided by that officer to a prisoner at a prison is maintained and

kept securely and not treated as part of the prison records for that prisoner or former prisoner, as the case may be.

(2) Every health centre manager must ensure that—

(a) an adequate record of the health care or treatment provided to a prisoner at a prison is maintained; and

(b) full health records (including dental records of prisoners or former prisoners at the prison) are kept securely; and

(c) the health record of any prisoner or former prisoner at the prison is not treated as part of the prison records of that prisoner or former prisoner, as the case may be.

Section 165: replaced, on 4 June 2013, by section 38 of the Corrections Amendment Act 2013 (2013 No 5).

Escort services and courtroom custodial services

166 Provision of escort services or courtroom custodial services under contract

(1) The chief executive may, in the name and on behalf of the Crown, enter into any contract with any other person for the provision, by that other person, of escort services, courtroom custodial services, or both.

(2) The chief executive must not, without the prior written consent of the Minister in each case,—

(a) enter into any security contract; or

(b) agree to any extension of the term of any security contract.

(3) Nothing in this section limits or affects the power of the chief executive—

(a) to enter into arrangements with other government agencies for the provision, by those agencies, of escort services, courtroom custodial services, or both; or

(b) to employ persons to undertake escort duties, courtroom custodial duties, or both.

Compare: 1954 No 51 s 36G

167 Requirements of security contracts

(1) Every security contract must specify the particular escort duties or, as the case requires, the particular courtroom custodial duties that are to be carried out by security officers under the contract.

(2) Every security contract must provide for—

(a) objectives and performance standards (which standards must not be any lower than any relevant standards applicable to employees of the department) for the security contractor in relation to—

(i) the carrying out of the obligations of the security contractor under the contract; and

(ii) the treatment of the persons in respect of whom escort duties or courtroom custodial duties are carried out under the contract; and

(b) the employment by the security contractor of sufficient suitable persons to carry out the security contractor's statutory and contractual obligations in respect of the security contract; and

(c) the training to be provided, at the expense of the security contractor, to security officers employed by the security contractor, which training must be—

(i) to the standard appropriate for the particular position; and

(ii) to a standard no lower than the standard of training received by any security officers employed by the chief executive; and

(d) the co-ordination of services and processes of the security contractor with those of the department, the Police, other government agencies, and other security contractors; and

(e) the arranging and maintenance, by the security contractor, of adequate insurance against the security contractor's liability for claims arising out of, or in connection with, the security contract; and

(f) the termination of the contract for breach of contract; and

(g) the avoidance of conflicts of interest that might arise in relation to the exercise or performance, by the security contractor or any security officer employed by the security contractor, of any power, duty, or function conferred or imposed by or under the security contract or by or under this Act or by or under any regulations made under this Act.

(3) Every security contract must impose on the security contractor, in relation to the provision of services under the contract, a duty to—

(a) comply with the requirements of this Act, any regulations made under this Act, and any instructions issued under section 196 in so far as those requirements are applicable to the services to be provided by the security contractor under the contract, and take into account any guidelines issued under section 196; and

(b) comply with the requirements of the New Zealand Bill of Rights Act 1990, as if the security contractor and any security officers employed by the security contractor were employees of the chief executive; and

(c) comply with the requirements of sections 73 and 74 of the Public Service Act 2020 (which relate to good employer and equal employment policies), as if the security contractor were the chief executive of a department within the meaning of that Act.

(4) A security contract may contain any other provision that is agreed between the chief executive and the security contractor that is not inconsistent with—

(a) this Act; or

(b) any regulations made under this Act.

Compare: 1954 No 51 s 36H

Section 167(3)(c): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

168 Liability of security contractors

(1) The Crown is entitled to be indemnified by a security contractor—

(a) against any claim arising out of any act or omission of the security contractor or the security contractor's employees or agents and for which the Crown is held liable (in whole or in part); and

(b) for any act or omission of the security contractor or the security contractor's employees or agents that results in damage to, or loss of, any property of the Crown.

(2) For the purposes of determining the liability of the Crown or the security contractor for any act or omission of a security contractor or a security contractor's employees or agents, neither the security contractor nor the security contractor's employees or agents are to be treated as agents of the Crown.

Compare: 1954 No 51 s 36Z

169 Subcontractors

(1) A security contractor may subcontract any of the security contractor's responsibilities under a security contract only with the prior written approval of the chief executive and only to the extent permitted by any approval, which approval may be granted subject to any conditions that the chief executive considers appropriate.

(2) If, with the approval of the chief executive, any responsibility of a security contractor is subcontracted to any person, the provisions of this Act and of any regulations made under this Act and of any instructions and guidelines issued under section 196, in so far as those provisions relate to that responsibility, apply to that subcontractor as if that subcontractor were the security contractor.

Compare: 1954 No 51 s 36ZB

170 Security contracts to be notified in *Gazette*

(1) Reasonably promptly after a security contract is entered into under section 166, the Minister must notify the making of the contract in the *Gazette*.

(2) Reasonably promptly after a security contract is varied or renewed, the Minister must notify the variation or renewal of the contract in the *Gazette*.

171 Reporting responsibilities

(1) If there is any variation of the controlling interests in a security contractor, that security contractor must promptly give notice of that variation to the chief executive and to the security monitor appointed in respect of that security contractor under section 172(1).

(2) A security contractor must, at those intervals (not exceeding 3 months) that are determined by the chief executive, arrange for written reports on the following matters to be forwarded to the chief executive and to the security monitor appointed in respect of that security contractor under section 172(1):

(a) the training provided to security officers employed by the security contractor (including the amount and quality of that training), and the level of training achieved by those security officers:

(b) the number and nature of complaints made by persons in relation to the carrying out, by security officers employed by that security contractor, of escort duties or courtroom custodial duties in respect of those persons, and how those complaints were resolved:

(c) the number and nature of any incidents involving—

(i) violence by or against prisoners while in the custody of security officers employed by that security contractor:

(ii) violence against security officers employed by that security contractor while carrying out escort duties or courtroom custodial duties:

(iii) self-inflicted injuries to prisoners while in the custody of security officers employed by that security contractor:

(d) the compliance, by security officers employed by that security contractor, with the requirements of sections 83, 84, 85, 87, and 88:

(e) the exercise, by security officers employed by that security contractor, of the powers conferred by sections 98 and 101 in order to perform the functions of security officers:

(f) the number and nature of any disciplinary actions taken against security officers employed by that security contractor, and the reasons for, and the outcomes of, those actions, including any penalties imposed:

(g) any other matters in respect of which the chief executive reasonably considers that information is necessary to enable the chief executive to carry out his or her responsibilities under this Act or under any other enactment.

(3) A security contractor must arrange for a written report on an occurrence of any of the following to be prepared and forwarded to the chief executive and to the security monitor appointed in respect of that security contractor under section 172(1) promptly after it occurs:

(a) any escape or attempted escape by any prisoner while that prisoner was in the custody of any security officer employed by that security contractor:

(b) the death of any prisoner while in the custody of any security officer employed by that security contractor.

(4) Nothing in subsections (1) to (3) limits any other duty to report that is imposed by or under any security contract or by or under any other provision of this Act or any other enactment.

Compare: 1954 No 51 s 36ZC

172 Security monitors

(1) The chief executive must appoint under the Public Service Act 2020 as many persons as security monitors as are required for the purposes of this Act and each person appointed as a security monitor must be appointed in respect of a particular security contractor.

(2) The security monitor appointed in respect of that security contractor—

(a) is responsible to the chief executive for the assessment and review of the carrying out, by that security contractor, of that contractor's obligations under the security contract; and

(b) must report to the chief executive at the intervals (not exceeding 3 months) that the chief executive determines, and at any other time that the security monitor considers appropriate, on—

(i) the carrying out, by that security contractor, of that contractor's obligations under the security contract; and

(ii) whether or not that security contractor is complying with that contractor's security contract and with the provisions of this Act, any regulations made under this Act, and any instructions issued under section 196 and is taking into account any guidelines issued under section 196.

(3) Any security monitor may, at any time that he or she considers appropriate, make recommendations to the chief executive on any matters relating to security contracts that the monitor considers appropriate.

(4) The office of security monitor may be combined with any other office, appointment, or position if the chief executive is satisfied that the duties of that other office, appointment, or position are not incompatible with the duties of a security monitor.

Compare: 1954 No 51 s 36ZD

Section 172(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

173 Access must be given

(1) Every security contractor must ensure that any security monitor has free and unfettered access at all times to—

(a) all prisoners who are under the control of security officers employed by that contractor; and

(b) all security officers employed by that security contractor, but only when they are actually on duty; and

(c) all records held by the security contractor and that relate to—

(i) any person who is or has been in the control of any security officer employed by that security contractor; or

(ii) any person who is or has been employed by that security contractor as a security officer.

(2) Despite subsection (1), a security monitor may not be given access to any medical records relating to any person referred to in subsection (1) unless the person concerned consents to that access.

Compare: 1954 No 51 s 36ZE

174 Security monitors must report on certain matters

(1) For the purposes of each report to the chief executive under section 172(2), the security monitor appointed in respect of a security contractor under section 172(1) must review the following matters:

(a) the procedures in place to assess—

(i) the suitability of persons for appointment or engagement under section 17(2) by the security contractor; and

(ii) the ongoing suitability of persons so appointed or engaged:

(b) the matters in respect of which the security monitor is entitled to receive a report under section 171(2) or (3).

(2) Without limiting section 172(2), the security monitor appointed in respect of a security contractor under section 172(1) may, at the request of the chief executive or on the security monitor's own initiative,—

(a) investigate any matter relating to the carrying out, by that security contractor, of that security contractor's obligations under the relevant security contract; and

(b) report to the chief executive the results of that examination.

Compare: 1954 No 51 s 36ZF

Application of other Acts

175 Application of Ombudsmen Act 1975 and Official Information Act 1982 to contract prisons, security contractors, and security officers

(1) For the purposes of the Ombudsmen Act 1975 and the Official Information Act 1982, every contract prison is to be treated as part of the department.

(2) In relation to the carrying out of escort duties and courtroom custodial duties under this Act, every security contractor, and every security officer employed by a security contractor, is to be treated, for the purposes of the Ombudsmen Act 1975 and the Official Information Act 1982, as an employee of the department.

Compare: 1954 No 51 s 41C

176 Application of New Zealand Bill of Rights Act 1990 to contract prisons, security contractors, and security officers

(1) For the purposes of section 3 of the New Zealand Bill of Rights Act 1990, acts done by staff members of a contract prison are to be treated as acts done by the executive branch of the Government of New Zealand.

(2) In relation to the carrying out of escort duties and courtroom custodial duties under this Act, acts done by security contractors, or security officers employed by security contractors, are to be treated, for the purposes of section 3 of the New Zealand Bill of Rights Act 1990, as acts done by the executive branch of the Government of New Zealand.

Compare: 1954 No 51 s 41E

177 Application of Public Works Act 1981

For the purposes of the Public Works Act 1981, the construction, management, operation, and maintenance of a prison or community work centre, including the acquisition of land and buildings, or an estate or interest in land, for that purpose, is a Government work and a public work within the meaning of that Act, whether or not the prison or community work centre, or proposed prison or community work centre, is, or is to be, constructed, managed, operated, or maintained by the Crown.

Compare: 1954 No 51 s 41D

178 Application of Resource Management Act 1991

For the purposes of Part 8 of the Resource Management Act 1991, the construction, management, operation, and maintenance of a prison (other than a Police jail) or community work centre is to be treated as a public work for which the Minister has financial responsibility, whether or not the prison or community work centre, or proposed prison or community work centre, is, or is to be, constructed, managed, operated, or maintained by the Crown.

Section 178: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

179 Application of certain Acts to various office holders

No person is deemed to be employed in the service of the Crown for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 by reason only—

(a) of that person's appointment or engagement under section 11(2) or (4), section 17(2), or section 24(2); or

(b) that the person has entered into a prison management contract; or

(c) that the person has entered into a security contract under section 166.

Compare: 1954 No 51 ss 4D, 6(7), 36I(3), 36ZA; 1985 No 120 s 124(5)

Section 179: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 179(b): amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Status of certain rules and regulations relating to smoking in prisons

Heading: inserted, on 5 March 2013, by section 39 of the Corrections Amendment Act 2013 (2013 No 5).

179AA Status of certain rules and regulations relating to smoking in prisons

(1) On and from 12 February 2013, the following rules and regulations must be treated as if they were made after Part 3 of the Corrections Amendment Act 2013 came into force:

(a) any rule made before 12 February 2013 by a prison manager under section 33 that forbids prisoners to smoke tobacco or any other substance, or forbids prisoners to possess tobacco or any tobacco-related item; and

(b) regulations 4 and 6 of the Corrections Amendment Regulations 2012.

(2) On and from 12 February 2013, no proceedings may be brought against the Crown questioning the validity of any rules or regulations referred to in subsection (1).

(3) Nothing in this section affects proceedings commenced before 12 February 2013 to the extent that any relief sought or granted in those proceedings relates only to the period before 12 February 2013.

Section 179AA: inserted, on 5 March 2013, by section 39 of the Corrections Amendment Act 2013 (2013 No 5).

Emergency management

Heading: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

179A Detention of prisoners eligible for release during outbreak or spread of infectious disease

(1) A prisoner who is eligible for release under the Parole Act 2002 may be detained beyond his or her statutory release date in any part of the prison if that detention is pursuant to any order or requirement under section 70 or 79 of the Health Act 1956.

(2) In this section, **statutory release date** has the meaning given to it in section 4(1) of the Parole Act 2002.

Section 179A: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

179B No compensation for detention in prison under Health Act 1956

(1) To avoid doubt, the Crown is not liable to make a payment to or otherwise compensate any person in respect of any detention in a prison if that detention is pursuant to any order or requirement under the Health Act 1956.

(2) This section does not—

(a) limit section 179E or 195 or any other enactment dealing with liability or the payment of compensation; or

(b) affect any cause of action relating to unlawful arrest or detention.

Section 179B: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

179C Interpretation

In this section and sections 179D and 179E, unless the context otherwise requires,—

act or omission means any act or omission described in section 179E(1)(a)

epidemic emergency affecting a prison or prisoners means an epidemic—

(a) that occurs while an epidemic notice is in force; and

(b) in respect of which the chief executive reasonably believes that the corrections system is no longer able to fulfil its purpose in section 5(1)(a) in relation to the prison or prisoners affected

epidemic notice means a notice under section 5 of the Epidemic Preparedness Act 2006

failure means any failure described in section 179E(1)(b)

prison emergency means an emergency—

(a) affecting the safety or health of the prisoners or any class or group of prisoners, or the security of the prison; and

(b) in respect of which the chief executive reasonably believes that the corrections system is no longer able to fulfil its purpose in section 5(1)(a) in relation to the prison or prisoners affected

regulations means regulations made under section 200

state of emergency affecting a prison or prisoners means a state of emergency—

(a) within the meaning of section 5 of the Emergency Management Act 2026; and

(b) in respect of which the chief executive reasonably believes that the corrections system is no longer able to fulfil its purpose in section 5(1)(a) in relation to the prison or prisoners affected.

Section 179C: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

Section 179C **state of emergency affecting a prison or prisoners** paragraph (a): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

179D Notification of emergency

(1) The chief executive must notify the Minister within 7 days of determining the existence of—

(a) an epidemic emergency affecting a prison or prisoners; or

(b) a prison emergency; or

(c) a state of emergency affecting a prison or prisoners.

(2) A notice under subsection (1) must—

(a) be in writing and signed by the chief executive; and

(b) state the date on which it is signed; and

(c) state the nature of the emergency that exists; and

(d) specify the actions taken to date in respect of the emergency; and

(e) specify any action proposed to be taken to enable the corrections system to fulfil its purpose in section 5(1)(a).

(3) The chief executive must notify the Minister within 7 days of determining that the emergency no longer exists.

(4) A notice under subsection (3) must—

(a) be in writing and signed by the chief executive; and

(b) state the date on which it is signed; and

(c) specify the actions taken in respect of the emergency.

Section 179D: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

179E Exclusion of liability while epidemic notice in force or during emergency

(1) There is no cause of action against the Crown, a Minister of the Crown, an officer or employee of a Minister of the Crown, the chief executive, an employee of the department, a contractor, or an independent contractor, to recover damages for any harm or loss that is due directly or indirectly to—

(a) any act or omission by any person that occurs while carrying out his or her functions or duties or exercising his or her powers under a provision of this Act or the regulations that has been modified by Order in Council under the Epidemic Preparedness Act 2006 while an epidemic notice is in force; or

(b) any failure by any person to comply (or comply fully) with any provision of this Act or the regulations if—

(i) the failure occurs during an epidemic emergency affecting a prison or prisoners, a prison emergency, or a state of emergency affecting a prison or prisoners; and

(ii) it is impossible or unreasonable in the circumstances to comply (or comply fully) with this Act or the regulations.

(2) A person is not exempt from liability under subsection (1) if the act or omission, or failure, constitutes bad faith or gross negligence on the part of that person.

(3) A person may apply to the High Court for leave to bring proceedings against any person referred to in subsection (1) on the ground that the act or omission, or failure, constitutes bad faith or gross negligence on the part of that person.

(4) The court must not grant leave unless it is satisfied that there are grounds for the contention that the act or omission, or failure, constitutes bad faith or gross negligence on the part of the person against whom proceedings are sought to be brought.

(5) An application for leave under subsection (3) must be made—

(a) within 2 years after the act or omission, or failure, to which the application relates; or

(b) in the case of a continuance of injury or damage, within 2 years after the ceasing of the injury or damage.

(6) Nothing in this section—

(a) prevents the Crown from making any *ex gratia* payment it considers justifiable on the basis of hardship or fairness:

(b) limits the operation of section 104 of the Public Service Act 2020:

(c) affects any cause of action relating to unlawful arrest or detention.

Section 179E: inserted, on 3 April 2009, by section 30 of the Corrections Amendment Act 2009 (2009 No 3).

Section 179E(6)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Disclosure of prisoner information

Heading: replaced, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

180 Purpose of section 180A

(1) The purpose of section 180A is to facilitate the disclosure of information, by the chief executive to the requesting department, for the purposes of the operation of all or any of the following provisions:

(a) section 217(1) of the Social Security Act 2018 (under which a benefit is, in general, not payable in respect of any period during which a beneficiary is imprisoned or detained in, or is an escaper from, a prison, pursuant to a sentence of imprisonment):

(b) regulations made under section 444 of the Social Security Act 2018 (which provide for the recovery, including by way of deductions, of debts due to the Crown):

(c) clause 6 of Schedule 9 of the Education and Training Act 2020 (which provides for the recovery of debts in respect of the payment to a person of allowances, student loans, or other money to which he or she was not, or is no longer, entitled):

(d) regulation 28 of the Student Allowances Regulations 1998 (under which a student imprisoned or detained in a prison, pursuant to a sentence of imprisonment is not entitled to receive any payment under those regulations in respect of any period of any such imprisonment):

(e) section 180C.

(2) **Requesting department**, in subsection (1) and sections 180A and 180C, means—

(a) the department for the time being responsible for the administration of the Social Security Act 2018, in relation to information requested for the purposes of the operation of a provision of that Act:

(b) the department for the time being responsible for the administration of Schedule 9 of the Education and Training Act 2020, in relation to information requested for the purposes of clause 6 of Schedule 9 of that Act, or regulation 28 of the Student Allowances Regulations 1998.

Compare: 1954 No 51 s 36F

Section 180: replaced, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

Section 180(1)(a): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 180(1)(b): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 180(1)(c): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 180(2)(a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 180(2)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

180A Prisoner information may be disclosed for social assistance purposes

(1) For the purpose stated in section 180, the chief executive of the requesting department may from time to time request the chief executive to supply all or any information specified in section 180B in respect of prisoners detained in a prison during the period specified in the request.

(2) A request under subsection (1) must be made in writing and in accordance with arrangements made from time to time between—

(a) the chief executive; and

(b) the chief executive of the requesting department.

(3) On receipt of a request made under subsection (1) the chief executive may supply the information requested to any person who is—

(a) an officer or employee of the requesting department; and

(b) authorised for the purpose by the chief executive of the requesting department.

(4) On or after 1 December 2020, no information may be disclosed under this section except under—

(a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or

(b) an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.

Compare: 1954 No 51 s 36F

Section 180A: inserted, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

Section 180A(4): inserted, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

180B Information that may be requested and disclosed

The information referred to in section 180A(1) is, for each prisoner detained in a prison during the period specified in the request,—

(a) a sufficient amount of biographical information to identify the prisoner; and

(b) the name of the prison in which the prisoner is or was detained during that period; and

(c) details of each period of detention of the prisoner in the prison during the period specified in the request.

Compare: 1954 No 51 s 36F

Section 180B: inserted, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

180C Social assistance may be suspended immediately if discrepancy discovered

(1) The chief executive of the requesting department may suspend immediately the payment to a person of the benefits, allowances, and student loans, or any of them, payable to the person if—

(a) information has been disclosed to the requesting department under section 180A; and

(b) a discrepancy relating or apparently relating to the person arises, or is identified in that information; and

(c) that chief executive wishes, on the basis of that discrepancy, to effect the suspension; and

(d) immediately after the suspension is effected, the requesting department gives the person written notice of the kind specified in section 180D.

(2) In this section and section 180D,—

adverse action has the same meaning as in section 177 of the Privacy Act 2020

allowance means an allowance established (whether established for the first time or continued) by regulations made under section 645 of the Education and Training Act 2020

benefit has the same meaning as in Schedule 2 of the Social Security Act 2018

discrepancy has the same meaning as in section 177 of the Privacy Act 2020

student loan has the meaning given to it by section 4(1) of the Student Loan Scheme Act 2011

working day has the same meaning as in section 7(1) of the Privacy Act 2020.

(3) A notice under subsection (1) may also be used to give the person concerned notice under section 181 of the Privacy Act 2020 in relation to some proposed adverse action other than the suspension or suspensions concerned; but in that case that section applies to the taking of that action.

(4) Subsection (1) overrides section 181 of the Privacy Act 2020.

(5) Nothing in this section prevents any adverse action from being taken in respect of benefits, allowances, or student loans in accordance with section 181 of the Privacy Act 2020 instead of this section.

Section 180C: inserted, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

Section 180C(2) **adverse action**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 180C(2) **allowance**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 180C(2) **benefit**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 180C(2) **discrepancy**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 180C(2) **student loan**: amended, on 1 April 2012, by section 223 of the Student Loan Scheme Act 2011 (2011 No 62).

Section 180(2) **working day**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 180C(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 180C(4): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 180C(5): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

180D Notice required by section 180C(1)(d)

(1) A notice required by section 180C(1)(d)—

(a) must specify particulars of—

(i) the discrepancy or discrepancies concerned; and

(ii) the suspension or suspensions concerned; and

(b) must state that the person concerned may, after the receipt of the notice, show cause why payments of any benefit, allowance, or student loan should not have been suspended.

(2) A notice required by section 180C(1)(d) must be delivered to the person concerned—

(a) personally; or

(b) by leaving it at the person's usual or last known place of residence or business or at the address specified by the person in any application or other document received from the person; or

(c) by posting it in a letter addressed to the person at that place of residence or business or at that address.

(3) If a notice required to be given under section 180C(1)(d) is sent to a person by post,—

(a) the notice must, in the absence of proof to the contrary, be taken to have been delivered to that person on the fourth day after the day on which it was posted; and

(b) in proving the delivery it is sufficient to prove that the letter was properly addressed and posted.

Section 180D: inserted, on 9 April 2008, by section 5 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

Disclosure of prisoner information for taxation purposes

Heading: inserted, on 1 October 2024, by section 46 of the Corrections Amendment Act 2024 (2024 No 41).

180E Information may be disclosed for taxation purposes

(1) The purpose of this section is to facilitate the disclosure of information, by the department to the Commissioner, for the purposes of the administration or enforcement of the Inland Revenue Acts.

(2) For the purpose of this section, the chief executive may supply to the Commissioner the information specified in subsection (3) in respect of every prisoner who is or was in the legal custody of the chief executive under this Act.

(3) The information is as follows:

(a) identifying information about the prisoner:

(b) the name and address of the prison in which the prisoner is or was detained:

(c) whether the prisoner is on remand or has been sentenced:

(d) details of the prisoner's sentence (including relevant dates such as the start date of sentence, the date on which the prisoner is eligible for parole, and their statutory release date).

(4) No specified information may be supplied under this section except under an agreement entered into between the Commissioner and the chief executive under section 180F.

(5) Nothing in this section limits the operation of the Privacy Act 2020.

(6) For the purposes of this section and section 180F,—

Commissioner means the Commissioner of Inland Revenue as defined in section 3(1) of the Tax Administration Act 1994

identifying information, in relation to any person, includes the person's full name, date and place of birth, sex or gender, location, citizenship, unique identifying number used by the department, and any known alias

Inland Revenue Acts means the Acts listed in Schedule 1 of the Tax Administration Act 1994

specified information means the information specified in subsection (3).

Section 180E: inserted, on 1 October 2024, by section 46 of the Corrections Amendment Act 2024 (2024 No 41).

180F Agreement for disclosing prisoner information for taxation purposes

(1) An agreement entered into under this section for disclosing specified information about prisoners must set out the operational details about how the information is to be disclosed.

(2) Without limiting subsection (1), the agreement must—

(a) specify the manner in which the information may be disclosed; and

(b) set out how the information privacy principles, as set out in section 22 of the Privacy Act 2020, will be complied with.

(3) Before an agreement is concluded, reviewed, or amended, the department and the Commissioner must consult the Privacy Commissioner.

(4) An agreement under this section applies to the specified information held by the department in respect of prisoners, whether the information was obtained before or after the agreement came into force.

Section 180F: inserted, on 1 October 2024, by section 46 of the Corrections Amendment Act 2024 (2024 No 41).

Disclosure of offender information

Heading: inserted, on 9 April 2008, by section 6 of the Corrections (Social Assistance) Amendment Act 2008 (2008 No 24).

181 Offender information may be disclosed for immigration purposes

(1) The purpose of this section is to facilitate the disclosure of information by the department to the department of State for the time being responsible for the administration of the Immigration Act 2009 (the **responsible department**), for the purpose of assisting the Minister of Immigration or an immigration officer

to exercise any power conferred by that Act to determine whether a person is liable for deportation or to deport any person.

(2) For the purpose of this section, the chief executive may from time to time, in accordance with arrangements in writing made from time to time between the chief executive and the Chief Executive of the responsible department,—

(a) supply to the Chief Executive of the responsible department the information specified in subsection (3) in respect of persons who have been sentenced to imprisonment:

(ab) if the chief executive is authorised by regulations made under this Act to do so, supply to the Chief Executive of the responsible department the information specified in subsection (3) in respect of persons who have received a sentence of home detention:

(b) if the chief executive is authorised by regulations made under this Act to do so, supply to the Chief Executive of the responsible department the information specified in subsection (3) in respect of persons who have received a community-based sentence.

(3) The information referred to in subsection (2) is as follows:

(a) identifying information about the person:

(b) details of the person's offence and sentence (including relevant dates such as the date on which the person is eligible or entitled to be released).

(4) The chief executive may supply the information specified in subsection (3) to any immigration officer or other officer or employee of the responsible department who is authorised in that behalf by the Chief Executive of the responsible department.

(5) Information supplied under subsection (4) may be supplied in any form that is determined by agreement between the Chief Executive of the responsible department and the chief executive.

(5A) On or after 1 December 2020, no information may be supplied under this section except under—

(a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or

(b) an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.

(6) In this section **identifying information** in relation to any person includes the person's full name, date and place of birth, gender, location, citizenship, unique identifying number used by the department, and any known alias.

Section 181(1): replaced, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(2): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(2)(a): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(2)(ab): inserted, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 181(2)(ab): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(2)(b): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(4): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(5): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 181(5A): inserted, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

Information sharing about highest-risk offenders

Heading: inserted, on 3 April 2009, by section 31 of the Corrections Amendment Act 2009 (2009 No 3).

181A Disclosure of information relating to highest-risk offenders

(1) A specified agency that enters into an information sharing agreement under section 182D (as modified by subsection (5)) with another specified agency is authorised to disclose to that agency any personal information about a highest-risk offender, but only if the disclosure is for, or relates to, a purpose listed in subsection (3).

(2) Nothing in subsection (1) limits the operation of the Privacy Act 2020 or section 182 of this Act.

(3) The purposes for which personal information about highest-risk offenders may be disclosed under an information sharing agreement between specified agencies are—

- (a) to assist the monitoring of compliance of highest-risk offenders with their conditions of release:
- (b) to assist in facilitating the rehabilitation of highest-risk offenders:
- (c) to facilitate the reintegration of highest-risk offenders into the community:
- (d) to manage the risk that the offender may commit further offences:
- (e) to identify any increased risk that the offender may breach his or her conditions or will commit further offences.

(4) For the purposes of this section,—

highest-risk offender means any offender whom the chief executive considers, having regard, among other matters, to the nature and seriousness of his or her offending, to be included in the class of offenders who pose the highest risk to public safety

specified agency means—

(a) the Department of Corrections:

(b) the New Zealand Police:

(c) any public sector agency (as that term is defined in section 7(1) of the Privacy Act 2020) that the Minister of Justice, after consultation with the Privacy Commissioner, identifies as a specified agency for the purposes of this section by notice in the *Gazette*.

(5) Sections 182D and 182E apply to information sharing agreements about highest-risk offenders as if every reference in those sections to a child sex offender were a reference to a highest-risk offender.

(6) Information disclosed for the purposes of this section may be disclosed prior to the offender's release from prison.

(7) This section does not limit or affect any information sharing agreement under section 182D in relation to a child sex offender who is also a highest-risk offender.

Section 181A: inserted, on 3 April 2009, by section 31 of the Corrections Amendment Act 2009 (2009 No 3).

Section 181A(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 181A(4) **specified agency** paragraph (c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

182 Offender information may be disclosed to facilitate monitoring of persons on temporary release

(1) The purpose of this section is—

(a) to facilitate the disclosure of information by the department to the Commissioner of Police, to assist the monitoring of compliance by persons on temporary release with the conditions of their temporary release.

(b) *[Repealed]*

(2) For the purpose of this section, the chief executive may, from time to time, in accordance with arrangements made from time to time between the Commissioner of Police and the chief executive, supply the information specified in subsection (3) to any constable.

(3) The information referred to in subsection (2) is as follows:

(a) in the case of any person released on temporary release under section 62—

(i) the date of temporary release of the person, and the place from which the person was released:

(ii) the conditions of the person's temporary release (whether imposed on release or imposed subsequently).

(b) *[Repealed]*

(4) *[Repealed]*

(5) Information supplied under subsection (2) may be supplied in any form that is determined by agreement between the Commissioner of Police and the chief executive.

(6) *[Repealed]*

Section 182 heading: amended, on 3 April 2009, by section 32(1) of the Corrections Amendment Act 2009 (2009 No 3).

Section 182(1)(b): repealed, on 3 April 2009, by section 32(2) of the Corrections Amendment Act 2009 (2009 No 3).

Section 182(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 182(3)(b): repealed, on 3 April 2009, by section 32(3) of the Corrections Amendment Act 2009 (2009 No 3).

Section 182(4): repealed, on 3 April 2009, by section 32(4) of the Corrections Amendment Act 2009 (2009 No 3).

Section 182(5): amended, on 3 April 2009, by section 32(5) of the Corrections Amendment Act 2009 (2009 No 3).

Section 182(6): repealed, on 3 April 2009, by section 32(6) of the Corrections Amendment Act 2009 (2009 No 3).

Information sharing about child sex offenders

Heading: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

182A Information sharing about child sex offenders

(1) A specified agency that enters into an information sharing agreement under section 182D with another specified agency is authorised to disclose to that agency any personal information about a child sex offender, but only if the disclosure is for, or relates to, a purpose listed in subsection (3).

(2) Nothing in subsection (1) limits the operation of the Privacy Act 2020 or section 182 of this Act.

(3) The purposes for which personal information about a child sex offender may be disclosed under an information sharing agreement between specified agencies are:

(a) to monitor compliance by the child sex offender with his or her release conditions (including conditions imposed under section 93 of the Sentencing Act 2002), conditions of a sentence of supervision, intensive supervision, community detention, or home detention (imposed under

section 80A of the Sentencing Act 2002), post-detention conditions of a sentence of home detention, conditions of an extended supervision order, restrictions related to a public protection order under the Public Safety (Public Protection Orders) Act 2014, or requirements of a protective supervision order under the Public Safety (Public Protection Orders) Act 2014:

(b) to manage the risk that the offender may commit further sexual offences against children:

(c) to identify any increased risk that the offender may breach his or her conditions or will commit further sexual offences against children:

(d) to facilitate the reintegration of the offender into the community.

(4) Information disclosed for the purposes of this section may be disclosed prior to the offender's release from prison.

Section 182A: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 182A(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 182A(3)(a): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 182A(3)(a): amended, on 17 December 2016, by section 36 of the Statutes Amendment Act 2016 (2016 No 104).

Section 182A(3)(a): amended, on 14 October 2016, by section 57 of the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (2016 No 42).

Section 182A(4): inserted, on 3 April 2009, by section 33 of the Corrections Amendment Act 2009 (2009 No 3).

182B Definition of child sex offender

(1) For the purposes of section 182A, **child sex offender** means a person—

(a) who has been convicted of a qualifying offence or a corresponding offence as defined in section 4 of the Child Protection (Child Sex Offender Government Agency Registration) Act 2016; and

(b) whose sentence for the relevant offence has not been quashed or otherwise set aside; and

(c) who is subject to release conditions (including conditions imposed under section 93 of the Sentencing Act 2002), conditions of a sentence of supervision, intensive supervision, community detention, or home detention (imposed under section 80A of the Sentencing Act 2002), post-detention conditions of a sentence of home detention, or conditions of an extended supervision order.

(2) However, a person is not a child sex offender for the purposes of section 182A if,—

(a) since his or her latest conviction for a relevant offence, the offender has had a period during which he or she was not subject to any sentence for

an offence and was not subject to release or post-detention conditions of any sort; and

(b) the offender is not subject to an extended supervision order.

Section 182B: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 182B(1): amended, on 17 December 2016, by section 37(1) of the Statutes Amendment Act 2016 (2016 No 104).

Section 182B(1)(a): replaced, on 14 October 2016, by section 58 of the Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (2016 No 42).

Section 182B(1)(a): amended, on 17 December 2016, by section 37(2) of the Statutes Amendment Act 2016 (2016 No 104).

Section 182B(1)(c): replaced, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 182B(1)(c): amended, on 17 December 2016, by section 37(3) of the Statutes Amendment Act 2016 (2016 No 104).

Section 182B(2)(a): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

182C Definition of specified agency

For the purposes of section 182A, **specified agency** means—

(a) the Department of Corrections:

(b) the department responsible for administering the Oranga Tamariki Act 1989:

(c) Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019:

(d) the Ministry of Social Development:

(e) the New Zealand Police:

(f) any public sector agency (as that term is defined in section 7(1) of the Privacy Act 2020) that the Minister of Justice, after consultation with the Privacy Commissioner, identifies as a specified agency by notice in the *Gazette*.

Section 182C: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 182C(b): amended, on 14 July 2017, by section 150(2) of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 182C(c): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 182C(f): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

182D Information sharing agreements

(1) An agreement entered into under this section for sharing information about child sex offenders must set out the operational details about how the information is to be shared.

(2) Without limiting subsection (1), every agreement must—

(a) specify the nature of the information to be disclosed; and

(b) specify the manner in which the information may be disclosed; and

(c) set out how the information privacy principles, as set out in section 22 of the Privacy Act 2020, will be complied with.

(3) Before an information sharing agreement is concluded, reviewed, or substantially amended, the specified agencies concerned must consult with the Privacy Commissioner.

Section 182D: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Section 182D(2)(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

182E Application of agreements

When specified agencies enter into an information sharing agreement, the agreement applies to all personal information held by the agencies about a child sex offender, whether the information was obtained before or after the agreement came into force.

Section 182E: inserted, on 7 July 2004, by section 14(5) of the Parole (Extended Supervision) Amendment Act 2004 (2004 No 67).

Inquests

183 Inquests on prisoners

If any prisoner dies, the prison manager must immediately report the death to a constable.

Compare: 1954 No 51 s 40

Section 183: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Power to arrest persons unlawfully at large

184 Arrest of person unlawfully at large

Any constable or officer may arrest without warrant any person who, having been sentenced to imprisonment or having been committed to a prison, is unlawfully at large, and may take him or her to any place where he or she may be lawfully detained.

Compare: 1954 No 51 s 41

Section 184: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Property damage caused by escapers

185 Compensation for property damage by escapers

(1) This section and sections 186 to 189 apply in any case where any person suffers, whether before or after the commencement of this section, any loss of, or damage to, any real or personal property through, or by means of, any act or omission of an escaper (being an act or omission that occurred in New Zealand)—

(a) that was intended to facilitate the flight of the escaper or the avoidance of his or her recapture; or

(b) that occurred in the course of his or her escaping or attempting to escape or while he or she was fleeing to avoid recapture.

(2) Any person who suffers any loss or damage to which this section applies may apply to the District Court, in accordance with the applicable rules of court, for compensation for that loss or damage, and the court may award under this section to, or for the benefit of, the applicant compensation in respect of any 1 or more of the following matters:

(a) actual loss of, or damage to, any property:

(b) expenses actually and reasonably incurred in recovering any property that has been stolen or removed:

(c) expenses actually and reasonably incurred as a result of the loss of the use of any property for any period.

(3) For the purposes of this section and sections 186 and 187, **escaper** means a prisoner who escapes or who attempts to escape from custody.

Compare: 1954 No 51 s 41A(1), (2), (11)

Section 185(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

186 Rules governing compensation

(1) No compensation may be awarded under section 185 unless the court is satisfied, on a balance of probabilities,—

(a) that there was an act or omission of the kind referred to in section 185; and

(b) that the loss or damage resulted from that act or omission.

(2) Despite any other enactment, the amount awarded to any applicant under section 185 may, in the aggregate, amount to $50,000, but must not exceed that amount.

(3) In determining the amount (if any) to be awarded to any applicant under section 185, the court—

(a) must have regard to any behaviour of the applicant that directly or indirectly contributed to the loss or damage, and to any failure by the

applicant to take reasonable steps to avoid or mitigate the loss or damage; and

(b) must deduct any payments received by the applicant by way of compensation or damages from the escaper or any person on the escaper's behalf, or under the Injury Prevention, Rehabilitation, and Compensation Act 2001, in respect of the loss or damage; and

(c) must deduct any payments received by, or payable to, the applicant under any policy of insurance in respect of the property; and

(d) may have regard to any other circumstances that it considers relevant.

(4) For the purposes of subsection (3)(a), a failure by the applicant to insure against the loss or damage must, if the court considers that the failure was imprudent, having regard to the circumstances of the case and to normal practice, be treated as a failure to take reasonable steps to avoid the loss or damage.

(5) No compensation may be awarded under this section unless the application is made within 1 year from the time the loss or damage occurs, but the court may, at any time before or after the expiry of that period, extend the time for making an application for any further period if, in the circumstances of the case, the court considers it appropriate to do so.

(6) If any compensation is awarded under section 185, any right of action the applicant may have against the escaper is subrogated,—

(a) subject to paragraph (b), if, at the time the escaper escaped, the escaper was a prisoner of a contract prison, to the contractor responsible for managing that prison:

(b) despite paragraph (a), if, at the time the escaper escaped, the escaper was under the control of a security officer, to the security contractor by whom that security officer was employed at the time:

(c) in any other case, to the Crown.

Compare: 1954 No 51 s 41A(3)–(7), (9)

187 Notification and payment of compensation

(1) The Registrar of a court making any award of compensation under section 185 must notify the chief executive of the award.

(2) The amount of any compensation awarded by any court under section 185 must be paid,—

(a) if, at the time the escaper escaped, the escaper was a prisoner of a contract prison, by the contractor responsible for managing that prison:

(b) despite paragraph (a), if, at the time the escaper escaped, the escaper was under the control of a security officer, by the security contractor by whom that security officer was employed at the time:

(c) in any other case, out of a Crown Bank Account from money appropriated by Parliament for the purpose.

Compare: 1954 No 51 s 41A(8), (10)

Section 187(2)(c): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

188 Hearing of claims

(1) If an application for compensation is made under section 185 in respect of any loss of, or damage to, property, the District Court must consider any representations made by, or on behalf of, the applicant and, unless, in his or her application, the applicant objects, may make any inquiries that it considers appropriate about—

(a) the circumstances surrounding the loss or damage; and

(b) the nature or extent of the loss or damage or expenses incurred or about any other matter to which the application relates.

(2) If, on any inquiry, it appears to the court that the application is one in respect of which an order for the payment of compensation should be made, it may—

(a) determine the amount of compensation to be awarded; and

(b) with the prior consent of the applicant, make an order for payment of compensation in accordance with that determination.

(3) If no order is made under subsection (2), the court must, on application,—

(a) fix a time and place for the hearing of the application for compensation; and

(b) ensure that notice of the hearing is given to the applicant; and

(c) determine the application for compensation on the evidence adduced at the hearing.

Compare: 1954 No 51 s 41B(1)–(3)

189 Procedure, evidence, and appeals

(1) On the hearing of any application under section 185, the applicant is entitled to appear and be heard, either in person or by his or her lawyer.

(2) The court may receive in evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it (whether or not it would be otherwise admissible in a court of law).

(3) Without limiting the generality of subsection (2), the court may receive in evidence—

(a) any notes of evidence or depositions taken at any trial of the escaper in respect of any alleged offence arising out of the act or omission on which a claim under section 185 is based; or

(b) any notes of evidence taken in any civil proceedings arising out of that act or omission.

(4) There is no right of appeal against a determination of the District Court under section 185 or this section, except by way of an appeal to the High Court on a point of law.

Compare: 1954 No 51 s 41B(4)–(7)

Section 189(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Detection, interception, etc, of radiocommunications within prison boundaries

Heading: inserted, on 3 April 2009, by section 34 of the Corrections Amendment Act 2009 (2009 No 3).

189A Interpretation

In this section and sections 189B and 189C, unless the context otherwise requires,—

harmful interference has the meaning given to it in section 2(1) of the Radiocommunications Act 1989

interference has the meaning given to it in section 2(1) of the Radiocommunications Act 1989

radiocommunications has the meaning given to it in section 2(1) of the Radiocommunications Act 1989

unauthorised electronic communication—

(a) means any electronic communication made in contravention of section 141A(1)(a); and

(b) includes any electronic communication received on an electronic communication device that the prisoner uses or possesses in contravention of that section.

Section 189A: inserted, on 3 April 2009, by section 34 of the Corrections Amendment Act 2009 (2009 No 3).

189B Detection, interception, etc, of radiocommunications within prison boundaries

For the purpose of stopping or preventing unauthorised electronic communications to or from prisoners within prison boundaries, and the delivery, possession, or use of electronic communication devices by any person in contravention of section 141,—

(a) any person authorised by the chief executive for the purpose of this section may use any equipment or device to detect, intercept, monitor, disable, disrupt, or interfere with radiocommunications within prison boundaries; but

(b) no interference may be made under this section that would result in harmful interference outside prison boundaries.

Section 189B: inserted, on 3 April 2009, by section 34 of the Corrections Amendment Act 2009 (2009 No 3).

189C Recordings of unauthorised communications

If a prison manager believes on reasonable grounds that an unauthorised electronic communication contains information relating to the commission or attempted commission of an offence, a record of that communication may be made and given—

(a) to an enforcement officer:

(b) to the chief executive or any other employee of the department.

Section 189C: inserted, on 3 April 2009, by section 34 of the Corrections Amendment Act 2009 (2009 No 3).

Information associated with seized electronic communication devices

Heading: inserted, on 4 June 2013, by section 40 of the Corrections Amendment Act 2013 (2013 No 5).

189D Chief executive may require electronic communications company to provide information to access contents of seized device

(1) This section applies if an electronic communication device is seized under section 150 and the chief executive believes, on reasonable grounds, that it is necessary for the detection or investigation of an offence under this Act to examine the contents of the device.

(2) If this section applies, the chief executive may by notice in writing require an electronic communications company to provide information, to the extent that it is stored by the company in the ordinary course of its business, that will enable the chief executive to access the contents of the device (for example, information that will unlock or unblock the device).

(3) The department must pay for the actual and reasonable costs (if any) incurred by an electronic communications company in providing information required under this section.

(4) In this section,—

contents of the device includes any information on the device or stored on or by the device

electronic communications company means any person who provides any service in New Zealand that enables or facilitates electronic communication devices to communicate with each other.

Section 189D: inserted, on 4 June 2013, by section 40 of the Corrections Amendment Act 2013 (2013 No 5).

Annual report of department

190 Matters to be included in annual report

(1) The department's annual report under section 43 of the Public Finance Act 1989 must—

(a) include a report on the way in which the chief executive has carried out his or her functions under section 8(1)(k) and the way in which prison managers have undertaken their functions under section 12(d), during the year to which the report relates; and

(b) include a report on the work undertaken by inspectors of corrections during the year to which the report relates which includes—

(i) statistical information about the disposition of complaints made by persons under control or supervision during that period:

(ii) comment on issues arising out of complaints or visits during that period; and

(c) describe the processes and systems in place during the year to which the report relates to supervise and control the monitoring of prisoner calls or other prisoner communications and information sources under this Act; and

(d) state, as an approximate proportion of the prisoner calls monitored (otherwise than merely by being recorded) during the year to which the report relates, the number of calls disclosed to any person other than an employee of the chief executive or a contractor; and

(e) state,—

(i) as an approximate proportion of the prisoner calls monitored (otherwise than merely by being recorded) during the year to which the report relates, the number of calls disclosed under section 127N to an employee of a chief executive or a contractor; and

(ii) as an approximate proportion of those prisoner calls disclosed, the number of proceedings against a prisoner for a disciplinary offence in which a recording of any of those calls was used in evidence; and

(ea) state, in relation to the year to which the report relates,—

(i) the intelligence priorities for the department and any themes and trends:

(ii) the methods the department used to monitor prisoner communications and information sources:

(iii) the number of requests made to the chief executive to monitor visits and the number of requests that were approved or declined:

(iv) the agencies to whom disclosures were made under subpart 4A of Part 2:

(v) the number of eligible employees who were authorised intelligence persons; and

(eb) include a report on the types of programmes for which accused prisoners and convicted prisoners were mixed and the number of prisoners who were mixed for those programmes; and

(f) include a report on—

(i) the measures taken to reduce drug and alcohol use by prisoners:

(ii) the effectiveness of those measures:

(iii) random-testing programmes, including a summary of results of those programmes; and

(g) include a report on the operation of every security contract that was in force for the whole, or any part, of the year to which the annual report relates; and

(h) include a report on the operation of every contract prison that was in operation for the whole or any part of the year to which the annual report relates.

(2) Without limiting subsection (1)(g), every report referred to in that paragraph must include—

(a) a summary of—

(i) the reports forwarded to the chief executive under section 171(2) or (3) (and, if applicable, the reports forwarded under section 36ZC(2) or (3) of the Penal Institutions Act 1954); and

(ii) the reports made to the chief executive under section 172(2)(b) (and, if applicable, the reports, if any, made under section 36ZD(2)(b) of the Penal Institutions Act 1954)—

during the year to which the annual report relates; and

(b) a summary of any actions taken, during that year, in relation to the operation of security contracts as a result of any matters raised in any report so forwarded or made, whether during that year or any previous year.

(3) Without limiting subsection (1)(h), every report referred to in that paragraph must include—

(a) a summary of—

(i) the reports forwarded to the chief executive under section 199D(1A), (2), and (3); and

(ii) the reports made to the chief executive under section 199E(3)(b)—

during the year to which the annual report relates; and

(b) a summary of any actions taken, during that year, in relation to the management of contract prisons as a result of any matters raised in any

report so forwarded or made, whether during that year or any previous year.

Compare: 1954 No 51 ss 4K, 36ZI

Section 190(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 190(1)(b)(i): amended, on 15 December 2005, by section 5 of the Corrections Amendment Act 2005 (2005 No 97).

Section 190(1)(c): amended, on 1 October 2024, by section 47(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 190(1)(d): amended, on 1 October 2024, by section 47(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 190(1)(e)(i): amended, on 1 October 2024, by section 47(3) of the Corrections Amendment Act 2024 (2024 No 41).

Section 190(1)(ea): inserted, on 1 October 2024, by section 47(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 190(1)(eb): inserted, on 1 October 2024, by section 47(4) of the Corrections Amendment Act 2024 (2024 No 41).

Section 190(3)(a)(i): amended, on 5 March 2013, by section 41 of the Corrections Amendment Act 2013 (2013 No 5).

Section 190(3)(a)(i): amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 190(3)(a)(ii): amended, on 8 December 2009, by section 8(1) of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

190A Minister may approve subsidies for voluntary groups

(1) The Minister may from time to time, with the concurrence of the Minister of Finance, approve the payment, out of money appropriated by Parliament for the purpose, of contributions towards the expenses of—

(a) any medical, psychological, social, therapeutic, cultural, educational, employment-related, non-offence-based, rehabilitative, or reintegrative programme involved with the care of persons detained in or released from prisons or subject to community-based sentences:

(b) any organisation, whether formed before or after the commencement of this Act, that has as its object or one of its objects the assistance of persons detained in or released from prisons or subject to community-based sentences.

(2) In approving any contribution, the Minister may impose any conditions that the Minister thinks fit with respect to its expenditure and accounting for that expenditure.

Compare: 1985 No 120 s 147

Section 190A: inserted, on 1 July 2013, by section 5 of the Corrections Amendment Act 2011 (2011 No 84).

Section 190A(1)(a): amended, on 1 October 2024, by section 48 of the Corrections Amendment Act 2024 (2024 No 41).

Requisitioning of land and buildings for use as temporary corrections prisons

191 Requisitioning powers

(1) This section applies if—

(a) a state of emergency is in force under the Emergency Management Act 2026 or there is an emergency (within the meaning of section 5 of that Act); and

(b) in the opinion of the Minister the action authorised by this section is necessary for the safe custody and welfare of prisoners because 1 or more prisons are unable to operate as a prison as a result of the state of emergency or emergency as the case may be.

(2) The Minister may direct the owner or person for the time being in control of any land or building, to immediately place that property (**requisitioned property**) under the control and direction of the Minister or a person authorised by the Minister.

(3) The Minister must give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.

(4) If the owner or person for the time being in control of any property that may be requisitioned under this section cannot be immediately found, the Minister, or a person authorised by the Minister, may assume immediately the control and direction of the requisitioned property.

(5) If a person assumes the control and direction of requisitioned property under subsection (4), that person must ensure that, as soon as is reasonably practicable in the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property.

(6) The owner or person in control of any property immediately before it is requisitioned under this section must provide the person exercising the power under this section with any assistance that the person may reasonably require for the effective and safe use of that property.

(7) Any land or building that is subject to a direction under this section may only be used as a prison in accordance with a declaration under section 32(4).

Compare: 2002 No 33 s 90

Section 191(1)(a): replaced, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

192 Direction not to be inconsistent with applicable emergency management plan

No direction may be given under section 191 that is inconsistent with the provisions of any applicable emergency management plan (within the meaning

of section 5 of the Emergency Management Act 2026) that is in force at the time the direction is given.

Section 192: replaced, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

193 Compensation if property requisitioned

(1) Subsection (2) applies if any requisitioned property has come under the control of the Minister or a person authorised by the Minister, while acting under section 191.

(2) There is payable, on application by any person having an interest in the requisitioned property, out of money appropriated by Parliament, reasonable compensation for—

(a) the use of that requisitioned property while under that control; and

(b) any loss of or damage to that requisitioned property suffered or incurred while under that control.

(3) In determining the amount of compensation payable under this section for any loss of, or damage to, requisitioned property, any amount that the person having an interest in the property has recovered or is likely to recover, under a contract of insurance or by any other means, must be taken into account.

(4) If there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of the compensation, or as to the liability of the Crown or other person to pay the compensation, the matter may be determined by a court of competent jurisdiction.

(5) For the purposes of this section the Minister, or a person authorised by the Minister, ceases to be in control of a requisitioned property once a declaration is made in respect of that property by the Minister under section 32(5)(b).

Compare: 2002 No 33 s 107

194 Duties of chief executive

(1) If any land or building is declared under section 32(4) to be a temporary corrections prison and prisoners are detained in that temporary corrections prison, the chief executive must—

(a) during the state of emergency or emergency, as the case requires, and wherever and to the extent practicable, promptly transfer the prisoners detained in that temporary corrections prison to another prison (other than a temporary corrections prison) in which they may lawfully be held; and

(b) in any event, within a reasonable time after the end of the state of emergency or emergency, as the case requires, transfer any prisoners detained in that temporary corrections prison who have not been transferred under paragraph (a) to another prison (other than a temporary corrections prison) in which they may lawfully be held.

(2) Once all prisoners detained in a temporary corrections prison have been transferred to another prison the chief executive must—

(a) promptly give the Minister a notice stating that the land or buildings in question which have been requisitioned under section 191 are no longer required as a temporary corrections prison, unless the chief executive is satisfied that the land and buildings will continue to be needed for use as a temporary corrections prison; and

(b) where a declaration is made under section 32(5)(b), ensure that as soon as is reasonably practicable in the circumstances, a written statement of the making of that declaration and its effect is given to the owner or person formerly in charge of the land or buildings in question.

195 Protection from liability

(1) There is no cause of action against the Crown, or an officer or employee or Minister of the Crown, or against any other person, to recover damages for any loss or damage that is due directly or indirectly to any action taken under section 191 or section 194, except as provided in section 193.

(2) Subsection (1) applies whether the loss or damage is caused by any person taking any action or failing to take any action, so long as the act or omission occurred in the exercise or performance of his or her functions, duties, or powers under sections 32(4) to (6), or section 191, or section 194.

(3) No person is exempted from liability under subsection (1) for any act or omission to act that constitutes bad faith or gross negligence on the part of that person.

(4) Nothing in this section prevents the Crown from making any *ex gratia* payment it considers justifiable on the basis of hardship or fairness.

Compare: 2002 No 33 ss 109(9), 110

Chief executive and Commissioner of Police may issue guidelines and instructions

196 Chief executive and Commissioner of Police may issue guidelines and instructions

(1) The chief executive may issue or provide to staff members of corrections prisons (other than contract prisons), employees of the department supervising community work, probation officers, other employees of the department, persons under control or supervision, other persons visiting corrections prisons or community work centres, contractors, or security contractors—

(a) guidelines on the exercise of powers under this Act or any regulations made under this Act:

(b) instructions or guidelines relating to procedures to be followed or standards to be met—

(i) in the management of corrections prisons, community work centres, or probation offices:

(ii) by security contractors in relation to the provision of courtroom custodial services and escort services:

(c) information about official policy and guidance on the interpretation of provisions of this Act, the Sentencing Act 2002, the Parole Act 2002, or any regulations made under any of those Acts.

(2) The Commissioner of Police may issue or provide to staff members of Police jails, employees of the Police, and other persons visiting those prisons—

(a) guidelines on the exercise of powers under this Act or regulations made under this Act:

(b) instructions or guidelines relating to procedures to be followed or standards to be met in the management of Police jails:

(c) information about official policy and guidance on the interpretation of provisions of this Act, the Sentencing Act 2002, the Parole Act 2002, or any regulations made under any of those Acts.

(3) Instructions issued under subsection (1)(b) or subsection (2)(b) may not impose obligations on any person other than contractors, security contractors, employees of contractors or security contractors, employees of the department, employees of the Police, or staff members of prisons.

Royal prerogative not affected

197 Royal prerogative not affected

Nothing in this Act limits or affects in any way the Royal prerogative of mercy.

Compare: 1954 No 51 s 46

Management of prisons

198 Management of prisons under contract

(1) The chief executive may from time to time, in the name and on behalf of the Crown, enter into a contract with any other person for the management, by that other person, of a corrections prison.

(2) The chief executive must not, without the prior written consent of the Minister in each case,—

(a) enter into a prison management contract; or

(b) agree to an extension of the term of a prison management contract.

(3) No prison may be managed by a person other than the Crown except under a prison management contract.

Compare: 1954 No 51 s 4A

Section 198: replaced, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199 Requirements of prison management contracts

(1) Every prison management contract must provide for—

(a) objectives and performance standards for the contractor in relation to the management of the prison that are no lower than the standards applicable to prisons managed by the department; and

(b) objectives and performance standards for the contractor in relation to the management and care of prisoners in the prison that are no lower than the standards applicable to prisoners in prisons managed by the department; and

(c) the appointment or engagement by the contractor of—

(i) a suitable person as manager of the prison, which appointment or engagement must be subject to approval by the chief executive; and

(ii) sufficient suitable staff members to enable the contractor to carry out the contractor's statutory and contractual obligations in relation to the prison; and

(d) the training to be provided, at the expense of the contractor, to staff members of the prison, which training must be—

(i) to the standard appropriate for the particular position; and

(ii) to a standard no lower than the standard of training received by staff members of prisons managed by the department; and

(e) the co-ordination of services and processes of the prison with those of prisons managed by the department and by other contractors, including any co-ordination necessary for the operation of any systems established to implement the requirements of sections 47 and 48; and

(f) the arranging and maintenance by the contractor of adequate insurance against the contractor's liability for any claims arising out of, or in connection with, the contract; and

(g) the avoidance of conflicts of interest that might arise in relation to the exercise or performance, by the contractor or any staff member of the prison, of any power, duty, or function conferred or imposed by or under the contract, or by or under this Act or any regulations made under this Act; and

(h) the provision by the contractor of programmes designed—

(i) to ascertain and address the causes of prisoners' offending; and

(ii) to assist the reintegration of prisoners into society; and

(i) the respective obligations (including financial obligations) of the parties to the contract in relation to any voluntary organisations that undertake work in the prison; and

(j) the management of the prison pending the resolution of any dispute between the chief executive and the contractor in relation to the prison; and

(k) the termination of the contract for breach of contract; and

(l) the obligations of the contractor, in the event of the termination or expiry of the contract, to co-operate with the chief executive and to comply with any instructions issued by the chief executive in order to ensure the orderly and efficient transfer of the management of the prison.

(2) Every prison management contract must impose on the contractor, in relation to the management of the prison, a duty to comply with—

(a) the requirements of this Act, of any regulations made under this Act, and of any instructions or guidelines issued by the chief executive under section 196, in so far as those requirements are applicable to contract prisons; and

(b) the requirements of the New Zealand Bill of Rights Act 1990, as if the prison were a prison managed by the department; and

(c) the requirements of the Public Records Act 2005, as if records relating to the prison and to prisoners in the prison were records created or received by the department; and

(d) all relevant international obligations and standards; and

(e) the requirements of sections 73 and 74(2) of the Public Service Act 2020 (which relate to good employer and equal employment policies), as if the contractor were the chief executive of a department within the meaning of that Act and as if those requirements applied, not only in respect of employees of a contractor, but in respect of all staff members of a contract prison.

(3) A prison management contract may contain other provisions, as agreed between the chief executive and the contractor, that are not inconsistent with—

(a) this Act; or

(b) any regulations made under this Act; or

(c) any instructions or guidelines issued by the chief executive under section 196 that are or will be applicable to the prison.

Compare: 1954 No 51 s 4B

Section 199: replaced, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199(2)(e): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

199AA Delegation of powers and functions of chief executive to contractor

(1) Without limiting clauses 2 to 4 of Schedule 6 of the Public Service Act 2020, but subject to section 10 of this Act, the chief executive may delegate to a

contractor or an employee of a contractor, either generally or particularly, any of the functions or powers of the chief executive under this Act.

(2) Subject to any general or special directions given or conditions imposed by the chief executive, a contractor or an employee of a contractor to whom any functions or powers are delegated may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(3) A contractor or an employee of a contractor who has been delegated any functions or powers under subsection (1) may with the prior written approval of the chief executive delegate those functions or powers to an employee of the contractor.

(4) A contractor or an employee of a contractor who appears to act under a delegation is presumed to be acting in accordance with its terms and conditions in the absence of evidence to the contrary.

(5) A delegation made under this section is revocable at any time in writing and until it is revoked continues in force according to its tenor, despite the fact that the chief executive by whom it was made may have ceased to hold office, and continues to have effect as if made by the successor in office of that chief executive.

(6) A delegation under this section does not affect the exercise of any function or power by the chief executive or the responsibility of the chief executive for the actions of any person acting under the delegation.

Section 199AA: inserted, on 5 March 2013, by section 42 of the Corrections Amendment Act 2013 (2013 No 5).

Section 199AA(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

199AB Delegation of powers and functions of chief executive to subcontractor

(1) Without limiting clauses 2 to 4 of Schedule 6 of the Public Service Act 2020, but subject to section 10 of this Act, the chief executive may delegate to a subcontractor referred to in section 199C or an employee of that subcontractor, either generally or particularly, any of the functions or powers of the chief executive under this Act.

(2) Subject to any general or special directions given or conditions imposed by the chief executive, a subcontractor or employee of that subcontractor to whom the functions or powers are delegated may perform those functions or exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(3) A subcontractor or an employee of a subcontractor who has been delegated any functions or powers under subsection (1) may with the prior written approval of the chief executive delegate those functions or powers to an employee of the subcontractor.

(4) A subcontractor or an employee of a subcontractor who appears to act under a delegation is presumed to be acting in accordance with its terms and conditions in the absence of evidence to the contrary.

(5) Section 199AA(5) and (6) apply to a delegation under this section.

Section 199AB: inserted, on 5 March 2013, by section 42 of the Corrections Amendment Act 2013 (2013 No 5).

Section 199AB(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

199A Delegation of powers and functions of contractor

Without limiting clauses 2 to 4 of Schedule 6 of the Public Service Act 2020, but subject to section 10 of this Act, those sections of that Act apply in relation to a contract prison as if—

(a) the contractor were the chief executive of the department; and

(b) each staff member of the prison were an employee of the department.

Compare: 1954 No 51 s 3A

Section 199A: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199A: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

199B Liability of contractor

(1) The Crown is entitled to be indemnified by a contractor—

(a) against any claim arising out of any act or omission of the contractor, or the contractor's employees or agents, for which the Crown is held liable (in whole or in part); and

(b) for any act or omission of the contractor, or the contractor's employees or agents, that results in damage to, or loss of, any property of the Crown.

(2) For the purposes of determining the liability of the Crown or the contractor for any act or omission of a contractor or a contractor's employees or agents, neither the contractor nor the contractor's employees or agents are to be treated as agents of the Crown.

(3) This section does not limit any other right to indemnification that may be provided in a prison management contract.

Compare: 1954 No 51 s 4C

Section 199B: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199C Subcontractors

(1) A contractor may subcontract any of its management responsibilities under a prison management contract only with the prior written approval of the chief executive and only to the extent permitted by an approval of that kind.

(2) An approval granted by the chief executive under subsection (1) may be granted subject to any conditions that the chief executive thinks fit.

(3) If, with the approval of the chief executive, any management responsibility of a contractor under a prison management contract is subcontracted to any person, the provisions of this Act, of any regulations made under this Act, and of any instructions or guidelines issued by the chief executive under section 196, in so far as those provisions relate to that management responsibility, apply to the subcontractor as if that subcontractor were the contractor.

Compare: 1954 No 51 s 4E

Section 199C: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199D Reporting responsibilities

(1) If there is any variation of the controlling interests in a contractor, that contractor must promptly give notice of that variation to the chief executive and to the monitor appointed in respect of that prison under section 199E(1)(a).

(1A) A contractor must, at any intervals (not exceeding 4 months) that are determined by the chief executive, report in writing to the chief executive on—

(a) the exercise of any functions, duties, or powers delegated under sections 199AA and 199A to the contractor or an employee of the contractor; and

(b) the exercise of any functions, powers, or duties by an employee of the contractor who is an approved employee within the meaning of any regulations made under this Act.

(1B) A subcontractor referred to in section 199C must, at any intervals (not exceeding 4 months) that are determined by the chief executive, report in writing on the exercise of any functions, duties, or powers, delegated under section 199AB to the subcontractor or employee of that subcontractor.

(2) The manager of a contract prison must, at any intervals (not exceeding 4 months) that are determined by the chief executive, arrange for written reports on the following matters to be prepared and forwarded to the chief executive and to the monitor appointed in respect of that prison under section 199E(1)(a):

(a) the training provided to staff members of the prison (including the amount and quality of that training), and the level of training achieved by those staff members:

(b) the number and nature of complaints made by prisoners at the prison, and how those complaints were resolved:

(c) the number and nature of any incidents in the prison involving—

(i) violence against any person; or

(ii) self-inflicted injuries to prisoners of the prison:

(d) the programmes provided for prisoners at the prison, and the extent of attendance at, and completion of, those programmes by prisoners:

(e) the employment provided for prisoners by or at the prison:

(f) the skills gained by prisoners as a result of employment or education provided by or at the prison:

(g) the compliance, by staff members of the prison, with the requirements of sections 83, 84, 85, 87, and 88:

(h) the exercise, by officers of the prison, of the powers conferred by sections 98 to 101:

(i) the number and nature of—

(i) any disciplinary proceedings taken against prisoners at the prison; and

(ii) any disciplinary actions taken against staff members of the prison:

(j) the reasons for, and outcomes of, disciplinary proceedings or disciplinary actions, including any penalties imposed:

(k) the operation of random-testing programmes in the prison:

(l) any matters relating to the financial management of the prison that the chief executive from time to time determines, which may include the provision of financial forecasts and audited accounts:

(m) any other matters in respect of which the chief executive reasonably considers that information is necessary to enable the chief executive to carry out his or her responsibilities under this Act or any other enactment.

(3) The manager of a contract prison must, promptly after the occurrence in that prison of any of the events specified in subsection (4), arrange for a written report on that occurrence to be prepared and forwarded to the chief executive and to the monitor appointed in respect of that prison under section 199E(1)(a).

(4) The events are—

(a) any escape or attempted escape by a prisoner:

(b) the death of a prisoner.

(5) Nothing in subsections (1) to (4) limits any other duty to report that is imposed by or under any prison management contract or by or under any other provision of this Act or of any other enactment.

Compare: 1954 No 51 s 4F

Section 199D: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199D(1A): inserted, on 5 March 2013, by section 43 of the Corrections Amendment Act 2013 (2013 No 5).

Section 199D(1B): inserted, on 5 March 2013, by section 43 of the Corrections Amendment Act 2013 (2013 No 5).

199E Monitors

(1) The chief executive—

(a) must appoint, under the Public Service Act 2020, 1 monitor in respect of each contract prison; and

(b) may appoint, under the Public Service Act 2020, 1 or more additional monitors in respect of a contract prison, to assist the monitor appointed under paragraph (a).

(2) The chief executive may appoint, under the Public Service Act 2020, 1 or more monitors for particular purposes specified by the chief executive.

(3) The monitor appointed under subsection (1)(a) in respect of a contract prison—

(a) is responsible to the chief executive for the assessment and review of the management of that prison; and

(b) must report to the chief executive, at any intervals (not exceeding 4 months) that are determined by the chief executive, and at any other time that the monitor considers appropriate, on—

(i) the management of that prison; and

(ii) whether or not the contractor responsible for the management of that prison is complying with that contractor's prison management contract and with the provisions of this Act, and any regulations made under this Act, and any instructions or guidelines issued by the chief executive under section 196 that are applicable to the prison.

(4) A monitor appointed under subsection (1)(a) may, at any time that he or she considers appropriate, make recommendations to the chief executive on any matters relating to the contract prison in respect of which the monitor is appointed.

(5) A monitor appointed under subsection (2) may, at any time that he or she considers appropriate, make recommendations to the chief executive on any matters relating to any prison.

(6) The office of monitor may be combined with any other office, appointment, or position if the chief executive is satisfied that the duties of that other office, appointment, or position are not incompatible with the duties of a monitor.

(7) The chief executive must ensure a regular change of the monitor or monitors appointed under subsection (1) in respect of each contract prison.

Compare: 1954 No 51 s 4G

Section 199E: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199E(1)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 199E(1)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 199E(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

199F Accommodation and access

(1) Every contractor must ensure that there is available in the contract prison managed by that contractor suitable office accommodation for use by the monitor or monitors appointed under section 199E(1) in respect of that prison.

(2) Every contractor must ensure that any monitor has free and unfettered access at all times to—

(a) every part of the contract prison managed by that contractor; and

(b) all prisoners in that prison; and

(c) all persons who work in that prison, but only when they are actually in the prison; and

(d) all records held by the contractor that relate to—

(i) that prison; or

(ii) any prisoner or former prisoner; or

(iii) any staff member or former staff member of that prison.

(2A) Every contractor must ensure that any monitor has free and unfettered access to the following persons, but only during their work hours:

(a) all employees of the contractor who—

(i) are not staff members of the contract prison managed by that contractor; and

(ii) are exercising, in respect of that prison, the functions and powers of the chief executive or the contractor under a delegation; and

(b) all employees of the contractor who are approved employees (within the meaning of any regulations made under this Act).

(3) Despite subsection (2), a monitor must not be given access to the medical records of any person unless that person consents to that access.

Compare: 1954 No 51 s 4H

Section 199F: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199F(2A): inserted, on 5 March 2013, by section 44 of the Corrections Amendment Act 2013 (2013 No 5).

199G Monitors to report on certain matters

(1) Without limiting section 199E(3), the monitor appointed in respect of a contract prison under section 199E(1)(a) must, for the purposes of the report under section 199E(3)(b), review the following matters:

(a) determinations made under Part 1 of the Parole Act 2002 of—

(i) the start date, expiry date, non-parole period, and release date of sentences; and

(ii) the parole eligibility date and statutory release date of offenders:

(b) calculations made under Part 1 of the Parole Act 2002 of how much time an offender has served under a sentence of imprisonment, including records and determinations of how much time an offender has spent in pre-sentence detention:

(c) reports made by the manager of the prison for the purposes of section 43(1) of the Parole Act 2002:

(d) in respect of sections 57 to 61 of this Act,—

(i) compliance by officers of that prison with the requirements of those sections; and

(ii) if any function, duty, or power of the chief executive under those sections has been delegated to any officer or officers of that prison, the performance of that function or duty, or the exercise of that power:

(e) work undertaken by prisoners at the direction of the prison manager under section 66:

(f) decisions made by the prison manager (whether or not under delegated authority) under—

(i) sections 53 and 54 (which relate to the transfer of prisoners); and

(ii) sections 62 to 64 (which relate to the temporary release from custody of prisoners and the temporary removal of prisoners from prison):

(g) decisions of officers of the prison to apply, under section 45 of the Mental Health (Compulsory Assessment and Treatment) Act 1992, for an assessment of a prisoner:

(h) the procedures in place to assess—

(i) the suitability of persons for appointment or engagement under section 11(2) and (4) in the prison; and

(ii) the ongoing suitability of persons so appointed or engaged:

(i) the matters in respect of which the monitor is entitled to receive a report under section 199D(1A), (2), and (3).

(2) Without limiting section 199E(3), a monitor appointed in respect of a contract prison under section 199E(1)(a) may, at the request of the chief executive or on the monitor's own initiative, investigate any matter relating to that prison, or any prisoner in that prison, and report to the chief executive the results of that examination.

(3) A monitor appointed in respect of a contract prison under section 199E(1)(b) may, at the request of the monitor appointed in respect of the prison under section 199E(1)(a), or at the request of the chief executive, investigate any matter relating to that prison, or any prisoner in that prison, and report to that person the results of that investigation.

(4) A monitor appointed for a particular purpose under section 199E(2) may, at the request of the chief executive or on the monitor's own initiative, investigate any matter relating to any 1 or more prisons, or any prisoner in any prison, and report to the chief executive the results of that investigation.

Compare: 1954 No 51 s 4I

Section 199G: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Section 199G(1)(i): amended, on 5 March 2013, by section 45 of the Corrections Amendment Act 2013 (2013 No 5).

199H Control of contract prison in emergency

(1) This section applies if the chief executive believes, on reasonable grounds,—

(a) that either—

(i) there exists in respect of any contract prison an emergency affecting the safety or health of the prisoners or any class or group of prisoners, or the security of the prison; or

(ii) there is an imminent threat of such an emergency; and

(b) that the contractor responsible for the management of that prison is unwilling or unable to immediately deal with that emergency or, as the case requires, that threat to the satisfaction of the chief executive.

(2) If this section applies, the chief executive may take over the management of the contract prison from the contractor for any period that the chief executive considers necessary in order to deal with the emergency or threatened emergency, and for that purpose the chief executive—

(a) has and may exercise and perform, in respect of the prison, all the powers, functions, and duties that would otherwise be exercisable or performed by the contractor:

(b) has all other powers that are necessary or desirable.

(3) If the chief executive takes over the management of a contract prison under this section, the chief executive must immediately give written notice to the contractor of that action, and of the reasons for that action.

(4) Without limiting any other remedy available to the chief executive (whether under the prison management contract or otherwise), if the chief executive acts under subsection (2), then, unless it would be unreasonable or unfair in the circumstances,—

(a) the chief executive is entitled to be reimbursed by the contractor for any costs and expenses incurred in taking that action; and

(b) those costs and expenses are recoverable as a debt due to the Crown.

(5) This section applies despite anything in any prison management contract, and nothing in this section limits or affects—

(a) any other right or remedy available to the chief executive or the Crown, whether under any prison management contract or otherwise; or

(b) any liability of the contractor under the prison management contract or otherwise.

(6) Neither the chief executive, nor the Crown, nor any other person acting by or under the authority of the chief executive is under any civil or criminal liability for anything the chief executive or any such person may do or fail to do in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under this section, unless it is shown that the chief executive or that other person acted, or failed to act, in bad faith.

Compare: 1954 No 51 s 4J

Section 199H: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199I Prison management contracts to be presented to House of Representatives

(1) Within 12 sitting days after a prison management contract is entered into, the Minister must present a copy of that contract to the House of Representatives.

(2) Within 12 sitting days after a prison management contract is varied or renewed, the Minister must present a copy of the terms of that variation or renewal to the House of Representatives.

Compare: 1954 No 51 s 4L

Section 199I: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199J Release of prisoner information to and by contract prisons

(1) For the purposes of enabling the chief executive or any staff member of the department to exercise or perform any of his or her powers, duties, or functions, the chief executive or any staff member of the department may access any information that is held (or deemed for the purposes of the Official Information Act 1982 to be held) by a contract prison and that relates to that contract prison or to any prisoner.

(2) For the purposes of enabling any staff member of a contract prison to exercise or perform any of his or her powers, duties, or functions, any staff member of a contract prison may have access to any information that is held (or deemed for the purposes of the Official Information Act 1982 to be held) by the department and that relates to any prisoner.

(3) If the department is authorised by any enactment to access or to disclose information relating to any prisoner,—

(a) a staff member of a contract prison is authorised to access or disclose that information as if the contract prison were a part of the department; and

(b) the chief executive may require the contractor to access or disclose that information.

Compare: 1954 No 51 s 41G

Section 199J: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

199K Transferring staff who are contributors to Government Superannuation Fund

(1) This subsection applies to any person who—

(a) is employed by a contractor to work in a contract prison; and

(b) immediately before that employment was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956.

(2) A person to whom subsection (1) applies is deemed to continue to be employed in the Government service, for the purposes of the Government Superannuation Fund Act 1956, for so long as that person continues to work in a contract prison.

(3) The provisions of the Government Superannuation Fund Act 1956 apply to a person described in subsections (1) and (2) in all respects as if service with a contractor were Government service.

(4) This subsection applies to any person who—

(a) is employed by a contractor to work in a contract prison; and

(b) immediately before that employment was a contributor to the Government Superannuation Fund under Part 6B of the Government Superannuation Fund Act 1956.

(5) A person to whom subsection (4) applies is deemed to continue to be a member of the prisons service, for the purposes of the Government Superannuation Fund Act 1956, for so long as that person continues to work in a contract prison.

(6) The provisions of the Government Superannuation Fund Act 1956 apply to a person described in subsections (4) and (5) in all respects as if service with a contractor were service as a member of the prisons service.

(7) Subject to the Government Superannuation Fund Act 1956, nothing in subsections (1) to (6) entitles a person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.

(8) For the purposes of applying the Government Superannuation Fund Act 1956 to a person who is a contributor to the Government Superannuation Fund, and who is in the service of a contractor, the term **controlling authority**, in relation to that person, means that contractor.

Section 199K: inserted, on 8 December 2009, by section 5 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Regulations

200 Regulations

(1) The Governor-General may, by Order in Council, make regulations—

(a) ensuring the good management of—

(i) prisons:

(ii) community work centres:

(iii) the corrections system generally:

(b) prescribing the powers and functions of—

(i) staff members of prisons:

(ii) probation officers:

(iii) employees of the department supervising offenders undergoing community work:

(iv) security officers:

(v) controlling officers of probation areas:

(c) ensuring the safe custody of prisoners:

(d) providing for the management, care, treatment, well-being, and reintegration into the community of the following persons:

(i) prisoners:

(ii) other persons under control or supervision:

(e) regulating the provision, and carrying out, of courtroom custodial services or escort services, or both:

(f) prescribing fees, or the method of determining fees, to be paid to any class or classes of Visiting Justice appointed under section 19(2):

(g) providing for any other matters contemplated by the Act, necessary for its administration, or necessary for giving it full effect.

(2) Without limiting the generality of subsection (1), any regulations made under this Act may apply—

(a) generally in respect of all prisons or in respect of any specified prison or in respect of prisons of any specified class or classes:

(b) generally in respect of all community work centres or in respect of any specified work centre or in respect of community work centres of any specified class or classes:

(c) generally in respect of all persons (whether persons under control or supervision, staff members at any prison, employees of the department supervising offenders undergoing community work, probation officers, security officers, contractors, security contractors, independent contrac-

tors, visitors, or any other person) or in respect of persons or office holders of any specified class or classes.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1954 No 51 s 45

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 200(1)(b)(v): inserted, on 15 December 2005, by section 6 of the Corrections Amendment Act 2005 (2005 No 97).

Section 200(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

201 Regulations relating to good management of corrections system

Regulations made under section 200(1)(a) may include (without limitation) provisions—

(a) regulating the admission of prisoners to prisons and their discharge from prisons:

(b) regulating the visiting of prisoners including (without limitation)—

(i) requiring members of the public or any specified class of persons to obtain approval from the chief executive before visiting prisoners:

(ii) providing for the restriction or prohibition of any visiting by any specified class of person or persons (for example, unaccompanied children aged under 16 years), by the chief executive or a prison manager:

(c) regulating the opening of bank accounts into which prisoners' money may be deposited, regulating the operation of those accounts (including deposits and withdrawals or other payments), and the closing of those accounts:

(d) ensuring the discipline of prisoners, including (without limitation) regulating the granting and loss of privileges, regulating the laying of complaints relating to offences against discipline, and prescribing the procedures for the hearing of those complaints:

(e) prescribing procedures to be used for the purposes of dealing with complaints:

(f) providing for the inspection of prisons, community work centres, probation offices, and other places where offenders are undertaking work or training.

Compare: 1954 No 51 s 45(1)

202 Regulations relating to safe custody of prisoners

Regulations made under section 200(1)(c) may include (without limitation) provisions—

(a) regulating the separation of prisoners, including (without limitation) provisions requiring the separation of—

(i) accused and convicted persons:

(ii) accused and convicted persons who are under a specified age from persons of that kind who are of or over that age, except in circumstances specified in the regulations:

(iii) male and female prisoners:

(aa) despite section 5(1)(b) and any international obligations and standards, regulating the mixing of prisoners in any of the following circumstances:

(i) mixing of accused and convicted persons for non-offence-based programmes if it is not practicable or therapeutic to provide the programmes separately:

(ii) mixing of accused and convicted persons who are allowed to keep their children with them in prison if it is not practicable or therapeutic to keep the persons separate:

(iii) mixing of young persons (within the meaning given in the Oranga Tamariki Act 1989) and adult prisoners if it is in the best interests of the young persons:

(b) regulating communication with, and the visual recording of, prisoners:

(c) regulating—

(i) the photographing of prisoners:

(ii) the collection of biometric information from prisoners:

(iii) the taking of measurements from prisoners:

(ca) prescribing procedures to enable the identification of prisoners other than those that may be regulated under paragraph (c):

(d) regulating the holding of prisoners' property in prisons generally and, in particular, liability in respect of the loss of, damage to, or destruction of such property, and the seizure, disposal, or return of—

(i) property found in the possession of a prisoner on his or her admission to a prison, or brought into a prison after a prisoner's admission:

(ii) any thing discovered as a result of any search conducted under this Act:

(e) regulating the standards of accommodation to be provided to prisoners or any class of prisoner, and the facilities to be provided or not provided:

(f) regulating the security classification of prisoners:

(g) regulating the conditions of prisoners whose opportunity to associate with other prisoners is restricted or denied:

(h) regulating the transfer of prisoners:

(i) prescribing classes of prisoners who may be temporarily released from custody or temporarily removed from prison under section 62, prescribing the purposes for which prisoners may be released or removed under that section, and regulating the release and removal of prisoners under that section:

(j) regulating the use and reporting of the use of force, authorising and regulating the use and reporting of the use of specified kinds of mechanical restraints in particular circumstances, and authorising and regulating the use of and reporting of the use of specified kinds of less-lethal weapons:

(k) regulating imaging technology searches:

(l) prescribing 1 or more types of procedure to which a prisoner may be required to submit, under section 124, for the purpose of detecting whether or not the prisoner has used drugs, consumed alcohol, or both:

(m) regulating those procedures, including (without limitation)—

(i) prescribing how procedures may be carried out:

(ii) prescribing how any samples obtained from procedures may be analysed, stored, or both:

(iii) providing for the disposal of samples obtained from a prescribed procedure:

(iv) regulating access to, and the use and disclosure of, information obtained from the analysis of such samples, and providing for the destruction of such information:

(ma) prescribing limitations on when a prisoner may be required to submit to a prescribed procedure under section 124:

(n) providing for random-testing programmes, including (without limitation)—

(i) prescribing the purposes for which random-testing programmes may be established:

(ii) prescribing the principles under which random-testing programmes must operate:

(iii) prescribing standards that random-testing programmes must meet:

(iv) prescribing specifications for random-testing programmes, including (without limitation) defining the class of prisoners to which the programme applies, and specifying the frequency of testing and the percentage of prisoners to be tested:

(v) providing for the general administration of random-testing programmes.

Compare: 1954 No 51 s 45(1)

Section 202(aa): inserted, on 1 October 2024, by section 49(1) of the Corrections Amendment Act 2024 (2024 No 41).

Section 202(c): replaced, on 22 August 2017, by section 18 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 202(ca): inserted, on 22 August 2017, by section 18 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 202(g): amended, on 29 October 2019, by section 34(1) of the Corrections Amendment Act 2019 (2019 No 57).

Section 202(j): amended, on 1 October 2024, by section 49(2) of the Corrections Amendment Act 2024 (2024 No 41).

Section 202(k): amended, on 29 October 2019, by section 34(2) of the Corrections Amendment Act 2019 (2019 No 57).

Section 202(ma): inserted, on 5 March 2013, by section 46 of the Corrections Amendment Act 2013 (2013 No 5).

203 Regulations relating to treatment of prisoners

Regulations made under section 200(1)(d) may include (without limitation) provisions—

(a) requiring different regimes for different classes of prisoners (for example, provisions designed to ensure the safety and welfare of young persons in prisons or persons detained solely as a consequence of a warrant or other order issued under the Immigration Act 2009):

(b) requiring persons detained solely as a consequence of a warrant or other order issued under the Immigration Act 1987 to be treated as a prisoner on remand for the purposes of any specified provision:

(ba) prescribing matters that must be included in rehabilitative programmes, and different matters may be prescribed for different rehabilitative programmes and different classes of prisoners:

(bb) prescribing, in relation to case management plans,—

(i) the purpose of and basis for the plans; and

(ii) the class or classes of prisoners to whom case management plans apply; and

(iii) the matters that must be included in the plans (and different matters may be prescribed for different classes of prisoners); and

(iv) the periods in which the plans must be reviewed (and different periods may be prescribed for different classes of prisoners):

(bc) prescribing matters that must be included in non-offence-based programmes, and different matters may be prescribed for different programmes and different classes of prisoners:

(c) prescribing conditions relating to the care of children of female prisoners who are allowed to remain with or visit their mothers in prison:

(d) regulating the appearance of prisoners (including the clothing to be worn by prisoners and the cutting of prisoners' hair):

(e) regulating the employment of prisoners, including their hours of work and the application or payment of earnings:

(f) authorising the removal of jewellery (including earrings and studs attached to any part of the body) for reasons of safety, security, or hygiene:

(g) authorising prisoners to communicate using any specified device or medium of communication, and regulating that communication.

Compare: 1954 No 51 s 45(1)

Section 203(a): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 203(ba): inserted, on 29 October 2019, by section 35 of the Corrections Amendment Act 2019 (2019 No 57).

Section 203(bb): inserted, on 1 October 2024, by section 50 of the Corrections Amendment Act 2024 (2024 No 41).

Section 203(bc): inserted, on 1 October 2024, by section 50 of the Corrections Amendment Act 2024 (2024 No 41).

Section 203(c): replaced, on 19 September 2011, by section 6 of the Corrections (Mothers with Babies) Amendment Act 2008 (2008 No 88).

Amendment to Immigration Act 1987

204 New section 141AC inserted

Amendment(s) incorporated in the Act(s).

Amendment to Privacy Act 1993

205 Amendments to Privacy Act 1993

Amendment(s) incorporated in the Act(s).

Other amendments and repeals

206 Acts amended

The Acts set out in Schedule 2 are amended in the manner set out in that schedule.

207 Regulations amended

The regulations set out in Schedule 3 are amended in the manner set out in that schedule.

208 Repeals and revocations

(1) The enactments set out in Part 1 of Schedule 4 are repealed.

(2) The regulations set out in Part 2 of Schedule 4 are revoked.

Part 3
Transitional provisions

Management of prisons under contract

[Repealed]

Heading: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

209 Existing management contracts must not be extended

[Repealed]

Section 209: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

210 Delegation of powers and functions of contractor

[Repealed]

Section 210: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

211 References in existing management contracts altered

[Repealed]

Section 211: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

212 Liability of contractor

[Repealed]

Section 212: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

213 Subcontractors

[Repealed]

Section 213: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

214 Reporting responsibilities

[Repealed]

Section 214: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

215 Monitors

[Repealed]

Section 215: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

216 Accommodation and access

[Repealed]

Section 216: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

217 Monitors to report on certain matters

[Repealed]

Section 217: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

218 Control of contract prison in emergency

[Repealed]

Section 218: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

219 Variation to management contracts to be presented to House of Representatives

[Repealed]

Section 219: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

220 Release of prisoner information to contract prisons

[Repealed]

Section 220: repealed, on 8 December 2009, by section 6 of the Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59).

Provision of escort services or courtroom custodial services under contract

221 References in existing contracts for provision of escort services, courtroom custodial services, or both

Every contract entered into under section 36G of the Penal Institutions Act 1954 for the provision of escort services or courtroom custodial services, or both, that is in force immediately before the commencement of this section continues in force, on and after the commencement of this section, subject to the following modifications:

(a) every reference to the Secretary must be read as a reference to the chief executive of the department:

(b) every reference to a penal institution or an institution must be read as a reference to a prison:

(c) every reference to security operational standards or to national corrections systems must be read as a reference to instructions or guidelines issued by the chief executive under section 196:

(d) the contract must be treated for the purposes of this Act and any other enactment as a contract entered into under section 166.

Compensation for property damage by escapers

222 Proceedings brought under sections 41A and 41B of Penal Institutions Act 1954

Any proceedings brought under sections 41A and 41B of the Penal Institutions Act 1954 but not determined before the commencement of this section must be continued and completed under sections 185 to 189 of this Act.

Rules preserved

223 Existing rules preserved

Any rules made by a superintendent of a penal institution under section 7(1) of the Penal Institutions Act 1954 that are in force immediately before the commencement of this section are, on the commencement of this section, deemed to have been made by the manager of that prison under section 33 of this Act.

Directions restricting right to associate continue in effect

224 Directions restricting right to associate to continue

(1) Any direction given under section 7(1A) of the Penal Institutions Act 1954 that is in force immediately before the commencement of this section—

(a) continues in force on and after the commencement of this section in accordance with section 7(1C) of that Act; and

(b) may be revoked under section 7(1B) of that Act.

(2) Despite subsection (1)(a) every direction given under section 7(1A) of the Penal Institutions Act 1954 that is still in force on the day that is 3 months after the date on which this section comes into force expires at the close of that day.

Security classifications of prisoners continue in effect

225 Existing security classifications to continue

Every security classification assigned to an inmate under section 17A of the Penal Institutions Act 1954 that is in place immediately before the commencement of this section is, on the commencement of this section, deemed to be assigned to that prisoner under section 47 of this Act; but despite section 48(1) of this Act it is not necessary to inform the prisoner of the classification continued by this section.

Appointments

226 Superintendents deemed to be prison managers

Every person who, immediately before the commencement of this section, holds office as a superintendent of a penal institution is, on the commencement of this section, deemed to have been appointed, under section 11(1), (2), or (3) as the case requires, as the manager of that prison.

227 Inspectors deemed to be inspectors of corrections

Every person who, immediately before the commencement of this section, holds office as an Inspector of Penal Institutions is, on the commencement of this section, deemed to have been appointed, under section 28, as an inspector of corrections.

228 Most other appointments preserved

(1) This section applies to any person (other than a Visiting Justice who is not a Judge) who, immediately before the commencement of this section, holds office (including a position of any kind) as a consequence of any appointment, engagement, or designation under the Criminal Justice Act 1985 or the Penal Institutions Act 1954.

(2) Every person to whom this section applies is, on the commencement of this section, deemed to have been appointed to, or engaged or designated as the holder of, the office referred to in subsection (1)—

(a) under the provision of this Act that, with or without modification, corresponds to the provision in the Criminal Justice Act 1985, or the Penal Institutions Act 1954, that it replaces; and

(b) on the same terms and conditions that applied immediately before the commencement of this section.

(3) This section is subject to sections 226 and 227.

(4) This section does not limit section 21 of the Interpretation Act 1999.

229 Certain Visiting Justices cease to hold office

(1) Every person (other than a Judge) who, immediately before the commencement of this section, holds office as a Visiting Justice ceases to hold that office on the commencement of this section.

(2) No person is entitled to compensation for loss of office as a Visiting Justice under subsection (1).

Release or removal under Penal Institutions Act 1954

230 Persons released under section 21 of Penal Institutions Act 1954

(1) This section applies to any person who, immediately before the commencement of this section, was at large following his or her temporary release from custody under section 21 of the Penal Institutions Act 1954.

(2) Every person to whom this section applies is, on the commencement of this section,—

(a) deemed to have been temporarily released from custody under section 62 of this Act, subject to any conditions imposed on that release under section 21 of the Penal Institutions Act 1954; and

(b) subject to section 63, which applies with any necessary modifications.

231 Directions given under section 21A of Penal Institutions Act 1954

(1) This section applies in respect of any direction under section 21A of the Penal Institutions Act 1954 authorising the release of a person to engage in employment that is in force immediately before the commencement of this section.

(2) Every direction referred to in subsection (1) is, on and after the commencement of this section, deemed to be an authority for the temporary release of the person from custody under section 62, and the person—

(a) may be temporarily released from custody under section 62 of this Act to engage in employment, subject to any conditions imposed on that release under section 21A of the Penal Institutions Act 1954:

(b) is subject to section 63, which applies with any necessary modifications.

232 Removal under section 27 or section 28 of Penal Institutions Act 1954

(1) This section applies to any person who, immediately before the commencement of this section, was outside a prison as a consequence of his or her removal from prison under section 27 or section 28 of the Penal Institutions Act 1954.

(2) Every person to whom this section applies is, on the commencement of this section,—

(a) deemed to have been temporarily removed from prison under section 62 of this Act; and

(b) subject to the provisions of section 64 of this Act, which applies with any necessary modifications.

Disciplinary offences

233 Sections 32 to 36 of Penal Institutions Act 1954 continue to apply to acts and omissions before commencement

(1) This section applies to any act or omission by a person before the commencement of this section that is alleged to constitute an offence under section 32 or section 32A of the Penal Institutions Act 1954.

(2) Every alleged offence to which this section applies may, on and after the commencement of this section, be dealt with under sections 32 to 36 of that Act, despite the repeal of those provisions by this Act, and sections 32 to 32A of the Penal Institutions Act 1954 continue to apply as if—

(a) for every reference to Superintendent there were substituted the words "prison manager"; and

(b) for every reference to inmate there were substituted the word "prisoner".

Drug and alcohol strategy

234 Drug and alcohol strategy issued under section 36B of Penal Institutions Act 1954

Any drug and alcohol strategy issued under section 36B of the Penal Institutions Act 1954 within 3 years of the date of the commencement of this section—

(a) is deemed to have been issued under section 123 of this Act; but

(b) must be replaced with a new strategy issued under section 123 of this Act, within 5 years of the date on which the strategy was issued under section 36B of the Penal Institutions Act 1954.

Designations

235 Penal institutions deemed to be prisons and other designation changes

(1) In any Act, regulation, rule, order, agreement, deed, instrument, application, notice, or other document of any kind in force at the commencement of this section, every reference to a penal institution must, unless the context otherwise requires, on the commencement of this section, be read as a reference to a prison.

(2) Any land or building that, immediately before the commencement of this section, is declared to be a penal institution under the Penal Institutions Act 1954 is—

(a) deemed to be established under section 32 of this Act as a prison:

(b) if declared to be a prison under section 4 of the Penal Institutions Act 1954, deemed to be established under section 32 of this Act as a corrections prison:

(c) if declared to be a Police jail under section 4 of the Penal Institutions Act 1954, deemed to be established under section 32 of this Act as a Police jail.

(3) In any Act, regulation, rule, order, agreement, deed, instrument, application, notice, or other document of any kind in force at the commencement of this section, every reference to a superintendent of a penal institution or the superintendent of a specified penal institution, must on the commencement of this section, unless the context otherwise requires, be read as a reference to a manager of a prison or the manager of the specified prison, as the case may require.

(4) In any Act, regulation, rule, order, agreement, deed, instrument, application, notice, or other document of any kind in force at the commencement of this section, every reference to an inspector of a penal institution must on the commencement of this section, unless the context otherwise requires, be read as a reference to an inspector of corrections.

Schedule 1AA
Transitional, savings, and related provisions

s 3A

Schedule 1AA: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

Part 1
Provisions relating to Corrections Amendment Act 2024

Schedule 1AA Part 1: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

1 Interpretation

In clauses 3 to 5, unless the context otherwise requires, **commencement date** means the day after Royal assent of the Corrections Amendment Act 2024.

Schedule 1AA clause 1: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

2 Management plans continue as case management plans

(1) A management plan that has been devised for a prisoner under section 51 and is in operation immediately before the commencement date is to be considered on or after the commencement date as a case management plan that was devised in accordance with the Corrections Amendment Act 2024.

(2) In this clause,—

commencement date means the date on which section 11 of the Corrections Amendment Act 2024 comes into force

prisoner means a prisoner who has been received in a prison before the commencement date and continues to be in a prison on or after the commencement date.

Schedule 1AA clause 2: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

3 Restrictions in at-risk management plans continue to apply

(1) This clause applies to an at-risk management plan for a prisoner that—

(a) was established before the commencement date and has not been revoked; and

(b) specifies any restriction on the opportunity for the prisoner to associate with other prisoners.

(2) The restrictions in the at-risk management plan referred to in subclause (1)(b) continue to apply until they are revoked or replaced by a direction given under section 61CA.

Schedule 1AA clause 3: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

4 Informing prisoners who have already been received in prison

(1) This clause applies to prisoners who have been received in a prison before the commencement date and continue to be in a prison on or after the commencement date.

(2) The chief executive must take all practicable steps to ensure that the prisoners are promptly informed that prisoner communications and information sources may be monitored, collected, used, and disclosed under subpart 4A of Part 2.

Schedule 1AA clause 4: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

5 Subpart 4A of Part 2 applies to prisoner calls monitored before commencement date

Definitions for purpose of this clause

(1) In this clause,—

prisoner call means a prisoner call (as defined in section 111) that—

(a) has been monitored under section 113 before the commencement date; but

(b) has not been disposed of before that date

public service agency has the meaning given in section 127S(6)(a)

recording means a recording (as defined in section 111) that has not been disposed of before the commencement date

section 111 means section 111 of this Act as in force before the commencement date

section 113 means section 113 of this Act as in force before the commencement date.

Disclosure of prisoner call or recording

(2) A prisoner call or recording may be disclosed on or after the commencement date under sections 127N(2) to (4) and 127O(2) to (7).

Prohibitions on disclosure

(3) The prohibitions on disclosure in section 127P apply to a prisoner call or recording on or after the commencement date as if it had been collected under subpart 4A of Part 2.

Disposal of prisoner call and recording

(4) A prisoner call or recording that is held by the department must, for purposes of disposal, be treated on or after the commencement date as if it had been collected under subpart 4A of Part 2.

(5) A prisoner call or recording that is held by the department must be treated on or after the commencement date under section 127R as if it had been collected under subpart 4A of Part 2.

(6) A prisoner call or recording that is held by New Zealand Police or a public service agency must be treated on or after the commencement date under section 127S as if it were a record obtained from the disclosure of information under section 127O.

Production of prisoner call or recording in evidence in disciplinary proceeding

(7) Section 127T applies to the production of a prisoner call or recording in evidence in a disciplinary proceeding on or after the commencement date as if the prisoner call or recording had been collected under subpart 4A of Part 2.

Prisoner call and recording subject to privilege

(8) A prisoner call or recording is subject to privilege in accordance with section 127U on or after the commencement date as if it had been collected under subpart 4A of Part 2.

Schedule 1AA clause 5: inserted, on 1 October 2024, by section 51 of the Corrections Amendment Act 2024 (2024 No 41).

Schedule 1
Substantive amendments to Schedule 5 of Privacy Act 1993

s 205

Amendment(s) incorporated in the Act(s).

Schedule 2
Amendments to other Acts

s 206

Alcoholism and Drug Addiction Act 1966 (1966 No 97)
Amendment(s) incorporated in the Act(s).

Armed Forces Discipline Act 1971 (1971 No 53)
Amendment(s) incorporated in the Act(s).

Bail Act 2000 (2000 No 38)
Amendment(s) incorporated in the Act(s).

Burial and Cremation Act 1964 (1964 No 75)
Amendment(s) incorporated in the Act(s).

Child Support Act 1991 (1991 No 142)
Amendment(s) incorporated in the Act(s).

Children, Young Persons, and their Families Act 1989 (1989 No 24)
Amendment(s) incorporated in the Act(s).

Commissions of Inquiry Act 1908 (1908 No 25)
Amendment(s) incorporated in the Act(s).

Coroners Act 1988 (1988 No 111)
Amendment(s) incorporated in the Act(s).

Courts Martial Appeals Act 1953 (1953 No 100)
Amendment(s) incorporated in the Act(s).

Courts Security Act 1999 (1999 No 115)
Amendment(s) incorporated in the Act(s).

Credit (Repossession) Act 1997 (1997 No 85)
Amendment(s) incorporated in the Act(s).

Crimes Act 1961 (1961 No 43)

Amendment(s) incorporated in the Act(s).

Crimes of Torture Act 1989 (1989 No 106)

Amendment(s) incorporated in the Act(s).

Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

Amendment(s) incorporated in the Act(s).

Criminal Justice Act 1985 (1985 No 120)

Amendment(s) incorporated in the Act(s).

Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115)

Amendment(s) incorporated in the Act(s).

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

Amendment(s) incorporated in the Act(s).

District Courts Act 1947 (1947 No 16)

Amendment(s) incorporated in the Act(s).

Electoral Act 1993 (1993 No 87)

Amendment(s) incorporated in the Act(s).

Electricity Industry Reform Act 1998 (1998 No 88)

Amendment(s) incorporated in the Act(s).

Extradition Act 1999 (1999 No 55)

Amendment(s) incorporated in the Act(s).

Government Superannuation Fund Act 1956 (1956 No 47)

Amendment(s) incorporated in the Act(s).

Government Superannuation Fund Amendment Act 1962 (1962 No 130)

Amendment(s) incorporated in the Act(s).

Habeas Corpus Act 2001 (2001 No 31)

Amendment(s) incorporated in the Act(s).

Health Act 1956 (1956 No 65)

Amendment(s) incorporated in the Act(s).

Health and Disability Services (Safety) Act 2001 (2001 No 93)

Amendment(s) incorporated in the Act(s).

Human Tissue Act 1964 (1964 No 19)

Amendment(s) incorporated in the Act(s).

Immigration Act 1987 (1987 No 74)

Amendment(s) incorporated in the Act(s).

Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)

Amendment(s) incorporated in the Act(s).

Intellectual Disability (Compulsory Care and Rehabilitation Act 2003 (2003 No 116)

Amendment(s) incorporated in the Act(s).

International Crimes and International Criminal Court Act 2000 (2000 No 26)

Amendment(s) incorporated in the Act(s).

International War Crimes Tribunal Act 1995 (1995 No 27)

Amendment(s) incorporated in the Act(s).

Juries Act 1981 (1981 No 23)

Amendment(s) incorporated in the Act(s).

Law Practitioners Act 1982 (1982 No 123)

Amendment(s) incorporated in the Act(s).

Legal Services Act 2000 (2000 No 42)

Amendment(s) incorporated in the Act(s).

Medicines Act 1981 (1981 No 118)

Amendment(s) incorporated in the Act(s).

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)

Amendment(s) incorporated in the Act(s).

Misuse of Drugs Act 1975 (1975 No 116)

Amendment(s) incorporated in the Act(s).

Misuse of Drugs Amendment Act 1978 (1978 No 65)

Amendment(s) incorporated in the Act(s).

Motor Vehicle Dealers Act 1975 (1975 No 127)

Amendment(s) incorporated in the Act(s).

Mutual Assistance in Criminal Matters Act 1992 (1992 No 86)

Amendment(s) incorporated in the Act(s).

Parole Act 2002 (2002 No 10)

Amendment(s) incorporated in the Act(s).

Pitcairn Trials Act 2002 (2002 No 83)

Amendment(s) incorporated in the Act(s).

Police Act 1958 (1958 No 109)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Private Investigators and Security Guards Act 1974 (1974 No 48)

Amendment(s) incorporated in the Act(s).

Residential Tenancies Act 1986 (1986 No 120)

Amendment(s) incorporated in the Act(s).

Sale of Liquor Act 1989 (1989 No 63)

Amendment(s) incorporated in the Act(s).

Sentencing Act 2002 (2002 No 9)

Amendment(s) incorporated in the Act(s).

Smoke-free Environments Act 1990 (1990 No 108)

Amendment(s) incorporated in the Act(s).

Social Security Act 1964 (1964 No 136)

Amendment(s) incorporated in the Act(s).

Statistics Act 1975 (1975 No 1)

Amendment(s) incorporated in the Act(s).

Summary Offences Act 1981 (1981 No 113)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87)

Amendment(s) incorporated in the Act(s).

Te Ture Whenua Maori Act 1993 (1993 No 4)

Amendment(s) incorporated in the Act(s).

Victims' Rights Act 2002 (2002 No 39)

Amendment(s) incorporated in the Act(s).

War Pensions Act 1954 (1954 No 54)

Amendment(s) incorporated in the Act(s).

Schedule 3
Regulations amended

s 207

Accident Insurance ("Counsellor") Regulations 1999 (SR 1999/166)
Amendment(s) incorporated in the regulations.

Arms Regulations 1992 (SR 1992/346)
Amendment(s) incorporated in the regulations.

Bail Rules 2000 (SR 2000/248)
Amendment(s) incorporated in the rules.

Child Support Rules 1992 (SR 1992/58)
Amendment(s) incorporated in the rules.

Children, Young Persons, and Their Families Rules 1989 (SR 1989/295)
Amendment(s) incorporated in the rules.

Domestic Violence Rules 1996 (SR 1996/148)
Amendment(s) incorporated in the rules.

Extradition Regulations 1999 (SR 1999/238)
Amendment(s) incorporated in the regulations.

Immigration Regulations 1999 (SR 1999/284)
Amendment(s) incorporated in the regulations.

International War Crimes Tribunals Regulations 1995 (SR 1995/138)
Amendment(s) incorporated in the regulations.

Parole Regulations 2002 (SR 2002/179)
Amendment(s) incorporated in the regulations.

Private Investigators and Security Guards Regulations 1975 (SR 1975/188)
Amendment(s) incorporated in the regulations.

Protection of Personal and Property Rights Rules 1988 (SR 1988/213)
Amendment(s) incorporated in the rules.

Sentencing Regulations 2002 (SR 2002/178)
Amendment(s) incorporated in the regulations.

Student Allowances Regulations 1998 (SR 1998/277)

Amendment(s) incorporated in the regulations.

Summary Proceedings Regulations 1958 (SR 1958/38 and SR 1980/84)

Amendment(s) incorporated in the regulations.

Schedule 4
Enactments repealed or revoked

s 208

Part 1
Enactments repealed

Coroners Act 1988 (1988 No 111)

Amendment(s) incorporated in the Act(s).

Crimes Amendment Act (No 2) 1997 (1997 No 93)

Amendment(s) incorporated in the Act(s).

Criminal Justice Act 1985 (1985 No 120)

Amendment(s) incorporated in the Act(s).

Department of Justice (Restructuring) Act 1995 (1995 No 39)

Amendment(s) incorporated in the Act(s).

Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96)

Amendment(s) incorporated in the Act(s).

Health Practitioners Competence Assurance Act 2003 (2003 No 48)

Amendment(s) incorporated in the Act(s).

Human Rights Amendment Act 2001 (2001 No 96)

Amendment(s) incorporated in the Act(s).

Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)

Amendment(s) incorporated in the Act(s).

International Crimes and International Criminal Court Act 2000 (2000 No 26)

Amendment(s) incorporated in the Act(s).

Parole Act 2002 (2002 No 10)

Amendment(s) incorporated in the Act(s).

Penal Institutions Act 1954 (1954 No 51)

Part 2
Regulations revoked

Penal Institutions Regulations 2000 (SR 2000/81)

Corrections (Contract Management of Prisons) Amendment Act 2009

Public Act	2009 No 59
Date of assent	7 December 2009
Commencement	see section 2

1 Title

This Act is the Corrections (Contract Management of Prisons) Amendment Act 2009.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 2
Transitional provision and consequential amendments

7 Transitional matters

(1) Any transfer of the management of a prison between the department and a contractor does not affect the completion of a matter or thing that relates, or the bringing or completion of proceedings that relate, to an existing right, interest, title, immunity, or duty.

(2) Despite subsection (1), the contractor and the chief executive, in the name and on behalf of the Crown, may make any arrangements that they consider necessary or desirable to determine the respective liabilities of the Crown and the contractor in relation to any matter referred to in subsection (1).

Notes

1 General

This is a consolidation of the Corrections Act 2004 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Emergency Management Act 2026 (2026 No 53): section 235

Arms Act 2026 (2026 No 47): section 394

Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34): section 25

Corrections (Victim Protection) Amendment Act 2024 (2024 No 57)

Corrections Amendment Act 2024 (2024 No 41): Part 1

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Inspector-General of Defence Act 2023 (2023 No 42): section 56

Secondary Legislation Act 2021 (2021 No 7): section 3

Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62): section 30

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Privacy Act 2020 (2020 No 31): sections 190, 217

Corrections Amendment Act 2019 (2019 No 57)

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12): section 73

Family Violence (Amendments) Act 2018 (2018 No 47): sections 49–53

Social Security Act 2018 (2018 No 32): section 459

Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42): Part 2 subpart 2

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): sections 149, 150(2)

Intelligence and Security Act 2017 (2017 No 10): sections 251, 252

Statutes Amendment Act 2016 (2016 No 104): Part 9

District Court Act 2016 (2016 No 49): section 261

Corrections (Electronic Monitoring of Offenders) Amendment Act 2016 (2016 No 45)

Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (2016 No 42): sections 57, 58

Parole (Extended Supervision Orders) Amendment Act 2014 (2014 No 69): section 29

Public Safety (Public Protection Orders) Act 2014 (2014 No 68): section 144

Psychoactive Substances Act 2013 (2013 No 53): section 110(1)

Corrections Amendment Act 2013 (2013 No 5)

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Search and Surveillance Act 2012 (2012 No 24): section 324

Corrections Amendment Act 2011 (2011 No 84)

Student Loan Scheme Act 2011 (2011 No 62): section 223

Corrections (Use of Court Cells) Amendment Act 2009 (2009 No 60)

Corrections (Contract Management of Prisons) Amendment Act 2009 (2009 No 59)

Immigration Act 2009 (2009 No 51): section 406(1)

Corrections Amendment Act 2009 (2009 No 3)

Corrections (Mothers with Babies) Amendment Act 2008 (2008 No 88)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

Corrections (Social Assistance) Amendment Act 2008 (2008 No 24)

Court Martial Act 2007 (2007 No 101): section 87

Independent Police Conduct Authority Amendment Act 2007 (2007 No 38): section 26

Sentencing Amendment Act 2007 (2007 No 27): section 58

Crimes of Torture Amendment Act 2006 (2006 No 68): section 9

Insolvency Act 2006 (2006 No 55): section 445

Lawyers and Conveyancers Act 2006 (2006 No 1): section 348

Corrections Amendment Act 2005 (2005 No 97)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Corrections Act Commencement Order 2005 (SR 2005/52)

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Parole (Extended Supervision) Amendment Act 2004 (2004 No 67): section 14

Corrections Act 2004 (2004 No 50): section 139A(5)

Public Finance Act 1989 (1989 No 44): section 65R(3)

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