

**Reprint
as at 3 April 2009**



Corrections Amendment Act 2009

Public Act 2009 No 3
Date of assent 9 March 2009
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Corrections.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Corrections Amendment Act 2009.

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates.

Section 2: Corrections Amendment Act 2009 brought into force, on 3 April 2009, by the Corrections Amendment Act 2009 Commencement Order 2009 (SR 2009/61).

3 Principal Act amended

This Act amends the Corrections Act 2004.

Part 1

Amendments to Corrections Act 2004

4 Interpretation

- (1) Section 3(1) is amended by inserting the following definition in its appropriate alphabetical order:

“**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”.

- (2) Paragraph (a)(v) of the definition of **officer** in section 3(1) is amended by omitting “of 2” and substituting “of 1”.
- (3) Paragraph (a) of the definition of **officer** in section 3(1) is amended by omitting “; but” and also by adding the following subparagraph:

- “(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”.
- (4) The definition of **official agency** in section 3(1) is amended by adding “; or” and also by adding the following paragraph:
“(k) a national preventive mechanism (as defined in section 16 of the Crimes of Torture Act 1989)”.
- (5) The definition of **staff member of a prison** or **staff member** in section 3(1) is amended by omitting “or independent contractor” in each place where it appears.
- (6) The definition of **unauthorised item** in section 3(1) is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) any electronic communication device.”.
- (7) The definition of **unauthorised item** in section 3(1) is amended by inserting the following paragraph after paragraph (f):
“(fa) any thing or substance that could be used to tamper with any sample that a prisoner is required to supply in accordance with a prescribed procedure under section 124.”.

5 Restrictions on exercise of certain powers

Section 23 is amended by repealing subsection (3) and substituting the following subsection:

- “(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 member of the police:
- “(a) sections 18 and 18A of the Misuse of Drugs Act 1975 (which confer 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) sections 56 to 58 of the Misuse of Drugs Amendment Act 2005 (which confer enforcement powers in relation to restricted substances):

“(d) sections 200B, 200F, and 200G of the Summary Proceedings Act 1957 (which confer powers in relation to tracking devices).”

6 Religious and spiritual needs

Section 79 is amended by adding the following subsection:

“(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.”

7 Possession, carriage, and use of firearms prohibited

(1) The heading to section 86 is amended by omitting “**prohibited**” and substituting “**restricted**”.

(2) Section 86 is amended by repealing subsection (1) and substituting the following subsection:

“(1) No officer or staff member may possess, carry, or use any firearm within a prison except as provided under subsection (3).”

(3) Section 86 is amended by adding the following subsections:

“(3) The chief executive may, in writing, authorise an officer or staff member to possess, carry, or use a 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 24 of the Arms Act 1983 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.”

8 Definition of strip search

- (1) Section 90(2) is amended by adding the following paragraph:
“(g) lift or raise any part of his or her body (including, for example, rolls of fat, genitalia, and breasts).”
- (2) Section 90(3) is amended by inserting “and to conduct a visual examination of the anal and genital areas (without the use of any instrument or device designed to illuminate or magnify),” after “and ears,”.

9 Authority to search property

Section 96 is amended by adding the following subsection:

- “(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 x-ray or imaging equipment or some other mechanical, electrical, or electronic device, or other similar aid.”

10 Search of prisoners and cells

- (1) Section 98(6)(g) is amended by inserting “or immediately after” after “immediately before”.
- (2) Section 98(6)(g) is amended by adding the following subparagraph:
“(iv) any hearing before the New Zealand Parole Board.”
- (3) Section 98(6) is amended by adding the following paragraph:
“(j) if the prisoner is required under section 124 to submit to a prescribed procedure in the situation referred to in section 124(2)(d), immediately before the prisoner submits to that procedure.”
- (4) Section 98(8) is amended by inserting “(other than in the situation referred to in section 124(2)(d))” after “section 124”.

11 Search of staff lockers and other places

Section 100 is amended by repealing subsection (1) and substituting the following subsection:

- “(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).”

12 New section 103A inserted

The following section is inserted above section 104:

“103A Interpretation

In this section and in sections 104 to 110A, unless the context otherwise requires,—

“**authorised officer** means a prison manager or an officer authorised by the manager to open and read mail for the purposes of sections 104 to 110A.”

13 General considerations relating to mail

Section 104 is amended by omitting “staff members” and substituting “authorised officers”.

14 Opening of mail

Section 106(2) is amended by—

- (a) omitting “a staff member” and substituting “an authorised officer”; and
- (b) omitting “staff member” and substituting “authorised officer”.

15 Reading of correspondence

- (1) Section 107(1) is repealed and the following subsection substituted:

“(1) An authorised officer may read correspondence between a prisoner and another person for the purpose of ascertaining whether it may be withheld under section 108(1).”

- (2) Section 107(2) is amended by omitting “manager” and substituting “authorised officer”.

16 Withholding mail

- (1) Section 108(1)(d) is amended by omitting “has read under section 107(1), and the manager believes on reasonable grounds that it” and substituting “believes on reasonable grounds”.
- (2) Section 108(1)(d) is amended by adding “; or” and also by adding the following subparagraphs:
 - “(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 or constitute contempt of court.”

17 Mail between prisoners, official agencies, and members of Parliament

Section 109 is amended by omitting “A staff member” and substituting “An authorised officer”.

18 Mail between prisoners and legal advisers

Section 110(1) and (2) are amended by omitting “A staff member” and substituting in each case “An authorised officer”.

19 New sections 110A to 110C inserted

The following sections are inserted after section 110:

“110A Restrictions on disclosure of mail

An authorised officer must not disclose any information obtained from correspondence contained in any mail between a prisoner and another person unless—

- “(a) the disclosure is made to another authorised officer 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 officer 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 1993), 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 54(1) of the Privacy Act 1993; or
- “(c) the disclosure is required by any enactment or rule of law.

“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 their correspondence—
 - “(i) may be opened and read; and
 - “(ii) may be withheld, and the grounds on which it may be withheld; and
- “(b) about the types of correspondence that are exempted from being opened, read, and withheld, and the extent to which the exemptions apply.

“110C Application of Privacy Act 1993

The Privacy Act 1993 applies to any activity authorised under any of sections 104 to 110B relating to correspondence to or from a prisoner.”

20 Prisoner may be required to submit to drug or alcohol test

- (1) Section 124(2)(c)(i) is amended by omitting “that aims to reduce” and substituting “that has as one of its aims the reduction of”.
- (2) Section 124(2) is amended by adding the following paragraph:
 - “(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.”

21 Offences by prisoner

Section 128(1)(d) is amended by inserting “communication” after “electronic”.

22 Offences by prisoners relating to drugs and alcohol

Section 129(a) is amended by inserting “or unless section 79(3) applies” after “medical officer”.

23 Powers of hearing adjudicator in relation to offences against discipline

Section 133(4) is amended by repealing paragraph (a) and substituting the following paragraph:

“(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.”.

24 Powers of Visiting Justice in relation to offences by prisoners

Section 137(4) is amended by repealing paragraph (a) and substituting the following paragraph:

“(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.”.

25 Unauthorised deliveries, communications, and recordings

- (1) The heading to section 141 is amended by omitting “**and recordings**” and substituting “**recordings, and possession of unauthorised items**”.
- (2) Section 141(1) is amended by—
- (a) omitting “Every person” and substituting “Subject to subsection (1A), every person”; and
 - (b) omitting “and is liable on summary conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding \$2,000, or to both”.
- (3) Section 141(1)(e) is amended by omitting “the safety of any other person,” and substituting “the well-being of any victim of an offence committed by that prisoner, the safety of any person,”.
- (4) Section 141(1)(f) is amended by omitting “the safety of any other person,” and substituting “the well-being of any victim of an offence committed by that prisoner, the safety of any person,”.
- (5) Section 141(1) is amended by repealing paragraph (g) and substituting the following paragraphs:
- “(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).”
- (6) Section 141 is amended by inserting the following subsections after subsection (1):
- “(1A) Subsection (1)(g) does not apply to a prisoner.
 - “(1B) A person is liable on summary 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 summary 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).”
- (7) Section 141(3) is amended by—
- (a) omitting “subsection (1)” and substituting “subsection (1B) or (1C)”; and
 - (b) by omitting “or (d)” and substituting “(d), or (g)”.

26 New section 141A inserted

The following section is inserted after section 141:

“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 summary conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding \$5,000, or to both.”

27 Restricted communications with, or deliveries to, prisoner outside prison

- (1) Section 143(1) is amended by omitting “and is liable on summary conviction to imprisonment for a term not exceeding 3 months, to a fine not exceeding \$2,000, or to both”.
- (2) Section 143 is amended by inserting the following subsections after subsection (2):
- “(2A) A person who commits an offence against subsection (1)(a) or (b) is liable on summary 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 to imprisonment for a term not exceeding 12 months, to a fine not exceeding \$5,000, or to both.”
- (3) Section 143(3)(a) is amended by omitting “the safety of any other person,” and substituting “the well-being of any victim of an offence committed by that prisoner, the safety of any person,”.

28 Contravention of section 118

- (1) The heading to section 146 is amended by inserting “**110A or**” after “**section**”.
- (2) Section 146 is amended by inserting “110A or” after “section”.

29 Power of seizure

Section 150 is amended by adding the following subsection:

- “(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.”

30 New heading and sections 179A to 179E inserted

The following heading and sections are inserted after section 179:

“Emergency management

“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.

“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.

“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 4 of the Civil Defence Emergency Management Act 2002; 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.

“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.

“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 86 of the State Sector Act 1988;
 - “(c) affects any cause of action relating to unlawful arrest or detention.”

31 New heading and section 181A inserted

The following heading and section are inserted after section 181:

“Information sharing about highest-risk offenders

“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 1993 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 2 of the Privacy Act 1993) 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.”

32 Offender information may be disclosed to facilitate monitoring of certain offenders

(1) The heading to section 182 is amended by omitting “**certain offenders**” and substituting “**persons on temporary release**”.

(2) Section 182(1) is amended by repealing paragraph (b).

(3) Section 182(3) is amended by repealing paragraph (b).

(4) Section 182(4) is repealed.

(5) Section 182(5) is amended by omitting “or subsection (4)”.

(6) Section 182(6) is repealed.

33 Information sharing about child sex offenders

Section 182A is amended by adding the following subsection:

“(4) Information disclosed for the purposes of this section may be disclosed prior to the offender’s release from prison.”

34 New heading and sections 189A to 189C inserted

The following heading and sections are inserted after section 189:

*“Detection, interception, etc, of
radiocommunications within prison boundaries*

“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.

**“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.

“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.”

Part 2

Amendments to other enactments

Crimes Act 1961

35 Amendment to Crimes Act 1961

- (1) This section amends the Crimes Act 1961.
- (2) Section 216B(4) is amended by—
 - (a) omitting “monitoring” and substituting “any monitoring of a”; and
 - (b) adding “or any interception of a private communication if the interception is authorised under section 189B of that Act” after “Corrections Act 2004”.

Parole Act 2002

36 Amendments to Parole Act 2002

- (1) This section and section 37 amend the Parole Act 2002.
- (2) Section 17 is amended by adding the following subsection:
 - “(3) Subsection (2) is subject to section 179A of the Corrections Act 2004.”

37 Conditions applying to release at statutory release date

Section 18 is amended by adding the following subsection:

- “(4) A prisoner to whom section 179A of the Corrections Act 2004 applies—
 - “(a) is not, during the period between the statutory release date and the date of actual release, subject to any release conditions that will apply on or after his or her statutory release date; but
 - “(b) from the statutory release date the time begins to run on the prisoner’s release conditions.”

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Notes**1 *General***

This is a reprint of the Corrections Amendment Act 2009. The reprint incorporates all the amendments to the Act as at 3 April 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Corrections Amendment Act 2009 Commencement Order 2009 (SR 2009/61)
