



Corrections Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to sections 3, 200, 201, and 202 of the Corrections Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
 These regulations are the Corrections Amendment Regulations 2013.

2 Commencement

These regulations come into force on 4 June 2013.

3 Principal regulations

These regulations amend the Corrections Regulations 2005 (the **principal regulations**).

4 Regulation 4 amended (Application)

In regulation 4(3)(c), delete “and Schedule 1”.

5 Regulation 6 amended (General duties of prison managers)

- (1) In regulation 6(2)(e), after “rules”, insert “(including rules made under section 45A of the Act)”.
- (2) In regulation 6(2)(f), after “rules”, insert “(including rules made under section 45A of the Act)”.

6 Regulation 30 replaced (Property register)

Replace regulation 30 with:

“30 Property register

- “(1) The manager of a prison must ensure that a register of prisoners’ property is maintained, on paper or in electronic or other similar form, and that there is entered in it, in relation to each prisoner received into the prison, a full description of—
- “(a) all items of property (whether it is authorised property or an unauthorised item)—
 - “(i) brought when received into the prison; or
 - “(ii) acquired while in the prison; or
 - “(iii) received by a staff member of a prison on behalf of the prisoner; and
 - “(b) all items of property—
 - “(i) issued to the prisoner; or
 - “(ii) transferred under section 44(1)(c) of the Act; or
 - “(iii) withheld under section 43(3) of the Act; or
 - “(iv) stored or removed under regulation 35; or
 - “(v) destroyed or disposed of under section 45 of the Act; or
 - “(vi) returned under regulation 38.

“(2) The prisoner concerned must be asked for written acknowledgement of any entry in, or amendment to any existing entry in, the register.

“(3) This regulation does not apply to prison property.”

7 Regulation 31 revoked (Transfer and issue of items)

Revoke regulation 31.

8 Regulation 32A revoked (Tobacco and equipment used for smoking tobacco declared to be unauthorised items)

Revoke regulation 32A.

9 Regulation 39 amended (Transfer of property to another prison or place)

Replace regulation 39(3)(c) with:

“(c) dealt with subsequently in accordance with regulations 32 to 40, which apply with any necessary modifications, and any applicable rules made under section 45A of the Act.”

10 Regulation 55 amended (Medical officer to be notified of certain segregation directions)

(1) In the heading to regulation 55, replace “**Medical officer**” with “**Health centre manager**”.

(2) In regulation 55, replace “The medical officer” with “The health centre manager”.

11 Regulation 63 replaced (Prisoners at risk of self-harm)

Replace regulation 63 with:

“63 Prisoners at risk of self-harm

“(1) If a prisoner who is or may be at risk of self-harm is subject to a segregation direction,—

“(a) a suitable registered health professional must keep written notes of each visit to the prisoner under section 60(5)(b) of the Act and arrange for those notes to be placed on the prisoner’s health record; and

“(b) the health centre manager must visit the prisoner and prepare a report on the prisoner within 24 hours after

the direction takes effect, unless a report has been prepared by the health centre manager in connection with the decision to issue that segregation direction.

- “(2) The health centre manager must—
- “(a) record any recommendation or advice given under section 60(1) or 60(4) of the Act in relation to a prisoner who is or may be at risk of self-harm in the health record of the prisoner concerned; and
 - “(b) arrange for a copy of any report prepared under subclause (1)(b) to be put in the health record of the prisoner.
- “(3) After visiting a prisoner under subclause (1)(b), a health centre manager must recommend to the prison manager—
- “(a) whether or not the prisoner should be denied access, under section 69(2)(c) of the Act, to all or any of the minimum entitlements referred to in section 69, or, if the prisoner has already been denied access to all or any of those entitlements under section 69(2)(c), whether the prisoner should continue to be denied access to those entitlements:
 - “(b) whether or not the prisoner should be denied access to any other item (such as clothing).
- “(4) The health centre manager must record a recommendation under subclause (3) on the prisoner’s prison record.
- “(5) Before the health centre manager makes a recommendation under subclause (3) 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.”

12 Regulation 64 replaced (Prisoners suspected of concealing unauthorised items)

Replace regulation 64 with:

“64 Prisoners suspected of concealing unauthorised items

- “(1) This regulation applies to a prisoner who is subject to a segregation direction issued under section 58(1)(a) of the Act because the prisoner is suspected of concealing internally an unauthorised item.

- “(2) A prisoner to whom this regulation applies may be placed in a cell that does not have—
- “(a) a toilet; or
 - “(b) running potable water; or
 - “(c) a modesty screen.
- “(3) The medical officer must advise the health centre manager in writing as soon as he or she believes that there has ceased to be any justification for continuing to deny or restrict the opportunity of the prisoner to associate with other prisoners.
- “(3A) The health centre manager must advise the manager as soon as practicable in writing if he or she—
- “(a) believes that there has ceased to be any justification for continuing to deny or restrict the opportunity of the prisoner to associate with other prisoners; or
 - “(b) receives advice from a medical officer under subclause (3).
- “(4) Unless the medical officer directs otherwise, the health centre manager must ensure that a registered health professional visits the prisoner concerned at least once per day.
- “(5) A registered health professional must keep written notes of each visit to the prisoner under subclause (4) and arrange for those notes to be placed in the prisoner’s health record.
- “(6) A medical officer must record any recommendation or advice given by the medical officer in relation to a prisoner in the health record of the prisoner concerned.
- “(7) A health centre manager must record any recommendation or advice given by the health centre manager in relation to a prisoner in the health record of the prisoner concerned.”

13 Regulation 70 amended (Physical appearance of prisoners detained in prison)

- (1) In regulation 70(1), replace “a medical officer” with “the health centre manager”.
- (2) In regulation 70(4), replace “a medical officer” with “the health centre manager”.

14 Regulation 73 replaced (Duties of medical officer)

Replace regulation 73 with:

“73 Duties of health centre manager

- “(1) The health centre manager of a prison must take all practicable steps to maintain the physical and mental health of prisoners to a satisfactory standard.
- “(2) Without limiting subclause (1), the health centre manager of a prison must—
- “(a) advise the chief executive of any prisoner who, in the opinion of the health centre manager, requires—
 - “(i) special treatment or attention by staff members; or
 - “(ii) a modification in the management of that prisoner:
 - “(b) if the chief executive requires, or the health centre manager considers it necessary in the circumstances, advise the chief executive of the equipment, supplies, facilities, and personnel required—
 - “(i) to equip and operate the health centre adequately; and
 - “(ii) to provide for the health needs of prisoners adequately:
 - “(c) ensure that medicine is administered to a prisoner in accordance with his or her medical needs:
 - “(d) advise the manager of the prison so that the provisions of the Misuse of Drugs Act 1975 are observed:
 - “(e) advise the chief executive of any health and safety issues affecting any prisoner, classes of prisoners, or all prisoners.
- “(3) Without limiting subclause (1), the health centre manager of a contract prison must, if a contractor requires or the health centre manager considers it necessary in the circumstances, advise the contractor of the equipment, supplies, facilities, and personnel required—
- “(a) to equip and operate the health centre adequately; and
 - “(b) to provide for the health needs of prisoners adequately.
- “(4) This regulation does not limit any of the functions or powers conferred or imposed on health centre managers by the Act.”

15 Regulation 76 replaced (Certain prisoners at risk or seriously ill)

Replace regulation 76 with:

“76 Certain prisoners at risk or seriously ill

- “(1) The health centre manager must promptly notify the chief executive in writing with any recommendations the health centre manager thinks fit, if the health centre manager has reason to believe that—
- “(a) a prisoner is at risk of self-harm; or
 - “(b) the physical or mental health of a prisoner has been or is likely to be injuriously affected by continued detention or by any conditions of detention; or
 - “(c) a sick prisoner will not survive his or her sentence or is totally or permanently unfit for detention; or
 - “(d) a prisoner should be transferred to a hospital or psychiatric hospital or a secure facility.
- “(2) The health centre manager of a prison must ensure that special attention is paid to any prisoner who is—
- “(a) denied the opportunity to associate with other prisoners as a consequence of a segregation direction; or
 - “(b) placed in a cell under a penalty of cell confinement.
- “(3) Before the health centre manager notifies the chief executive under subclause (1) in relation to a matter that is outside the health centre manager’s scope of practice, he or she must consult a medical practitioner whose scope of practice includes that matter.”

16 Regulation 77 amended (Medical officer may refer prisoner to health service provider)

- (1) In the heading to regulation 77, after “**Medical officer**”, insert “**or health centre manager**”.
- (2) Replace regulation 77(1) with:
- “(1) If satisfied that a prisoner detained in prison requires treatment by a health service provider, the following persons may refer the prisoner to a health service provider for treatment:
- “(a) a medical officer;
 - “(b) a health centre manager, if the matter falls within the health centre manager’s scope of practice.”

- (3) In regulation 77(2), replace “staff member who is a nurse” with “health centre manager”.
- (4) In regulation 77(3), replace “a staff member who is a nurse” with “the health centre manager”.

17 Regulation 81 amended (Dental services)

- (1) In regulation 81(1)(a), after “medical officer”, insert “or health centre manager”.
- (2) After regulation 81(1), insert:
“(1A) A health centre manager may only approve a dental treatment if the matter falls within his or her scope of practice.”

18 Regulation 126 revoked (Extension of 24-hour period)

Revoke regulation 126.

19 Regulation 143 amended (Requirements before result of sample analysis can be used in proceedings)

In regulation 143(e), after “health service provider”, insert “, a health centre manager,”.

20 Regulation 143M amended (Requirements before result of sample analysis can be used in proceedings)

In regulation 143M(e), after “health service provider”, insert “, a health centre manager,”.

21 Regulation 155 amended (Notification of prisoner’s cell confinement)

In regulation 155, replace “medical officer” with “health centre manager”.

22 Regulation 158 replaced (Privileges)

Replace regulation 158 with:

“158 Privileges

The penalty of forfeiture or postponement of privileges that may be imposed on a prisoner under section 133(3)(a) or 137(3)(a) of the Act comprises the loss or postponement of all or any of the following privileges:

- “(a) the opportunity to be in common areas of the prison after the evening meal:
- “(b) the opportunity to make telephone calls other than those to which a prisoner is entitled under the Act or these regulations:
- “(c) participation in a recreational activity, course, or programme that is not part of the prisoner’s management plan:
- “(d) use of, or access to, films, videotapes, records, cassettes, or compact discs:
- “(e) use of a television, radio, audio cassette player, compact disc player, or other electronic equipment used for recreational purposes:
- “(f) use of a musical instrument, unless it is part of a prisoner’s management plan:
- “(g) pursuit of a hobby:
- “(h) purchase of anything other than essential toiletries, writing materials, and stamps:
- “(i) the opportunity for physical exercise beyond the minimum entitlement conferred by section 69(1)(a) of the Act:
- “(j) the opportunity to receive private visitors beyond the minimum entitlement conferred by section 69(1)(d) of the Act.”

23 Regulation 188 amended (Physical appearance of prisoners awaiting trial)

In regulation 188(1), replace “medical officer” with “health centre manager”.

24 Schedule 1 revoked

Revoke Schedule 1.

25 Schedule 8 amended

- (1) In Schedule 8, form 1, paragraph 1, below the heading “**Reasonable grounds**”, replace “believes” with “suspects”.
- (2) In Schedule 8, form 1, paragraph 1, below the heading “**Reasonable grounds**”, paragraph (a), after “used a drug”, insert “, smoked any substance,”.

- (3) In Schedule 8, form 1, paragraph 1, below the heading “**Reasonable grounds**”, after “medical officer”, insert “or health centre manager”.
- (4) In Schedule 8, form 1, paragraph 1, after the words below the heading “**Voluntary participant**”, insert:
 - *() **Contaminated sample**
 - *() You submitted to a prescribed procedure under section 124 of the Act by supplying a sample and the prison manager believes, on reasonable grounds, that the sample supplied was dilute, tainted, or otherwise contaminated.
- (5) In Schedule 8, form 1, replace paragraph 5 with:

“5 You may also be required to submit to a search if necessary to ensure that you do not dilute, contaminate, or otherwise tamper with the sample.”
- (6) In Schedule 8, form 1, paragraph 6, replace “adulterate or substitute” with “dilute, contaminate, or otherwise tamper with”.
- (7) In Schedule 8, form 1, paragraph 8, after “The penalties for”, insert “diluting, contaminating, or otherwise”.
- (8) In Schedule 8, form 1, paragraph 14, after “medical officer”, insert “or health centre manager”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 4 June 2013, amend the Corrections Regulations 2005 (the **principal regulations**). Most of the amendments relate to amendments made by the Corrections Amendment Act 2013 to the Corrections Act 2004 (the **Act**).

These regulations amend the principal regulations to (among other things)—

- align provisions relating to property with section 45A of the Act;
- revoke regulation 32A, because the substance of this regulation is now covered in the Act;
- provide for certain tasks and responsibilities of medical officers to be carried out by health centre managers;
- allow for the postponement or forfeiture of some or all of the privileges listed in regulation 158 if a penalty is imposed under section 133(3)(a) or 137(3)(a) of the Act;
- ensure the information provided to a prisoner supplying a urine sample is consistent with the relevant provisions in the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered by the Department of Corrections.
